



Planning Committee

Wednesday 11 August 2021 at 6.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note that this meeting will be held as a socially distanced physical meeting with all members of the Committee required to attend in person.

Guidance on the safe delivery of face-to-face meetings is included at the end of the agenda frontsheet.

Due to current restrictions and limits on the socially distanced venue capacity, any press and public wishing to attend this meeting are encouraged to do so via the live webcast. The link to attend the meeting will be made available [here](#).

Membership:

Members

Councillors:

Kelcher (Chair)
Johnson (Vice-Chair)
S Butt
Chappell
Dixon
Kennelly
Donnelly-Jackson
Maurice

Substitute Members

Councillors:

Ahmed, Akram, Dar, Ethapemi, Kabir, Lo,
Sangani and Shahzad

Councillors

Colwill and Kansagra

For further information contact: Craig Player, Governance Officer
craig.player@brent.gov.uk; 020 8937 2082

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

The members' virtual briefing will take place at 12.00pm.

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting		1 - 12
APPLICATIONS FOR DECISION		
3. 21/1064 - 1 Draycott Avenue, Harrow, HA3 0BW	Kenton	17 - 40
4. 19/3571 - Street Record, Malvern Mews, London	Kilburn	41 - 50
5. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 8 September 2021

Guidance on the delivery of safe meetings at The Drum, Brent Civic Centre

- We have revised the capacities and floor plans for event spaces to ensure they are Covid-19 compliant and meet the 2m social distancing guidelines.
- Attendees will need to keep a distance of 2m apart at all times.
- Signage and reminders, including floor markers for social distancing and one-way flow systems are present throughout The Drum and need to be followed.
- Please note the Civic Centre visitor lifts will have reduced capacity to help with social distancing.
- The use of face coverings is encouraged with hand sanitiser dispensers located at the main entrance to The Drum and within each meeting room.
- Those attending meetings are asked to scan the coronavirus NHS QR code for The Drum upon entry. Posters of the QR code are located in front of the main Drum entrance and outside each boardroom.
- Although not required, should anyone attending wish to do book a lateral flow test in advance these are also available at the Civic Centre and can be booked via the following link: <https://www.brent.gov.uk/your-community/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 21 July 2021 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice-Chair) and Councillors S Butt, Chappell, Dixon, Donnelly-Jackson and Maurice

Apologies for absence were received from Councillor Kennelly

1. Declarations of interests

Councillor Kelcher declared a non-pecuniary interest in item 5 due to previous political campaigning undertaken in relation to an Adult Gaming Centre in Willesden Green ward.

APPROACHES:

51-55 High Road, London, NW10 2SU

- Councillors Chappell, Donnelly-Jackson and Johnson declared that they had received approaches from the applicant.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 16 June 2021 be approved as an accurate record of the meeting.

3. 20/1310 - 33A, 33-35 and St George Hotel, 43-51 Wembley Hill Road, Wembley, HA9

PROPOSAL:

Demolition of former AIB building and erection of a part 5, part 6 storey building with a 2 storey basement level for use as hotel and retail unit and additional storey extension to St. George's Hotel

RECOMMENDATION:

Resolve to grant planning permission subject to completion of a legal agreement to secure the planning obligations as set out in the report.

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That the Head of Planning and Development, or other duly authorised person, is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that they are satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Denis Toomey, Principal Planning Officer, introduced the report, set out the key issues and answered members' questions. The Principal Planning Officer advised that the proposal was seeking to demolish the two storey building occupying the southern portion of the site and replace it with a new part five and part six storey development, to be built as an extension to St. George's Hotel.

Fabi Marini, objector, raised several concerns including:

- The disruption and noise during demolition and construction was deemed unacceptable. It was claimed that during previous construction on the site, vibrations caused damage to several properties on Mostyn Avenue.
- Pollution and fine particle dust would have a negative effect on residents' wellbeing, especially children.
- Windows were open more often during the summer and because of the pandemic, and as such noise would be difficult to mitigate. There would also be a significant loss of light for neighbouring properties.
- During event days in Wembley, it was feared that hotel guests would congregate in and around the hotel and demonstrate anti-social behaviour.
- Further traffic would be generated by the development and it was feared that many of the parking spaces on Mostyn Avenue would be taken up by machinery and that the bus stop would be relocated.

In response to questions from members, Fabi Marini made the following points:

- Earlier comments regarding previous construction related to when the existing hotel, St. George's Hotel, was built.

Oliver Coleman, the agent, then addressed the Committee on several matters including:

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- The proposal would replace a redundant building which had been vacant for six years, to enable to expansion of the existing hotel which had contributed to the area for 5 years.
- The proposal had been designed to respond to its context, serving as a transition between built forms. The transitioning meant that there would be no material impact on the daylight, sunlight and overshadowing of neighbouring properties.
- The building would be a masonry construction, responding to the character of the area and the safest material for fire safety. The hotel would improve accessibility for users and would provide 10% wheelchair accessible rooms.
- The hotel would encourage sustainable travel to the site, served by public transport and cycle storage facilities for staff and visitors.
- There had not been demand for coach bookings thus far and it was envisioned that this would stay the same. Should the situation change, the applicant would be required to agree a coach management plan.
- The proposal would achieve a BREEAM rating of Excellent and achieve a net-zero carbon rating. Measures would also be in place to reduce water runoff rates.
- The applicant was required to agree a pre-commencement construction plan which would mitigate against any disturbance to neighbouring properties.

In response to questions from members, Oliver Coleman made the following points:

- The development would support local employment. It was likely that the applicant would be looking to offer apprenticeships locally, however this had not been confirmed.
- The commercial space would be let at the market rate and the onsite leisure facilities would be for hotel guests only.
- A public consultation on the proposals had been held. There had been a letter drop to all nearby residents and two events that had low turnouts. There was also a monitored email address that local residents were encouraged to contact with queries.

In the ensuing discussion, members raised several issues including the relationship with neighbouring properties, transport, accessibility, parking and employment and skills. Officers then clarified a number of key points including:

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- A Basement Impact Assessment had been submitted. The distance from the basement to nearby Network Rail land was beyond the distance required for consultation. The construction of the basement would be monitored by setting monitor movement targets on adjoining properties and structures.
- The proposal would provide a servicing bay to the rear which would be located adjacent to the Mostyn Avenue entrance. A Delivery and Servicing Management Plan was submitted which highlighted that delivery vehicle routing would access the site from Mostyn Avenue and exit the site from Linden Avenue. All servicing and delivery vehicles will be lower than 2.4m height and it was anticipated that the vast majority of deliveries would be undertaken by small to medium sized vehicles.
- The proposal would provide six wheelchair accessible rooms. The existing hotel space had five wheelchair accessible rooms leading to an overall provision of 11 wheelchair accessible rooms out of 112.
- The site was located within a Controlled Parking Zone (CPZ) which was in operation from Monday to Saturday from 8am to 9pm. Parking in Linden Avenue and Mostyn Avenue was generally restricted to residents' permit holders only. Visitors and guests to the hotel would be encouraged to use public transport when travelling to and from the hotel. Overall parking provision was considered to be sufficient.
- The proposal did not fall within the policy basis of an Employment and Training Plan and as such the use of apprenticeships could not be conditioned. However, conversations could be facilitated between the applicant and the Council's Employment Team.
- The proposal would result in a low number of additional trips by all modes, however the estimated increases would not result in any noticeable or significant changes to the local highway and public transport networks.
- The applicant would have the opportunity to apply for business permits for the CPZ but due to the cost of such a permit they were unlikely to do so. The applicant would not have the opportunity to apply for visitor permits for the CPZ.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

DECISION: Granted planning permission subject to the prior completion of a S106 legal agreement and the conditions and informatives as set out in the report.

