



Planning Committee Map

Site address: Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds & Sports and Social Club, Vivian Avenue, Wembley, HA9

© Crown copyright and database rights 2011 Ordnance Survey 100025260



London Borough of Brent - Copyright (C)
This map is indicative only.

RECEIVED: 5 October, 2012

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds & Sports and Social Club, Vivian Avenue, Wembley, HA9

PROPOSAL: Redevelopment of site including the demolition of the former Wembley Hill Sports and Social Club building and the erection of 40 residential extra care units in two blocks (1 x two storey and 1 x three storey block), the provision of a new community open space, landscaping, and car parking with vehicle access gained via Corsham House (as amended by revised plans).

APPLICANT: Willow Housing and Care

CONTACT: Jones Lang LaSalle

PLAN NO'S:
(See Condition 2 for all approved plans/documents)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Provision of 100% affordable extra care housing (total of 40 units).
- A financial contribution of £63,000 towards local PCT support, sustainable transport, open space and sports and environmental improvements within the local area.
- Sustainability - submission and compliance with the sustainability checklist ensuring a minimum of 50% is achieved and Code for Sustainable Homes level 4, with compensation should this not be delivered.
- Offset the site's carbon emissions through the provision of on-site renewable generation and minimise carbon dioxide emissions to achieve 25% improvement on the 2010 Building Regulations (TER).
- Membership and compliance with the 'Considerate Contractor's' scheme.
- Provision of open space for use as allotments (as identified on landscape drawing 2241 -GMP-06,revE) for use by the local community, and leased out to a local residents group/allotment organisation with access provided to it 365 days per year. In the event that legal agreement cannot be reached with the lessees and Willow Housing, or in the event of the lessees not being able to fulfill their commitments under the terms of any such lease , an alternative community use of this open space shall be agreed in writing with the Council.
- Section 278 agreement with the Council Highway Authority securing (i) resurfacing of the public footway adjoining the site, including the provision of a raised table/pinch point where the access to the site crosses the footpath; and (ii) provision of a raised entry treatment with tactile paving at the entrance to Corsham house from Victoria Court, all at the developer's expense in accordance with detailed construction drawings to be approved by Brent Council's Transportation Unit.

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

Community Infrastructure Levy (CIL):-

The proposal will not qualify as CIL liable development, as affordable housing is one of the exemptions to the

Levy. The proposal is 100% affordable and Officer's confirm it is exempt on that basis.

EXISTING

The application relates to a "landlocked" backland site of approximately 0.67 hectares, that can only be accessed via a public footpath running along its eastern edge between Vivian Avenue and Harrow Road. The site, owned and occupied by Wembley Hill Sports and Social Club has had a mix of uses in the past which have now largely ceased and as a consequence the site is now largely overgrown. A club house remains towards the eastern edge of the site, though due to its poor state of repair it is not clear if this is still in use. Two tennis courts have been abandoned and are believed to have been last used as far back as 1986. The allotments located in the north western corner of the site have been in long-term decline, to the point where now it appears that only a small area is still maintained, with access only possible now through the backs of adjoining gardens.

The site adjoins the rear boundaries of Nos 1 through to 35 (odd) Vivian Avenue, north of the site. To the east the site is bordered by a public footpath connection Vivian Avenue and Harrow Road. To the south the site adjoins residential properties fronting Harrow Road (nos 216 through to 270) and to the west the site adjoins rear boundaries of properties along the southern side of Neeld Crescent (no's 4 through to 12). Cosham House, an existing care home operated by Willow Housing is located on the opposite side of the footpath.

The area is generally characterised by inter war suburban semi-detached dwellings with moderate sized rear gardens.

The site is not within a Conservation area or the grounds of a Listed Building.

PROPOSAL

Redevelopment of site including the demolition of the former Wembley Hill Sports and Social Club building and the erection of 40 residential extra care units in two blocks (1 x two storey and 1 x three storey block), the provision of a new community open space, landscaping, and car parking with vehicle access gained via Corsham House (as amended by revised plans).

HISTORY

- 93/1267** Erection of single storey detached building for storage use. Granted
- 99/0536** Alterations and partial re-roofing of sports and social club. Granted
- 06/1718** Demolition of 29 Vivian Avenue and Wembley Hill sports and social club building and erection of a single-storey sports and social club building and a part two- and three-storey building containing 34 two-bedroom and 38 one-bedroom, sheltered elderly housing units and guest suite and ancillary accommodation, provision of vehicular access to Vivian Avenue and pedestrian access to footpath to south, 23 car-parking spaces and landscaping.
Refused – Appealed – Dismissed on Appeal
- Appeal summary (ref; APP/T5150/A/07/2039427):-**
Appeal dismissed on 03/10/07 for the following reasons:-
- The proposal would be harmful to the provision of open space and sports and recreation facilities in the Borough.*
 - The proposal failed to achieve an acceptable quality of design.*
 - The proposal would result in increased risk to highway safety and cause obstruction to the free flow of traffic.*
- 07/1267** Planning permission is sought for the demolition of 29 Vivian Avenue and Wembley Hill sports and social club building and erection of a single-storey sports and social club and a part two- and three-storey building containing 29 two-bedroom and 43 one-bedroom sheltered units for the elderly, guest suites and ancillary accommodation, provision of vehicular access to Vivian Avenue to footpath and pedestrian access, 38 car-parking spaces and associated landscaping. **Refused – Appealed – Dismissed on Appeal**

