

Committee Report
Planning Committee on 4 November, 2009

Case No. 09/3080

RECEIVED: 21 September, 2009

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT

PROPOSAL: Proposed erection of 2 storey residential block at rear of site forming 6 self contained flats comprising 6 x 2 bedroom flats at ground and first floor level and rear balconies with provision of 6 additional car parking bays and 6 cycle spaces to side, landscaping and associated amenities

APPLICANT: Mr N Patel

CONTACT: Whymark & Moulton

PLAN NO'S: 08/137-01 C - Site and Location Plans
08/137-04 A - Floor plans and elevations
08/137-05 A - Boundary Relationship sections

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £36,000 (£3,000 per bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area
- That future residents of the development are not eligible for on-street parking permits

And, to authorise the Director of Environment and Culture, 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.

(b) If the legal agreement has not been entered into by the application's statutory expiry date of the 16 November 2009, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

EXISTING

The subject site consists of the rear gardens of No. 2 Crawford Avenue and Nos. 1-4 Holmfield, also situated on Crawford Avenue. The site adjoins residential parking areas to the west and south and No. 6 Crawford Avenue to the North. The subject site is not within a conservation area or the ground of a listed building.

PROPOSAL

Planning permission is sought for the erection of a two storey building comprising 6 self contained two bedroom flats, 6 parking spaces, cycle parking, refuse store and associated landscaping.

Access is proposed via the existing crossover which benefits the four maisonettes within Holmfield providing access to four garage. This access route will be upgraded and utilised for access to the proposed flats.

HISTORY

07/1078 - The erection of 2 storey residential block forming 8 self contained flats comprising 2 x 1 bedroom flat and 2 x 2 bedroom flat at ground floor level and 2 x 1 bedroom flat and 2 x 2 bedroom flat at first floor level, provision of 5 car parking bays and 8 cycle spaces to side, landscaping to site.

Application Refused

This application proposed a building that was 3-5m from the boundaries with Treganna Court, Oak Lodge and the rear gardens that are to be retained for 2 Crawford Avenue and Holmfield.

This application was refused for the following reasons:

- 1. The proposal, by reason of the inadequate provision of external amenity space for some units and the poor outlook for units 1.2, 1.3 and 1.4 and the reliance on adjoining properties that are outside the application site for outlook for flats 2.2, 2.3 and 2.4 constitutes the provision of a substandard form of residential accommodation to the detriment of the amenities of future residents of these units, also limiting the development potential of adjoining sites through the potential impact on light, outlook and privacy that may be associated with the development of these sites or resulting in a significant impact on the light or outlook of future residents of the proposed development. Furthermore, the proposal results in a significant reduction in the quantity and quality of the external amenity space for Nos. 1-4 Holmfield due to the proximity of this space to the parking and refuse areas of the proposed development and to the ground floor windows of 1-4 Holmfield, resulting in a loss of privacy for residents of these dwellings. This is contrary to policies BE2, BE9 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17.*
- 2. The proposal, by reason of the siting and size of the proposed building in relation to the size of the site and the associated proximity to site boundaries and relationship with surrounding buildings, constitutes a cramped form of development that fails to pay the appropriate regard for the patterns and rhythms of development within the locality. This is contrary to policies BE2, BE9 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17.*
- 3. The proposed development, by reason of the siting of the access road, its proximity to the adjoining dwellings, the increase in intensity of use of that access road and the poor relationship between the proposed footpath and the entrance within the northern wall of Holmfield, is likely to result in an excessive level of noise and disturbance of the residents of No 6 Crawford Avenue and Nos. 3 and 4 Holmfield, Crawford Avenue and a significant impact to the quality of the entrances for the residents of Holmfield contrary to Policies H15 and TRN3 of the Brent Unitary Development Plan 2004.*

4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or sports, or to towards the improvement the environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004.

This application was also appealed and the appeal was **dismissed**.