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(Voting on the recommendation was as follows: For 7, Against 0)

4. 21/0470 - 249-289 Cricklewood Broadway and 32-56 and 60-74 Hassop Road, London, NW2 6NX

PROPOSAL:

Retention and refurbishment of buildings at 42-56 Hassop Road, demolition of buildings at 32-40 and 60-74 Hassop Road and replacement with 3 storey building accommodating 2,679 sqm of floorspace (Use Class E) and 8 self-contained flats, refurbishment of ground floor retail at 249-289 Cricklewood Broadway including creation of retail arcade between Cricklewood Broadway and Hassop Road, change of use of 1st floor of 249-283 Cricklewood Broadway and creation of 2 to 3 additional storeys above 249-289 Cricklewood Broadway accommodating a 157 unit co-living scheme and ancillary facilities including laundries, cinema, shared living/kitchen/dining rooms, storage and shared workspace and new facade to front and rear of 249-289 Cricklewood Broadway.

RECOMMENDATION:

To resolve to grant planning permission subject to the prior completion of a legal agreement to secure the planning obligations as set out in the report.

That the Head of Planning is delegated authority to negotiate the legal agreement as set out in the report.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out in the report.

That the Head of Planning and Development, or other duly authorised person, is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that they are satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

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Sean Newton, Principal Planning Officer, introduced the report, set out the key issues and answered members' questions. The Principal Planning Officer advised that the two existing floors of the Cricklewood Broadway building would be refurbished, with the ground floor retained in retail use and the first floor converted to shared living/co-working accommodation. The building would be extended upwards by three additional floors, each providing additional co-living accommodation. An arcade would be provided, linking Cricklewood Broadway to Hassop Road, and will have shops on its southern side, and some ancillary accommodation for the co-living units (gym and concierge) on its northern side. The Hassop Road building would involve the refurbishment of Nos.42-56 and its upward extension by an additional floor, and the redevelopment of 32-40 and 60-74 Hassop Road to provide a three-storey building.

Mark Pender, the agent, then addressed the Committee on several matters including:

- Since the proposal was first discussed with officers in 2020, the applicant had undertaken a member presentation and a pre-submission Q&A event with the local community. Following submission, the Council consulted over 400 properties and just three objections had been received.
- Of the proposed flats, just over 37% would be family sized and 50% would be London Affordable Rent. This would comprise all of the 3 beds and 1x2 beds. A financial contribution towards affordable housing of £704k would also be made, as well as a Community Infrastructure Levy (CIL) payment of £1.715 million.
- The building fronting Cricklewood Broadway would accommodate refurbished retail, entrances to the co-living above and a new arcade at ground level as well as 147 co-living scheme including communal facilities such as working spaces, kitchens, lounges, a gym and a cinema.
- The co-living accommodation would be marketed to graduates and young professionals currently living in Brent or looking to move to Brent.
- The proposed development would be affordable with the medium income currently spent on rent in local area being £250 more than the inclusive rent in the proposal.
- The physical and social improvements to Hassop Road would be significant with the removal of many unneighbourly uses and anti-social behaviour.

In response to questions from members, Mark Pender made the following points:

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- The co-living scheme would provide for basic private kitchen facilities, as well as shared living/kitchen/dining rooms. They would also accommodate ancillary facilities such as laundries, cinema, storage and shared workspaces.
- The average amenity space in the proposal would be higher than the recently approved 1 Burnt Oak (ref: 20/1163) development. All units would have access to outdoor amenity space. winter gardens would be used on the first floor for noise mitigation purposes. As other floors would be set back from the main façade there would be no need for noise mitigation measures.
- 37% of the flats would be family sized units. However, it had not been viable to include children's play provision on site.

In the ensuing discussion, members raised several issues including heritage assets, viability and affordable housing and neighbour impact. Officers then clarified a number of key points including:

- Although Cricklewood Broadway lied along the probable line of Watling Street, a Roman Road, it lied outside of the Area of Special Archaeological Interest directly to the south. Should any significant archaeological findings be uncovered during construction, an archaeological survey would be undertaken to determine the next steps.
- 50% of the proposed residential units would be at London Affordable Rent, and an additional financial contribution towards affordable housing of £704k had been proposed.
- No formal response had been received from London Borough of Barnet or those living within the Railway Terraces Cricklewood Conservation Area. The proposed alterations were considered to be appropriate and would preserve the character of the building and the appearance of the conservation area.
- Public realm improvements between the two buildings were proposed to make the street more pedestrian friendly. This would be achieved through the provision of a shared service, the planting of trees, the removal of ad hoc parking and their replacement with dedicated parking and loading bays, and cycle parking.
- A financial viability appraisal had been submitted with the application, which indicated that the affordable housing offer would be the maximum reasonable amount.

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With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

DECISION: Granted planning permission subject to the prior completion of a S106 legal agreement and the conditions and informatives as set out in the report.

(Voting on the recommendation was as follows: For 6, Against 1)

5. **21/0579 - 51-55 High Road, London, NW10 2SU**

PROPOSAL:

Subdivision and change of use from betting shop (Use Class Sui Generis) to adult gaming centre (Use Class Sui Generis) and commercial unit (Use Class E) and alteration to shopfront.

RECOMMENDATION:

Resolve to grant planning permission.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out in the report.

At this point in the proceedings Councillor Kelcher advised that he would leave the meeting due to a previously declared non-pecuniary interest in the application. Councillor Johnson, as Vice-Chair, took over as Chair for the remainder of the meeting.

Andrew Neidhardt, Deputy Team Leader South, introduced the report, set out the key issues and answered members' questions. The Deputy Team Leader South advised that the application had been presented to Committee due to the amount of objections received.

In reference to the supplementary report, the Deputy Team Leader South drew members' attention to the following points:

- Since the publication of the main report the applicant had requested that the opening hours be reconsidered to a midnight closure throughout the week.

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Officers continued to consider that the opening hours recommended in the condition were appropriate.

Sam Elliot, the agent, then addressed the Committee on several matters including:

- The site had been vacant since September 2019, having previously been used as a betting shop. The proposal sought to subdivide the betting shop use and provide an E class and Adult Gaming Centre (AGC) with minor external changes proposed to the established shopfront character.
- It had been confirmed that the principal of the AGC use would fully adhere to local and national policy requirements and, in combination with its additional class E use, would have numerous other benefits.
- AGCs generally catered for post shift workers and were not generally noisy. The applicant would not allow Foxed Odds Betting Terminals, would not serve alcohol, operated a 'Think 25' entrance policy and was bound by licensing measures that sought to control anti-social behaviour.
- Flexibility in opening hours would be essential to cater for the primary client base. The application was supported by a full noise assessment which confirmed that 24-hour opening would be acceptable.
- The limited hours as proposed (10pm closure from Sunday to Thursday) were not reflective of the surrounding commercial character and would unnecessarily restrict the applicants operating model.

In response to questions from members, Sam Elliot made the following points:

- Six staff were generally employed by the applicant in its AGCs. The amount of staff at the commercial unit would be determined by the occupier.
- The AGC operated a 'Think 25' entrance policy and would not allow entrance to those under the influence of alcohol. Alcohol would also not be sold on the premises, and guests would not be permitted to bring alcohol into the venue.
- The AGC would not offer Fixed Odds Betting Terminals, and those machines in the venue would offer low stakes ranging from 10p to a maximum of £2.

In the ensuing discussion, members raised several issues including character and appearance, principle of development and neighbouring amenity and noise. Officers then clarified a number of key points including:

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- It was considered that opening times of 8am to 10pm Sunday to Thursday and 8am to midnight Friday and Saturday would be appropriate given the proximity to nearby homes, the immediate surrounding context of later opening hours, the relatively busy high street location and when considering the operation measures in place to limit excessive disturbance from the users of the ACG and to combat anti-social behaviour.
- A similar application had recently been rejected under delegated powers. This was rejected because there was an over-concentration of AGCs in close proximity to the proposal.
- The current occupation of Willesden Town Centre's primary and secondary frontage by ACGs, pawnbrokers, or pay day loan shops was 0.8%. This would rise to 1.6% if the application were to be granted. This did not exceed the policy limit of 3% for these uses.
- The signage would retain the existing features of the façade. The surrounding area was of commercial uses at ground floor with a variety of colourful fascia designs including those with black as a predominant colour. Therefore, the development visual corresponds to the locality and was not considered to clutter the shopfront.
- The relevant licensing had various separate conditions including CCTV installation, an incident log of the premises recording all crimes reported to the venue, any complaints received regarding crime and disorder, any incidents of disorder, any faults in the CCTV system, any visit by a relevant authority or emergency service and details of any person(s) banned from the premises. Signs would be displayed alerting customers of no alcohol, no smoking, no persons under 18 and that persons would be prosecuted for causing criminal damage all of which would be visible from the exterior of the premises.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

DECISION: Granted planning permission subject to the conditions and informatives as set out in the report.