Appeal Summary (ref; APP/T5150/A/07/2050417):-

Appeal dismissed on 10/12/07 for the following reasons:-

- *The loss of tennis courts, open space and the development of urban greenspace, without replacement on-site or nearby would be harmful to open space and recreation provision locally, within an area of local open space deficiency, contrary to policies OS8 and OS11.*
- *The loss of one half of a pair of semi-detached houses (29 Vivian Avenue) would result in a harmful effect on the streetscape along Vivian Avenue.*

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

London Plan (2011)

- 3.3 – Increasing housing supply
- 3.5 – Quality & design of housing developments
- 3.8 – Housing choice
- 3.9 – Mixed & balanced communities
- 3.10 – Definition of affordable housing
- 3.19 – Sports facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design & construction
- 5.7 – Renewable energy
- 5.10 – Urban greening
- 5.11 – Green roofs
- 5.13 – Sustainable drainage
- 6.13 – Parking
- 7.18 – Protecting local open space & addressing local deficiency
- 7.19 – Biodiversity & access to nature

Brent Core Strategy (2010)

- CP2 – Population & housing growth
- CP6 – Density & design in place shaping
- CP15 – Infrastructure to support development
- CP17 – Protecting & enhancing the suburban character of Brent
- CP18 – Protection & enhancement of Open Space, Sports & Biodiversity
- CP19 – Strategic Climate Change Mitigation & Adaptation Measures
- CP21 – A Balanced Housing Stock
- CP23 – Protection of Existing & Provision of new Community & Cultural Facilities

Brent Unitary Development Plan 2004

- BE2 - Townscape: local context & character
- BE3 - Urban structure
- BE4 – Access for disabled people
- BE5 - Urban clarity
- BE7 – Public realm streetscape
- BE9 – Architectural quality
- BE12 – Sustainable design principles
- EP2 – Noise & vibration
- EP3 – Local air quality management
- EP6 – Contaminated land
- H11 – Housing on brownfield sites
- H12 – Residential quality – layout considerations
- H13 – Residential density
- H15 – Backland development
- TRN3 – Environmental Impact of Traffic
- TRN4 – Measures to make transport impact acceptable
- TRN10 – Walkable environments
- TRN11 – London Cycle network
- TRN13 – Traffic calming
- TRN14 – Highway design

TRN23 – Parking standards residential developments
TRN34 – Servicing in new developments
TRN35 – Transport access for disabled people & others with mobility difficulties
OS15 – Species protection
CF3 - Resists the loss of a community uses

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 13: "Layout Standards for Access Roads"
Supplementary Planning Guidance (SPG) Note 17: "Design Guide for New Development"
SPD – s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Energy Strategy & Sustainability credentials

The Council's Sustainability Checklist has been completed and included as part of the Energy Strategy for the proposal.

There is a commitment to achieve the following:-

1. A 25% carbon emissions reduction over Building Regulations Part L 2010.
2. Provide a reduction in expected carbon emissions through the use of onsite renewable generation, and;
3. Code for Sustainable Homes level 4.
4. A score of 50.3% on the TP6 'sustainability checklist'.

These headline commitments would ensure the scheme complies with the London Plan energy hierarchy to be lean, be lean and be green. They would also satisfy Core Strategy policy CP19. In the event of planning permission being granted these measures will be secured through s106 agreement.

The energy strategy is still being assessed by Officer's and will be covered in the supplementary report.

CONSULTATION

Extensive consultation with 408 surrounding properties, external agencies and internal departments began on 22 October 2012, and site notices and press notices were also placed.

Five individual neighbouring objections have been received. In summary the following grounds of objection are raised;

- The proposed vehicle access across the public footpath poses a risk to pedestrian users.
- The local sewer infrastructure would be unable to cope with further housing (not a planning consideration).
- The proposal is contrary to the London Borough of Brent UDP (2004) & Planning Policy Guidance Note 17 "open space & recreation" (this PPG is now superseded).
- The site would be put to better use if restored to recreational use.
- The site provides a wildlife habitat and this should be preserved.
- The proposed vehicle access will cause disruption to residents on Victoria Court, and in Corsham House.
- The proposal will place extra strain on local health care provision.
- Proposal will result in a loss of privacy to surrounding occupiers.
- Proposal would result in traffic problems in the area.
- Will have an adverse visual impact as the proposal is out of character with the area.
- Loss of natural light to surrounding properties.

