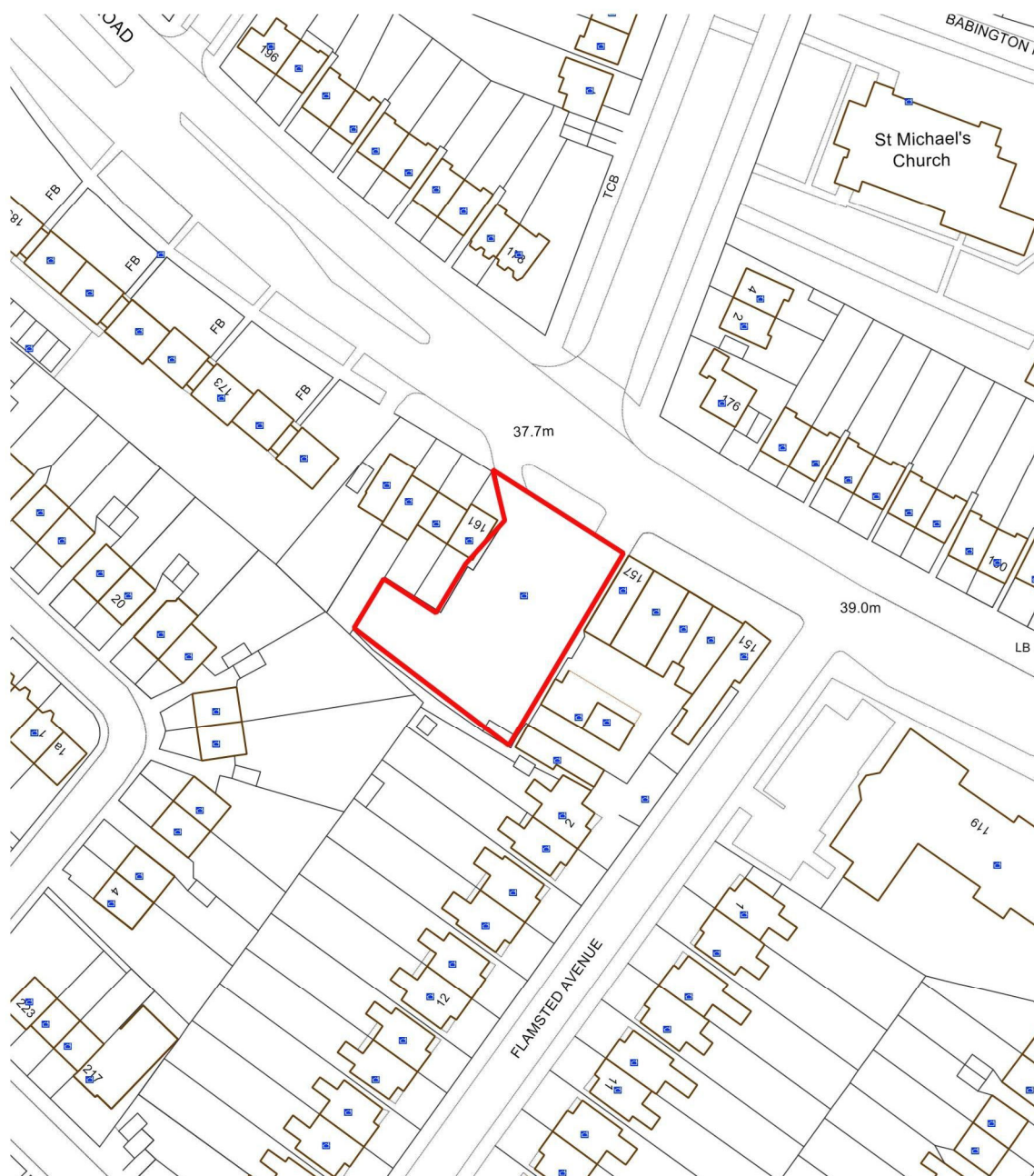
 **Planning Committee Map**
Site address: 159 Harrow Road, Wembley, HA9 6DN
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This map is indicative only.