(Voting on the recommendation was as follows: For 7, Against 0)

6. Any Other Urgent Business

None.

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The meeting closed at 7.50pm

COUNCILLOR KELCHER
Chair

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APPLICATIONS FOR DECISION

Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by **Highways Legislation**.
 - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the **Party Wall Act**.
 - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

Provision of infrastructure

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
 - roads and other transport facilities;
 - schools and other educational facilities;
 - parks, open space, and sporting and recreational facilities;
 - community & cultural infrastructure;
 - medical facilities;
 - renewable energy and sustainability infrastructure; and
 - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major

new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

Further information

19. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

Public speaking

20. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

Recommendation

21. The Committee to take any decisions recommended in the attached report(s).

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

11 August, 2021
03
21/1064

SITE INFORMATION

RECEIVED	23 March, 2021
WARD	Kenton
PLANNING AREA	
LOCATION	1 Draycott Avenue, Harrow, HA3 0BW
PROPOSAL	Demolition of existing detached dwellinghouse and erection of a part four storey, part three storey part 2-storey apartment block providing 9 x self contained flats with associated car parking and cycle storage, refuse storage, amenity space and landscaping.
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "21/1064" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Three year rule
2. Approved plans
3. Restriction of PD rights to change to C4 use
4. Tree Protection
5. Obscure Glazing
6. Car Park Layout
7. Highways Works
8. Construction Method Statement
9. Construction Logistics Plan
10. Details of Piling
11. Materials
12. Landscaping


Informatives

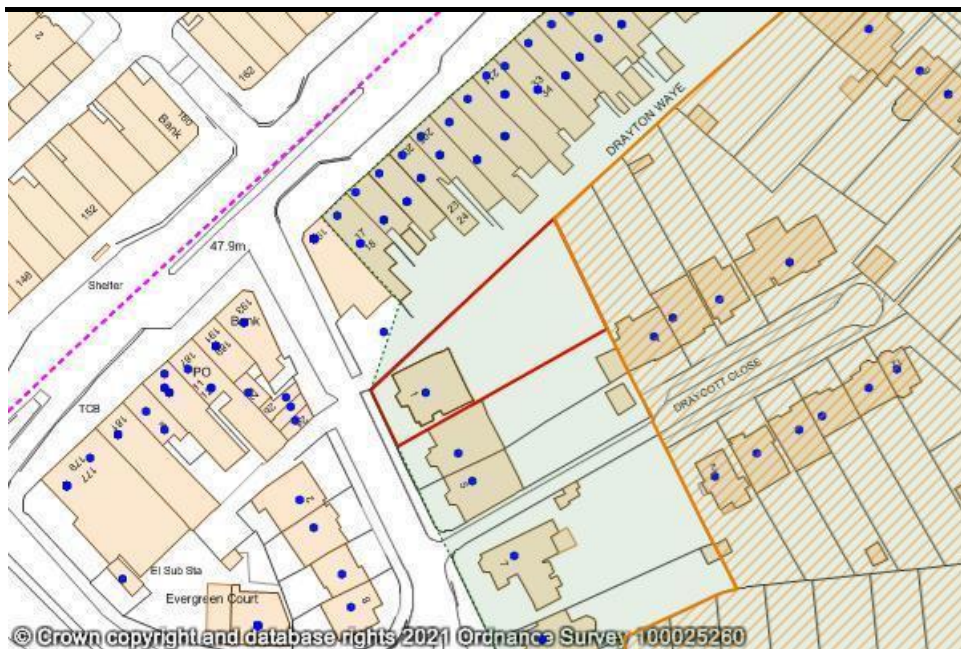
1. CIL liability
2. Party Wall
3. Asbestos
4. Vehicle Crossover
5. State of Highway
6. Fire Safety Standards
7. Living Wage
8. Noisy Works
9. Fire strategies

1. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

2. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP

	Planning Committee Map
	Site address: 1 Draycott Avenue, Harrow, HA3 0BW
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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of existing detached dwellinghouse and erection of a part four storey, part three storey and part two-storey building providing 9 x self contained flats with associated car parking and cycle storage, refuse storage, amenity space and landscaping.

The proposal as submitted was identical to a scheme approved in 2019 (ref:19/0256) which itself was a minor amendment to a scheme approved in 2016 (ref: 16/0730) (parent scheme). As this scheme has not been implemented within three year time period, the consent has now expired. Nevertheless, it does form part of the material considerations of the current application, as discussed within the main body of the report below.

EXISTING

The application site is a two storey detached dwellinghouse on the east side of Draycott Avenue. The site is adjacent to Kenton Town Centre and its primary shopping parade to the northwest and abuts the Northwick Circle Conservation Area to the east.

Draycott Avenue itself is predominantly residential consisting of two storey suburban properties. The height increases to 3 storeys along Kenton Road. Draycott Avenue slopes upwards away from Kenton Road. The application site is a two storey detached dwellinghouse on the east side of Draycott Avenue. The site is adjacent to Kenton Town Centre and its primary shopping parade to the northwest and abuts the Northwick Circle Conservation Area to the east.

Draycott Avenue itself is predominantly residential consisting of two storey suburban properties. The height increases to 3 storeys along Kenton Road. Draycott Avenue slopes upwards away from Kenton Road.

AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- Clarification to drawings to show 30, 45 and 25 degree lines
- Confirmation of accessibility of main entrance and M4(2) compliance of units
- Alterations to north side elevation to add contrast bricks and windows
- Alterations to internal layouts of unit 02 to provide access to rear amenity through corridor rather than bedroom
- Improvements to layout of rear amenity space to improve practicality and provide defensible space to rear of unit 02

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

Representations Received: Representations were received from the owners/occupiers of neighbouring properties in response to the consultation. These are set out above and addressed in the report where relevant.

Principle of Development: The proposal would provide new homes in a residential area. The principle of residential development is supported in this location.

Highway impacts: Transport officers have assessed the scheme and advised that the proposal is acceptable. It is not considered to result in a material impact upon the local highway network.

Residential amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking.

Design and appearance: The design of the proposed building is considered to make a positive contribution to the street and would not result in harmful impact on the character and appearance of the local area.

Trees and landscaping: Landscaping has been amended to provide a more practical layout with beneficial soft landscaping. Replacement trees are to be secured at the rear of the site to ensure an acceptable appearance.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
19/0256	Variation of condition 2 (development built in accordance with approved plans) to allow: 1. Removal of basement car parking 2. Revised car parking, bin and bicycle storage 3. Additional massing to third floor 4. Removal of stepped elevation to rear (beside No.3 Draycott Ave) and minor associated amendments of Full Planning Permission reference 16/0730 dated 26 October, 2016, for Demolition of existing detached dwellinghouse and erection of a part four storey, part three storey part 2-storey apartment block providing 1 x 3 bed; 5 x 2 bed and 3 x 1 bed self contained flats with associated basement level car and cycle parking, refuse storage, amenity space and landscaping	GRANTED	05/04/2019
16/0730	Demolition of existing detached dwellinghouse and erection of a part four storey, part three storey part 2-storey apartment block providing 1 x 3 bed; 5 x 2 bed and 3 x 1 bed self contained flats with associated basement level car and cycle parking, refuse storage, amenity space and landscaping	GRANTED	26/10/2016

CONSULTATIONS

Public Consultation

113 Neighbours Consulted

16 objections were received from 11 individual addresses and an objection petition was received with 52 signatures. These are summarised as follows:

Objection	Response
Residential amenity concerns	
Loss of privacy	Addressed in paragraphs 37-42

