



Planning Committee

Wednesday 20 October 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: James Kinsella, Governance Manager
Email: james.kinsella@brent.gov.uk; Tel: 020 8937 2063

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 12.00 noon.

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.

ITEM	WARD	PAGE
1. Apologies for Absence and clarification of alternative members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 8 September 2021 as a correct record.		1 - 4
APPLICATIONS FOR DECISION		
4. 21/3059 - 6a and 7-8 Elmwood Crescent, Kingsbury, NW9 0NL	Fryent	9 - 30
5. 20/1335 - Oman Court, Oman Avenue, London, NW2 6AY	Mapesbury	31 - 58
6. 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 her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 24 November 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 current social distancing guidelines.
- Attendees will need to maintain the necessary social distancing 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/yourcommunity/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Held in the Conference Hall at Brent Civic Centre on Wednesday 8 September 2021 at 6.00 pm

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

Apologies for absence were received from Councillors S. Butt and Chappell.

1. **Declarations of interests**

Councillor Maurice declared a non-pecuniary interest in Item 3 as he had previously attended lodges at the Harrow District Masonic Centre.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 11 August 2021 be approved as an accurate record of the meeting.

3. **20/1278 - Harrow District Masonic Centre, Northwick Circle, Harrow**

PROPOSAL:

Erection of single storey extensions to western and northern elevations of existing masonic centre building (including new plant/ventilation system and drainage system), reconfiguration of existing access arrangements and creation of new additional vehicular access point (opposite Upton Gardens), incorporating alterations to existing parking provision, new refuse storage and cycle parking facilities, removal of several existing trees and planting of replacement trees and provision of both soft and hard landscaping.

RECOMMENDATION:

Resolve to grant planning permission subject to the conditions and informatives 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, 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

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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.

Liam McFadden, Planning Officer, introduced the report, set out the key issues and answered members' questions. The Planning Officer advised that the application proposed the erection of single storey extensions to western and northern elevations of the existing building, reconfiguration of existing access arrangements and the creation of a new additional vehicular access point, new refuse storage and cycle parking, the removal of several existing trees and planting of replacement trees and provision of both soft and hard landscaping.

Adam Beamish, the agent, had provided a statement which was read to the Committee covering several matters including:

- The applicant had engaged extensively with the planning authority to address the concerns which had led to a similar application being withdrawn in 2019.
- Considerable additional information had been provided in response to requests from officers, including information relating to the number of people attending existing events.

In response to questions from members, Adam Beamish made the following points:

- The Harrow District Masonic Centre currently had 8-10 uses per day by local charities, societies and residents' groups and non-masonic uses, such as a bridge club, arts society meetings and parent and toddler groups.

In the ensuing discussion, members raised several issues including impact on residential amenity, ecology, drainage and cycle parking provision. Officers then clarified a number of key points including:

- Overall, the impact of the proposal on surface flooding was considered to be minimal and would be acceptable. The proposed extension would be located in the middle of the building which itself was surrounded by soft landscaping and the new access road would also be surrounded by soft landscaping. A Drainage Strategy had been provided by the applicant which demonstrated that existing drainage systems would be used which were considered sufficient to manage potential impact.
- The proposal would facilitate an existing use rather than create a new one and, as such, it was not considered that the proposal would result in any materially greater impact on neighbouring amenity in terms of noise impacts.
- A condition was recommended to secure an appropriate form of cycle parking. Six cycle spaces would be provided by the use of three Sheffield stands, and the numbers of short stay cycle parking would be extended by eight spaces provided by the use of four Sheffield stands.
- As the site was not designated as an area of ecological importance, there was no requirement for an Ecology Assessment to be undertaken. Regardless, there would be no loss of trees as part of the proposals and any

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areas of greenery would be left untouched. Soft landscaping would be provided where the existing road would be narrowed which would provide further ecological benefits.

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 6)

4. Any Other Urgent Business

None.

The meeting closed at 6.25 pm

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

20 October, 2021
03
21/3059

SITE INFORMATION

RECEIVED	9 August, 2021
WARD	Fryent
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	6A and 7-8, Elmwood Crescent, London, NW9 0NL
PROPOSAL	Demolition of existing bungalow and detached garage at No.6A Elmwood Crescent and erection of two-storey detached building to be used as accommodation for mental-health rehabilitation (Use Class C2), comprising of 9x self-contained units with associated landscaping, erection of single storey rear outbuilding, cycle & refuse storage and car-parking for use in conjunction with the residential institution at No.7-8 Elmwood Crescent
PLAN NO'S	Please 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 https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_156491</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 "21/3059" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to conditions and informatives as set out below.

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

Conditions

Compliance

1. 3 year time limit
2. Approved plans and drawings
3. Restrict to specific C2 use and Brent nominations agreement
4. Restrict maximum occupant for nine residents
5. Use of communal room and office to be ancillary only
6. Use of outbuilding to be ancillary only
7. Limit water consumption to 105lppd
8. Side windows to be obscure glazed

Pre-commencement

9. Construction Method Statement
10. Tree Protection Measures

During construction

11. Site investigation for land contamination
12. Materials samples
13. Landscaping scheme including tree planting, parking, cycle storage, bin storage, lighting, CCTV

Pre-occupation

14. Contaminated land remediation and verification
15. Management plan

Informatives:

1. CIL Liability
2. Party Wall
3. Building near boundary
4. Imported soil
5. London Living Wage
6. Fire Safety standards
7. Construction hours

C. 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, 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.

D. 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



This map is indicative only.

PROPOSAL IN DETAIL

The proposal seeks to demolish the bungalow and garage at No 6a and to construct a two-storey building, comprising nine self-contained studio flats for the provision of supported living for adults to be run in conjunction with the existing facility at No 7 & 8. The boundary wall and railings separating the two properties would be demolished to create a shared forecourt providing bin and cycle storage, soft landscaping and three parking spaces, with the existing access to No 7 & 8 used for access to both buildings. An office with ensuite bathroom would be provided in the proposed building for the use of staff, and a communal room for residents. An outbuilding would be constructed in the rear garden of No 7 & 8 to provide additional storage space for both buildings and space for occasional meetings.

The proposal is similar to the previous application 20/3402, which was refused under delegated powers, and reference to this previous application is made as appropriate throughout this report.

Amended plans were received to address issues with the site layout as follows:

- relocation of side garden gates to align with front of building line, in response to Secure by Design comments;
- provision of 1.5m deep defensible space to ground floor habitable room windows;
- relocation of parking spaces and provision of dedicated pedestrian route to both buildings;
- relocation of bin store and cycle store, in response to Secure by Design comments;
- increased size of cycle store;
- increased soft landscaping on site frontage.

These did not materially alter the nature of the proposal, and did not require a further period of consultation.

EXISTING

The application site consists of No 6a Elmwood Crescent, a 3 bedroom detached bungalow and its residential curtilage including a detached garage on the frontage and a driveway of approx 20m length and 3.5m width, and No 7 & 8, a two-storey property (originally two semi-detached houses) currently in use to provide supported living for adults requiring a level of care. The site is at the end of Elmwood Crescent, which has other residential properties to the east and south, and the western side boundary of No 6a adjoins the rear gardens of properties on Stag Lane.

The site is not in a conservation area and the buildings are not listed.

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: 55 neighbouring properties were notified of the development. Eleven objections were received from individual addresses, in addition to an objection from Cllr Crane. Objections raised concerns in relation to the over-concentration of mental health care supported living facilities in the area and the perceived threat to the local community associated with potential residents, the over-development of the site, neighbour amenity considerations, impact on infrastructure including the sewerage network, highway conditions, access constraints, and traffic and parking impacts. Your officers have addressed the objections raised and consider that the development proposal is acceptable.

Principle of development: The development is supported by Brent's Adult Social Care team as it would meet an identified Brent need for supported living to aid mental health rehabilitation, and would be delivered by an existing provider of care services, helping to reduce out-of-Borough placements. Nomination rights would be secured for the use of Brent residents and a robust management plan would also be secured. The increased occupation of the site would be acceptable in scale and would reflect Brent's emerging policy on the redevelopment of small sites, and the loss of a family-sized dwelling would be compensated by the provision of non-self contained housing to meet a identified Brent need.

Design, scale and appearance: The proposed building would be of a small scale and commensurate with the scale of surrounding properties, whilst its height and siting within the plot would retain the subservient character of the existing dwelling and would ensure that it remains unobtrusive within the streetscene. The combined frontage of the two buildings would be improved with new hard and soft landscaping works, to contribute to the visual amenity of the area.

Relationship with neighbouring properties: The proposed building would have an acceptable relationship with neighbouring properties in terms of its impact on light and outlook, overlooking and privacy, in accordance with Brent's Design Guide SPD1. It is considered to have addressed concerns relating to the previous application in this respect.

Residential living standards: The standard of accommodation is comparable to that of the adjoining facility and has been confirmed to be adequate as temporary accommodation for this client group by the Adult Social Care Team, and would be supplemented by internal communal space and external amenity space.

