

Committee Report
Planning Committee on 8 June, 2010

Item No. 22
Case No. 10/0601

RECEIVED: 12 March, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 29-31, Brook Avenue, Wembley, HA9 8PH

PROPOSAL: Extension to time limit of planning permission 07/0158, dated 18/04/2007, for demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall

APPLICANT: Gateway No. 1 LLP

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following 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
- A contribution of £60,000 due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area
- Prior to Practical Completion make a contribution to the Council of £50,000, index-linked from the date of committee towards Affordable Housing in Brent, unless an acceptable Affordable Housing Toolkit is submitted showing a return of less than 17.5%.
- A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, prior to commencement of works. This shall demonstrate how the development will achieve Code for Sustainable Homes Level 3, how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) will be incorporated and how the measures to provide 20% of energy demand

through onsite renewable sources will be implemented within the scheme. Adherence to the approved Strategy.

- The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, renewable energy, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- On completion, independent evidence (through a Post-Construction Review by an accredited Code for Sustainable Homes assessor) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least Code for Sustainable Homes Level 3.
- The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required
 - 1) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - 2) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough
- 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 within the Statutory Application (13 week) timeframe.

EXISTING

The application site is situated on the south side of Brook Avenue approximately 50m from the junction with Bridge Road. To the rear of the site is Wealdstone Brook. To the north of the site on the opposite side of Brook Avenue is the Wembley Park station and car park.

The site is rectangular in shape and measures 27.6m in width and 52.8m in depth. Levels drop within the site towards the rear boundary which abuts Wealdstone Brook. The site currently contains three, two storey residential dwellinghouses. The south side of Brook Avenue is mainly characterised by two storey residential properties however the eastern end of Brook Avenue appears more commercial as a result of a ten-storey hotel occupying the corner site which fronts Bridge Road.

PROPOSAL

The application seeks an extension to permission 07/0158 using the recent measures introduced on 1 October 2009 to allow applicants to apply to extend a planning permission by seeking a new planning permission to replace an existing one which is in danger of lapsing. In accordance with the legislation, no changes are proposed to the scheme already granted. The existing permission relates to the demolition of the existing three residential properties and the erection of a part 3-storey, part 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall

Planning permission was granted for this scheme on 18 April 2007 following the completion of the legal agreement. This was given a three year consent and expired on 18 April 2010 however as the application was submitted prior to the expiry date for the consent, the application to extend the time limit is valid and must be determined.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Policy documents adopted since the previous consent was issued:

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

SUSTAINABILITY ASSESSMENT

The original sustainability checklist submitted at the time of the submission of the original application was considered to lack supporting evidence however clauses were contained within the S106 which secured measures which would ensure compliance with the policy requirements at the time.

Since then, alterations to the London Plan have resulted in a new energy hierarchy approach being adopted which aims to reduce carbon emissions through design and energy efficiency, decentralised energy provision and the installation of renewable technology measures. Your officers requested an energy strategy in order to address this policy development which has been submitted. This is currently being reviewed by policy officers and conclusions will be reported within the Supplementary Report.

CONSULTATION

Standard three week consultation period carried out in which 32 properties were notified. A site notice was posted outside the site and notification of the application was advertised in the press.

No objections have been received regarding the proposal.

Internal Consultees

Landscape Design Team - No comments as this is a renewal and no policy changes have occurred regarding landscaping since the approval of the scheme.

Sustainability Officers - Comments pending.

Transportation - Raised objection due to recently approved development at 32-34 Brook Avenue which would, in conjunction with this scheme, result in excessive demand for on-street parking.

Environmental Health - No objection.

Thames Water - No objection.

Environment Agency - No objections subject to conditions

REMARKS

Where an extension to a time-limit on an existing permission is applied for, guidance issued by the Department of Communities and Local Government advises Councils to only consider changes in the development plan or other relevant material considerations.

The original application ref: 07/0158 dealt with material considerations such as design, siting, scale, quality of accommodation and mix of units, relationship with neighbouring properties, landscaping and parking provision and considered the scheme to comply with the development plan and policy guidance.

Since the granting of this consent, the main policy changes to have occurred are the alterations to the London Plan. In addition to the new hierarchy approach to energy discussed in the *Sustainability* section of this report, the alterations to the plan have reduced the threshold for 50% Affordable housing from 15 units to 10 units. Furthermore major developments are now required to have on-site playspace provision and meet Lifetime Homes Standards.