Impact on right to light	The legal right to light is not a material consideration. However, the impacts of the development on neighbouring daylight and sunlight have been found acceptable and are assessed in paragraphs 29-36
Loss of light	Addressed in paragraphs 29-36
Tenants would have access to neighbouring site via their side windows	Side windows would be conditioned to be obscure glazed and non-opening
Noise impacts as a result of balconies	Addressed in paragraphs 37-42
Balconies and roof terraces would result in loss of privacy	Addressed in paragraphs 37-42
Side windows will look onto neighbouring properties when opened	Side windows would be conditioned to be obscure glazed and non-opening
Impact on safety and mental health of neighbouring occupiers / It would violate human rights	These concerns are noted. Whilst human rights are not directly referred to in the report, the planning process has assessed the impacts of development on residential amenity in accordance with planning policy and found to be acceptable. Individual circumstances including physical or mental health are not a material planning consideration.
The cladding would be a fire hazard	The applicant has provided a Fire Safety Strategy. It should also be noted that the safety of materials would be considered as a part of the building regulations application.
Increased noise impacts from cycle storage	Addressed in paragraph 42
Design concerns	
Out of character with the area	Addressed in paragraphs 11-21
It would set an unwanted precedent	Each application is assessed on its own merits and as such the granting of this permission does not necessarily mean similar applications will be acceptable
Impact on Conservation area nearby	Addressed in paragraphs 24-27
The property is much taller than surroundings	Addressed in paragraphs 11-16
The area currently consists of houses with families and not flats	Addressed in paragraphs 5-9
Loss of trees	Addressed in paragraph 74-75
Ecological impact	Addressed in paragraphs 75
Highways concerns	
Impacts of pollution from increased traffic	Addressed in paragraphs 61-72
Insufficient parking for all units	Addressed in paragraphs 61-72

Increased impact on traffic and risk to pedestrians, including increased use of the service road along Drayton Waye.	Addressed in paragraphs 61-72
Quality of proposed accommodation	
Poor outlook to the ground floor flats	Addressed in paragraphs 47
The amenity space is accessed from bedrooms and will be in shade during the day	Addressed in paragraphs 61
The floor to ceiling height is insufficient	Addressed in paragraphs 48
The access is not wheelchair friendly	Addressed in paragraphs 51
Other issues	
It would destroy the local community	The proposal will provide a mix of new homes including family sized accommodation, and it is not considered that the proposal will destroy the local community.
Increased impact on waste and water supply	The scale and nature of this proposal is such that it is not considered likely that the proposal will result in a significant impact on water supply or waste water.
It would prejudice the ability of the neighbouring property to extend	The proposal does not rely on neighbouring sites for outlook or daylight and as such would not prejudice the ability of neighbouring sites to be developed.
Increased crime as a result of proposal	Objectors have raised concerns that the proposal would result in increased crime and security concerns. There would be no public access to the site or communal space for non-residents and the flats would provide natural surveillance for all communal areas. As such it is not considered that the proposal would result in security impacts.

Internal Consultees

Environmental Health – No objections raised. Officers have advised that the Construction Method Statement is acceptable subject to augered piling to be used on site.

External consultees

Historic England – No objections

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the:
London Plan 2021
Brent Core Strategy 2010
Brent Development Management Policies 2016.

Key policies include:

London Plan 2021

D4 - Delivering good design
D6 - Housing quality and standards
D7 – Accessible Housing
D12 – Fire Safety
H1 – Increasing Housing Supply
H2 – Small sites
T5 – Cycling
T6 - Car parking

Brent's Core Strategy 2010

CP 2 Population and Housing Growth
CP 17- Protecting and Enhancing the Suburban Character of Brent
CP21 A Balanced Housing Stock

Development Management Policy (2016)

DMP1: General Policy
DMP7: Brent's Heritage Assets
DMP12: Parking
DMP18: Dwelling Size and Residential Outbuildings
DMP19: Residential Amenity Space

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

Relevant policies include:

- DMP1 – Development Management General Policy
- BD1 – Leading the way in good design
- BH1 – Increasing Housing Supply
- BH2 – Priority Areas for Additional Housing Provision within Brent
- BH4 – Small Sites and Small Housing Provision within Brent
- BH6 – Housing Mix
- BH13 – Residential Amenity Space
- BHC1 – Brent’s Heritage Assets
- BGI2 – Trees and Woodlands
- BSUI2 – Air Quality
- BT1 – Sustainable Travel Choice
- BT2 – Parking and car Free Development
- BT4 – Forming an Access onto a Road

The following are also relevant material considerations:

- The National Planning Policy Framework (revised 2021)
- SPD1 – Brent Design Guide (2018)

DETAILED CONSIDERATIONS

Background

1. Planning permission was granted on 26th October 2016 (LPA Ref: 16/0730) for a part four storey, part three storey building consisting of nine flats with basement parking and associated amenity space.
2. This application was subsequently amended under a Section 73 application on 05/04/2019 (LPA Ref: 19/0256) for minor material amendments to the above parent consent to remove the basement parking and alter the design of the overall building.
3. The original permission has now lapsed on 26th October 2019 and this application must be assessed on its own merits. Several key policies have been adopted since the granting of the 2016 permission, notably the London Plan (2021) and the Development Management Policies (2016).
4. Notwithstanding this, many of the policies are similar or some cases more permissive than the older policies used to assess the previous application. As such, the previous permission carries some weight in the assessment of this application.

Principle of Development

5. Policy CP2 of the Brent Core Strategy sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Emerging local plan policy BH1 reflects this target.
6. Policy D3 of London Plan 2021 required developments to make the best use of land by following a

design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.

7. In response to the strategic policy position above, within Brent's draft Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing will be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
8. The above position is reinforced in policy BH4 of Brent's draft Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary).
9. The application site adjacent to the Kenton Town Centre and within PTAL 4 and is currently in residential use. It is therefore considered to be within an area appropriate for additional housing, and subject to complying with other policies in the development plan as discussed below, the intensification of the site to increase housing supply is consistent with both the adopted London Plan 2021 and the emerging policy context in Brent's Draft Local Plan 2020.

Design and Appearance

10. Policy BD1 of the Draft Local Plan sets out that all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.

Scale, height, massing and bulk

11. The scale and massing would be identical to the approved scheme 19/0256. Due to the slope in ground levels, the building acts as a transition between the buildings on Kenton Road and No. 3 Draycott Avenue. The maximum height of the main building (AOD +61.36) (excluding the solar panels and associated screening) would be slightly higher than the ridge height of the properties on Kenton Road (AOD +60.93) and slightly below the ridge line of No. 3 Draycott Avenue (AOD +61.42).
12. The upper-most floor would be set back from all elevations by a minimum of 1m which would further mitigate the appearance of the height when viewed from ground level and reduce the overall bulk of the building.
13. The front elevation would have a staggered appearance with protruding sections for the front balconies. The building would be further set back towards Kenton Road with the set-back sections also reducing in height accordingly.
14. The width of the building would be similar to that of the nearby semi-detached and detached properties. The building would match the existing building line at the front.
15. The above would serve to break up the overall massing and bulk of the building which is considered to benefit the design of the proposal.
16. Overall, the scale, height and massing of the proposal is considered to sit well within the surrounding context.

Detailing, materials and fenestration

17. The main elevations of the building would be finished with red brick with the upper most floor finished with copper cladding. The use of these materials would add contrast to the overall building and add visual interest. During the course of the application, the Council's Urban Design officer requested the use of lighter brick materials to give a more muted appearance. Details of this have been submitted and are considered to be a betterment over the original consent. Subject to a condition for materials samples to be submitted and approved, this would be acceptable.
18. Some cladding would be provided on the rear elevation to add further visual interest and contrasting protruding brickwork would also be used on parts of the front and side elevations would be used to break up blank facades.
19. The fenestration would be finished with black frames and the balconies would be black railings. These are considered to be appropriate for the contemporary design of the building and add further contrast and visual interest. The application as submitted featured glass balustrades. On the advice of officers these were altered to be metal railings. As above, this is considered to be an improvement over the originally consented scheme.
20. The front fenestration would consist of floor-to-ceiling windows across the full width of the balcony sections. Which would be appropriate for residential development. On the advice of officers the northern side elevation has been amended to provide narrow, floor to ceiling obscure windows which would also break up the overall façade of the side elevation improving the appearance of the scheme when viewed from this angle. Overall the location and size of the fenestration and detailing is considered to be of good quality design and is acceptable.
21. The choice of materials is considered acceptable in principle. However, samples of materials are to be approved by condition to ensure an acceptable appearance.