One letter of support received, with the view that this development would lead to improved safety for users of the pedestrian footpath.

Transportation Unit – No objection raised, subject to conditions to secure minor amendments and subject to a s106 agreement to secure; (i) a financial contribution towards non-car access improvements in the vicinity of the site; and (ii) a s.278 Highways Agreement securing (iii) resurfacing of the public footpath adjoining the site, including the provision of a raised table/pinch point where the new access to the site crosses the footpath; and (iv) provision of a raised entry treatment with tactile paving at the entrance to Corsham House from Victoria Court, all at the developer's expense in accordance with detailed construction drawings to be approved by Brent Council's Transportation Unit

Landscape Team – The landscape proposal are still being assessed, and a detailed response will be provided in the supplementary report.

Urban Design – There are no significant problems from an urban design perspective. It is recommended that further work be undertaken to demonstrate that the building fits comfortably within this suburban residential context, in terms of scale and layout, whilst providing a quality architectural approach.

Environmental Health Officers – They have advised of concerns with potential land contamination as a result of previous allotment use. Conditions are recommended in this regard, requiring submission of a remediation strategy. Also a revised Air Quality Impact Assessment is recommended, one that factors in the impacts of a CHP unit on site.

Natural England – In their response it is stated that the proposal does not appear to affect any statutorily protected landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. The protected species survey has identified that bats and reptiles may be affected by the application – both are European protected species.

The Phase 1 habitat survey, submitted in support of the application identifies this as a Site of Local Importance for Nature Conservation, potentially capable of supporting protected species. Therefore further species surveys are recommended, and it is recommended that these be secured through planning conditions.

Environment Agency – No objection.

Thames Water – No objection.

Biodiversity Officer (Brent) – see ‘remarks’ section.

REMARKS

Amendments to the application

During the course of the application the following changes have been made to the scheme;-

1. The plant room has been moved from Block A to Block B. In turn a residential unit has been moved to accommodate this. This change to the layout has allowed for a reduction in the footprint of the Block B. This provides greater separation from the northern boundary..
2. The main entrance to the building has been re-designed to be more prominent and improve legibility.
3. It has been confirmed that new trees will be planted along the northern boundary.

Principle of development, loss of open space, recreation facilities and community facilities

It is necessary first to consider the partial loss of this open space, in the context of policies within the Adopted LDF Core Strategy which seek to protect and enhance open space, sports and biodiversity (CP18) and national policy as expressed in particular in National Planning Policy Framework (this supersedes Planning Policy Guidance Note 17 “Open space & recreation”).

Open space of local value is generally protected from development. Support will be given to proposals that allow for the enhancement and management of open space for recreational, sporting and amenity use and the improvement of open space for biodiversity and nature conservation. New or improved provision will also be sought in areas of open space deficiency, which the application site is.

Development of open space will be considered where such sites have been indicated for development in the Site Specific Allocations (SSA) within the Adopted Core Strategy (2011). This site is the subject of SSA. 25 which supports “*limited and minimal development required to enable improvements to existing sports facilities and access for open space and amenity use. Development should seek to protect and enhance its Nature Conservation designation. This green space should encourage community participation and local food growing*”.

The allocation allows for a level of development to enable improvements on site. The current scheme proposes development on approximately 54% of the site. This amount is considered necessary to ensure that the scheme is viable, whilst retaining a significant proportion of the site as open space (46%), with access for local community use.

Built development is focused at the southern end where the tennis courts and clubhouse are located. These courts have not been used for over 20 years, are broken up and fully overgrown. Further, there is no longer any significant demand locally for the tennis courts. Brent's Sports and Parks Service have recently refurbished tennis courts locally in King Edward VII Park, and confirm that there is no strategy to secure extra tennis court provision in this locality. The local provision at King Edward is publicly accessible, being within 20 minutes walk of the application site. Given the commitment that has already made to refurbishing courts locally there would be no desire on behalf of the Council to re-instate courts on the application site. Consequently, the provision of new sports facilities on site is not considered worthwhile, or necessary, in the context of the open space and allotments offer.

The justification for allowing limited development on the site, is that this should see the remaining land bought back into better practical use with wider local amenity provision, including open space, food growing and sports facilities, while improving the accessibility, appearance and management of the land.

The NPPF recognises the importance of access to high quality open spaces and opportunities for sport and recreation. This states that existing open space, sports and recreational land should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Officers consider the benefits of new allotments and associated open space offer a better quality replacement, improved accessibility, the potential for food growing and will lead to better management of the land, and that this planning gain outweighs any loss of long term disused courts and reduction to the quantum of open space. Furthermore there is significant local support for allotment provision.

The earlier schemes, that were considered unacceptable, proposed no open space retention or wider local amenity provision. No compensatory measures were proposed either, and this was unacceptable on policy grounds. This lack of provision is a significant difference between the earlier proposals and the current proposal.

