

RECEIVED: 25 June, 2009

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 979-981, Harrow Road, Wembley, HA0

PROPOSAL: Demolition of existing petrol station and erection of part 2- and 4-storey residential block comprising 10 flats (6 three-bedroom, 4 two-bedroom), 14 cycle spaces, 6 parking spaces, bin stores, associated landscaping and alteration of access from Harrow Road

APPLICANT: Turnhold Properties Ltd

CONTACT: Stephen Davy Peter Smith Architects Ltd

PLAN NO'S: 0915(PL)01 (1:1250)
0915(PL)03, revB (1:200)
0915(PL)04, revB (1:100)
0915(PL)05, revB (1:100)
0915(PL)06, revB (1:100)
0915(PL)07, revB (1:100)
0915(PL)08, revA (1:100)
0915(PL)09, revB (1:100/1:200)
0915(PL)10, revB (1:100/1:200)
0915(PL)11, revB (1:100/1:200)
0915(PL)12, revB (1:100/1:200)
0915(PL)13, revB (1:100)
0915(PL)14, revB (1:100)
0915(PL)15, revB (nts)
0915(PL)16, revC (1:200)
0915(PL)17, revB (nts)
0915(PL)18 (1:200)
0915(PL)21 (1:60/1:10)
10423-01 (1:200)

RECOMMENDATION

Approve

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) 40% Affordable Housing - Tenure split to be agreed with the council's Affordable Housing officer.
- (c) A contribution of **£45,000, if MS is made within 6 months of any permission, £67,200 if made after**, due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

- (d) Sustainability -Prior to Material Start, submit and then comply with a revised Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.

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 24th September 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

A roughly rectangular site approximately 35 metres wide and between 23 and 30 metres deep, lying on the south side of Harrow Road to the east of the junction with Thomas A 'Beckett Close. The surrounding land uses are residential with a mix of 3 storey flatted developments and two storey houses.

The site is presently used for car sales, having previously been used as a Texaco petrol filling station. On site is a central canopy over the former pumps set 6-9 metres from the back edge of the pavement, with a 6 x 11 metre single flat roofed building behind located abutting the rear boundary. The site is substantially concreted. A 1.6 metre high brick wall demarcates the southern part of the site from a 3 storey block of flats to the rear on Thomas A 'Beckett Close.

The site has two 6 metre wide vehicular accesses to Harrow Road at either end of the frontage.

PROPOSAL

It is proposed to demolish the buildings and structures on site and erect a building that will be 31.2 metres wide ranging in depth from 15.4m to the western end of the site at the corner with Thomas A' Beckett Close (TABC) and 10.7m deep at the eastern end. The building will be 4-storeys at the corner with TABC, stepping down in height to 2-storeys at the eastern end of the site. Amenity space is to be provided through a combination of private gardens, private balconies and a communal roof terrace.

- The ground floor will have 3 x three bedroom flats.
- The first floor will have 3 x three bedroom flats.
- The second floor will have 2 x two bedroom flats.
- The third floor will have 2 x two bedroom flats.

The main entrance to the flats is centrally located. An internal bike store is proposed with 10 cycle stands, (with a further 6 external on the frontage), this is provided on the ground floor adjacent to the refuse and recycling store. 6 parking spaces (including 2 disabled bays) are provided overall with these spaces being accessed from the existing easternmost vehicle accesses point.

The siting of the proposed block respects the established building line, and maintains space to the rear for amenity. Amenity space to the ground floor flats is provided in the form of private gardens,

each of these will be above the minimum 50m². Flats on the upper floors are each provided with a private balcony, with the exception of units 4 & 5 which have no balconies, however there is a generous communal roof terrace (88m²) at second floor which will provide useable outside space.

The proposed development also makes provision for new landscaping within the front forecourt and to the front verge immediately outside of the application site along Harrow Road, and makes provision for the widening of the footpath along Thomas A Beckett Close to 1.5m.