Layout

22. The proposal would have a single entrance in the middle of the front elevation. It would be finished with cladding, providing a clear and easily legible entrance to the property.
23. The application as submitted featured a range of ancillary structures at ground level along Drayton Way. Concerns were raised that this resulted in an inactive frontage in this part of the site. However, it is considered that changes made to the side elevations and boundary treatment along the rear amenity space have improved this and on balance this would be acceptable.

Impact on the adjacent Northwick Circle Conservation Area

24. The site adjoins the Northwick Circle Conservation Area along its north eastern boundary (the site abuts the rear garden of No. 1 Draycott Close which is located within the conservation area. A conservation area is defined as a designated heritage asset.
25. Paragraph 189 of the National Planning Policy Framework (NPPF) 2019, states when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 190 that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
26. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than

substantial harm to its significance. In the case of where development leads to less than substantial harm to the significance of a designated heritage asset, paragraph 196 of the NPPF, highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

27. The applicant has provided a heritage statement which identifies the potential impacts on the nearby Conservation area. This identifies areas where the development would be most visible from within the Conservation Area. Heritage England have been consulted on the application and raised no objections. The Council's Heritage Officer has viewed the submitted Heritage Statement and the wider scheme and considers that the development is a reasonable distance away from the Conservation Area and is mostly screened by trees along nearby boundaries. It would not be highly visible from the most significant focal point of the conservation area and is of a similar scale to nearby developments. As such, the proposal would not result in harm to the nearby Northwick Circle Conservation Area.

Residential Amenity

28. Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

Outlook, daylight and sunlight

29. SPD1 requires new development to sit within a line drawn at 45 degree (measured at 2m high) from the boundary of adjoining private external amenity space, and to sit within a line of 30 degrees (measured at 2m from internal floor level) from neighbouring rear habitable room windows. New development when sitting alongside existing residential properties should also project no deeper than 1:2 rule (whereby the depth is no deeper than half the distance when measured from the middle of the neighbour's nearest rear habitable room window to the flank wall of the proposed development).
30. The applicant has provided a plan indicating that the proposal would comply with both the 30 degree line (when measured from the upper flats on Kenton Lane to the North and No. 2 Draycott Avenue) and 45 degree line (when measured from the rear garden of No. 1 Draycott Close at a height of 2m above garden level) as required by guidance.
31. No. 3 Draycott Avenue has been extended with a ground floor side to rear extension, and a lofty extension, and a loft extension. It is noted that there are windows in the flank wall of No. 3 Draycott Avenue but based on Council records these serve non habitable rooms.
32. The new building directly next to No. 3 Draycott Avenue does not extend beyond the rear wall of the ground floor extension. At a distance of 5.8m from the boundary, the new building projects out 1.6m from the rear wall of the extension at No. 3 Draycott Avenue and at a distance of 10.7m from the boundary projects out an additional 2.2m. The overall projection of the building from the rear extension of No. 3 Draycott Avenue is approx. 3.7m.
33. At upper floor level, the flank wall of the new building is approx. 7.3m away from the middle of the nearest first floor rear habitable room at No. 3 Draycott Avenue. The new building projects out 2.3m in depth from this rear window and therefore sits within 1:2 rule. The new building then steps out an additional 1.59m at a distance of 12.73m away from the middle of the bedroom window and once again does not breach 1:2 rule). The final step in the building is approx. 16m away from the middle of the rear bedroom window at No. 3 Draycott Avenue and the total depth of the proposal from this window at this section of the building is 6.89m deep, so well within 1:2 rule.
34. It is noted that No. 3 Draycott Avenue has recently submitted a planning application for a first floor side extension that is under consideration (LPA Ref 21/1535). This application has not been determined and therefore carries limited weight. Nevertheless, it is noted from the plans that the extension serves a bedroom with windows on the front and rear elevations. Whilst the element of the new build closest to the

boundary with No. 3 Draycott Avenue would fall short of 1:2 rule when measured from the position of this closer bedroom window, given that this forms part of an extension rather than an original feature of the house and is sited close to the boundary with the neighbouring site, such an extension should not preclude the neighbouring site from carrying out an reasonably extent of development, whilst maintaining a degree of amenity for the occupiers of No. 3 Draycott Avenue that is within acceptable limits. The projecting elements still comply with 1:2 rule from the rear window within the extension proposed under 2021 application.

35. In addition to the above, the applicant has demonstrated that the scheme would sit below the 25 degree line in relation to properties on the opposite site of Draycott Avenue. As such, there would be no undue impacts on those properties and a Daylight/Sunlight assessment is not required.
36. Overall, the proposal is considered to maintain an acceptable level of amenity for neighbouring occupiers, and complies with policy DMP1 of Brent's Development Management Policies 2016.

Privacy and Security

37. SPD1 requires a minimum distance of 9m from habitable room window to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. The proposal does not directly face the rear windows of adjoining properties.
38. At the front the proposal would maintain a distance of approximately 23m from the opposite property. The neighbouring garden to the rear would be located approximately 34m away from the rear elevation of the property. As such, it is considered that there would be no loss of privacy to these properties resulting from the proposal.
39. Windows would be provided on the two flank elevations. As these serve as secondary windows to habitable rooms or serve non-habitable rooms, these are recommended to be conditioned to be obscured glazed and opening at high level only to prevent overlooking to the neighbouring sites. Additionally, these windows would be located approximately 9m away from the commercial units on Kenton Road.
40. Neighbours have raised concerns that the proposed balconies would result in increased noise and disturbance. Whilst these comments are acknowledged, the provision of balconies is considered typical for residential development and the impacts would be similar to that of a rear garden or other communal space. Additionally the balconies are located on the front of the property, away from the amenity spaces of neighbouring residences.
41. For the same reasons it is considered that the balconies and roof terrace would not result in loss of privacy to neighbouring properties.
42. Concerns have also been raised that the location of the cycle store would result in increased noise impacts to neighbouring gardens. Whilst this is acknowledged, the cycle store would only be accessible by residents and such developments are typical for residential areas. As such, the impacts are not considered to be undue.

Mix of units and quality of Accommodation

43. The scheme proposes four x one-bedroom flats, four x two bedroom flats and one x three bedroom flats.
44. Policy CP21 seeks to ensure that new housing contributes towards a balance housing stock with draft Policy BH6 of the Draft Local Plan states that for every four dwellings included within a new development,

at least one must be 3+ bedrooms or more.

45. The subject site is located in an area primarily residential in nature, both along Draycott Avenue itself and within the upper floors of the buildings along Kenton Road. The provision of residential development in this location is considered to be acceptable.
46. The proposal would provide nine units total, one of which would be a three bed unit. Whilst this would accord with adopted policy, the provision of one family sized home would fall short of the requirements of policy BH6 of draft Local Plan, with the emerging policy requiring two family sized homes within the development. However, on balance, the benefits of the scheme to deliver an overall net gain in homes within the site are considered to outweigh the harm identified with falling short of the number of family sized homes set out in emerging policy BH6.
47. All units would meet or exceed the minimum space standards in terms of Gross Internal Area (GIA) required by Policy D6 of the London Plan. Additionally, sufficient internal storage has been provided. All units would be provided with external windows providing sufficient internal daylight and outlook.
48. It is acknowledged that the floor-to-ceiling height would be 2.45m for the flats on the Ground-2nd floors and 2.4m for the 3rd Floor. This would fall short of the 2.5m required for 75% of the GIA required by Policy D6 of the London Plan. However, the shortfall would be very minor and the layout of the flats overall is considered to be good. Additionally, any raising of the height of the building to accommodate these changes would result in a potential breach of the 30 and 45 degree rules. On balance, this shortfall is not considered to be sufficient grounds to refuse permission.
49. Three of the units (Apt 4, 5 and 6) would not be considered dual aspect. However, they would not be north or south facing and would have obscure glazed side windows to provide further cross ventilation. They would also be provided with private balconies and are generally of good internal layout. As such the overall provision of single aspect units is not considered to be detrimental in the context of the wider scheme.
50. The units would be provided with a single lift core serving all floors. It would provide for no more than 3 homes per core which would accord with the 8 flats per core ratio recommended by the London Plan. Overall, the layout of the units is considered to be acceptable.
51. The Accessibility Statement confirms that all units will be compliant with Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. This would accord with policy D7 of The London Plan (2021). In addition, clarification from the applicant has been received to ensure that ramped access to the main entrance would be provided.