POLICY CONSIDERATIONS

BE2 - Townscape: Local Context & Character
BE7 - Public realm: Streetscape
BE9 - Architectural Quality
H12 - Residential Quality - Layout considerations
H13 - Residential Density
H14 - Minimum residential density
H15 - Backland Development
TRN23 - Parking standards - Residential Developments
TRN11 - The London Cycle Network
PS14 - Parking standards - Residential Developments
PS16 - Cycle Parking Standards

SPG

SPG17 - Design Guide for New Development

SPD

Planning Obligations

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 22 September 2009 and 13 October 2009 in which 64 properties were notified. Ward councillors have also been notified about the application. 4 objections have been received from neighbouring properties. One councillor objection has also been received regarding the application. The following concerns are raised:

- The proposed building is too near other properties and is in an already congested area.
- Cumulative loss of garden habitat
- Noise and disturbance from access
- Parking inadequate
- Inadequate amenity space provision for the site
- Loss of trees
- Insufficient community facilities (healthcare/schools) in the locality
- Increase in traffic and congestion

Internal Consultees

Transportation - No objections subject to S106 agreement and conditions
Environmental Health - No objections subject to conditions
Landscape Design - No objections subject to conditions

External Consultees

Thames Water - No objections

REMARKS

The proposed block of flats would occupy the rear garden of No. 2 Crawford Avenue and the rear garden/parking area of Nos. 1-4 Holmfield, a block of 4 maisonettes which front Crawford Avenue. The proposed building is two storeys providing 6 x 2-bedroom flats. The building reaches a maximum height of 8.9m. The ground floor units would be afforded private rear gardens. First floor units are afforded private balconies. Secure cycle parking is provided between the building and the rear gardens of number 4 Crawford Avenue. A communal refuse store is proposed adjacent to the new parking area which provides 6 new car parking spaces.

A block of four garages are currently situated within the north-west corner of the site. These are to be retained as the applicant has stated that an existing lease on one of these structures currently prevents their removal.

The site is situated to the east of the land to the rear of Treganna Court where planning permission for a backland development similar in scale to that proposed was approved by members in 2008. (Ref: 07/2297)

Principle of Development

The site has been the subject of an appeal of a previous refusal given by the council in December 2007. The inspector dealing with this matter raised no objection to the general principle of redeveloping the land to the rear of frontage buildings. The Inspector did, however, raise concerns regarding the standard of accommodation previously proposed. The density of proposed development is approximately 208 HR/Ha, which falls within the London Plan density range and slightly below the SPG17 density range. However it should be noted that this calculation is only one tool used to assess a scheme and is subject to acceptable design, bulk and massing, layout, access and parking.

Quality of Accommodation

The floor area of the proposed units is above the minimum standard specified within SPG17 being between 5 and 13 sqm above the minimum sizes specified within this guidance document.

The internal layout results in the stacking of like for like rooms above or below each other. Outlook from habitable accommodation is onto rear gardens and parking areas. Ground floor units are provided a significant landscaping buffer to ensure defensible space from the communal parking area and to soften the impact of a hardsurfaced area.

Rear gardens are provided for the ground floor units which significantly exceed the 20sqm amenity space provision recommended for flats in SPG17. Upper floor units are provided with some private amenity space provision in the form of balconies which have an area of approximately 3.5sqm. This is less than SPG17 guidance recommends. However, the proposed private amenity space will be supplemented by Barham Park, situated approximately 400m from the site. Within this context, this provision is, on balance, considered acceptable.

The windows on the rear elevation (south facing) are between 8.5m and 9m from the rear boundary with the flats in Oak Lodge. This falls short of standards in SPG17 as we normally seek this distance to be 10m in the interests of outlook and privacy. However this level of separation is not always achievable on all sites especially backland development sites, and where it can be demonstrated there is no resultant harm then a shortfall can be justified. It is clear that a shortfall of less than 2m in this instance will not reduce the outlook for prospective occupants to an unacceptable level. Secondly this shortfall will not result in overlooking or a loss of privacy to occupiers of Oak Lodge at the rear, as the outlook from the proposed flats is towards a designated parking area associated with Oak Lodge which is unlikely to be developed in the future. It should also be noted that similar situations have been granted approval within the locality recently. This includes the development to the rear of Treganna Court where an 8m garden depth was secured where the outlook from the proposed flats was towards a designated parking area. As a similar

relationship exists here with the rear gardens abutting a parking area at Oak Lodge, this shortfall is not considered to result in undue harm to warrant a refusal of the scheme.