In terms of these policy developments, the applicants have submitted a viability toolkit to demonstrate that it is not possible to achieve a profit on the scheme and thus any requirement for Affordable housing would have further negative implications for the proposal. Evidence has not been provided which supports the toolkit however your officers do not consider the scheme to be viable currently and any Affordable housing would reduce the viability further. It should also be noted that the original design of the building only has one central core and would limit the suitability for a mixture of tenures as this layout is considered unfavourable by Housing Associations. This would therefore limit the Affordable units to those capable of being independently accessed (i.e. ground floor units). Whilst officers would typically require two cores to address such issues, this is a renewal application and in such situations additional S106 contributions for off-site Affordable housing provision are typically sought. Therefore, your officers consider it appropriate to secure an open-book financial appraisal of the development upon completion of the scheme in order to assess whether contributions can be sought towards off-site provision as improvements to market conditions may have occurred by this time. This would be secured through the S106 agreement. This approach is considered to satisfy this policy requirement.

With regards to the requirement for on-site playspace, the original scheme significantly exceeded SPG17 amenity space standards providing a large communal garden with an area of approximately 700 sqm. The proposed child yield for the scheme would require only 20sqm of playspace which can be accommodated easily within this space in an informal way. A condition is recommended which secures this provision within the development.

With regards to Lifetime Homes Standards, plans have been submitted which verify that it is possible for the requirements of these standards to be achieved within a typical unit layout. A new condition is recommended which ensures that these measures are secured within the development.

Relevant council policy developments relate to the adoption of a Planning Obligations Supplementary Planning Document which has introduced a standard tariff approach for new development. In the case of residential, a charge of £3,000 per new bedroom is now made which mitigates the impact of new residential developments on local infrastructure in terms of education, transportation and sports and open spaces. This would reduce the level of payment previously agreed from £74,500 to £60,000. The applicant has agreed to the new contribution as part of the Heads of Terms for the S106 agreement.

Summary

The proposed renewal has satisfied the policy developments adopted since the issuing of the original consent ref 07/0158 and is therefore in compliance with the development plan. The application is accordingly recommended for **approval**, subject to conditions and the completion of a legal agreement.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan Consolidated with Alterations since 2004

Brent Unitary Development Plan 2004

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

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
- Wembley Regeneration Area: to promote the opportunities and benefits within Wembley
- Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

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

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

-F250/001 - Site Layout Revision B

-F250/002 - OS Map

-F250/003 - Existing Street Elevation

-F250/004 Revision A - Lower Ground, Ground Floor and First Floor Stepping

Massing Studies (received on 09/03/2007)
 -F250/100 Revision A - Lower Ground Floor Plan (received on 08/03/2007)
 -F250/101 Revision B - Ground Floor Plan (dated 19/05/2010)
 -F250/102 Revision A - First Floor Plan (received on 08/03/2007)
 -F250/103 Revision A - Second Floor Plan (received on 08/03/2007)
 -F250/104 Revision A - Roof Plan (received on 08/03/2007)
 -F250/200 Revision A - Proposed Front Elevation (received on 08/03/2007)
 -F250/201 Revision A - Proposed Side Elevations to adjoining No. 32 (received on 08/03/2007)
 -F250/202 Revision A - Proposed Rear Elevation (received on 08/03/2007)
 -F250/203 Revision A - Proposed Side Elevation to adjoining No. 28 (received on 08/03/2007)
 F250/204 Proposed side elevation of 28
 -F250/205 Revision A - Proposed Street Elevation (received on 08/03/2007)
 -F250/206 - Proposed Street Prospective
 -F250/300 Revision A - Section A-A (received on 08/03/2007)
 -F250/301 Revision A - Section BB (received on 08/03/2007)
 -6009/001 Revision B - Site Survey

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

- (3) The bicycle-storage facility hereby approved shall be fully constructed and available for use prior to the first occupation of any of the flats and thereafter shall be maintained and shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (4) The reinstatement of the redundant crossover(s) onto Brook Avenue shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority and at the applicant's expense, prior to the occupation of any of the units hereby approved and all accesses shall remain thereafter unobstructed and available for access unless the prior written permission of the Local Planning Authority is obtained by way of a formal planning application.

Reason: To provide adequate safe servicing in the interests of the free flow of traffic and conditions of general highway safety on the estate and neighbouring highways.

- (5) Prior to the occupation of any part of the approved development all parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out in accordance with approved plans. Thereafter these areas shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so 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 highways and in the interests of pedestrian safety.

- (6) The units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority demonstrating that lifetime homes standards and a minimum of 4 wheelchair accessible units are provided within the development as shown on approved plan numbered F250/101 Rev B.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

- (7) No development shall commence unless details of materials for all external work, including samples, have been submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (8) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to first occupation of building.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iv) Screen planting along the site boundaries.
- (viii) All planting including location, species, size, density and number
- (ix) Any sustainable construction methods which are to be used.
- (x) Trees to be retained within the site.

Any trees and shrubs planted in accordance with the landscaping scheme, including those trees indicated to be retained, 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.

- (9) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.

- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The Landscape Management Plan as approved (or as amended through an agreement in writing with the Council) shall be implemented on first occupation of the development and throughout the lifetime of the development.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely.

- (10) No development shall commence unless details of all (appropriately aged) play spaces are submitted to and approved in writing by the Local Planning Authority. The approved playspace scheme shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to boundary treatments, contours and levels and planting submitted pursuant to condition 8.

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (11) Prior to the commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS5837:2005 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

- (12) Prior to the commencement of the development hereby approved a construction method statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the approved construction method statement shall be fully implemented during the construction of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the

development that would otherwise give rise to nuisance.

INFORMATIVES:

- (1) The applicant must ensure that the treatment/finishing of flank walls can be implemented, before work commences, 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.
- (2) 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.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004

Brent's Unitary Development Plan - 2004

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

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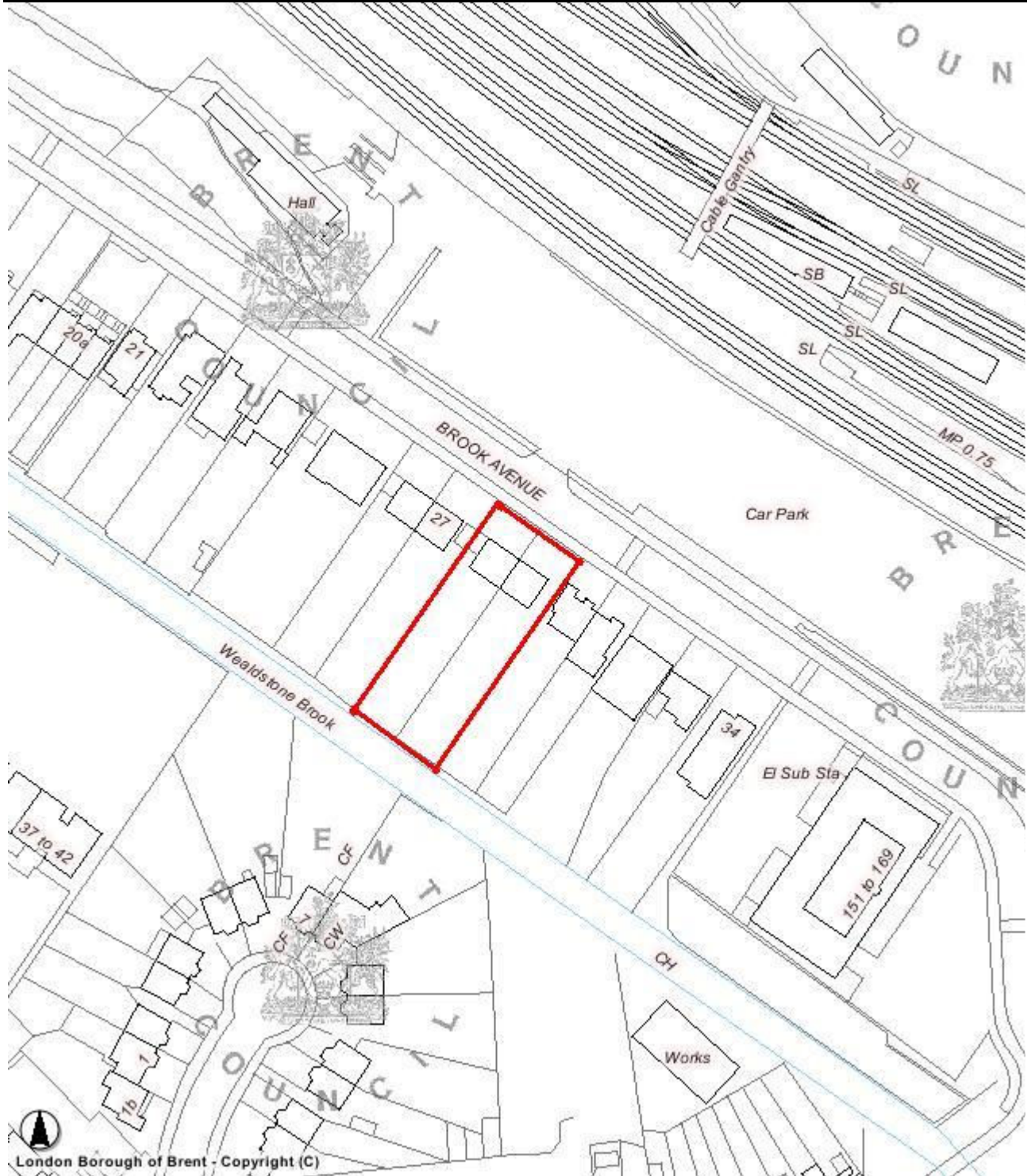
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 29-31, Brook Avenue, Wembley, HA9 8PH

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