RECEIVED: 20 September, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 159 Harrow Road, Wembley, HA9 6DN

PROPOSAL: Development comprising a new building ranging in height from 1 to 7 storeys comprising 18 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space

APPLICANT: PLCM

CONTACT:

PLAN NO'S:

247/A-01 Rev11 - Site Location Plan
247/A-10 Rev11 - Existing Basement Plan
247/A-011 Rev11 - Existing Ground Floor
247/A-90 Rev11 - Proposed Basement Plan
247/A-100 Rev11 - Proposed Ground Floor Plan
247/A-101 Rev11 - Proposed First Floor Plan
247/A-102 Rev11 - Proposed Second Floor Plan
247/A-103 Rev11 - Proposed Third Floor Plan
247/A-104 Rev11 - Proposed Fourth Floor Plan
247/A-105 Rev11 - Proposed Fifth Floor Plan
247/A-106 Rev11 - Proposed Sixth Floor Plan
247/A-107 Rev11 - Proposed Seventh Floor Plan
247/A-200 Rev11 - Harrow Road Elevation
247/A-201 Rev11 - Side Elevation
247/A-203 Rev11 - Longitudinal Section
247/A-204 Rev11 - Cross Elevation
247/A-205 Rev11 - Cross Elevation
247/A-208 Rev11 - Longitudinal Section

Planning Submission Report - November 2011 Revision 11

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:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing
- (c) A contribution of £2,400 per bedroom, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a

- minimum of 50% score is achieved and Code for Sustainable Homes level 4, 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 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.

EXISTING

This application relates to an L shaped piece of land on the South West side of Harrow Road opposite the junction with St Michael's Avenue. The site is 40 metres deep and has a frontage to Harrow Road of 22 metres widening to 36 metres at the rear where the site extends to the rear of the two storey terrace houses at 161 and 163 Harrow Road. The site is presently vacant.

The site is set between a terrace of two storey hipped roof houses with a gable feature to the front at either end to the West. To the East is a three storey pitch roof terrace of four properties with retail and commercial uses on the ground floor with residential accommodation above extending to the junction with Flamsted Avenue. On the East side of Flamsted Avenue is the three storey hipped roof Middlesex Manor Nursing Home site. The remainder of this section of Harrow Road is formed of mainly two storey housing. To the rear of the shops and flats, with access off Flamsted Avenue, is a low flat roofed part single and two storey vacant storage building, with a low flat roofed commercial building with residential accommodation above to the side of it which has a window in the rear elevation facing into the application site. The remainder of Flamsted Avenue is formed of two storey semi-detached houses. Also backing on to the application site is two storey semi detached hipped roof housing in Nettleden Avenue.

PROPOSAL

Development comprising a new building ranging in height from 1 to 7 storeys comprising 18 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space.

HISTORY

Most recent planning history:

02/0445 - Demolition of existing, redevelopment and erection of 3 storey frontage building with 3 storey rear extension both with accommodation in the mansard roof to provide 2 ground floor shops and 14 residential units (6 x 2 bedroom maisonettes, 7 x 1 bedroom flats and 1 studio flat) provision of access road from Harrow Road and formation of 12 parking spaces.

Withdrawn - 22/04/2003

03/0983 - Demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

Granted - 07/07/2003

06/1933 - Details pursuant to condition 8 (site investigation) of planning permission 03/0983, dated 7 July 2003, for demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

Refused - 10/11/2006

07/2416 - Details pursuant to condition 2 (external finishes), condition 3 (landscaping), condition 4 (vehicular access) and condition 6 (boundary treatment of Full Planning Permission reference 03/0983 dated 7 July, 2003, for Demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

Withdrawn - 05/10/2009

07/2493 - Retention of a car park to the lower ground-floor of the showroom

Withdrawn - 05/10/2009

POLICY CONSIDERATIONS

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

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

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

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

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

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

STR13 - Environmentally sensitive forms of development will be sought.

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

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP10 - Protection of Surface Water

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking
TRN35 - Transport access for disabled people & others with mobility difficulties
PS14 - Residential Parking Standards
PS15 - Parking for disabled people
PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people
SPG17 - Design Guide for New Development
SPG19 - Sustainable design, construction and pollution control
SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011

Mayor of London Supplementary Planning Guidance

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

Planning Policy Guidance and Statements

PPG13- Transportation
PPS1- Delivering Sustainable Development
PPS1 - Supplement: Planning and Climate Change
PPS22 - Renewable energy

SUSTAINABILITY ASSESSMENT

The sustainability checklist currently achieves 44%, which is under the council 's 50% requirement. The applicant has however signed up to achieving 50% in the S106 agreement.

The applicant has made a commitment to achieving Code Level 4 on the Government's Code for Sustainable Homes. This will be achieved by:

- The Target Emissions Rate under the national building regulations will be reduced by 44% or a factor of .56.
- All relevant areas of the development should comply with the design backstops set out in the Energy Efficiency guidance for Level 4.
- Provision will be made to limit the effects of internal temperature rises in summer caused by excessive solar gain.
- The quality of construction and commissioning will meet the requirements set out in the Energy Efficiency guidance for Level 4
- Residents will be provided with clear and simple instructions regarding the efficient running and maintenance of the dwellings.