SPG17 specifies a minimum distance of 20m between directly facing habitable room windows. Consideration has been given to first floor windows situated in the northern elevation of Oak Lodge which would be only 17m from the nearest first floor rear habitable window in the proposed building. However, this window is not directly facing the existing habitable room window as it is situated at an angle of 57 degrees. In view of this relationship, a shortfall of 3m is not considered to result in significant harm in terms of loss of privacy to the occupiers of Oak Lodge. Moreover it is considered that this relationship can be further improved by the planting of mature trees. A condition is recommended to ensure details of appropriate planting are provided prior to the commencement of works.

The windows on the front elevation overlook the communal parking area for the site. The distance between these front windows and the northern boundary of the site is 14m. Beyond this northern boundary is a disused tennis court. The presence of this feature means that the front windows are separated from neighbouring windows by 45m affording adequate privacy to both existing neighbours and potential occupiers of the proposed building. The rear elevation of number 6 Crawford Avenue is 26m away from habitable windows in the front of the proposed building and at an acute angle which would not provide an easy view into this property. The separation distances with the properties to these north are significantly in excess of SPG17 standards and are therefore considered to provide adequate privacy for existing residents and the occupants of the new building.

No habitable room openings are proposed in the eastern flank wall of the building in order to ensure a satisfactory relationship with the occupants of 1-4 Holmfield and 2 Crawford Avenue.

One final relationship which requires consideration is the relationship between the proposed building and the building recently approved to the rear of Treganna Court. Although development has not yet commenced on this site, consent has only recently been granted for this building with a condition allowing development to commence within the next 3 years. Full height screening on the western side of the first floor private balconies has been provided in order to ensure satisfactory privacy for the future occupants of both schemes. There are no habitable room windows within the facing flank elevation of the development to the rear of Treganna Court. As a result it is considered that an acceptable relationship has been achieved between both buildings which ensure a satisfactory level of privacy to future occupants.

Design and Massing

The design approach adopted has an identity of its own and does not look to replicate surrounding forms of development, as an approach this is considered appropriate as the building form around the site is a mixture of building styles and ages.

The revised scheme is considered to retain a satisfactory setting reducing the footprint from the previous proposal and providing a greater degree of spaciousness around the building. Amendments have been sought to reduce the number of units from 7 to 6 in order to remove the bulk and massing of the roof which was original proposed.

Amendments have also been agreed which incorporate architectural devices which break down the bulk and massing of the building including a series of stepped gables which are similar to the development approved at the rear of Treganna Court and a number of different materials. A condition is recommended requiring samples to ensure good quality of materials are secured. As such, the building is considered appropriate in form and in design quality to avoid adversely affecting the character of the area.

Impact on amenities of neighbouring residential properties

As already discussed, the proposed two storey building is considered to have a satisfactory relationship with neighbours in terms of outlook and privacy however further consideration of whether the proposed building would result in an overbearing impact or loss of light is required. The scale and massing of the development meets SPG17 standards in terms of 30 and 45 degree angles which are in place to ensure the scale of the new development respects the height of adjoining buildings. The size and scale of the proposed 2-storey building ensures an appropriate relationship between neighbouring building and adjoining private amenity areas.

It is recognised that the proposal reduces the size of the gardens for number 2 Crawford Avenue and numbers 1-4 Holmfield. Nevertheless the minimum garden depths and areas exceed SPG17 standards. As an intensification of the use of the communal garden area to the rear of 1-4 Holmfield would result from the loss of existing amenity space, a landscaping buffer has been provided for ground floor units which would ensure a satisfactory degree of privacy for existing occupants.

Landscaping

The objection raised regarding the cumulative loss of garden habitat is noted however the council's Landscape Design Team raise no objection in principle to this application as there are no significant landscaping features worthy of a greater degree of protection on the site. As there are a number of mature trees around the perimeter of the site a condition is recommended which requires an Arboricultural Method Statement prior to the commencement of development. In addition a condition is recommended which requires the submission of details relating to hard and soft landscaping in order to ensure a satisfactory standard of planting is achieved and a sustainable urban drainage system is secured.