Impact on trees: The proposal would lead to the loss of one tree on-site, in addition to the previous removal of a tree subject to a Tree Preservation Order. Two replacement trees would be provided, in addition to a hedgerow of six trees.

Environmental health: There are no concerns on environmental health grounds, subject to conditions relating to site investigation and remediation of contaminated land, and a construction management plan.

Flood risk and drainage: Notwithstanding neighbour objections, the site is not in or near any areas of flood risk and the development would not materially impact on drainage conditions in the area.

Transportation considerations: The proposal would provide three parking spaces on site, which exceeds Brent's parking standards for the two buildings and so would provide additional parking for any visiting health or social care professionals, taking account of the low accessibility to public transport. The site is sufficiently close to local shops and services to meet the needs of the proposed residents, and the proposal would improve access arrangements and provide adequate cycle parking and bin storage.

RELEVANT SITE HISTORY

20/3402

6A Elmwood Crescent

Full Planning Permission

Refused 05/01/2021 (see discussion below)

Demolition of existing bungalow and detached garage at No.6A Elmwood Crescent and erection of two-storey detached building to be used as accommodation for mental-health rehabilitation (Use Class C2), comprising of 10x self-contained units with associated landscaping, cycle & refuse storage and 4x car-parking spaces for use in conjunction with the residential institution at No.7-8 Elmwood Crescent

09/1851

7 & 8 Elmwood Crescent.

Full Planning Permission

Erection of single-storey rear and side extensions, a first floor front extension, a raised terrace with ramped access to rear and front, a new canopy to the front door, 2 front and 1 rear rooflights, and associated landscaping, and the change of use of the premises from a family dwelling (Use Class C3) to supported accommodation for people with mental health problems, incorporating 11 self-contained flats (Use Class C2)

Refused 8 March 2010

Allowed on appeal with costs awarded 23 September 2010.

CONSULTATIONS

55 neighbouring properties were consulted by letter on this proposal on 12 August 2021. Objections were received from 11 neighbouring addresses and from Cllr Crane. These are summarised below:

Comment	Officer response
Insufficient time allowed to respond, including holiday period.	A 21-day response period is required under planning regulations, however all objections

	received prior to determination of the application will be considered and a considerably longer for local residents to comment in this instance.
Application is materially different to previous householder applications on this site.	The planning system does not prevent subsequent applications of a different nature being made.
Over-concentration of care facilities in small area would have adverse impact on residential character of area, and 20 people with mental health problems would exceed the number of residents in the cul-de-sac. Previous application was not supported by Adult Social Care.	See 'Principle of development'
Over-intensive use of small plot in constrained location, including increased movement and activity.	See 'Principle of development' and 'Transport' sections
Strain on infrastructure including drainage and sewerage network.	New developments are subject to Community Infrastructure Levy payments which contribute towards new and enhanced infrastructure. The site is not located within land that is identified as being liable to surface water flooding.
Size of flats is significantly less than minimum space standards, site is not within 400m of shops and amenities and does not have good access to public transport.	See 'Residential living standards'
Communal space for residents and staff facilities would be inadequate.	See 'Design, scale and appearance'.
Proposed building would be overbearing to rear gardens on Stag Lane and would overlook these and other properties, and would cause loss of light, overshadowing and loss of privacy to neighbours.	See 'Relationship with neighbouring properties'
Air quality assessment has not been carried out.	This is not currently a policy requirement for minor developments. The previous application 20/3502 was classified as a major development, for which an air quality assessment is required.
Existing access constraints and damage to pavements within Elmwood Crescent, and constrained access for emergency vehicles.	See 'Transportation considerations'. This is an existing situation which would not be materially worsened by the development.
Additional traffic, noise and dust pollution, and disruption from construction traffic.	See 'Transportation considerations'. Noise and dust impacts from the construction process would be controlled through a Construction Method Statement and environmental nuisance regulations.
Existing occurrences of anti-social incidents, abusive language and police presence at No 7 & 8. Perceived threat to residents of neighbouring properties from residents with severe mental health problems. Increased incidence of littering to neighbouring gardens.	See 'Principle of development'
Proximity of waste bins to neighbouring boundary.	This issue has been resolved in the amended layout, however it should be noted that many properties choose to place their bin storage on the boundary with neighbouring properties.

Increased traffic, servicing requirements including visits from healthcare and emergency services, parking pressure and pedestrian footfall in area.	See 'Transportation considerations'
Insufficient parking proposed.	See 'Transportation considerations'
Existing driveway to No 6a is narrow and not suitable for emergency and fire service vehicles.	See 'Transportation considerations'. The proposal would provide a combined frontage for the two buildings and vehicle access would be via the existing access to No 7 & 8.
Existing pollution of neighbouring gardens from cigarette smoke.	This is an existing situation and could occur through any form of residential use. There is no evidence to suggest that residents in need of care and support would be more likely to smoke than residents in general needs housing.
Residents on Stag Lane are already impacted by noise and disturbance from a special school at 341 Stag Lane.	This is an existing situation and not relevant to this proposal.

Internal and external consultees

Adult Social Care Services: No objection. Nomination rights required. Comments are discussed under 'Principle of development'.

Environmental Health: No objection. Conditions requested. Comments are discussed under 'Environmental Health considerations'.

Secure by Design: No objections subject to minor amendments to site layout and recommendations regarding issues such as means of access to the building and fenestration standards. Comments are discussed under relevant sections of report.

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. Relevant policies include:

London Plan 2021

D1: London's form, character and capacity for growth
D3: Optimising site capacity through the design-led approach
D4: Delivering good design
D12a: Fire Safety
H12: Supported and specialised housing
G7: Trees and woodlands
T5: Cycling
T6: Car parking

Brent Core Strategy 2010

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP17: Protecting and Enhancing the Suburban Character of Brent
CP21: A Balanced Housing Stock

Brent Development Management Policies 2016

DMP1: Development Management General Policy
DMP11: Forming an Access on to a Road
DMP12: Parking
DMP16: Resisting Housing Loss
DMP18: Dwelling Size and Residential Outbuildings
DMP19: Residential Amenity Space
DMP20: Accommodation with Shared Facilities or additional support

The following are also relevant material considerations:

The National Planning Policy Framework 2021
Brent Design Guide SPD1 2018
Brent Domestic Vehicle Footway Crossover Policy 2021

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 took 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 significant 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 urban design
BH7: Accommodation with shared facilities or additional support
BH10: Resisting housing loss
BH13: Residential amenity space
BGI2: Trees and woodlands
BT1: Sustainable travel choice
BT2: Parking and car free development
BT4: Forming an access on to a road

DETAILED CONSIDERATIONS

Principle of development

Policy background

1. Policy CP21 of Brent's Core Strategy seeks to maintain and provide a balanced housing stock in Brent by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs including:
 - Non-self contained accommodation to meet identified needs
 - Care and support accommodation to enable people to live independently
 - Residential care homes which meet a known need in the Borough
2. Policy DMP20 allows accommodation with care where it includes suitable management arrangements and demonstrates a specific Brent need for the particular use, to be secured by a planning agreement. The policy also provides additional criteria to assess proposals: the development should normally be within 400m of public transport and other amenities including local shops; the accommodation should meet appropriate standards for the needs of its occupants; and suitable management arrangements should be agreed with the council to not unacceptably impact on neighbour amenity. Emerging Policy BH7 carries this forward and sets out an additional criterion, that the proposal should not lead to an over-concentration of the type of accommodation in the area (over-concentration is quantified for Houses in Multiple Occupation as three or more out of ten properties, but is not quantified for other housing types).

Comparison with previous application

3. The previous application (ref 20/3402) was refused for the following reasons:

Whilst the use of the site for C2 or C3(b) purposes is considered acceptable in principle, the proposal does not provide adequate communal facilities for residents or dedicated space for key workers to support this use. The use of communal facilities at No 7-8 to serve proposed residents at No 6a has not been demonstrated to be conveniently accessed, adequate for the needs of both properties or appropriate for the transitional nature of the proposed accommodation. The addition of 10 residential units of this type to the existing 11 would represent an over-intensification of the site that would not be supported in an area of poor access to public transport and local services. The proposal does not comply with Policy DMP20 of Brent's Development Management Policies or emerging Policy BH7 of the draft Local Plan 2020

and

The proposal is not considered to represent a C2 use due to the lack of communal facilities, and instead consists of a major housing development comprising 10 self-contained residential units in Use Class C3(b). As such it is unacceptable for the reasons as set out below:

- the proposal fails to propose at least 50 % Affordable Housing or submit a Financial Viability Assessment demonstrating that the maximum reasonably proportion of Affordable Housing will be provided and as such, fails to demonstrate that the proposal will meet identified housing need within the borough and within London as a whole.*
- The submission fails to demonstrate that the proposal can achieve an appropriate level of carbon reduction or water use, or demonstrate that the development will be air quality neutral and as such, is likely to contribute to unduly contribute towards climate change, will not adequately reduce water use and will result in adverse air quality.*
- The proposal is not supported by a drainage strategy using appropriate sustainable drainage measures, and so fails to make adequate provision for the control and reduction of surface water run-off.*
- The proposal is contrary to policies policy 3.12, 5.2, 5.3, 5.15 and 7.14 of the London Plan 2016, Policy CP19 of the Brent Core Strategy 2010, policy DMP9b and DMP15 of Brent's Development Management Policies 2016, and policy H5, H6, H7, SI1 and SI2 of London Plan Intend to Publish Version 2019 and policy BH5, BSUI1, BSUI2 and BSUI4 of Brent's Draft Local Plan 2020.*

4. To resolve the first reason for refusal, officers have been in discussion with the applicants and Brent's Adult Social Care team. As a result of these discussions, the number of units proposed has been reduced and the provision of communal space for residents has been proposed, together with improved facilities for staff and space for keyworking meetings. The current proposal has been designed to operate mostly independently of No 7-8, as requested by the Adult Social Care team, to encourage residents' transition towards fully independent living. The Adult Social Care team have confirmed that the layout of the current proposal is suitable to provide this type of care, and that a nominations agreement could secure the use of the property as C2 residential care units for the use of Brent residents requiring supported living, whilst the applicant has agreed to enter into a condition or section 106 agreement to secure nomination rights for Brent. These amendments to the previous proposal are considered sufficient to address the first reason for refusal.

Assessment of proposal

5. The second reason for refusal of the previous application arose from the proposal being for ten or more self-contained dwellings within Use Class C3 and as such, it was a Major development. Due to the lack of the facilities discussed above, the premises previously could not be treated as a care facility within Use Class C2 use (Residential Institutions). The additional policy requirements for Major residential developments applied to the previous application in respect of affordable housing provision, carbon reduction, water use, air quality and drainage, which the proposal did not comply with. The current proposal is for a care home within Use Class C2 with a floorspace of less than 1,000 sqm, which is classified as a minor development and does not involve the provision of self contained homes falling within use class C3(b). The policy requirements relating to Major developments do not apply, which has addressed the second reason for refusal.

6. The proposal would lead to the loss of the existing 3 bedroom bungalow at No 6a. Policy DMP16 seeks to resist a net loss in residential homes. The loss of the existing dwelling would be compensated for by the provision of nine supported living units, which would also contribute to the borough's housing supply and meet an identified need, and consequently, it is considered that the policy conflict is limited in this case and is outweighed by the benefits of the scheme given the identified need for a facility of this type within the borough.
7. The proposed facility would be operated in conjunction with the existing C2 facility at No 7 & 8 and by the same operator, and would allow for 'step-down' care to be provided to help enable residents to make the transition back into independent living. The proposals show the inclusion of adequate office space and communal space for the use of staff and residents and to provide dedicated space for keyworking, and on this basis it is considered that the proposal could be classified as a residential institution within Use Class C2 rather than being self-contained dwellings within Use Class C3.
8. The proposal also includes construction of an outbuilding in the rear garden of No 7 & 8, to provide additional space for occasional meetings and activities, in addition to storage space. This would provide additional space to allow the operation of the service and the range of activities available to residents to be enhanced, and would be acceptable in principle, subject to its use remaining ancillary to the accommodation provided and would not house additional residents, which would be secured by condition.
9. The proposal to provide short-term accommodation for mental health rehabilitation is supported by Brent's Adult Social Care team and would meet an evidenced need for this type of accommodation within the Borough. The applicant is an established provider of accommodation and care for mental health service users in Brent, and the additional facility would help to address the current shortage of mental health placements within the Borough and to reduce placements made out of the Borough. Nomination rights together with a management plan would be secured through a section 106 agreement to ensure that the facility provides for Brent's residents and is subject to satisfactory management arrangements, and the quality of care provided would be regulated through the applicant's contractual relationship with Adult Social Care and through the national regulatory body, the Care Standards Commission.
10. The proposed building would be run in conjunction with the applicant's existing supported accommodation premises at No 7-8. This is laid out in a similar fashion to the proposed building, comprising eleven rooms with small kitchen areas and ensuites in addition to a communal room which provides amenity space for residents but no communal cooking facilities, and a small office for staff. This is classified as a C2 use (residential care home), and the principle of C2 use on this site has been accepted by the Council in previous applications. It is considered that the proposed building would also be in the C2 use class given the similar layout, provision of communal space for residents and additional office space, and the arrangements to secure nomination rights and a management plan.
11. If the need for this type of housing declines in the future, it is considered that the layout of the building as proposed would lend itself to conversion to general needs housing to provide one or more self-contained C3 residential units. Whilst this would be subject to a grant of planning permission and would require some internal alterations given the size of rooms and mix of units, the general principle of a C3 residential use in this location would be acceptable given the existing residential use and surrounding context.
12. As to whether residents with mental healthcare needs would present a real or perceived nuisance or threat to neighbouring residents, in terms of crime, fear of crime, or challenging and disruptive behaviour, Brent's Adult Social Care team have confirmed that the eligibility criteria for this scheme would be adults who have a mental health diagnosis who have been assessed as able to live in the community. The service is not designed to operate as a 'dual diagnosis' service (i.e. catering for residents who also have a drug and / or alcohol addiction) and therefore regular incidents of drug and alcohol abuse would not be expected. Associated behaviours and conditions linked to a mental health presentation may at times cause low level disturbances but this would be the exception to the rule. The care and support provider would be required to consider known and presenting behaviours and the possible impacts on the local community in their pre admission assessment process. The council would require the provider to evidence a robust management plan before accepting any individual with this presentation. The applicant's Design & Access Statement also confirms that the needs of residents would be fully assessed prior to their placement and that the client group would not include those with a history of physical violence, drug or alcohol abuse. It is considered that the risk of incidents causing nuisance to neighbours would be minimised and that any incidents would be effectively managed through the submission and operation of a suitable management plan.

13. The Metropolitan Police Design Out Crime officer has advised that calls to the police regarding the existing facility at No 7 & 8 have been rare and have resulted in only one arrest for an incident involving fighting between residents. Specific recommendations have been made to minimise opportunities for anti-social behaviour and crime, including relocation of the bin store, cycle store and side entrance gate, the use of an intercom, external lighting, defensible planting, and restricting access to the rear garden at night. These issues have been resolved through the amended site layout where appropriate, and other matters would be secured by condition.
14. It is considered that the loss of a family-sized dwelling could be supported on this occasion, given the specific circumstances of the case. The proposal would contribute to the borough's housing supply and would meet a specific Brent need for accommodation with care. The proposal would comply with Brent's Policy DMP20 and emerging Policy BH7, subject to a management plan and nominations agreement secured through a planning conditions and further consideration of the standard of accommodation proposed and accessibility to public transport and local services as set out in the relevant sections of this report, and would be acceptable in principle.

Design, scale and appearance

Policy background

15. Policy CP17 aims to protect the suburban character of Brent from development that erodes the character of the area and infills plots with out-of-scale buildings that do not respect the settings of the existing dwellings, while Policy DMP1 requires the scale, type and design of development to complement the locality. The NPPF also emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials. Emerging Local Plan Policy BD1 carries forward these aims and further detailed advice on good design principles is set out in the Brent Design Guide SPD1.
16. Elmwood Crescent is characterised by substantial two-storey semi-detached houses with hipped roofs (the only exceptions being No 6, a detached house, the apartment blocks at Nos 19 and 20, and No 6a itself), demonstrating a variety of householder extensions and alterations. The existing building at No 6a is a bungalow with a low hipped roof, and the lower height reflects both the secluded location of the site at the end of the cul-de-sac and the gently falling ground levels.
17. The proposed building would also have the appearance of a bungalow on the front elevation, due to the roof extending down over the first floor, and would successfully retain the character of the site in this respect. The front and rear building lines would be aligned with those of the existing building at No 7-8, and the building would be of a similar bulk. Although larger than many of the houses on Elmwood Crescent, householder extensions to existing properties could result in these being similar in size to the proposal building. Due to its position in line with the front building line of No 7-8 at the end of the cul-de-sac, the building would not be prominent or obtrusive within the street scene and would retain the subservient appearance of the existing bungalow.
18. The roof would be hipped in a Dutch barn style with two small gable-end dormer windows in the front roofslope. A hipped rear projection would be set down from the main ridgeline, with a small area of crown roof. Whilst the roof form would not be typical of the area, it would have a recessive quality similar to the surrounding roofscape and the small area of crown roof would not be visible from the street.
19. The building would extend to the rear across two storeys, with the rear element being partly set in on both sides. This would provide a degree of articulation that would help to reduce the bulk and mass of the building. The side elevations would be mainly blank, although these would not be widely visible and the rear elevation would be well composed, with regular and generous fenestration arrangements.
20. The outbuilding proposed would be located in the rear garden of No 7 & 8, and would be of a typical domestic scale and appearance, with brick facing elevations and a flat roof of 2.5m height. Some landscaping of the rear garden to No 6a is shown, including planting and external seating, and a gated pedestrian route to the garden of No 7 & 8 and the outbuilding. These elements are considered acceptable.
21. In general, the proposal is considered to be acceptable in design terms, subject to materials samples, a more detailed landscaping plan and details of Secure by Design features being secured by condition.