While this commitment is welcomed little detail has been provided as to how these criteria will be met. The requirement to achieve Code Level 4 in Brent's growth areas (which this site is) is now an adopted policy in the Council's Core Strategy. Further details will need to be provided at pre-construction stage, demonstrating how these policies have been met, including a revised TP6 checklist and an energy options assessment.

In order to meet Council policy the s106 agreement will require that no later than one month prior to a material start being made a sustainability strategy demonstrating how the measures above and others listed in the Sustainability Development Checklist (TP6 form) submitted with application are integrated into the scheme. The development shall not commence until the sustainability strategy has been approved by the Council.

A BRE sustainable assessment must also be submitted prior to commencement demonstrating that the development will be constructed to achieve a Code for Sustainable Homes level 4 rating. Prior to first occupation of the development a review by a BRE approved independent body (appointed at the developer's expense) shall be undertaken to see whether or not the measures set out in the sustainability strategy and Code Level 4 have been achieved. Failure to have achieved any of the measures and/or a Code Level rating will require mitigatory measure or compensation to be used by the Council towards the provision of sustainability measures on other site within the Borough.

CONSULTATION

Neighbours/Local Consultees

Standard three week consultation period carried out between 13 Oct 2011 and 4 Nov 2011 in which 116 properties and ward councillors were notified. Notices have also been posted outside the site and within the local press.

8 letters of objection have been received raising the following issues:

- Height of the building is not in keeping with the area of 2 and 3 storey houses and flats
- The site is not within the regeneration area and should not exceed 3 storeys
- Inadequate play areas for 20 family dwellings on a small site
- Entrance to the site at this point on Harrow Road would worsen highway safety
- Development will increase the population by at least 50 persons and diminish peace currently enjoyed by immediate neighbours
- Traffic from existing nursing home is already a problem. New development will aggravate this and leave no space for existing residents and guests parking
- Loss of privacy to properties in Flamsted Avenue
- Previous digging for houses has adversely affected Flamsted Avenue properties. How will these properties be protected?
- Loss of sunlight to neighbouring properties garden and property due to the size and height of the building.

It should be noted that the previous application for this site which was of a similar scale to the current application but of a different design attracted 40 letters of objection and a 5 signature petition objection to the proposal. This application was withdrawn earlier this year following concerns from officers about the design approach.

Consultees

Environmental Health - No objections subject to condition regarding remediation.

Transportation - No objection.

REMARKS

Principle of development

The principle of the redevelopment of the site for a residential use has been confirmed through a previous planning application (ref: 03/0983) which granted consent for 14 self-contained residential

units on the basis that the site is surrounded by predominantly residential uses. No significant policy changes have occurred since this time which would alter this position.

Background

A fuller description of the previously approved scheme is provided in order to assist with a comparison between the existing scheme. The previous proposal involved the erection of a part 3 storey, part 4 storey, part 6 storey building which adjoined the existing parade. A modern design approach was adopted with a mixture of brick finish and render and a flat roof. The main feature of the scheme was a central curved feature which comprised the tallest section of the building and reached 6 storeys. Either side of this feature, lower elements were provided in order to provide a stepped appearance within the street scene. A smaller, narrower rear element projected into the rear garden of the site however this was set away significantly from side boundaries. Access to the site and to the basement parking area was provided between the proposed building and 161 Harrow Road. This same arrangement is proposed in the current scheme.

Density

Density: The proposed density has been calculated to be 153 units per hectare and 450 habitable rooms per hectare. The site is situated within a predominantly urban context being within 800m of a district centre and situated on a main arterial route ranging between 2 and 4 storeys. It is however noted that immediately to the south of the site, the character of the area changes to a more suburban context however as the majority of units are situated on the front section of the site, it is considered more appropriate to assess the scheme against the urban criteria as defined within The London Plan. This criteria suggests an appropriate density for a location with a PTAL rating of 3 as being between 45-120 units per hectare and between 200-450 habitable rooms per hectare. The scheme significantly exceeds the unit density and is on the upper limit of habitable room density. Both of these recommended guidelines which seeks to locate higher densities in locations where there is good access to public transport. However it should be noted that density is only one calculation for assessing a scheme and should be considered in conjunction with layout, scale, bulk and massing. Mayoral guidance relating to density suggests that such levels can be exceeded where a good degree of *liveability* is offered. Such factors to assess *liveability* include proposed housing mix, design and quality of the scheme, amenity space provision, access to services, sustainable design and construction, levels of car parking and contribution to local place shaping. On the basis of this guidance, the proposed density is assessed in conjunction with these factors in order to ascertain whether the proposal is of a suitable standard to justify a higher density. These considerations will be principally discussed under the headings Massing, Scale and Design, Quality of Accommodation and Access, Parking and Servicing.