External Amenity Space

52. Policy DMP19 states the following:

"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."

53. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 10.39) which provides that:

"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of

daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".

54. These requirements are carried forward in Brent's emerging Local Plan under policy heading BH13.
55. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies
56. To summarise the proposed scheme requires a total of 210sqm of external amenity space (1 x 50sqm for the 3 bed unit at ground floor and 8 x 20sqm for the remaining units). The scheme would provide a total of 514sqm of external amenity space (129sqm of private and 385sqm of communal space). All of the balconies would be of a sufficient size and depth required by the London Plan.
57. The overall provision of amenity space including the large communal garden far exceeds the requirements of the above policies. The communal space would be well laid out and accessible.
58. An objector has raised concerns that access to private balconies would be via bedrooms and not living rooms. Amendments have been received to ensure that this is only the case for Unit 01 on the ground floor. However, that unit has easily and quick access to the entrance to shared amenity space and this is considered acceptable on balance. Additional concerns were raised that amenity space would be shaded during the day. The property is west facing and as such the rear amenity space would only be in shadow during the evening. This is typical for linear development in the area and similar to nearby gardens. It would be acceptable on balance.
59. Overall, the provision of amenity space for the scheme is considered to be acceptable and in compliance with policy DMP19.

Fire Safety

60. Policy D12a of the London Plan (2021) requires all new development to take account of fire safety in design. The applicant has submitted a Fire Statement which identifies the potential fire risks and sets out passive and active safety measures and identifies escape routes and access for emergency vehicles.

Highways and Transport

61. As the site has good access to public transport services, the lower residential car parking allowance set out in Table 6 at Appendix 1 of the adopted DMP 2016 is applicable. The proposed nine self-contained flats will have a total maximum parking allowance of 7.2 spaces. Policy T6 of London Plan includes a maximum

parking provision of up to 0.50 to 0.75 spaces per dwelling for Outer London PTAL 4 locations (maximum of 6.75 spaces).

62. The scheme proposes seven parking spaces accessed from Drayton Waye. Whilst the number of spaces exceed the maximum parking standard set out within the London Plan by a quarter of a space, they remain within the maximum allowance set out within Brent's Development Management Policies 2016. The additional 0.25 space would be marginally above the maximum parking allowance set out within the London Plan, and would not be considered to result in additional congestion within the local area to the detriment of highway or pedestrian safety.
63. The seven spaces would be accessed via a new 17.9m wide crossover and the spaces would be set back by 2.3m, which would provide the minimum 6m manoeuvring space. Whilst this does not strictly comply with Brent's Crossover Policy in terms of width, it is considered acceptable as the access is onto a service road and not across a footway.
64. The drawing also provides 9m wide sightline visibility splays either side of the parking, which is compliant with Manual for Streets if the vehicles travel at 10mph on Drayton Waye. No evidence has been submitted that this is the average speed limit, but as the access road serves only the rear of shops and is a narrow street, the speed is unlikely to be no more than 20mph. The high 1.8m fence dividing the parking and the private gardens has only been extended to the north-eastern corner of the site to ensure visibility is maintained which is acceptable.
65. The parking arrangement also allows a safe pedestrian walking environment on Drayton Waye. Amendments have been provided to include a drainage channel connected to a soak away at the highway threshold and clear demarcation has been provided between the private land and public highway.
66. As Drayton Waye is a Public Highway, the proposed dropped kerb and reinstatement of the existing dropped kerb would have to be approved and carried out by Highways and Infrastructure. An informative has been added to remind the applicant of this.
67. The proposed 7 parking spaces will include 2 disabled parking spaces and this does satisfy parking standards set out in DMP 12 and is therefore welcomed. The proposed level of parking would be a reduction on the previous permission which provided 10 spaces. Amended plans have been secured to provide 1 active charging point with the remainder being passive charging points.
68. The proposed cycle store will provide 16 cycle spaces, in compliance with the London Plan and is acceptable.
69. The bin store will be located near the parking to allow collection from Drayton Waye and this will provide straightforward collection from the Public Highway, which is welcomed. These have been amended to ensure that the doors do not open out onto the public highway.
70. Proposed balconies do not appear to overhang the Public Highway and raise no transport concerns.
71. The applicant has submitted a construction method statement. However this should be compliant with TfL's guidance. The document states that a banksman will be provided as well as wheel washing facilities and a road sweeper. Further details on the location of wheel washing facilities and surface run off should be provided, as well as a site plan for unloading/loading. Details of any temporary traffic management must also be provided, if required. In addition to this, a photographic dilapidation survey should be provided for the adjacent Public Highway to ensure any damages to the highway are reinstated by the developer. These details are to be secured via a planning condition to provide a revised CMS prior to the commencement of works.
72. In conclusion, the revised parking and cycle layout are an improvement to the earlier scheme which included basement car parking and sufficiently provide for the proposed development. Transport raise no objections subject to conditions for a revised CMS, a CLP and for highways works to be completed prior

to occupation

Environmental Health

73. The environmental health team have viewed the submitted details and raise no objection to the proposal in terms of impact on air quality or contaminated land.

Trees and Landscaping

74. The tree survey has been submitted with the application. The site contains around 30 trees. 13 of these trees are category B trees and 15 category C trees. The scheme proposes to remove a larger number of trees, 22 in total. The proposal has been reviewed by the Council's tree officer who has advised that there is no objection in principle to the loss of these trees, subject to suitable replacements being secured within a landscape proposal for the site. This includes the requirement to provide a minimum of 12 new trees to be planted throughout the site including within the site frontage. Minimum tree size should be 12-14cm girth Heavy standard, three trees should be planted along the rear boundary at a larger 16-18cm girth Advanced nursery stock size. It is also recommended that the new tree planting forms part of a more detailed landscape plan to be conditioned to any forthcoming consent, with a range of trees, shrubs, perennials and hedging, with a mix of native and introduced species. The tree survey highlights the ecological value of some of the trees and recommends that tree works are undertaken outside of the nesting season. It is recommended that ecological enhancement measures are secured through condition, together with the implementation of all measures set out within the tree survey.
75. An objector has raised concerns on the ecological impact of the development. However, the development is located mostly on a similar footprint to the existing house and hard surfacing and while there will be a loss of trees, replacement planting will be secured together with ecological enhancement measures. The site is not in an area marked for ecological conservation and it is considered that the above mentioned conditions would be sufficient to minimise impacts on local ecology.

Equalities

76. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Conclusion

77. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.

CIL DETAILS

This application is liable to pay **£173,644.18** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): 257 sq. m.

Total amount of floorspace on completion (G): 739 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	739		482	£200.00	£0.00	£143,739.29	£0.00
(Mayoral) Dwelling houses	739		482	£0.00	£60.00	£0.00	£29,904.89

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£143,739.29	£29,904.89

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

**Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 21/1064

To: Mr Manga
Ten Point Five Ltd
184 Whittington Way
Pinner
Middlesex
HA5 5JY

I refer to your application dated **23/03/2021** proposing the following:

Demolition of existing detached dwellinghouse and erection of a part four storey, part three storey part 2-storey apartment block providing 9 x self contained flats with associated car parking and cycle storage, refuse storage, amenity space and landscaping.

and accompanied by plans or documents listed here:
See Condition 2

at **1 Draycott Avenue, Harrow, HA3 0BW**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 02/08/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2019)
 The London Plan (2021)
 Brent Development Management Policies (2016)
 Council's adopted Supplementary Planning Document 2 - Residential Extensions Design Guide (2018)

- 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):

C332-00 (REV A), C332-01 (REV A), C332-04 (REV A), C332-05 (REV A), C332-50 (REV A), C332-51 (REV A), C332-52 (REV B), C332-53 (REV B), C332-54 (REV B), C332-55 (REV A), C332-56 (REV A), C332-61 (REV A), C332-62 (REV B), C332-63 (REV B), C332-64 (REV A), C332-66 (REV B), C332-69 (REV A), C332-71 (REV B), C332-72 (REV A), C332-73 (REV A), C332-74 (REV A), C332-75 (REV A), C332-80 (REV A), C332-90 (REV A), C332-100 (REV A), C332-101 (REV A), C332-102 (REV A)

Supporting Documents: Design and Access Statement, Construction Method Statement, Tree Report, Heritage Statement, Fire Statement, Accessibility Statement

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

- 3 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space in the front garden to accommodate additional bin or cycle storage.