Parking and Access

Objections have been raised regarding noise and disturbance for the residents of 4 Crawford Avenue as a result of an increase in the use of the existing access. This matter was considered by the Inspector during the appeal of the 2007 decision and concluded that the increase in vehicle movements as a result of additional car parking spaces would be small and would have a limited impact on the amenities enjoyed by the occupants of this building. The previous reason for refusal regarding noise and disturbance relating to the use of the access was overturned by the Inspector.

The proposal retains parking provision for the four existing maisonettes in the form of the garage block. 6 new car parking spaces are provided including one disabled parking space. One parking space is therefore provided per unit Although this exceeds parking standards for properties of this size in this location, this is in response to objectors concerns regarding inadequate parking provision. In addition the S106 agreement includes a clause preventing potential occupants of the building from obtaining on-street parking permits in order to prevent increase parking pressures within the locality.

A refuse and recycling store and cycle storage is shown on the proposed plan. These are considered to be appropriately cited. The details of the materials proposed for these structures can be secured by condition. The bin storage area has been screened from amenity area of the Holmfield properties by a brick wall and soft landscaping. Details of this planting will be secured by condition.

Infrastructure Contributions

Contributions have been sought to mitigate the impact of the development on education, sustainable transport and road safety, environmental and open space improvements and sports. The SPD regarding Section 106 specifies contributions at a rate of £3,000 per additional bedroom. As a total of 12 bedrooms have been proposed, this would equate to a total contribution of £36,000. This matter has been agreed with the application and is the subject of a legal agreement.

Summary

The proposal is significantly different in its form and layout from that previously refused. It is considered to be appropriate in scale for the site and provides an appropriate setting for the new building with a satisfactory level of amenity being achieved for both existing neighbours and future occupants of the new building. Given the site constraints the current scheme is considered to be acceptable in terms of layout, scale, massing, design and quality of environment. The proposal is considered to be consistent with the requirements outlined by the council's planning policies within the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance Note 17 "*Design Guide for New Development*". Accordingly, it is recommended that planning permission be **granted, subject to 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
Central Government Guidance
Council's Supplementary Planning Guidance

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) Notwithstanding any description of materials given in the application, further details of the materials for all external work, including samples, proposed for:

- (a) all external surfaces of the building (including windows)
- (b) all areas of hard landscape works (including pathways)
- (c) boundary treatments, fencing and any other means of enclosure (i.e. balconies, bin stores)

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The work shall thereafter be carried out in accordance with the approved details.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

- (3) Notwithstanding any landscaping details submitted with the application, prior to commencement of works on site, a detailed scheme of landscaping for the areas within the site surrounding the building and garages, depicting the size, density and number of trees, shrubs and plants, rooting systems, retention of any existing landscaping, means of enclosure, areas of hard and soft landscaping and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority, such details shall also include tree planting along the southern site boundary. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved. Any trees or shrubs which, within 5 years of planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development, so that the proposal enhances the visual amenity of the locality, and to provide suitable tree planting.

- (4) Prior to commencement of any works on site (including demolition), a tree survey, tree root protection plan and method statement, to include the protection of any hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS3857 and shall indicate exactly how and when the trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

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

- (5) Further details of a covered refuse and recycling storage facility and covered bicycle storage facility providing 6 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (6) Prior to the occupation of the development, a scheme of external lighting to the footways and vehicle access areas shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external lighting scheme within the development site does not result in nuisance to adjoining residential properties and provides a safe environment for residents.

- (7) The areas of car-parking and the access road servicing them, as indicated on the submitted drawing, shall be laid out and available for use prior to the first occupation of any of the dwellings hereby permitted and thereafter should not be obstructed or 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 adequate car-parking is provided and retained in the interests of the conditions of general highway and pedestrian safety and the free flow of traffic on the neighbouring highways and the general amenities of the locality.