Massing, Scale and Design

The scheme proposes one L-shaped building. The main side elevation which would be visible within the street scene when approaching the side on the Harrow Road from Wembley Town Centre is broken down into three stepped elements which gradually decrease the height of the building to a single storey element which connects the main frontage building with a three storey rear element which again falls in height as it extends to meet the rear boundary of the site.

The revised design approach from the previous application is welcomed and considered an improvement. While the tallest element of the scheme is a storey higher than the previously consented scheme it is only one metre higher due to lower floor to ceiling heights in this current scheme. The revised design approach is considered acceptable and the slight additional height can be supported.

Previous concerns about the massing of the building and its relationship to the adjoining parade, the flats above it and properties in Flamstead Avenue are considered to have been addressed. However concerns remain in relation to the side of the building facing the neighbouring property at

161 Harrow Road.

Whilst the applicants have worked to amend the scheme to reduce the bulk and massing of the side elevation which is highly prominent when approach the site from Wembley Town Centre along Harrow Road, the increase in bulk relative to the previously consented scheme remains a concern as it is in closer proximity with 161 Harrow Road.

While many of the concerns with the previous schemes design approach have been addressed the considerable bulk and massing of that part of the building located to the rear of the main tower would appear overly dominant in its relationship to 161 Harrow Road and in views from Harrow Road as the site is approached from Wembley

Impact on neighbouring residential amenity

Considerable efforts have been undertaken by the applicants to improve the footprint and scale of buildings proposed on the rear part of the site in order to ensure a satisfactory relationship with neighbouring gardens which abut the rear of the site in addition to ensuring a subordinate approach relative to the main frontage development. Whilst the amendments made have secured a better scale at the rear part of the site, these efforts have been at the expense of the central element of the scheme located behind the main tower. It should also be noted that the building is closer to the boundary of the site shared with 161 Harrow Road as well as being taller. As a result, elements of the building would breach the 45 degree line taken from this site boundary resulting in overshadowing of the rear garden of this property. The scheme includes habroom windows along this flank wall that could raise concerns about overlooking of 161 Harrow Road but as they are secondary windows they could obscurely glazed.

In terms of the relationship with the adjoining parade, the proposal has been staggered in order to mitigate the impact on habitable room windows within the rear elevation of the parade. The initial portion of the building which reaches 5 storeys in height, projects 1.5m beyond the rear windows within the existing parade whilst the 6 storey element is separated from the boundary shared with this property by 4m. This element is also considerably less deep than the 4 storey element proposed in the previously consented scheme. Whilst the 1.5m projection is a deeper relationship for a 5 storey element than was agreed in the previously consented scheme, this is considered to have a reasonable relationship with habitable room windows within the existing parade as these are set away from the boundary at both first and second floor levels. Moreover, the impact of this projection is considered to be outweighed by the benefit of reducing the depth of the rear element in comparison with the previous scheme. On this basis, the proposal is considered to have a reasonable relationship with these adjoining neighbours.

The remainder of the eastern side boundary is flanked by commercial buildings with the exception of 2B Flamsted Avenue which has a main habitable room window within its rear elevation and is immediately adjacent to the eastern boundary of the site. Unit 4 has however been designed to consider this window with no primary habitable room windows being situated on upper levels within the rear elevation thereby safeguarding the privacy of the existing occupants of this property and future occupants of the proposed development.

Finally, in considering the impact of the proposal on the residential gardens to the south of the site, the rear portion of the building has been reduced and no longer breaches the 45 degree line taken from 2m above the garden level of the nearest neighbour. This test is advocated by SPG17 in order that new developments achieve a satisfactory scale in comparison with neighbouring properties.

Quality of Accommodation

Unit Size: Many of units meet or exceed recommended unit sizes set out within SPG17 and the more generous areas set out in the Mayor's Housing Design Guide. However the proposed five

3-bed five person units all fall significantly short of the minimum standard.