Relationship with neighbouring properties

22. Any development would need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the 30 degree and 45 degree standards and the 1:2 guidance set out in SPD1. Habitable room windows should be sited at least 9m from boundaries and 18m from existing habitable room windows to prevent overlooking and loss of privacy.

23. The previous proposal (ref 20/3402) was refused for the following reason:

The proposed building would be unacceptably overbearing to residents of No 345 Stag Lane, due to the higher ground level of the site combined with the height and proximity to the shared boundary of the building, leading to a loss of light and outlook to the rear garden of that property and, due to the proximity of habitable room windows to the boundary and the higher ground level of the garden, would result in an unacceptable degree of overlooking and loss of privacy to the rear gardens of that property and other properties on Stag Lane. The proposal does not comply with Policy DMP1 of Brent's Development Management Policies and Brent's Design Guide SPD1.

24. The rear building line of the new building would not extend beyond that of the existing property at No 7-8 and would not impact upon the light and outlook available to the existing residents on the site. The two buildings would be separated at the side by approx 1m and, whilst the proposed staff office would have a ground floor window on this side elevation, there are no windows in the existing building on this elevation and therefore no concerns regarding overlooking.

25. The proposed building would be approx 9.5m from the boundary with the side of No 6 Elmwood Crescent and approx 12.5m from the side garden boundary of No 345 Stag Lane. The building would stand well clear of the 45 degree line from the side garden boundary of No 6 and, due to the adequate separation distance and relative positioning of the two buildings, would not have any adverse impacts on the latter in terms of overlooking, privacy, or breach of the 30 degree line. The relationship with the garden boundary of No 345 Stag Lane would also be acceptable as, due to the distance involved, the building would be well clear of the 45 degree line from this boundary.

26. The proposed building would be set off from the boundary with the rear gardens of properties on Stag Lane by a greater distance than the previous proposal (3.5m distance compared to the previous 2.3m). Given the distances involved, it would not breach the 30 degree line from the rear windows of these properties. The topographical survey submitted indicates that ground levels fall within the site towards the north and west, and that the nearest part of the neighbouring gardens on Stag Lane are approx 0.2m lower. The increased separation distance, coupled with the recessive hipped roof design and the lower ridge height of the building, ensures that the building would cause only a very minimal breach of the 45 degree line (by about 0.2m in height) at a height of 2m from the rear garden boundary of No 351 Stag Lane, even when the drop in ground levels along this boundary are taken into account. Given the extensive tree cover on the neighbour's side of the boundary, it is not considered that any materially significant loss of outlook to the rear garden would occur.

27. The previous proposal also included a number of habitable room windows and a balcony on this side elevation, which was considered to result in an unacceptable degree of overlooking and loss of privacy to No 349 Stag Lane. The current proposal does not include any side-facing habitable room windows and, as noted above, adequate separation distances are provided to the front and rear to prevent concerns about overlooking from front and rear windows. The communal room would contain two side-facing windows at ground floor level, and a condition is recommended to require these to be obscure glazed and non-opening, to prevent any over-looking onto the neighbouring properties.

28. The outbuilding proposed would have a flat roof with a height of 2.5m. This would comply with the guidance on residential outbuildings set out in Brent's SPD2 guidance on householder extensions, and with permitted development criteria for residential outbuildings. It is therefore considered to be of an acceptable height so as not to be overbearing to neighbouring gardens or to cause any harmful loss of outlook.

29. The proposal is considered to have addressed the reason for refusal of the previous proposal, and to have an acceptable relationship with neighbouring properties, subject to the conditions above.

Residential living standards

Policy background

30. Whilst London Plan Policy D6 provides minimum space standards for self-contained residential units for general needs housing (Use Class C3), accommodation for non-self-contained housing types are not required to comply with these standards. This policy also provides qualitative criteria for assessing the quality of residential accommodation, including appropriate levels of light, outlook and privacy for residents, however, and regard has been had to these criteria to assess the quality of accommodation proposed.
31. Brent's Policy DMP19 establishes that all new self-contained dwellings are required to have external private amenity space of a sufficient size and type to satisfy proposed residents' needs. This will normally be expected to be 20sqm for studio, one or two-bedroom homes and 50sqm for family housing (homes with 3 or more bedrooms). These standards are carried forward in the emerging Local Plan Policy BH13. Again, this policy standard is not directly applicable to this type of accommodation, but has been taken into account in assessing the proposed amenity space.

Assessment and comparison with previous proposal

32. The previous proposal (ref 20/3402) was refused for the following reason:

The proposal would not provide an adequate standard of residential accommodation to facilitate independent living for residents, due to the severely limited internal floorspace of the units in combination with instances of poor layouts, limited outlook and limited headroom. Furthermore, no units are proposed to meet Building Regulations M4(3) 'wheelchair accessible' standards. The proposal fails to comply with Policy DMP18 of Brent's Development Management Policies 2016 and Policies D6 and D7 of the Intend to Publish London Plan 2019.

33. This reason for refusal arises from concerns that the units would be occupied as self-contained C3 units. The minimum internal floorspace for such units is 37sqm, and the previous proposal involved units of approx 25sqm-26sqm.
34. The current proposal is for nine units, all of 25sqm approx floorspace. The units are shown laid out with single beds, small kitchen areas and ensuite shower rooms or bathrooms. Whilst these are below the minimum floorspace standards for studio flats provided as permanent accommodation, Brent's Adult Social Care team have confirmed that the size and layout proposed is typical of supported living units and is adequate for residents' needs in this case. Furthermore, each unit would have an efficient layout, a good standard of light and outlook from front- or rear-facing windows and a floor-to-ceiling height of 2.5m, to comply with Policy D6. Ground floor habitable room windows would require defensible space to a depth of 1.5m to protect residents' privacy, and further details of this would be secured under the landscaping condition.
35. A communal room of 25sqm would also be provided for the use of residents. The proposed outbuilding could provide additional secure storage space if this is required by individual residents. The rear garden is shown as being approx 266sqm in area, and would include a centrally located seating area and landscaped areas. This would be adequate to provide amenity space for the number of residents proposed.
36. The proposal is considered to have addressed the previous reason for refusal and to provide an adequate standard of accommodation in this instance, in accordance with Brent's Policy DMP20 and emerging Policy BH7.
37. **Impact on trees**
38. The potential effect of the development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of planning applications. Brent's emerging Policy BGI2 requires planning applications to be supported by a tree survey and to provide replacement tree planting to compensate for any loss of trees.
39. The applicant's tree survey identifies 15 trees and one tree group on or near the site. A Tree Preservation Order was made in 1971 (Ref 43.10/33) to protect two trees on the site frontage, a Horse Chestnut and Sycamore. However, the Sycamore tree has subsequently been removed. One Category C tree (a White Willow) would be removed to facilitate the development, however this is in close proximity to the existing dwelling on site and would outgrow its position in any case.

40. Two replacement trees would be provided as part of the landscaping scheme: a Hornbeam on the site frontage to replace the Sycamore and a Birch in the rear garden to replace the White Willow, in addition to six trees planted within a whip-double-staggered row of hornbeam hedging, and native hedging on the frontage with additional landscaping to enhance the appearance of the site and provided additional screening to No 6.
41. These details have been previously agreed with the Tree Officer, and would ensure that the development results in no net loss of trees, in accordance with emerging Policy BGI2. A Tree Protection Plan has been submitted, and a site visit by the applicant's arboricultural consultant would be required as a pre-commencement condition to ensure that the approved tree protection measures are implemented to protect retained trees during demolition and construction.

Environmental health

42. Environmental health officers have been consulted on the application and conditions are recommended to address their concerns as follows.
43. The site at No 6A has formerly been used for a car repair business and therefore a full assessment of land contamination would need to be undertaken, together with the implementation and verification of any remediation measures required.
44. A construction method statement is required as a pre-commencement condition, outlining measures that would be taken to control dust, noise and other environmental impacts of the demolition and construction process.
45. As noted above, the proposal is not classified as a major development and consequently there is no policy requirement for an air quality assessment.

Flood risk and drainage

46. It is noted that neighbour objections have been received on the basis of inadequacies in drainage and sewerage infrastructure. However, this is an existing situation and would not be made materially worse by the proposed development.
47. The site is not in or adjoining an area of surface water flood risk or any other type of flood risk. As the proposal is for a minor development, Brent's Policy DMP9B and emerging Policy BSUI4 encourage the use of sustainable drainage measures, however there is no policy requirement for the submission of a drainage strategy. The proposal would increase the proportion of soft landscaping provided on the site frontage, which would contribute towards sustainable drainage, and is considered to be acceptable on this basis.