Community facility;-

In the context of UDP policy CF3 the existing club house fulfils a community use function, and its loss resisted unless it is appropriately replaced, or adequate compensation is made for its loss. The proposal does not proposed replacement, but compensation in the form of new, accessible, managed open space, with new allotments that are accessible to the local community. This would outweigh any harm caused through the lost D1 clubhouse.

Principle of extra care housing & affordable housing provision

The Council's Housing department support Willow Housing & Care's proposals to develop an Extra Care Housing scheme, wildlife garden and new public allotments.

Brent has a pressing and increasing need for supported housing for older people. In particular the Council is seeking the development of viable alternatives to residential care. Extra Care Housing is one such alternative. It offers people their own self-contained home while providing additional support as and when they need it. It promotes independence through access to care and other services and allows individuals to be in control of their lives. The development is also well located, close to public transport and local amenities.

The scheme is wholly affordable rented housing (100%) and therefore supports the Local Development Framework Core Strategy affordable housing policy objectives and Core Strategy policy CP21. Willow Housing & Care's parent organisation, Network Housing Group, have a GLA funding allocation for the scheme under the Affordable Home Programme which means the proposals are highly deliverable. The Council would have nomination rights to the scheme ensuring Brent residents benefit from the extra care accommodation.

By providing this level of on-site affordable housing then one of the principle concerns with earlier, unacceptable proposals for the sites development is overcome. This provision satisfies Brent policy, as well as London Plan policy on affordable housing targets.

Density of development

With a site area of 0.67 ha, and at 82 habitable rooms, the scheme would have a density of 122 hr/ha. This

density is lower than London Plan guidelines, which supports a density of 150-250 hr/ha for a 'suburban' environment, with level 2 Public Transport Accessibility (PTAL).

The need to retain a significant proportion of the site as open space, in accordance with the requirement of SSA No.25, and the site constraints result in the low level of density proposed.

Scale, massing, layout and design of proposed development

Development is proposed in the form of two distinct buildings, linked to one another via a corridor that dissects through the courtyard. Block A, which is at the eastern most end of the site, is part 2 and part 3-storeys high. This will accommodate residential units, the main entrance, office, buggy store, resident's lounge/activity room and conservatory, kitchen, hairdresser's, caretakers store and guest bedroom.

Block B which is anywhere between 18.6m and 27m away from Block A, due to the buildings orientation, and separation by a courtyard is part single and part two-storeys high. This accommodates additional residential units, including two-bedroom units, and the main plant room. The level of separation across the courtyard, which exceeds 20m in places will ensure that privacy is maintained for future occupiers, and this satisfies SPG17 minimum separation distances.

Block A provides the main frontage of the scheme, this addresses and provides overlooking of the adjacent public footpath, providing improved natural surveillance for pedestrian users.

An east-west orientation is followed on both blocks, this avoids direct overlooking towards residential properties north and south of the site.

The massing of the scheme follows a lengthy period of pre-application discussions, during which concerns about the amount of development and the scale and massing were initially raised. To overcome these concerns the amount of built development has been reduced, now 45.2% of the site is being retained for open space use (including allotments). The massing of the individual blocks has also been further reduced so that the buildings are appropriate for their backland setting, and that they fit comfortably within the site, without having an unacceptable impact on neighbouring amenity.

Block A is part two and part three storeys high, the top floor set back has been introduced to ensure an acceptable relationship to gardens to the north of the site. The entire block is set 4m off the northern boundary, this separation, combined with the set back on the upper floor results in a building that complies with the 45 degree test, as set out in SPG17. The landscape proposals for the site are to treat this northern elevation as a 'green wall', which will soften the appearance of the building when viewed from adjoining properties. The applicants also commit to planting new trees along this boundary to improve the visual amenities and further soften the appearance of the building. Further details of these landscaping proposals will be secured through a detailed landscaping condition.

Block B, which is the secondary building is smaller both in terms of footprint and massing, the site is at its narrowest here. This is part single and part two storey's high. It has been reduced to single storey at the northern end as a direct response to concerns raised by Officer's during pre-application discussions about the buildings scale, and its tight relationship to the northern site boundary.

The more recent amendments to the scheme requested by Officer's have resulted in the plant room being sited within Block B, allowing for a further reduction of the footprint of this building. This latest reduction provides greater separation from adjoining gardens to the north, so that now the block complies fully with the 45 degree test, as set out in SPG17. This test is applied to ensure that buildings does not have an overbearing impact on adjoining gardens. It is important to note also that the building is to be partially sunk below the existing ground level, meaning the closest part of the building (i.e. the single storey part) will be less than 3m high above neighbouring ground level. This further minimises its impacts on surrounding properties and gardens. In addition to reducing its massing the reduction in footprint to Block B provides the opportunity for new trees to be planted along the northern boundary. As with Block A new tree planting will provide further mitigation and soften the appearance of the building from adjoining gardens, and the northern façade is to be treated as a 'green' wall – further details of which are to be secured through a detailed landscaping condition.