HISTORY

There is an existing consent **(07/3815)** granted at Planning Committee in March 2008, which is for 13 flats, these being a mixture of 1 and 2-bed units. Your Officer's consider that the consented building which is part 2, 3 and 4-storey's is very similar in terms of footprint and massing to the current proposal, however Members should note the following key differences;

- The consented scheme is for 13 private flats comprising of 9 x 1-bed and 4 x 2-bed, whereas the current proposal is for 10 units comprising of 6 x 3-bed and 4 x 2-bed. The 10 units will be for Notting Hill Housing Association and will be for affordable rent.
- The design and appearance of the building is quite different to the consented scheme, a more contemporary building is proposed which is somewhat cube like in its appearance. The massing of the building increases from 2-storey to 4-storeys at the western end of the site, adjacent to TABC. In comparison the consented scheme was part 2, 3 & 4-storey's, stepping down to 3-storeys at the western end of the site adjacent to TABC.
- The building envelope deviates slightly from the consented scheme the main implications for this are a reduced separation of 8.8m to the flank wall of the 3-storey block to the rear. The consented scheme achieved 10m separation.
- The maximum height at 4-storey's is 11.5m to parapet, whereas the consented scheme is a maximum of 11m at eaves level.
- More generous private gardens are proposed to each ground floor unit and recessed balconies are proposed to the upper floor units.
- The number of off-street parking spaces has been reduced from 9 to 6.
- The proposal will achieve Code for Sustainable Homes Level 3 and 20% on-site renewables.

Prior to the granting of planning permission for 07/3815 as described above the following applications were refused permission;

(07/2771) - Demolition of existing petrol station and erection of three-storey residential block comprising 12 self-contained flats, 14 cycle spaces, 9 parking spaces, bin stores and alteration of access from Harrow Road (as accompanied by Travel Plan). ***Refused at Planning Committee on 28th November 2007 for the following reasons;***

1. Unsatisfactory design and appearance which fails to make a significant contribution to the character of the area.
2. The proposed development by virtue of its height and massing to the eastern end of the site and relationship to the rear would impact upon the outlook and amenity for occupiers to the rear.
3. The siting of habitable rooms at ground floor (to single aspect units) would be afforded a poor rearward outlook.
4. Failure to secure s106 contributions.
5. Failure to comply with the principles of sustainable development.

(06/3304) - Demolition of existing petrol station and erection of two-, three- and four-storey residential block consisting of 14 self-contained flats, comprising 7 x one-bedroom flats and 7 x two-bedroom flats and 9 car-parking spaces ***Refused at Planning Committee on 15/02/07 and dismissed on appeal (ref: APP/T5150/A/07/2041217)***

Reasons for refusal:

1. Failure to provide the required level of amenity space.
2. Unsatisfactory design and appearance which fails to make a significant contribution to the character of the area.
3. The proposed development by virtue of its height and massing to the eastern end of the site and relationship to the rear would impact upon the outlook and amenity for occupiers to the rear.
4. The siting of habitable rooms at ground floor (to single aspect units) would be afforded a poor rearward outlook.
5. Failure to secure s106 contributions.
6. Failure to comply with the principles of sustainable development.

Summary of Inspector's decision APP/T5150/A/07/2041217:

Despite the Council's concerns related to scale height, massing and relationship to the rear block, as set out in the above reasons for refusal the Appeal was not dismissed on these grounds. In terms of its impact within the streetscene the Inspector writes "***I consider the basic layout and massing of the building is satisfactory.....and the height, proportions and design of the frontage to Thomas A'Beckett Close would relate reasonably well to the existing dwellings there***". To add some context to this quote this is said in relation to a proposed building, which is part 4-storeys high (11m) along TABC, which it must be said is not dissimilar to the current proposal for a part 4-storey building.

Despite the Council's concerns about the relationship to the rear block the proximity of the proposed building to the flatted development at the rear was considered satisfactory to the living conditions of future occupiers in terms of outlook despite this separation being only 4.7m. Concerning the relationship to the flats at the rear, neighbouring impacts and the living conditions of these occupiers the Inspector concluded that although the rear elevation would be within 5m of the boundary the applicant's had demonstrated through a daylight and sunlight report that sunlight and daylight to the flats would not be materially affected. The main part of the building which would be visible from the rear windows of existing flats would only be 2-storeys high, and whilst some overlooking would be possible it would only be obliquely. In conclusion the Inspector found that additional enclosure which would result from the development would not harm the living conditions of the occupiers of the existing flats.

The Inspector dismissed the Appeal partly on design grounds considering the "***design of the Harrow Road frontage to be unsatisfactory***" and the front entrance to be low key in character and poorly situated. The scheme was also dismissed owing to its inadequate amenity space provision which the Inspector found to be less than adequate.