Transportation considerations

48. Maximum parking allowances are given in Policy DMP12 and Appendix 1 of the Development Management Policies, whilst Appendix 2 provides servicing standards and Policy DMP11 provides criteria for new road accesses. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and the parking allowances in Brent's emerging Policy BT2 are aligned with those set out in London Plan Policy T6.
49. Elmwood Crescent is a narrow street and recent parking surveys (2013) confirm that this street is heavily parked. Its carriageway is only 4.8m wide, so cannot safely accommodate on-street parking. This site lies at the end of the Crescent, fronting the turning circle. The site has low access to public transport with a PTAL rating of 2, however a local shopping parade at Hay Lane is about 200m away, while bus routes and several GP practices are available on Stag Lane.
50. The existing 3bed dwelling at No 6A has a parking allowance of 1.5 spaces under Brent's current standards, and the site can accommodate two spaces within the double garage and further spaces in front of the garage. The relevant parking standard for the eleven 1bed units at No 7-8 is one space per ten units, and this part of the site can currently accommodate three to four spaces on the frontage. The proposal would result in a combined parking allowance for the two properties of two spaces.
51. The existing access to No 7-8 is proposed to be used for the two properties, and the boundary treatment between the two would be removed to provide a combined frontage. The existing access to No 7-8

includes vehicular gates which are open metalwork and so would provide adequate visibility, and a separate pedestrian gate in the same style, which would provide a dedicated pedestrian route to both buildings.

52. Transport officers have requested that the dropped kerb in front of No 6a is restored to footway at the applicant's expense. However from the officer's site visit it was apparent that this area of dropped kerb and part of the site frontage of No 6a is required to provide vehicle access to No 6 (historical street images show that this is an existing situation dating from 2008 or earlier) as the front boundary wall to that property and the curvature of the road partially obstructs its own dropped kerb. Whilst a small part of the dropped kerb could be reinstated to footway, it is considered that the benefits to pedestrian safety of doing so would be very limited in this case and that it would consequently be unreasonable to do so.
53. The proposal would include three designated parking bays adjacent to the boundary with No 6 (this area currently provides a driveway to No 6a, which would not be required if a combined frontage is provided, and which is currently used to park several cars in tandem). Whilst this exceeds the allowance of two spaces, it is considered that this is acceptable given the low public accessibility of the site and would allow any visitors including health and social care professionals to park on-site.
54. Cycle storage for four cycles and bin storage would also be provided on the site frontage, together with soft landscaping. Further details of these would be secured under the landscaping condition.
55. It is noted that objections have been received regarding access constraints and highway conditions within Elmwood Crescent. However, this is an existing situation that would not be made materially worse by the proposed development, and there is no evidence to suggest that the proposed residents would place greater demands on emergency services than residents in general needs housing. The existing access to No 6A is acknowledged to be constrained, and the proposal would improve access arrangements by providing vehicle access to both buildings from No 7-8, which would make the access to No 6A.
56. The development is not expected to generate additional traffic beyond that associated with the existing dwelling on the site. Subject to the conditions above, the proposal is considered to be acceptable in terms of transportation considerations.

Fire safety

57. The application has not been accompanied with the fire safety information set out within D12a of London Plan. However, formal approval under the Building Regulations will be required if the scheme goes ahead, and therefore given the scale and location of the development, the absence of the fire statement does not render the scheme unacceptable.

Equalities

58. 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

59. 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 and completion of legal agreement.
60. Whilst the concerns of neighbouring residents are acknowledged, the reasons for refusal of the previous application have been satisfactorily addressed through proactive engagement with the applicant and Brent's Adult Social Care team. The proposal would meet an identified Brent need for accommodation of this type within the Borough and would help to reduce out-of-borough placements, and robust management procedures would be secured to minimise any risk of challenging or disruptive behaviour by residents.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 21/3059

To: Mr Pearson
Pearson Associates
8 Baronsmere Court
Manor Road
Barnet
EN5 2JZ

I refer to your application dated **09/08/2021** proposing the following:

Demolition of existing bungalow and detached garage at No.6A Elmwood Crescent and erection of two-storey detached building to be used as accommodation for mental-health rehabilitation (Use Class C2), comprising of 9x self-contained units with associated landscaping, erection of single storey rear outbuilding, cycle & refuse storage and car-parking for use in conjunction with the residential institution at No.7-8 Elmwood Crescent

and accompanied by plans or documents listed here:
Please see Condition 2.

at **6A and 7-8, Elmwood Crescent, London, NW9 0NL**

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: 12/10/2021

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:-

London Plan 2021
 Brent Core Strategy 2010
 Brent Development Management Policies 2016

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

Site plan
 C4021 – T : Site Survey
 2819/1A: Existing plans
 2819/2: Existing elevations
 BP1: Block Plan (Proposed) submitted 05 October 2021
 2601/6H: Proposed ground and first floor plans
 2601/7H: Proposed front and west side elevations
 2601/8H: Proposed rear and east side elevations
 2601/9A: Proposed outbuilding plans and elevations
 2601/10B : Existing and proposed long sections
 2601/11C: Proposed roof plan, section and front boundary wall
 Tree Constraint Plan (B)
 Tree Protection Plan

Design & Access Statement
 Phase II Arboricultural Impact Assessment (Ref 5440011 1470 / 101 589, Arbol EuroConsulting, 15/04/2021)

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

- 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 premises shall not be used other than for the purpose of supported accommodation for clients with mental health problems and for no other purpose within Use Class C2 notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the development continues to provide accommodation in relation to a specific identified Brent need.

Brent Council shall have 100% nominations rights whilst the service is mobilising and until it achieves 100% occupancy.

Thereafter Brent Council shall retain 100% nomination rights in the first instance for any new void. On day 29 if Brent Council has not been able to nominate, the provider may accept a nomination from another local authority.

In the event a void is let after day 29 to another local authority, then the provider shall inform the relevant commissioning team at Brent Council of this detail..

In the event a void occurs that has previously been secured by another local authority then Brent Council shall automatically secure the nomination right for the first 28 days.

The provider shall inform Brent Council's commissioning team via an availability notice of all voids, giving Brent Council 28 days to nominate from the date of the availability notice.

Reason: To ensure the development continues to provide accommodation in relation to a specific identified Brent need.

- 3 The accommodation within the development hereby approved shall not be occupied other than in accordance with the following criteria for the nomination of occupants:

- Brent Council shall have rights to nominated all (100%) of the occupants whilst the service is mobilising and until it achieves 100% occupancy.
- Thereafter Brent Council shall have the right to nominate all (100%) of the occupants in the first instance for any new void. If on day 29 following the notification of Brent Council of a vacant room Brent Council has not provided details of a person to occupy the room, the provider may accept a nomination for that specific room from another Local Authority for that particular letting instance.
- In the event a void is let after day 29 to another Local Authority, the provider shall inform the relevant commissioning team at Brent Council of the full details of the letting.
- In the event a void occurs that has previously been secured by another Local Authority then Brent Council shall automatically secure the nomination right for the first 28 days in accordance with the above criteria.
- The provider shall inform Brent Council's commissioning team via an availability notice of all voids, giving Brent Council 28 days to nominate from the date of the availability notice.

Reason: To ensure the development continues to provide accommodation in relation to a specific identified Brent need.

- 4 No more than 9 persons shall reside within the premises at any one time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any intensification in the use of premises does not result in substandard form of accommodation for the C2 use and that it would not result in a harmful impact on neighbouring amenity. .

- 5 The communal room and office hereby approved shall not be used other than for purposes ancillary to the use of the building as a C2 residential institution for nine persons requiring supported accommodation.

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

- 6 The outbuilding hereby approved shall not be used other than as a meeting room and/or storage space ancillary to the use of the Use Class C2 accommodation provided within the main building, and shall not be used for any other purpose. No business or industry shall be carried out therein, nor shall this building be used for additional living accommodation or be sold, let or occupied separately from the main buildings.

Reason: In the interests of safeguarding neighbouring residential amenity.

- 7 The development shall be designed and constructed so as to limit the internal consumption of water to 105 litres or less per head per day.

Reason: To promote water conservation and efficiency measures in all new developments in accordance with Policy SI5 of the London Plan, and DMP9b of the Development Management Policies.

- 8 The windows located on the ground floor within the western façade or roofslope of the building

must be—

- (i) obscure-glazed for all parts of the windows above 1.7m above the floor of the room in which the window is installed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

and shall be permanently maintained in that condition thereafter unless the planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

- 9 Prior to the commencement of the development a Construction Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The construction of the development shall be carried out in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 10 No development shall commence until the applicant's arboricultural consultant has visited the site and has provided written confirmation within seven days of the visit that the approved tree protection measures have been implemented in full, and this written confirmation has been submitted to and approved in writing by the local planning authority

Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.

Reason: To ensure the protection of retained trees on and around the site, in accordance with Policy BGI2 of Brent's emerging Local Plan.

Reason for pre-commencement condition: Damage to trees can occur at any stage of the demolition and construction process, and adequate controls need to be in place to prevent any such damage.