Materials:-

The architectural approach has been to keep the elevations simple, this is reflected by the simple palette of materials also. Expression to both buildings is provided in the form of private balconies to all units above ground floor, and recessed window reveals. The buildings will be mostly finished in brick, to reflect

surrounding context, with some render panels introduced on the courtyard elevation, and the corridor will be finished in white render to provide some variation to the use of brick.

Balconies are proposed on both blocks, and it is envisaged that these will have obscure glazing to maintain privacy.

Further details of all external materials will be required as a condition of any approval.

Mix of units;

The scheme comprises 38 x 1 bedroom and 2 x 2 bedroom flats, with a mixture of communal and staff spaces. Both 2 bedroom units are located within Block B.

Two different unit types are proposed. A 'type 1' unit which is a 1 bed/2 person and a 'type 2' which is 2 bed/3 person unit.

Quality of accommodation & layout;

All units exceed the London Housing Design Guide Standards, meet Lifetime Homes requirements and furthermore, all units will meet Wheelchair Accessible Housing standards.

The scheme provides private amenity space for all units in the form of balconies and private terraces, this is supplemented by private courtyards for exclusive use of the residents that will be in between the two buildings. Then in addition a communal amenity space is proposed to the west of Block B, this will be provided in the form of sensory gardens with raised beds and allotments for residents of this development and Corsham House to use. These spaces have been designed to be suitable for users with a range of mobility's.

A significant planning gain is the proposed delivery of new allotments at the western most end of the site, on an area of approximately 948sqm. Critically these allotments will be for the use of the wider local community, and is a much welcomed use of the site that will encourage community participation, local food growing, while improving the accessibility, appearance and management of the land with local amenity provision. This is in accordance with the aims of Site Specific Allocation No.25.

The total amenity space proposed measures over 5000sqm, significantly exceeding minimum amenity space standards set out in SPG17.

The amount of open space that is being retained is a fundamental difference between this and previous applications that were deemed unacceptable for reasons concerning the loss of open space. This represents a major improvement, in line with the aims of Site Specific Allocation 25.

Allotment provision & s106 mechanism to secure this:-

Willow Housing has committed to delivering the allotments, it was clear during public consultation exercises carried out by Willow, pre-submission, that local residents supported the idea. It is proposed at this stage that the allotments would be tenanted out by Willow, to the local community via a legal agreement, for their use. The tenancy agreement would be with a local residents group (yet to be set up) who would act as landlord for the allotment, manage the space and pay an annual rent in line with Brent's allotment charges. Should the residents group be unable to fulfil their commitments under any lease there will be a break clause, allowing Willow to terminate the lease and implement another acceptable use.

Local community access to the allotments will be controlled via the residents group through some form of key fob entry system, with gated access. Further details will need to be confirmed through the submission of an allotment management plan, either through condition, or secured as part of the s106 obligations.

Emergency access can be gained via a reinforced grass surface, and turning area running along the southern end of the site. This will also be the pedestrian route through to the allotments.

The delivery of the allotments will be secured through a s106 planning obligation, that will (i) require delivery of allotments in the first instance, or (ii) if legal agreement cannot be secured, or the residents are unable to fulfil any lease commitments in the future then the applicants Willow would be required to implement an alternative use, which may for the provision of a food growing garden, as stated by the applicants (Willow Housing), failing this then the use of the site should revert to a form of open space use accessible to the local community, to be agreed in writing by the Council.

Impact on surrounding properties

The proposal consists of two blocks, linked to one another via a corridor. These blocks are orientated to be east-west facing, meaning no windows directly face south or north towards neighbouring dwellings on Harrow Road and Vivian Avenue respectively. Accordingly there is no direct overlooking or loss of privacy.

The development has been assessed for compliance with SPG17 standards, namely the 30 and 45 degree tests which are applied to new developments to ensure the size and scale of development is acceptable, without impacting negatively on neighbouring properties.

There is no conflict with the 30 degree test. The proposed form of development also demonstrates compliance with the 45 degree test, with the exception of one location where there is a minor failing. This shortfall relates to the south western corner of Block A, but on balance given the marginal degree of failure, the proposals for new tree planting along the southern boundary and the generous length of the adjoining gardens this is not considered to be a serious enough failing to warrant refusal of planning. On the whole it is considered that the applicants have demonstrated that the scale and massing of the development would maintain appropriate relationships to boundaries and have an acceptable impact on surrounding properties and gardens.

There is to be no detrimental impact on Corsham House residents, this is to the east of the site. The siting of Block A ensures that distances in excess of 20m are to be maintained between directly facing habitable windows, meaning no overlooking or loss of privacy.