(06/1486) - Redevelopment of site with the erection of a three-storey building comprising a 336m² commercial (Use Class A1/A2) unit on the ground floor and 7 two-bedroom, self-contained flats on the upper floors. ***Refused under delegated powers on 21/02/07 and dismissed on appeal (ref: APP/T5150/A/07/2041302)***

POLICY CONSIDERATIONS

NATIONAL

-Planning Policy Statement 1 – Creating Sustainable Communities (2005)

-Planning Policy Statement 3 – Housing (2006)

-Planning Policy Guidance Note 13 – Transport (March 2001)

REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and later amended in 2008, sets out an integrated social, economic and environmental framework for the future development of London. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: Making the most sustainable and efficient use of space in London; encouraging intensification and growth in areas of need and opportunity;
- Objective 2: Making London a better City for people to live in;
- Objective 3: Making London a more prosperous city with strong and diverse economic growth;
- Objective 4: Promoting social inclusion and tackling deprivation and discrimination;
- Objective 5: Improving London's transport;
- Objective 6: Making London a more attractive, well designed and green city.

LOCAL

Adopted Unitary Development Plan 2004

STR11 *The Quality & Character of the Borough's built and natural environment.*

BUILT ENVIRONMENT

- BE2 *Townscape: Local Context and Character*
- BE3 *Urban Structure*
- BE5 *Urban Clarity and Safety*
- BE6 *Public Realm: Landscape Design*
- BE7 *Public Realm: Streetscape*
- BE9 *Architectural Quality*
- BE12 *Sustainable Design Principles*

HOUSING

- H11 *Housing on Brownfield Sites*
- H12 *Residential Quality – Layout Considerations*
- H13 *Residential Density*

TRANSPORT

- TRN3 *Environmental Impact of Traffic*
- TRN10 *Walkable Environments*
- TRN11 *Cycle Parking*
- TRN12 *Road Safety & Traffic Management*
- TRN14 *Highway Design*
- TRN16 *The London Road Network*
- TRN17 *Restriction on New Roads*
- TRN20 *London Distributor Roads*
- TRN23 *Parking Standards – Residential Developments*
- TRN34 *Servicing in New Development*
- TRN35 *Transport Access for Disabled People and others with Mobility Difficulties*
- PS14 *Parking Standards – Residential Development*
- PS15 *Parking for Disabled People*
- PS16 *Cycle Parking*

Brent Supplementary Planning Guidance

-SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

-SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

Provides design and planning guidance on complying with Policy BE12 of the Adopted UDP, which

requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally-friendly landscape design, sustainable demolition and construction practices, and reduction of pollution in the operation of developments.

-Housing – Supplementary Planning Guidance (Draft) (November 2005)

-SPD 's106 Planning Obligations'

SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, in order to maximise the level of sustainability that can be incorporated into the proposal. To this end the application is supported by Eco Consulting Energy Report, Eco Consulting Code for Sustainable Homes Strategic Report and a TP6 Sustainable Development Checklist. The applicant's Sustainable Development Checklist achieves a score of 52%.

The applicant's checklist findings have been assessed by your officers who have scored the proposal lower at 23%, which is considered *'fairly detrimental'* in sustainability terms. This lower score has been awarded by Officer's as further information is required on certain aspects, namely on the use of sustainable/recyclable materials.

As in other instances where the sustainability assessment produces a score that falls below 50%, officers are recommending approval subject to a section 106 legal agreement Head of Term requiring the submission and approval in writing of a revised TP6 "Sustainability Checklist" which achieves the required "Very Positive" rating (i.e. a score of 50% or more).

Officer's have identified a number of areas where improvements could be made to improve the rating, these include

- Further evidence of planting species required.
- Provide a commitment to use of Demolition Protocol or WRAP recycled Content Toolkit evaluation, as the proposed recycled content can not be verified and negative points are assumed.
- Further evidence should be provided to demonstrate overall noise pollution reduction in form of a Noise survey of ambient levels and/or propose sound insulation measures to significantly exceed (at least 20% improvement) min. Part E of Building Regulations in order for credits to be awarded.
- Further evidence should be provided to demonstrate overall light pollution reduction.