- 11 Following the demolition of the building and prior to the commencement of building works:

- (a) a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011;
- (b) a report shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full.

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

- 12 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any construction work is commenced above

foundation level. The work shall be carried out in accordance with the approved details.

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

- 13 Prior to first occupation or use of the development, and notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. Such a scheme shall include:

- (a) all planting and trees including location, species, size, density and number, incorporating native species and including one Hornbeam tree or similar species, one Birch tree or similar species, and one row of six trees planted within a whip-double-staggered row of hornbeam hedging;
- (b) details of the layout of the rear garden space;
- (c) areas of all hard landscaped works including details of materials and finishes, which shall have a permeable construction, and including three parking spaces demarcated with the use of contrasting materials;
- (d) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height;
- (e) details of external lighting within the site (including light spillage plans showing details of lux levels across the surface of the site and at residential windows);
- (f) details of a CCTV system to be installed within the site;
- (g) details of materials proposed for the bin storage;
- (h) details of cycle storage for four cycles in accordance with London Cycling Design Standards;
- (i) details of all tree planting pits (including surfacing).

The approved hard and soft landscape works, external lighting and CCTV shall be implemented in full prior to first occupation of the development.

Any planting that is part of the approved scheme that within a period of *five* years after completion is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- 14 Prior to first occupation or use of the site, a verification report shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition, stating that any soil contamination remediation measures required by the Local Planning Authority have been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Local Planning Authority has previously confirmed that no remediation measures are required).

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

- 15 Prior to first occupation of the development, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall set out, inter alia, processes for minimising the risk of challenging or disruptive behaviour by residents, including: prior assessment and eligibility criteria, responding to and recording any such behaviour; managing residents' access to and use of external amenity space; ensuring units are occupied on a temporary basis with a maximum tenancy duration of four years; managing the reception of visitors to the building. The building shall not be used other than in full accordance with the management plan.

Reason: To ensure the premises are managed so as to minimise any nuisance or adverse impacts on neighbouring residential 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 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 In relation to the discharge of conditions on contaminated land, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 5 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.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

20 October, 2021
04
20/1335

SITE INFORMATION

RECEIVED	4 May, 2020
WARD	Mapesbury
PLANNING AREA	
LOCATION	Oman Court, Oman Avenue, London, NW2 6AY
PROPOSAL	Redevelopment of part of rear parking to Oman Court to build 2 x two-bed residential duplexes with gardens
PLAN NO'S	Please 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 https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_149853</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 "20/1335" (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 conditions.

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. Time Limit
2. Approved Plans
3. Submission of Materials
4. Submission of Block Paving Details and Implementation
5. Submission of Trees & Landscaping
6. Submission of Construction Method Statement
7. Restriction of identified windows to be Obscure glazed and non-opening
8. No access to flat roof
9. Compliance with Tree Report
10. Cycle and bin facilities
11. Revocation of Permitted Development Rights (Classes A- E Extensions)
12. Revocation of Permitted Development Rights (Class L relating to HMO's)
13. Permit Free Condition

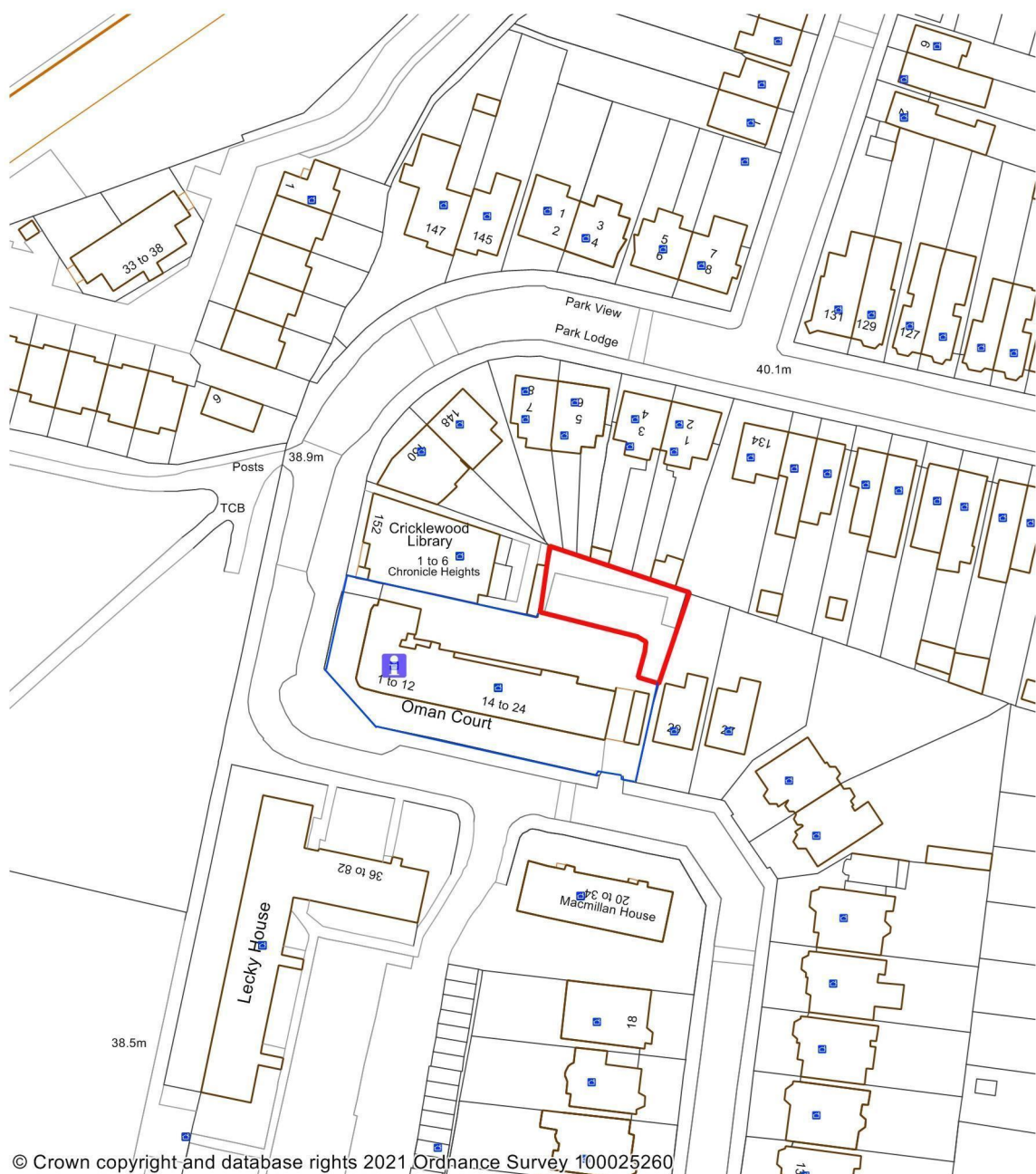
Informatives

1. Building near boundary
2. CIL Liable Approval
3. Party Wall
4. Highway works
5. Fire Safety
6. Building Regulations requirements
7. Living Wage

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

	Brent	Planning Committee Map
Site address: Oman Court, Oman Avenue, London, NW2 6AY		
© Crown copyright and database rights 2011 Ordnance Survey 100025260		



This map is indicative only.

PROPOSAL IN DETAIL

The proposal is for two new dwellings to be located on the northern side of the existing car park to the rear of Oman Court. The dwellings would be part single, part two storey and would incorporate a front garden and parking space for each new dwelling. The proposal also includes the laying of block paving across a larger proportion of the car park.

EXISTING

The application site comprises a courtyard car parking area in association with the Oman Court, a five storey flatted development located south of the proposed development. To the north of the site are the rear gardens of the properties along Olive Road, to the east are the residential gardens associated with properties on Oman Avenue. West of the site is the single storey bike store structure, beyond which is a four storey building with Cricklewood Library at ground floor with residential use above. To the south of the site is the 5 storey flatted development of Oman Court.

The site is not Listed, nor located within a Conservation Area. The site is located within an Air Quality Management Area. The carriageway on Olive Road and Oman Avenue to the south and west of the site is affected by Flood Zone 3a (Surface Water). It is acknowledged that a small area to the south west of the site which sits within the blue line is affected by Flood Zone 3a, yet this is outside the red line boundary and unaffected by any development proposed.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received: A total of 35 objections were received. Concerns raised by residents included but are not limited to those regarding design, living conditions for future occupants, the impact on character, parking and highway safety, neighbours living conditions, housing mix consultation impact to trees. The consultation section provides more detail in relation to the nature of all objections.

Principle: The site is located on an existing car park within a predominantly residential area, the proposal would result in the loss of 7 parking spaces. There are no in principle objections to the principle of development subject to the consideration of the impacts of the development.

Character and Appearance: The proposal is considered to be a good quality design that adequately respects the character of its surroundings and would have an appropriate relationship with the surrounding buildings and streetscene.