Daylight & Sunlight analysis;-

A daylight and sunlight report has also been submitted in accordance with BRE Report 209 '*Site Layout for Daylight and Sunlight: A Guide to Good Practice*'. This demonstrates that of the 105 neighbouring windows tested for daylight conditions (expressed as VSC) all 105 windows passed the vertical sky component test. Of the 8 neighbouring windows tested for sunlight, expressed as annual probable sunlight hours all 8 of these passed the test. The impacts of overshadowing on surrounding gardens has also been considered, and in all cases the amenity spaces that adjoin the site would still be able to access at least 2 hours of sunlight, to at least 50% of the area. By demonstrating that the impacts of the development will satisfy BRE guidelines, on balance, the proposal is considered to have a satisfactory relationship with neighbouring properties in terms of daylight, sunlight and overshadowing.

Transportation considerations

The site has poor access to public transport, only benefiting from PTAL level 2. Parking on surrounding roads is generally un-restricted, except for Wembley Stadium event days when a controlled parking zone applies.

Your Highway's officers have assessed the scheme on the basis that the accommodation proposed is Category 2-2.5 extra care housing.

The parking requirement for this type of accommodation would be between 5 and 10 spaces, therefore the proposed number of 7 spaces would suffice.

The access to the development is significantly different to the failed appeal schemes, which both relied on the demolition of 29 Vivian Avenue in order to form a new road access into this landlocked site, directly off Vivian Avenue. The principle of this access being created was dismissed on appeal. Now the proposal is to gain vehicle access to the site by extending the existing access to Corsham House. This existing access would be extended alongside Corsham House and across the public footpath, into the application site.

Transportation supports this in principle, the width of this access (4.1m) is large enough for refuse and emergency vehicles. Tracking diagrams submitted confirm this to be the case. The principle of extending the access, across the public footpath is acceptable, but will need to be subject to some minor amendments to the surface treatment. Transportation seeks changes to the surface treatment, and its width reduced in part to ensure pedestrians maintain priority when using the public footpath. Surfacing works will be required on the adopted highway through an agreement under s.278 of the Highways Act.

Trip generation has been considered to assess the developments impacts on the local road network. Surveys of Corsham House were undertaken to look at trip generation. This resulted in just four arrivals and two departures in the peak AM hour (8-9am) and just two departures in the peak PM hour (5-6pm). This is not a significant level and does not warrant further consideration. In addition to this 60% of arrivals during this time were by foot, and two by bicycle.

The applicants Transport Statement shows results of a similar survey, undertaken by TWS. These traffic flow surveys show eight arrivals and nine departures during peak AM hour (8-9am) on Victoria Court and during the peak PM hour (5-6.30pm) ten arrivals and four departures. Whilst these flows are marginally higher than Brent's own obtained figures, they still show low traffic flows, which at this level would not have a significant impact on the local road network.

Minor amendments will be required to secure the following; (i) the re-location of the designated disabled bay closer to the building, provision of a clearly marked mini-bus waiting/parking area, further details of cycle parking.

Subject to the above amendments being secured by condition and subject to a s106 agreement to secure; (i) a financial contribution towards non-car access improvements in the vicinity of the site; and (ii) a s.278 Highways Agreement securing (iii) resurfacing of the public footpath adjoining the site, including the provision of a raised table/pinch point where the new access to the site crosses the footpath; and (iv) provision of a raised entry treatment with tactile paving at the entrance to Corsham House from Victoria Court, all at the developer's expense in accordance with detailed construction drawings to be approved by Brent Council's Transportation Unit – there are no objections raised on transport grounds.

Biodiversity, arboricultural impacts & landscaping strategy

Biodiversity;-

The site is a non-statutory designated site known as a Site of Local Importance for Nature Conservation. Such sites are not statutorily protected through the development plan, though they are recognised for their value to local wildlife.

The Site Specific Allocation does state that 'development should seek to protect and enhance' the nature conservation designation. Clearly it is difficult to achieve this with the amount of development proposed, and the reinstatement of allotments proposed. In these circumstances Officer's consider it appropriate, and necessary to secure mitigation measures, to compensate, in part at least, for the loss of nature conservation value are maximised.

Natural England have been consulted, responding that the proposal does not affect any statutorily protected landscapes, or have impacts on the conservation of soils, nor is the proposal EIA development. But the proposal could potentially impact on a Local Site, therefore further advice should be sought.

A Phase 1 Extended Habitat Survey has been carried out. This found that the majority of the site supports dense scrub, and the habitats include woodland, rough grassland and ruderal vegetation. This report also indicated the potential for suitable habitats for bats and reptiles, and highlights the need for further species surveys to be carried out to establish if this is the case, and if so what mitigation is required for protection under European legislation. Brent's own biodiversity Officer has raised similar issues with regard to loss of habitats on site, loss of trees and woodland. Should planning permission be granted species surveys will be required as a condition of any approval.

Mitigation is proposed with replacement allotments, retained vegetation and landscaping, new planting, new wildlife garden, new native hedges, sedum roofs and the planting of a significant number of new trees. However the loss of trees on site may reduce the ecological value of the site, and the removal of trees and shrubs may affect birds that breed on site. Further details of all these measures will be secured through a site wide landscaping condition.