Regarding the use of on-site renewables, the submitted Energy Report assesses potential renewable energy sources to reduce CO₂ emissions by 20% through the implementation of on-site renewable technologies. This is required to meet the new recommendations of the London Plan. Of the various technologies considered four have been found to be potentially viable and will achieve a 20% reduction in carbon emissions; Biomass, Ground Source Heat Pumps, Solar Hot Water panels and Photovoltaics. The section 106 agreement requires compliance with the target to ensure a minimum of 20% of the site's carbon emissions to be supplied from renewables.

Code for Sustainable Homes Level 3 is to be achieved for this development, this is stated and to be secured through the s106 agreement.

CONSULTATION

69 letters of notification were sent to surrounding properties, statutory consultees, Ward Councillors, internal departments and Thomas A'Beckett Close Resident's Association.

Site notices were displayed on the 15th July 2009, and a press notice on 13th August 2009.

9 individual objections have been received from 3rd parties, in addition a signed petition containing 20 signatures has been sent in. In summary these objections raise the following points/issues;

- The height of the flats will result in a loss of light to residents on Thomas A'Beckett Close
- The proposed balconies will result in a loss of privacy to residents on Thomas A'Beckett Close.
- Overlooking of flats on Thomas A'Beckett Close
- There will be associated road safety problems during construction and the proposed development will lead to further road congestion to the insufficient parking levels.
- 4-storeys is incompatible and out of keeping with the surrounding area which has 3-storey blocks.
- The proposed development is too dense.

An objection has been received from Humphrey & Co Solicitors who are acting on behalf of Thomas A'Beckett Resident's Association. This lengthy objection letter raises some of the same concerns bulleted above, whilst raising other points. The key contents are summarised below;

- Firstly the Council's consultation procedure in relation to application 07/3815 is questioned, and evidence of public consultation undertaken is requested.
- In terms of comments related to the current application objection is raised to the development because it will have an unacceptable impact upon the amenity of Thomas A'Beckett Close resident's, the provision of balconies facing TABC is raised as a specific point.
- The proposal presents inadequate levels of parking.
- The design and scale of the 4-storey element facing TABC will have a detrimental impact on visual amenity and outlook.
- The proposal fails to present a satisfactory design solution. The contrast between the 2 and 4-storey element creates a visual tension; the proposed building is bland lacking in detailing or architectural interest and there are areas of irregular fenestration and areas of blank wall on the Harrow Road frontage.
- The development is out of character with the surrounding street and would present an over dominant element detracting from the existing streetscene.

Environment Agency

No objection in principle to the development provided that the suggested conditions are attached to any planning permission.

Transportation

- As the site does not have good access to public transport, the full parking allowance applies.
- Consideration needs to be given to the impact of any overspill parking on traffic flow and highway safety. In this respect affordable housing is estimated to generate car parking demand at 50% of the maximum standard, which would lead to an estimated 7-8 cars being owned by future residents. It is noted (as with previous applications) that there is spare capacity along the TABC site frontage to accommodate 4 cars, subject to the provision of a footway along the eastern side of that road.
- The provision of 2 disabled parking spaces accords with standards.
- Standard PS16 for cycle parking is satisfied.
- The siting of the refuse/recycling storage area ensures it is within 10m of Harrow Road and accords with refuse requirements.
- Confining vehicular access to at one point is welcomed as it reduces access points to a London distributor road.
- The segregated pedestrian access into the building is welcomed, as is the dedication of a strip of land along the western boundary of the site to allow a footway to be provided along

that side of TABC.

- Summary – No objections subject to a section 106 agreement.

Environmental Health

- The Contaminated Land Risk Assessment does not take into account potential contamination from the site uses over the last 3 years. In order that the proposed development does not pose a significant risk to the site end users contaminated land conditions are recommended relating to fuel infrastructure removal, site investigation works and remediation measures.

Housing

- Support the application which provides for larger socially rented family homes, whereas the previous consented scheme would deliver no affordable housing.
- The units are earmarked as decant accommodation for the Barham Park Estate Regeneration.

REMARKS

Policy

The site at present is a former petrol garage with ancillary shop, there is no policy basis to resist the loss of the former use. With regard to the site's suitability for redevelopment there is no objection in principle to residential development.

The principal issues in relation to the proposed development therefore focus upon the massing, design of the building, quality of accommodation provided, impact of the development on adjacent properties, associated transport impacts and the schemes sustainability credentials.