- 4 The tree protection proposals and other measures contained within the "Report on the impact of trees of the proposed development at 1 Draycott Avenue" reference 1-38-3605 shall be implemented and adhered to in full throughout for the full period of construction of the development hereby approved.

Reason: For assurance that trees are to be protected to minimise negative external impacts of the development. To ensure that retained trees are protected from the negative impacts of construction throughout the duration of works.

- 5 The windows in the side elevations of the proposed building shall be obscure glazed and non-opening below 1.7m above the internal finished floor level.
- Reason: To protect the privacy of neighbouring occupiers
- 6 The car parking spaces as laid out in the approved plans shall be provided in full prior to first occupation of the development, shall be used for the parking of vehicles associated with the development and shall not be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority. .
- Reason: In the interest of highway flow and safety.
- 7 The proposed crossover onto Drayton Waye and the reinstatement of any redundant crossovers to footway shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Local Highway Authority, with the works carried out and completed in accordance with these approved prior to first occupation of the development hereby approved.
- Reason: In the interests of highway conditions within the vicinity of the site.
- 8 Prior to the commencement of development, a Construction Management Statement which incorporates details of dust management, noise and other environmental impacts of the development in relation to the surroundings shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be implemented throughout the duration of construction.
- Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.
- Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.
- 9 The development hereby approved shall not commence until a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority, outlining how construction vehicle activity will be managed throughout the construction process.
- The works shall thereafter be carried out in full accordance with the approved details.
- Reason: In order to minimise any adverse impacts of the construction process upon the highway network in the area.
- Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.
- 10 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure
- 11 Prior to commencement of development (excluding site clearance, preparation works and laying

of foundations) details of all exterior materials including samples (which shall be made available for viewing on site or in another location as agreed) and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens to balconies

The works shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is high quality, and in the interest of the privacy of future occupants.

- 12 Details of the front and rear garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations). Such details shall include:

(i) A planting plan for the front and rear garden areas, including the provision of at least 12 new trees with a minimum girth size of 12-14 cm (Heavy standard) and at least 3 trees with a minimum girth size of 16-18 cm (Advanced nursery stock), and including a range of trees, shrubs and perennials and hedging with a mix of native and introduced species.

(ii) any front and rear garden wall, fences or other form of boundary treatment to be provided or retained;

(iii) details of pathways, patios and any other hardstanding within the front and rear gardens

(iv) waste and recycling storage facilities in the front gardens;

(v) details of the proposed cycle storage

(vi) ecological enhancement measures

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the building hereby approved, unless alternative timescales have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales .

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 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

- 3 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 In relation to condition 12, the applicant is advised to contact the Council's Highways and Infrastructure Service on 020 8937 5121 to make arrangements for the crossover works to be carried out.
- 5 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 8 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays	08:00 to 18:00
Saturday	08:00 to 13:00
At no time on Sundays or Bank Holidays	
- 9 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

11 August, 2021
04
19/3571

SITE INFORMATION

RECEIVED	7 October, 2019
WARD	Kilburn
PLANNING AREA	
LOCATION	Street Record, Malvern Mews, London
PROPOSAL	Proposed installation of metal vehicular/pedestrian gate at entrance to private mews.
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke</p> <p><u>When viewing this as a Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/3571" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Timescale for implementation
2. Approved Plans
3. Materials
4. Any other planning conditions considered necessary by the Head of Planning

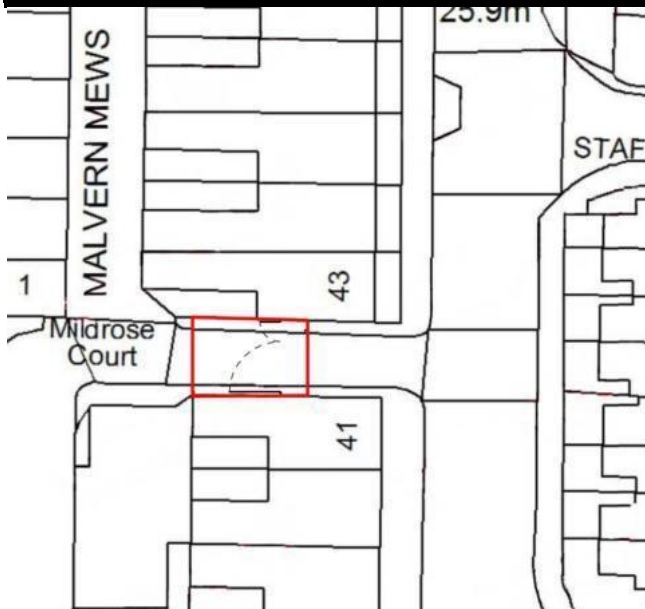
Informatives

1. Party Wall
2. Building Near Boundary
3. Any other informatives considered necessary by the Head of Planning

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

SITE MAP

	Planning Committee Map
	Site address: Street Record, Malvern Mews, London
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

PROPOSAL IN DETAIL

The fitting of 2m high vehicular and pedestrian gates on the shared surface road between Malvern Road and the mews to aid security and reduce crime. These would be positioned 10.0m from the back of the Malvern Road footway. The gates would be black wrought iron in classical spearhead style and would be fixed to square metal posts. The gates would open inwards with electric motorised opening, and would be controlled by fob and/ or electronic access.

EXISTING

Malvern Mews is a cobbled mews court, accessed solely via a shared surface road between 41 and 43 Malvern Road which has a wall-wall width of 6m and a kerb-kerb width of about 4.1m. It directly serves the following properties:

Flat 1-3, 7 Malvern Mews
10 – 15 Malvern Mews
16 – 19 Malvern Mews (1-6 Mildrose Court)
20 – 31 Malvern Mews

The following properties also have rear access onto Malvern Mews:

5 – 85 Malvern Road
209 – 211 Shirland Road

A number of the Malvern Road properties are commercial at ground floor and have parking and servicing areas accessed from the mews. It is understood that the entrance to the mews and southern part leading to the left as you enter the mews is owned by Brent Council's Housing Service. The northern part is under other private ownership. It is therefore not publicly adopted highway.

The site lies within a Controlled Parking Zone that operates between 8am-6.30pm Mondays to Saturdays. There are shared pay and display/permit holders' bays along Malvern Road. Malvern Road is not noted as being heavily parked at night.

Public transport access to the site is very good (PTAL 5), with Kilburn Park station and eight bus services within walking distance.

AMENDMENTS SINCE SUBMISSION

Since the initial submission the following amendments and details have been submitted:

- The gate posts are no longer attached to the adjacent properties (No.41 and No.43 Malvern Road).
- Posts which would hold the fob proximity reader/keypad have been introduced to either side of the gate.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

- Character and Appearance: Due to its height, design and siting, it is considered that the proposed gate would have a modest and acceptable impact on the character and appearance of the locality.
- Impact on Living Conditions of Neighbours: The gates are in close proximity to a number of residential properties, measures such as soft closures have been included to ensure noise is kept to a minimum. The proposed gate is considered acceptable in this regard.
- Transport and Movement: The gate is positioned a sufficient distance away from Malvern Road to ensure vehicles entering Malvern Mews are not required to wait on Malvern Road or block the pedestrian footway. The proposal would not result in the loss of access to any of the properties that currently utilise this route.

RELEVANT SITE HISTORY

No related planning history

CONSULTATIONS

A total of 94 addresses have been consulted surrounding the site in the initial consultation. Following the submission of a revised plan, a further consultation period was undertaken. This time, based on the comments previously submitted, the field of consultation was increased, with a total of 242 addresses being consulted.

Initially, 19 responses have been received objecting to the scheme on the following grounds, while a petition with 15 signatures on was also received. A further 16 objections have been received since the latest round of consultation (5 of which had previously commented) while a further 3 comments were received in support (2 of which had previously commented).