Standard of Accommodation: The living conditions of future occupiers of the development would be acceptable and would sufficiently meet the relevant standards in terms of internal space, light and outlook. External amenity space would be provided in the form of front garden. The external amenity space would fall slightly short (3sqm) of DMP 19 standards. However, having regard to the proximity to nearby open spaces (Cricklewood Gate entrance to Gladstone Park located approximately 150m walk from site) and the quality and quantity of on-site provision, the new homes would nonetheless have access to external space that is sufficient in size and type to satisfy the needs of future residents.

Impact on Neighbouring Amenity: The development has been assessed against loss of light, outlook and sense of enclosure on all neighbouring properties against the guidance contained with SPD 1 and the

proposed development complied with the guidance. It is not considered that the proposed development would result in adverse harm to the residential amenity of any nearby properties or their gardens.

Parking: The proposal would result in the loss of 7 off street parking spaces. The proposal would result in 2 two bedroom houses, two new off street parking spaces are proposed, one for each new house. A parking survey was undertaken and reviewed by Brent Transport Team along with other information about the site and surroundings. It is considered that there would be sufficient parking available on and off-street to meet likely future parking demand.

Trees: A Phase II Arboricultural Impact Assessment has been submitted by the applicant and reviewed by the Councils Tree Officer. The development includes the removal of three trees (TA-TC), Silver Birch Trees to the rear of the site in order to accommodate the development. It is reported within the Arboricultural Report that one of these is dead (TB) whilst the other two are recently established with potential to grow into significant specimens. Three replacement trees (2 x silver birch and 1 x snowy mespil) are proposed within the car parking area in order to mitigate against the loss of the three trees. The replacement trees are considered to adequately mitigate against the removed trees.

RELEVANT SITE HISTORY

Oman Court

17/2259 – Granted

Non-material amendments as follows:

- * minor amendments to windows and doors
- * minor amendment to roof finish

of planning permission reference 10/2012 dated 08/04/2011 for Erection of single-storey roof extension to form five-storey building to provide 4 additional self-contained flats (1x 3-bedroom and 3 x 2-bedroom), enlarged refuse-storage area, alterations to parking layout, cycle-storage area to front and associated landscaping to site (revised plans received on 26th October 2010) and subject to a Deed of Agreement dated 24 March 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

10/2012 – Granted

Erection of single-storey roof extension to form five-storey building to provide 4 additional self-contained flats (1x 3-bedroom and 3 x 2-bedroom), enlarged refuse-storage area, alterations to parking layout, cycle-storage area to front and associated landscaping to site (revised plans received on 26th October 2010) and subject to a Deed of Agreement dated 24 March 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

Cricklewood Library (152 Olive Road)

18/2803 – Granted

Erection of canopy to front of library; acoustically attenuated enclosure within the existing refuse store to the rear; relocation of the refuse store to a new enclosure at the front of the property, the addition of fresh air intake/ventilation louvres to the rear and side (north) elevations.

14/2548 – Granted

Demolition of former Cricklewood Library building and erection of a four storey building comprising 6 self-contained flats (1 x 1bed, 4 x 2bed and 1 x 3bed) and 187m2 of D1 (multi-functional community) floorspace, with provision for bike and bin stores, associated landscaping and temporary retention of site hoarding for site security (to be removed on completion of development) and subject to a Deed of Agreement dated 10th December 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

TPO/03/00287 – TPO

Oman Court, Oman Avenue, NW2 6AY.

CONSULTATIONS

A total of 65 were consulted on May 6th 2020, as well as, North West Two Residents Association and Watling Gardens Tenant's Management Organisation. A total of 35 objections have been received, this is inclusive of objections received from Councillor Dar and Councillor Choudhary.

The table below addresses the concerns raised in representations received:

Objection raised	Officer comment
<p>Impact to Residential Amenity</p> <p>Impact to daylight/sunlight, outlook overbearing and sense of enclosure to surrounding properties and gardens. Blocking of sunlight will impact plants.</p> <p>Noise increase and disturbance.</p> <p>Light pollution.</p> <p>Overlooking. Frosting is poor mitigation does not overcome overbearing impact windows can be opened.</p> <p>Lack of separation distances to surrounding boundaries and properties.</p> <p>Pre-application criticised perceived impact on residential gardens.</p> <p>Impact to health and wellbeing.</p> <p>Smell and mess, increased rubbish collection, already a problem with rubbish at Oman Court many flats in multiple occupancy.</p>	<p>Please refer to impact to residential amenity section of report.</p> <p>Adequate bins incorporated to their frontage. The store area and capacity is such that no issues of smell or mess are considered to arise. Issues with current bin stores/nuisance should be with the management and maintenance arrangements of the existing properties such issues fall outside the scope of this application.</p> <p>The impact to sunlight on surrounding gardens is discussed in the residential amenity section of report. It is not considered that the level of impacts to sunlight is significant, it is not considered that the loss of sunlight would impact plants to a degree that would be harmful to the local landscape.</p>
<p>Impact to Character and Appearance</p> <p>Lack of separation distances to surrounding boundaries and properties. Cramped.</p> <p>Should respect character. Spoil view of 1920's flats.</p> <p>Does not create a strong sense of place.</p> <p>Does not integrate with Art Deco design of Oman Court not surrounding character. Not in keeping with environment.</p>	<p>Please refer to 'Impact to Character and Appearance' section of this report'.</p> <p>The loss of a view is not a material planning consideration in this instance. The views referred to are not protected and outlook is not impacted to an unacceptable degree.</p>

<p>Odd location.</p> <p>Elevations with no principal windows should be set back at least 1m from a site boundary to allow access for maintenance and to avoid a cramped appearance.</p> <p>Makes reference to illegal buildings in back gardens and Brent's action against such developments. Asserts concept is same for his car park development.</p> <p>Roof facade close to Chronicle Heights, request that roof be as light as possible, to avoid oppressive feature.</p> <p>Hardstanding should be limited to prevent overdevelopment.</p> <p>Reference made to the outdated UDP Policies, but also to the draft London Plan in regards to backland development. States development is harmful to character and appearance. Backyard development contrary to Greater London Authority and Brent policies.</p>	<p>The development is not considered to be comparable to unauthorised buildings within gardens.</p> <p>The design and access statement outlines that the tiles would be terracotta or brown flat clay tiles. A condition is recommended to secure further details of materials</p> <p>The proposed site area is largely hardstanding with a small area of shrubs and trees to the north strip of the site. The proposal introduces front gardens with soft landscaping as well as new trees and a sedum roof.</p> <p>The development is not considered to be inappropriate. Policy does not preclude back land development subject to other planning considerations which are discussed in the detailed considerations section of the report.</p>
<p>Standard of Accommodation</p> <p>Cramped space, limited access.</p> <p>Overlooked and overshadowed by Oman Court and the Library development.</p> <p>Insufficient separation between Oman Court and development. Cramped development.</p> <p>Concerns about amenity space provided. Proposed amenity space overlooked.</p> <p>Compares accommodation to beds in sheds.</p>	<p>Please refer to the 'Standard of Accommodation' section of the report.</p> <p>The development is not considered to be comparable to unauthorised buildings within gardens.</p>
<p>Construction Disruption</p> <p>Disturbance during previous construction works. Does not mitigate pollution effects of</p>	<p>A pre-commencement condition requiring the submission and approval of a construction method</p>

<p>development.</p> <p>Only access via the undercroft would result in noise and disturbance.</p> <p>Concerns regarding construction, two main entrances notes one is not high enough for construction materials, other entrance previously used. If this is used again, bins have to be removed in the first place. This is a very tight space between the side of 18 Oman Court and the neighbouring building. Vehicles previously scraped wall, created a danger for these walls. Concerns regarding use of entrances.</p> <p>Noise from the construction site, congestion impact on light air circulation and so on.</p> <p>More people working from home impacted by construction disruption.</p>	<p>statement is recommended and shall include outline measures to control dust, noise and other environmental impacts of the development.</p> <p>It would be up to the developer to consider the logistics of the build. If property becomes damaged this would become a civil matter.</p> <p>The disruption caused as a result of construction is covered under Environmental Health Legislation (The Control of Pollution Act 1974).</p> <p>Some inconvenience may be caused, as with most construction projects, excessive impacts are controlled by the above legislation and it would be unreasonable to withhold planning permission due to the construction phase or lack of individual benefit to residents.</p>
<p>Bin Storage</p> <p>Insufficient space for waste. Bin capacity at Oman Court is already stretched.</p> <p>Bins, impact to Trees to front protected by preservation orders.</p> <p>The old rubbish bin area is opposite and is intended for the second house in the planning application.</p>	<p>The new houses have incorporated bin stores to their frontage. This provided adequate bin stores to the proposed units. The store area and capacity is such that no issues of smell or mess are considered to arise.</p> <p>The bins proposed would not impact trees.</p> <p>The existing bin store area for Oman Court/Cricklewood Library would remain unaffected by the development.</p> <p>Issues with current bin stores/nuisance should be taken up with Brent's Environmental Health department and such issues fall outside the scope of this application.</p>
<p>Trees and Landscaping</p> <p>Loss of trees reduce outlook and privacy. Loss of natural features, more concrete, impact to outlook of protected open space.</p> <p>Loss of shrubs and this is not referred to.</p> <p>Impact to green infrastructure and wildlife.</p>	<p>Please refer to the 'Trees and Landscaping' section of the report.</p> <p>Private views are not protected by planning policy. The replacement trees are considered to adequately mitigate the trees to be removed in terms of visual amenity, wildlife and air quality.</p>