Density

The scheme provides a total of 36 habitable rooms which equates to a residential density of 310 hr/ha, or 86 u/ha. This is a more dense development than the consented scheme for 13 units (255 hr/ha), due to the increase in the number of habitable rooms. The Council's Supplementary Planning Guidance 17: "Design Guide for New Development" sets out appropriate density ranges for residential development. It states that for sites within an area of moderate or above moderate public transport, as is the case with the proposed site the appropriate density range is 150-350 habitable rooms per acre, subject to site constraints. The proposal for 10 units as with the consented scheme for 13 would therefore comfortably fall within the upper end of the density ranges set out in the Council's own guidance as well as the London Plan's density matrix which considers a density range of 200-450 hra to be appropriate in this location.

Proposed form of development, site layout and SPG17

Design;

The proposed building which is to be flat roofed will be constructed mostly in brickwork with a colour render to the communal staircase and corridor areas. A light brown/grey colour brick is proposed to reflect the mixture of brick types in the area. The circulation core is distinguished from the rest of the building by the use of a medium grey render, this reflects the contemporary design of the building and the use of different materials and storey heights helps to breakdown the overall scale, massing and adds interest to the elevations. Windows are to be aluminium with coloured metal panels fixed to some of these. Recessed balconies with galvanised steel balustrades are used which add an interesting architectural feature, these avoid the inclusion of any projecting elements so that the elevations are clean, simple and as a result the building appears cube like in appearance. Notwithstanding the samples board and details already submitted a condition is recommended requiring approval of materials to be used.

The siting of the building does not deviate greatly from the consented scheme. The block is set back from Harrow Road by an area of landscaping and frontage parking similar to the previous application, with a gap maintained at the rear for amenity space and a landscaping strip along the boundary. The footprint of the building deviates from the consented scheme at the western end,

resulting in a reduced separation from 10m as previously approved to 8.8m when measured from the rear wall of proposed 4-storey part of the building and the flank wall of the adjoining development.

The height of the building deviates from the consented scheme. This was approved with a part 4-storey element 10m high fronting Harrow Road, stepping down to a 3-storey element 8m high at the corner adjacent to TABC. In comparison the current scheme is part 2 and 4-storey's high, the 4-storey part which is adjacent to TABC is 11.5m high. Officers are comfortable with the proposed height firstly on the basis this is a corner site which gives scope for a greater building height than surrounding forms of development, the blocks on the opposite side of TABC are 11m away and separated by a road. Secondly, the appeal scheme which was also 4-storeys and 11m in height was considered satisfactory by the Inspector in terms of massing, height, proportions, design and how it relates to existing dwellings, therefore an objection on these grounds would be unreasonable given the Inspector's comments.

Officers consider the building to be of a scale, massing and height that is appropriate, the building has a direct relationship with the street at ground level with well proportioned windows, hab rooms and entrances on the frontage and as such is considered to meet the intentions of policy BE9.

SPG17 discussion;

A minimum 10 metre separation is normally required from any habitable room window on the main rear elevation and the rear boundary, or flank wall of adjoining development, in order to maintain a reasonable outlook and to avoid any development resulting in an obtrusive appearance or poor outlook. This has been a failing of previously refused schemes which proposed a building less than 5m away. The current scheme proposes a separation of 8.8m, although this is less than 10m the shortfall is not considered enough to result in a poor outlook for future occupiers, mainly because the affected units will due to the siting of the building benefit from an aspect and outlook onto TABC, past the flank wall of the existing block. Furthermore this relationship will not compromise neighbouring privacy as there are no sensitive windows on the flank wall of the adjoining development to the rear.

The 2-storey element which is to the eastern end of the site maintains a gap of 6m from rear elevation to rear boundary, this is as per the consented scheme (07/3815). The shortfall can be justified in this instance as the affected units benefit from being dual aspect, and therefore are not solely reliant on this relationship to the rear for outlook. In addition this relationship does not compromise privacy as the views to the adjacent block are oblique only, and no direct overlooking would result.

Accommodation;

The units have been designed to meet Noting Hill Housing's need for 2 and 3 bed units. It should be noted that the units are all larger than minimum SPG17 floor area standards and will deliver good quality accommodation, with 60% of the units for family accommodation (i.e. 3-bedrooms). The units have been designed to meet lifetime homes, Housing Corporation standards (HQI) and English Partnership standards as well as providing for a disabled wheelchair accessible unit on the ground floor. The Council's Housing department have confirmed they are supportive of the provision of larger social rented family units which this proposal offers.