The primary grounds for concern have been summarised below:

Objection	Officer response
<p>The proposal prevents access for:</p> <ul style="list-style-type: none">• Emergency vehicles• Post / Deliveries• Maintenance• Tradesmen• Refuse collection• Homes along Malvern Road	<p>See Highways section below.</p>
<p>Heavy steel gates would have a severe impact on the structural integrity of the outside wall of my property, caused both by the installation and continuous use.</p>	<p>The gates would not be attached to the adjacent properties.</p>
<p>Continuous opening and closing of these gates adjacent would cause unacceptable noise and disturbance to my tenants currently residing in the property.</p>	<p>See Neighbouring Amenity section below.</p>
<p>The idling of vehicles engines whilst the drivers await the opening and closing of these gates would cause severe noise and exhaust fume pollution going directly into my home through my bedroom windows which are only 15ft from the proposed siting.</p>	<p>Users would not be required to exit their cars as the proximity monitor would be positioned on a separate post in reach of cars.</p>
<p>The continuous opening and slamming of vehicle doors whilst drivers get in and out of their vehicles to open and close these proposed gates would cause unbearable noise pollution to me and my family.</p>	<p>Due to the entrance system proposed, it is not envisaged that cars would be idling on the road for long periods and further would not increase door opening and closing as drivers would not be required to leave their vehicles to open the gates.</p>
<p>Nuisance from neighbours from potential use (for street parties).</p>	<p>It is not reasonably expected that the erection of a gate would result in an increase of noise from residents and visitors.</p>

<p>These gates would be totally contrary to the ideals of The South Kilburn Regeneration Masterplan of an inclusive and vibrant community open to all.</p> <p>Divide of the halfway gentrified community of South Kilburn and create an uncalled for exclusivity.</p> <p>Malvern Mews residents isolating themselves and creating a gated community.</p> <p>Not in keeping with the area – cordoned off is out of character. Creates an elitist and divisive feel.</p>	<p>See design section below.</p> <p>The erection of the gate is not proposed to result in lack of social cohesion given that they would only provide access to a close-ended mews development, primarily used by residents of the mews.</p>
<p>Concern over ownership and access to properties.</p>	<p>The proposal would not result in the loss of access to any of the properties that currently utilise this route.</p>
<p>Disruption and logistical problems for Malvern Mews (south) where there is already a vehicle gate.</p>	<p>The proposal would not impact the usage of the existing vehicle gate.</p>

One neutral response was received making the following comment:

- We have right of way to the back of our property 63 Malvern road, so if a gate was introduced we would also need access.

19 responses were received in supporting the proposal on the following grounds:

- The presence of a gate would help reduce the prevalence of anti-social behaviour and illegal activities that take place within the mews such as burglaries, drug dealing, fly-tipping and illegal parking.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2021 London Plan. The specific policies applicable to this application are:

Core Strategy 2010

CP5 Placemaking

London Plan 2021

Policy D4: Delivering good design

Policy D11: Safety, security and resilience to emergency

Policy T4 Assessing and mitigating transport impacts

Brent Development Management Policy (2016)

DMP 1: Development Management General Policy

DMP12: Parking

Draft Brent Local Plan

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

Key relevant policies from these documents include:

DMP1 – Development Management General Policy

BD1 – Leading the Way in Good Urban Design

BT2 – Parking & Car Free Development

Other Material Planning Considerations

National Planning Policy Framework

SPD1: Brent's Design Guide

Public Sector Equality Duty

In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

DETAILED CONSIDERATIONS

1. Impact on Character and Appearance of the Area

1. Core Strategy Policy CP17 states that the distinctive suburban character of Brent will be protected from inappropriate development. Local Plan Policy DMP1 states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design and complements the local area. This is supported by the design guidelines set out in SPD1 and SPD2.
2. The gates would be black wrought iron in classical spearhead style and would be fixed to square metal posts. They would be set back from Malvern Road by 10.0m.
3. They would have a height of 2.1m and therefore appear subservient to the buildings between which they would stand (which measure 10m and 12m in height). They are also set back a substantial distance from Malvern Road and given their design would allow views through the railings, therefore further reducing its visual impact within the street scene.
4. The overall design of the gates which are traditional in appearance would be a modest and sympathetic addition to the area, in keeping with the mews setting and would not be harmful to the streetscene.

2. Neighbouring Residential Amenity

5. Local Plan Policy DMP1 seeks to ensure new development, amongst other things, provides high levels of external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1 and SPD2.
6. The gate would be sited in close proximity to adjacent properties namely 41 and 43 Malvern Road. Oil-hydraulic gate motors and soft closures would be utilised in order to mitigate against potential noise impacts of the gates opening and closing.

7. Infra-red sensors / The proximity reader (fob) and keypad are to be positioned on a smaller separate posts within reach of cars meaning vehicle users are not required to leave their cars when entering and exiting the site. While cars are likely to need to stop for a short period of time while the gates are opening, this should not be for unreasonable periods of time and significant impacts are not considered to be likely.
8. The gates will be managed by the Malvern Mews Tenants' Association (MMTA) who will enter into a maintenance contract with the supplier to ensure that the gates are regularly maintained.
9. It should be noted that the installation of the gate would not result in an increase in vehicle and pedestrian movement as no additional trips are to be generated.
10. There are no significant neighbour amenity concerns.

3. Highways and other considerations

11. Local Plan Policy DMP1 seeks to ensure development is satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.
12. Access for emergency services, maintenance services and tradesmen, deliveries and visitors will be provided through a number of access means. This includes an intercom system with keypad linked to each of the residents within the mews. A Fireman's key switch would allow access for emergency vehicles. A key protected manual release is incorporated in the case of a power cut.
13. The gates are positioned 10m from the public highway which would ensure the footway of Malvern Road is not obstructed by vehicles waiting for the gates to open.
14. Currently, two vehicles cannot pass each other along the narrow road. This arrangement would not be altered with this proposal, therefore there is not considered to be any additional harm in this regard.
15. The proposal is similar in concept and appearance to the alley gating scheme implemented across Brent some years ago, but in this case the road acts as the sole means of access to residential properties. The mews is a no-through-road. It is proposed to provide fob and key code access to all and any persons with an established easement onto the Mews. The applicants have stated that access for those without this (e.g. for the purpose of boundary treatment maintenance) can be requested through the Tenant's Association. Therefore, there are no objections in terms of place-making requirements for connectivity of pedestrian routes or permeability.

4. Summary

16. It is noted that there are a high number of objections especially related to accessibility into and out of the site. Further information has been sought, and subsequently provided, throughout the application process and it is considered that the details and measures which are to be implemented would sufficiently address these concerns. In regards to the key planning matters related to this proposed development, for the reasons set out above, it is considered to be acceptable in all regards.
17. It is considered that the proposed gate would have little to no impact on the character or appearance of the streetscene, while proposed technologies would mitigate potential impacts to neighbouring amenity. It is also noted that the proposal would provide some security benefits as parts of the access road do not benefit from good natural surveillance.
18. The proposal is considered satisfactory in relation to its impact on the transport network and parking in the area.
19. The proposal is considered to be in general compliance with relevant planning policies and as such is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 19/3571

To: Mr Lesnick
Richard Lesnick
4 The Terrace
67 Hendon Lane
London
N3 1SJ

I refer to your application dated **06/10/2019** proposing the following:

Proposed installation of metal vehicular/pedestrian gate at entrance to private mews.

and accompanied by plans or documents listed here:
See condition 2

at **Street Record, Malvern Mews, London**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 02/08/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework
The London Plan
Brent Development Management Policies
Council's Supplementary Planning Document 1: Brent Design Guide

Relevant policies in the Adopted Development Management Policies are:

DMP1: Development Management General Policy
DMP12: Parking

- 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):

1065-001B Rev.B

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

- 3 All new external work shall be carried out in materials as set out on approved drawing no. 1065-001B Rev.B and at no time shall any additional solid materials be added to the proposed gates.

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

INFORMATIVES

- 1 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
- 2 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.

Any person wishing to inspect the above papers should contact Sukhjeevan Bains, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5223