INFORMATIVES:

- (1) During construction on site:-
 - (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
 - (b) 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.
- (2) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed materials shall be sheeted or otherwise totally enclosed before loading the site.
- (3) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- (4) The applicant is reminded that refuse and recycling will not be collected from the storage facility and that items should be placed at the bin collection point shown on approved plan 08/137-01 Rev C in advance of the relevant scheduled collection time.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan - 2004
Supplementary Planning Guidance Note 17 "*Design Guide for New Development*"
Supplementary Planning Document - *Planning Obligations*

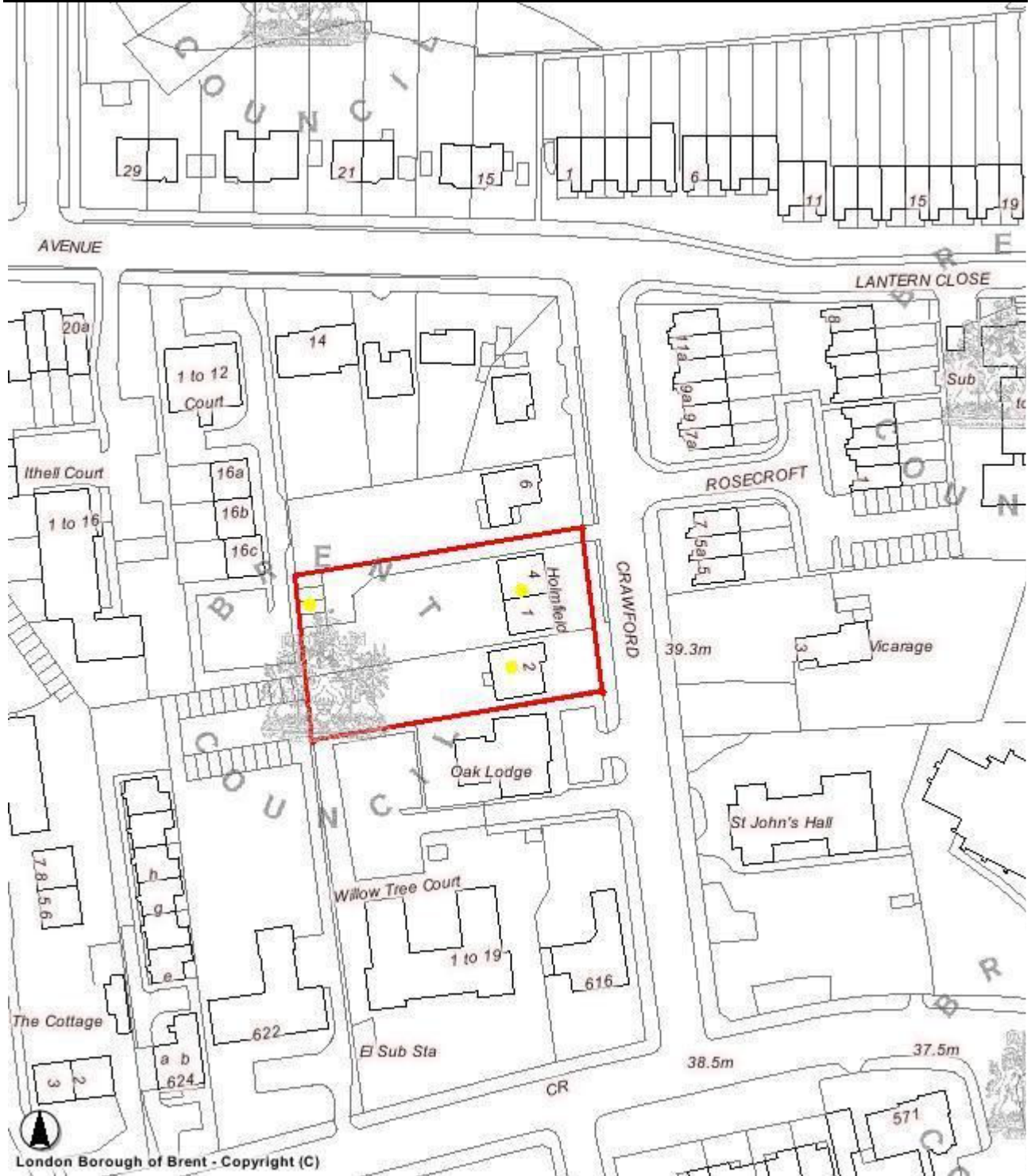
Any person wishing to inspect the above papers should contact Sarah Crew, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT

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