Schedule of floor areas

Unit	Proposed Unit	SPG17 Standard
Unit 1 (3-bed/5p)	85sqm	80sqm
Unit 2 (3-bed/5p)	85sqm	80sqm
Unit 3 (3-bed/5p/disabled)	89sqm	80sqm
Unit 4 (3-bed/5p)	85sqm	80sqm

Unit 5 (3-bed/5p)	85sqm	80sqm
Unit 6 (3-bed/5p)	85sqm	80sqm
Unit 7 (2-bed/4p)	67sqm	65sqm
Unit 8 (2-bed/4p)	67sqm	65sqm
Unit 9 (2-bed/4p)	67sqm	65sqm
Unit 10 (2-bed/4p)	67sqm	65sqm

Impact on living conditions of adjacent occupiers

One of the main considerations for the site's redevelopment, which is consistent with previous applications on this site, is how the proposed building will relate to the neighbouring properties. With earlier schemes there has been a concern about the relationship of the proposed building with the occupiers of the block to the rear, situated on Thomas A 'Beckett Close this was addressed by reducing the building height to part 2-storey's. This approach was supported by the Inspector's decision. There are no direct facing windows on this adjacent block, habitable windows do face east and west however these are oblique to the proposed development.

This issue was relevant to the appeal scheme (06/3304) the Council refused the scheme partly on these grounds. However the Inspector considered that the replacement 2-storey building, albeit sited much closer to the rear boundary than this current proposal would not be harmful to the neighbouring occupiers living conditions. The point made by the Inspector has been taken into account in assessing this proposal and the previous approval. So far as the current scheme is concerned the proposed building, at its eastern end is 2-storey's high (5.9m high), as per the approved scheme. The roof terrace treatment above the 2-storey element has been revised from a brickwork parapet to a glass balustrade, at Officer's request this has been set in from the edges to reduce the height and bulk of this part of the building.

The Daylight and Sunlight Report submitted by CHP looks at the potential for impact on daylight and sunlight to surrounding properties. This analysis finds that in relation to daylight and sunlight the neighbouring properties will not be materially affected by the proposed development, in that they meet BRE guidelines.

Balconies which are recessed are proposed facing TABC, these apply to units 7 & 9 only. These balconies are 11m away from the closest block on the opposite side of TABC, however this 11m is to a flank wall of the front block on TABC, which only contains secondary windows. The previous Inspector's decision raises a concern about the proximity of balconies along this elevation to the facing elevation on the opposite side of the road, however this was in response to external balconies which formed part of the appeal scheme. Officers consider that due to the fact balconies along this elevation are recessed, combined with the fact they will face directly a flank wall with secondary windows that there will not be a significant loss of privacy.

Amenity space

The provision of quality, useable amenity space has been a difficulty with previous attempts to develop this site, due to its constraints. The Inspector's decision to dismiss the earlier appeal found the provision of amenity space to be unacceptable, only 145sqm was proposed for a 14 flat scheme for which we would normally require 280sqm as a minimum.

The overall amount and quality of amenity space has been significantly improved. With the current proposal amenity space is provided in the form of private gardens in excess of the minimum 50m² for each of the ground floor family units, this is an improvement on the consented scheme. The first floor units, 4, 5 and 6 do not have direct access to balconies, these were originally proposed but have been removed at your Officer's request. First floor balconies were not supported because of the impact these have on the quality of design and because of concerns with their potential for overlooking and the quality of outlook gained from units directly below being compromised. Whilst it would be preferable for these units to be afforded with direct access to outside space their inclusion is not supported for the reasons mentioned. These affected units exceed SPG17

minimum floor area standards and provision is made for amenity space in the form of a communal roof terrace, which is 88m². This will still provide useable outside space. For these reasons the absence of direct, private amenity space is acceptable. Unit 6 has removed the rear balcony, but a private roof terrace is now provided adjacent, above the single storey element which houses the refuse bins and bikes. The terrace is set in from the edges and positioned to the front half of the flat roof to ensure no loss of privacy to the adjacent 2-storey dwelling, there are no windows along the flank wall.

At second and third floor these 2-bed units each have generous recessed balconies 17-18m², this is a significant improvement on the consented scheme in terms of quality of accommodation.

The total quantum of amenity space has increased and overall there is in excess of 300m² of amenity space, this is a mixture of private and communal amenity space.