Arboricultural considerations;-

An arboricultural report has been submitted indicating that 30 trees are to be removed either as a result of their current poor condition, or to make way for the proposed development. The proposed landscape strategy is based firmly on proposals to compensate for this through a tree re-planting programme. In excess of 30 new trees are proposed to be planted, including additional trees along the northern boundary and a large number of replacement trees along the southern boundary. These will be a suitable mixture of native and ornamental trees, and woodland creation in the new wildlife garden. Detailed comments have not yet been provided by the council's Arboricultural Officer but will be reported in the supplementary.

Landscaping strategy;-

The proposed retention of open space that is accessible, well managed and attractive to users is in contrast to the existing site conditions. It is proposed to design a series of coherent communal spaces that provide multisensory stimulation for residents, through sensory planting, well structured courtyards and spaces suitable for users who may have a range of different mobilities. This consideration of accessibility for all is

critical as the end users will comprise those in the proposed extra care housing scheme, and those in the neighbouring extra care housing scheme at Corsham House.

A wildlife and vegetable garden is proposed for use of residents of the new extra care facility, and residents of neighbouring Corsham House.

New allotments are proposed for use by the wider local community, thus representing a significant planning gain.

The strategy in terms of trees is to remove in the order of 30 trees, as identified in the Arboricultural report. By way of mitigation for this in excess of 30 new trees are proposed and new woodland planting to ensure tree coverage across the site is maintained both for biodiversity benefits and for visual amenity reasons. North facing facades to the proposed buildings are to be treated with metal wire frames fixed to encourage and support climbing plants to 'green' these facades and soften the buildings appearance.

The general approach to landscaping is supported, though further comments are awaited from Landscape Officer's, which will be reported in the supplementary report. A more detailed landscaping strategy which provides further details of the planting (size, density, species and number), treatment of communal areas, private terraces, wildlife garden, tree strategy and hard landscaping across the site will be required as a condition of any approval.

Energy Strategy & Sustainability credentials

The Council's Sustainability Checklist has been completed and included as part of the Energy Strategy for the proposal.

There is a commitment to achieve the following:-

1. A 25% carbon emissions reduction over Building Regulations Part L 2010.
2. Provide a reduction in expected carbon emissions through the use of onsite renewable generation, and;
3. Code for Sustainable Homes level 4.
4. A score of 50.3% on the TP6 'sustainability checklist'.

These headline commitments would ensure the scheme complies with the London Plan energy hierarchy to be lean, be lean and be green. They would also satisfy Core Strategy policy CP19. They will be secured through s106 agreement.

The energy strategy is still being assessed and its findings will be reported further in the supplementary report.

Public consultation & community engagement

The proposal has evolved over time through discussion with the Planning department and the local community. Public exhibitions have been arranged, inviting the local community along to learn more about the proposed development and inviting feedback from them. The first event was held in January 2012 and the most recent of these sessions was held in September 2012. The most recent event updated residents on their earlier feedback that has resulted in revisions to the application to increase parking provision, reduce the building footprint and provide a larger area of allotments. The neighbouring residents were of the view that a new allotment area would represent the best planning gain for the site.

Conclusion

Main benefits of the scheme;-

- Delivery of extra care housing, meeting an identified Borough need
- Delivery of 100% affordable housing
- Retention of a significant amount of open space
- Delivery of new allotments for local community use
- Improved accessibility to open space and improved management of the land
- A sustainable form of development that commits to reducing carbon emissions and the use of renewable forms of technology.
- High quality design

Your officers consider that the proposal will meet an identified housing need and achieve an adequate

standard of residential accommodation whilst maintaining the amenities of surrounding residents. The proposed development is considered to be an appropriate density within this context and acceptable in terms of scale and design. The proposal will also see the retention of a significant proportion of the site as open space, and will deliver new allotments for the benefit of the wider local community, which is in conformity with Site Specific Allocation 25. The improved facilities and open space on site represent a significant planning gain. The success of the scheme will be largely dependent on the quality of materials and detailing which can be secured by condition to ensure compliance with development plan policies. Officers are satisfied that the proposed form of development has sufficiently overcome the reasons for refusing earlier schemes, and the main issues raised in previous Inspector's decisions. As such it is recommended that the scheme be approved, subject attached conditions and the completion of a satisfactory s106 legal agreement.

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
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
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services
Design and Regeneration: in terms of guiding new development and Extensions
Site-Specific Policies

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):

Location plan
AA2923/2.1/001,revA
AA2923/2.1/002,revA
AA2923/2.1/003,revA
AA2923/2.1/004,revA
AA2923/2.1/005,revA
AA2923/2.1/006
AA2923/2.3/001
AA2923/2.3/004
AA2923/2.3/005
AA2923/2.3/006
Design & Access Statement
Landscape Strategy 2241-LP-01E
2241-GMP-05G

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

- (3) No goods, equipment, waste products, pallets, scrap or other materials shall be stacked or deposited to a height exceeding 2 metres above ground level.