Light and outlook: All units are afforded adequate light and outlook onto the public realm of Harrow Road, communal amenity areas within the site or private gardens in the case of the ground floor units. Unit 01 which is on the ground floor, in close proximity with Harrow Road is dual-aspect with bedrooms being afforded outlook onto a rear garden. Whilst one of the bedrooms in this unit would be immediately adjacent to a four storey element of the building, the width of the window together with the outlook provided onto a private garden area for this unit is considered to offset any potential overshadowing impact.

Privacy: All windows in close proximity with the public realm or pathways within the scheme are afforded a privacy buffer to provide a degree of separation from public areas. This is consistent with the approach taken for similar residential schemes. The scheme has, on the whole, been designed to provide 10m between primary habitable room windows and boundaries where there is a direct view into neighbouring gardens. The only exception to this is the habitable room windows serving the main living accommodation of units 6, 9, 12 and 15 on the first-fourth floors of the building which are 4.5m from the boundary with number 161 Harrow Road and would be afforded a view into the private amenity space belonging to this property. This distance significantly fails the 10m distance recommended by SPG17 which is required to safeguard privacy. Whilst it is likely that this issue could be addressed through redesigning the fenestration to provide main windows within the rear elevation and only secondary, obscure glazing in the side elevation, the proposal as it stands would result in a loss of privacy to the amenities currently enjoyed by this neighbour which is sufficiently harmful to warrant a refusal of this application.

External amenity space: apart from the three one bed units, all are provided some form of private amenity space with private gardens provided for ground floor units, private balconies provided the majority of upper floor units and communal amenity space which would be used by all occupants. The remaining units have adequate levels of amenity space to meet the SPG17 requirement.

Cycle storage: Cycle storage is provided within a dedicated store within the proposed basement. This can be accessed directly from the ground floor of the building. One space is provided per unit which meets UDP standards.

Refuse storage: Refuse storage is provided on the ground floor of the building within a dedicated store. This arrangement, together with the proposed collection of waste from servicing vehicles is currently being reviewed by Streetcare and Transportation. Responses will be reported within the supplementary.

Summary: Whilst the scheme displays many positive features in respect of the quality of accommodation available for future occupants, issues relating to the positioning and proximity of upper floor habitable room windows from the boundary of 161 Harrow Road and its private amenity space together with a lack of space on site for dedicated play space result in a failure to satisfy all development plan policies and attracts a recommendation for refusal on these grounds.

Landscaping

The ground floor plan shows areas with indicative soft landscaping on the site frontage to provide a setting for the building together with soft landscaping in all private amenity areas and the communal amenity space. The indicative layout demonstrates there is sufficient potential for landscaping to positively contribute to the public realm in accordance with policy BE6 of Brent's Unitary Development Plan 2004. A detailed landscaping proposal would be secured by condition, prior to the commencement of works on site which is the standard approach in the event that a scheme could be considered favourably.

Access, Parking and Servicing

The access to the site remains consistent with the previously approved scheme. 14 parking spaces are proposed within a basement car parking including 2 disabled spaces. The parking provision and access and servicing arrangements are currently being reviewed by Transportation Officers. Comments from these officers will be reported within a Supplementary Report to the committee.

Environmental Issues

The previous use of the site as a petrol filling station results in a high risk of contamination with a more vulnerable use being proposed as a replacement. As a result, Environmental Health officers have assessed the Remedial Contamination Strategy submitted by the applicants. Officers are satisfied that the remediation measures proposed are adequate for the proposed use of the site.

Conclusion

Whilst the applicants have demonstrated a willingness to engage with officers to continually improve the scheme throughout the application process, it is your officers view that the proposal remains out of scale with the area by virtue of its excessive height, bulk and massing and failure to break this down sufficiently to preserve the character of the street scene. Issues regarding safeguarding privacy for neighbouring properties and achieving a satisfactory relationship with neighbouring gardens also remain unresolved. These factors, together with a deficiency in play space do not provide a sufficient standard of *liveability* to justify the higher density within this location. The proposal therefore fails to accord fully with the development plan and is accordingly recommended for **refusal**.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development because of its height and massing in relation to the adjoining property at 161 Harrow Road would have a overbearing relationship to this property and its rear amenity space and as result of the windows located along the elevation facing toward 161 Harrow Road would result in an unsusceptible degree of overlooking and loss of privacy to this property to the detriment of the residential amenity enjoyed by the occupiers and contrary to policy BE9 of Brent's Unitary Development Plan and its Supplementary Planning Guidance 17 - Design Guide for New Development.

INFORMATIVES:

None Specified

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