Transportation

The applicable parking standard can be found in PS14 of the Adopted UDP 2004, but full standards apply as the site does not have good access to public transport (PTAL 2). The parking allowance for the 10 units is in the order of 14 spaces. However as these units will be affordable, for social rent then Transportation advises that a reduction of 50% should be applied (as per PS14), which would lead to an estimated demand of 7-8 cars. The proposal makes provision for 6 of these spaces off-street (including 2 disabled bays). As noted previously Transportation consider there to be capacity along the TABC site frontage to accommodate up to 4 cars. This is considered to be acceptable on transportation grounds as parking surveys show that TABC has low levels of night time parking. Furthermore the residents of TABC have the option to use individual "lock-up-garages" which would help to reduce the proliferation of on-street parking.

The dedication of a strip of land along the western boundary of the site to allow a footway to be provided along that side of TABC is welcomed. The works to provide this footway and dedicate the required strip of land as highway should be undertaken by the developer under a S38/S278 Agreement.

Refuse/cycle storage

The scheme meets the required level of refuse and cycle spaces (16), the siting of the storage areas are easily accessible for the units and refuse servicing vehicles being within 10m of Harrow Road.

Conclusion

This site offers a number of constraints and has proven to be a difficult site to develop, as evidenced by the history of refusals on the site and unsuccessful appeals. The consented scheme for 13 private flats is not being pursued in the current economic climate, instead the current proposal is to provide 10 affordable units for social rent, the site is to be managed by Notting Hill Housing.

The current proposal has been considered on its merits but also with regard to the consented scheme and the Inspectors decision, which found the scheme to be unacceptable in terms of its effects in the streetscene, impact on privacy of occupiers on the opposite side of TABC due to positioning of balconies within 20m, and the poor quality and quantum of amenity space.

At a density of this level, it falls within the upper end of the UDP residential density range specified as being acceptable for this location, The development will provide sufficient levels of parking in accordance with the Council's adopted standards for affordable housing and will provide a reasonable standard of accommodation for future occupiers, furthermore it is considered a building of this proposed scale and massing will sit comfortably in this location whilst maintaining the amenities of surrounding residents. The success of this contemporary design will to a degree be dependent on the quality of materials and detailing, further details of this and landscaping will be required by condition.

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 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 (including roof terraces), 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. 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 in pursuance of Section 197 of the Town and Country Planning Act 1990.

- (3) Notwithstanding any description of materials given in the application, further details of the materials, including samples, proposed for:

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

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Where appropriate, a schedule of the exact product references shall be provided.

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.

- (4) The parking spaces detailed on the approved plans (including cycle storage spaces) shall be constructed in full prior to the occupation of the buildings and shall be permanently retained and used for the parking of private vehicles directly associated with the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

- (5) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full.

Reason: In the interests of safety, amenity and convenience and in the interests of the amenities of the adjoining residents.

- (6) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason; To protect the local watercourses.

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

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

- (8) Following the demolition of the petrol station and removal of 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 and contamination found. The written report is subject to the approval in writing of the local planning authority.

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

- (9) 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 in accordance with the approved remediation scheme and the site is permitted for end uses (unless the local planning authority has previously confirmed that no remediation measures are required).

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

- (10) The proposed 1.5m land take for the pavement widening along Thomas A'Beckett Close should be retained with the footway being constructed at the developer's expense and the land offered for adoption as public highway.

Reason; In the interests of pedestrian and highway safety.

INFORMATIVES:

- (1) During construction on site:-

(a) 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.

(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.

(c) Vehicular access to adjoining and opposite premises shall not be impeded.

(d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.

(e) No waste or other material shall be burnt on the application site.

(f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) A barrier shall be constructed around the site, to be erected prior to demolition.

(h) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (2) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface-water 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, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. They can be contacted on 08454 850 2777.
- (3) The applicant is advised to contact the Head of Transportation regarding adoption of land along TABC frontage of the site as footway is maintainable at public expense under S38 and S278 of the Highways Act 1980.

- (4) Where existing point(s) of access are to be closed, 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 0181 937 5050 for further details as soon as possible.

REFERENCE DOCUMENTS:

- Brent's Adopted Unitary Development Plan, 2004
- SPG17 'Design Guide for New Development

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 979-981, Harrow Road, Wembley, HA0

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