Reason: To safeguard the visual amenities of the surrounding area.

- (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for the purpose of extra care housing within Use Class C2.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons:-

- (5) Notwithstanding the plans hereby approved no windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank wall(s) of the building(s) without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (6) (a) Details including loading bays and accesses

All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development approved by the Local Planning Authority.

(b) Further details to be submitted

Revised details of disabled parking bay(s) of a minimum width of 3 metres and in a location approved in writing by the Local Planning Authority shall be provided for the exclusive use of disabled people prior to the occupation of the buildings/ commencement of the use hereby approved. The spaces shall be clearly marked as being for use only by disabled people and shall be permanently retained (so marked) thereafter. They shall not be used for any purpose other than the parking of vehicles by disabled people.

(c) Cycle parking facilities

Further details of secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

(d) Mini-bus parking

Details of an dedicated area for mini-buses to park/wait shall be confirmed and approved in writing by the local planning authority.

Reason: To ensure suitable disabled parking, cycle parking and that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (7) Details of materials for all external work (including balconies), 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 fully in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass/planting in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed:-

(a) prior to occupation of the building(s).

Such scheme shall also indicate (but not be limited to):-

(i) Walls and fences

Proposed walls, fencing and gates, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along each site boundary.

(iii) Physical separation

Adequate physical separation, such as protective walls, hedging and fencing, between landscaped and paved areas.

(iv) Mounds existing contours and any alteration of the ground levels, such as earth mounding.

(v) Screening of gardens

Provisions for the satisfactory screening of the adjacent gardens to the north and south of the site through new tree planting.

(vi) Signboards and seating

Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(viii) Other details to include:-

Full details of tree protection measures to be employed during construction works on site

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

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

- (9) Further details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (10) Detailed drawings showing all existing trees which are not directly affected by the building(s) and works hereby approved shall be submitted to the Local Planning Authority prior to demolition and construction works. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted or their soil levels within the tree canopy altered at any time without prior approval in writing of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

- (11) Further details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, with a full schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

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

- (12) Details of any external lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be fully implemented thereafter.

Reason: In the interests of safety, amenity and convenience.

- (13) The demolition/building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- (14) Additional site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within the proposed allotment area. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and approved in writing by the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site.

- (15) A remediation strategy for dealing with any soil contamination found that presents an unacceptable risk to future site users, shall be submitted to the Local Planning Authority for approval. Any remediation measures shall be carried out in full.

Reason: To ensure the safe development and secure occupancy of the site.

- (16) A verification report shall be provided to the Local Planning Authority, stating that soil 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.

- (17) (a) Prior to the commencement of the development the applicant shall provide an updated Air Quality Impact Assessment demonstrating that the proposed CHP unit shall have no more than an imperceptible impact on neighbouring residents. This is subject to the approval in writing of the Local Planning Authority.

(b) The CHP unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall provide details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, and shall maintain the unit thereafter in such a way to ensure these standards continue to be met.

Reason: To protect air quality, in accordance with Brent policies EP3 and EP4.

- (18) Notwithstanding the application hereby submitted and otherwise approved, prior to the commencement of development on site a detailed site specific protected species survey shall be carried out, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should the survey results confirm the presence of any protected species on site appropriate mitigation measures to secure their protection shall be submitted to and approved in writing by the local planning authority prior to construction commencing on site, and shall be fully implemented in accordance with the details so approved.

Reason: In the interest of biodiversity and in accordance with the Wildlife & Countryside Act

1991

- (19) Within 3 months of the date of permission further detailed drawings of the allotments shall be submitted to and approved in writing by the Local Planning Authority. Details shall confirm (but not be limited to) the number of allotment plots, pathways, storage facilities to be provided, planting within this area (including trees), fences or boundary treatments to be erected and the location of water access points. The allotments shall be provided fully in accordance with these approved details, and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure a satisfactory form of development.

- (20) Any site clearance works should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

Reason: In the interest of wildlife protection.

- (21) Within 6 months of the date of this permission, details of any proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation

- (22) Prior to the commencement of the development, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining the measures that will be taken to control dust, noise and other environmental impacts of the development during construction.

Reason; To safeguard the amenity of the neighbouring occupiers by minimising impacts of the development that would otherwise give rise to nuisance.

- (23) Prior to the commencement of development on site a Loading & Servicing Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be fully implemented for the lifetime of the development during its construction phase.

Reason ; In the interests of highway safety and neighbouring amenity.

- (24) Further details of the means of providing balcony privacy screening shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. Such works shall be fully implemented in accordance with these approved details.

Reason; To protect the amenity of prospective and neighbouring residents

INFORMATIVES:

- (1) The applicant/developer is advised that in relation to Condition 17, the protected species surveys should look for the presence of bats or protected reptiles in particular, but should be limited to just these species.
- (2) Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.
- (3) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (4) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your

obligations can be obtained from the Communities and Local Government website
www.communities.gov.uk

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