<p>Two new small specimens will be no substitute to maintain air quality and all the other human amenity trees provide.</p> <p>Loss of trees and natural area. States trees were built to mitigate the additional floor on Oman Court. Silver birch takes moisture out of soil and could cause issues.</p> <p>Concerns that trees are high moisture demand and may cause damage to nearby properties.</p>	<p>The proposed trees are low water demand and given there placement are not considered to result in harm to the surrounding properties.</p>
<p>Housing Need/Mix</p> <p>Does not meet spatial vision and does not ensure 25 % are family homes or that 50% would be affordable. Overdevelopment not for family.</p> <p>Accept need for housing, but this is not for social housing where need is greatest.</p> <p>Contribution to housing need negligible.</p>	<p>The scale of the development is such that policy does not seek to secure a specific housing mix of tenure.</p> <p>Contributes 2 homes to housing stock.</p>
<p>Consultation</p> <p>Developer has not consulted with community, not notified. Was not told about development when recently purchased house.</p> <p>Received letter late. Did not receive letter.</p> <p>Questions if this is the only consultation.</p> <p>Three weeks does not seem enough to comment on the proposals. Developer been working on site for two years, seems an unfair amount to respond.</p> <p>Issue with access to view plans.</p>	<p>Consultation has been carried out meets the statutory and local requirements for the application. Please refer to the 'Consultation Section' of this report for more detail.</p> <p>Plans have been accessible via the public access site.</p>
<p>Other matters</p> <p>States does not meet building control regulation.</p> <p>Density is a crude measure for determining development in site. Object density.</p> <p>Questions why it cannot be developed into a children's playground. Loss of community space. Could be better developed, such as garden refers to COVID. Not community minded</p> <p>Not policy compliant. Inappropriate use of land.</p>	<p>Building control is not a material planning consideration and part of a separate regulatory framework.</p> <p>The scale of development is considered within the main body of the report as opposed to the measure of density.</p> <p>Planning applications must be assessed on their own merits, rather than what alternative schemes could be considered.</p>

Increased crime. Access via gate which is locked via a padlock opened for those with spaces. Gate locked for security and experienced carjacking and anti-social behaviour in the past. Locked gate prevents access for deliveries and slows down emergency services. Limited gap and lack of lighting may result in crime/ anti-social behaviour.

Bin area previously broken into. Used by people with additions, results in health & safety risk.

Limited gap to boundaries, hindering maintenance, damage and damp to boundaries and sheds. Sloping roof near boundary could cause water to overspill onto neighbouring shed and cause damage. Water could collect between boundaries and cause damage.

Creates microclimate.

Advise committee to view site before decision.

Solely for financial benefit.

Refers to other cases in car parks that only allow single storey buildings.

Reference made to freeholder, leaseholder arrangements, costs of renovation and parking allocations. New owners in penthouse have preferential treatment in terms of parking and access to lift. Reference made to freeholder/leaseholder arrangements costs and repairs, Refers to the fenced off pen with materials in the car park.

Breach of planning at Oman Court, chimney stacks removed. States communication to freeholder not been resolved. Claims applicant disregards planning control.

Use of planning conditions and non-material amendments on previous case avoids public scrutiny. Raises concern about the design approved at conditions stage in regards to previous permission.

Please see report

There is no evidence to show that this development would directly increase crime and anti-social behaviour.

Outside the scope of this application.

Whilst it is acknowledged that there are pinch points, it is considered that maintenance will be able to be achieved. The separation distances not considered to give rise to damage/damp.

The scale and form of the development is not considered to create a micro-climate.

Noted.

The profit or motive of the developer in this circumstance is not a material planning consideration.

Each application is determined on its own merits.

The conditions and arrangements within the freehold or leasehold are not a material planning consideration. Outside the scope of this application. Not a material planning consideration.

Any breaches of planning should be reported to the Planning Enforcement Team. Such allegations are not within the scope of this application.

Key details regarding the acceptability of a development are covered during the main assessment. Other details may be conditioned where the principle is accepted and consultation would not be deemed necessary.

<p>Refers to 2001 application for houses, stating concerns were raised in relation to amenity, overcrowding and impact to residents. This application was withdrawn. Refers to a number of approvals nearby since this and questions why an application is now acceptable.</p> <p>Criticises level of detail in planning statement, no reference to the east of the site. States this questions accuracy of submission.</p> <p>Responses to pre-app in planning statement are not evidenced.</p> <p>Refers to NPPF and the presumption in favour of sustainable development and refers to paragraph 127 of the NPPF in balancing considerations. Developer priority is profit. Human cost not outweighed by negative results.</p> <p>Security lights may have to be removed so as not to impact the new development.</p> <p>Limited access for emergency service, due to height of undercroft.</p> <p>Bins block exist route in event of a fire, motorbike previously blocked exist for pedestrians. Burnable wood next to bins is a hazard. Vandals have previously set alight to things.</p> <p>Questions accuracy of drawings asserting that it has been shown bigger than it is.</p>	<p>Each application is determined on its own merits with regard to current policies and the site context.</p> <p>Noted, yet enough detail has been presented for a recommendation to be made. Impact to the east of the site has been considered.</p> <p>Noted.</p> <p>Please refer to the detailed considerations section for the report for a full assessment.</p> <p>This has not been proposed.</p> <p>The two houses would both be within 45m of Oman Avenue to comply with access requirements for fire appliances.</p> <p>Bin proposed do not block exit. Previous blockages due to individuals parking behaviours is not a material planning consideration to this case. Nor vandals behaviour.</p> <p>The size of the site as shown in the submitted drawings is consistent with our mapping.</p>
<p>Transport Concerns</p> <p>Increased vehicular and pedestrian traffic, impact to security and safety.</p>	<p>Please refer to the 'Transport Considerations' section of this report</p>

Increased parking pressure, for existing, proposed and surroundings, lack of spaces and impact from other developments.

Concerns raised in regard to the parking methodology used and impact from other developments, park and places of worship.

Elderly should be able to park, cannot carry things far and should feel safe.

Heavily reliant on car usage, given accessibility.

Oman Court in 2 CPZs. The Traffic Note ignores this, putting much of Olive Road and St Michaels Road in the same 'parkable' category as Oman Avenue. Refers to hours of CPZ's and states main pressure is in the day and that the night time survey is therefore unrepresentative.

Brent Council intends removing the 3 parking spaces outside Cricklewood Library.

Reference made to outdated UDP parking policies, states UDP refers to Olive Road as heavily parked. States excessive on street parking can be dangerous for pedestrians and can hamper flow of traffic. Witnessed accidents at corner as no additional parking provided. Concerns that manoeuvring is limited and concerns raised about space for number of cars.

No provision for disabled spaces, cycles or motorcycles. Impact to disabled residents.

Flats bought with understanding that they came with parking spaces. Parking already reduces due to freeholder allocating two spaces to new flats at top of Oman Court. Impacts quality of life, price of flats and puts pressure of street parking. Thinks that freeholder has withdrawn parking for residents forcing them to park on the road in order to claim the car park is underused. Queries regarding land ownership. Leaseholder and freeholder share ownership of spaces.

Freeholder withdrawn parking to show less pressure.

Of the 22 on-site car parking spaces, only seven spaces are allocated to the households of Oman Court. The rest of the households either do not own a car or park their car on streets.' The seven spaces are reserved for the three flats built in the Oman Court side extension (nos 22,

Oman Court residents with permits are able to park in Zone GA. Zone is more lightly parked. The Lambeth Methodology is widely used and survey times are overnight. That said other evidence (Google Streetview) does not suggest the road is more heavily parked in the day.

Parking spaces were removed some years ago.

It is not considered that the proposal would create unsafe conditions for road users/pedestrians. Adequate manoeuvring space is provided.

The development would not result in the loss of any accessible spaces and the scale of the development is not such that any would be required in policy terms. Adequate cycle provision proposed.

The sale of properties and conditions of lease is not a material planning consideration. The planning conditions cannot control the freeholder's allocation of spaces.

Please see 'Transport Considerations' section of this report.

Approval reference 10/2012 for additional flats to Oman Court included 23 parking spaces and this was conditioned. It is acknowledged (within the submitted Traffic note) that the existing site has 22 spaces. Brent's Transport Team were consulted and our assessment has been based

23 and 24) and the penthouses (25-28).	on 22 existing spaces. In any case and notwithstanding the additional one parking space already lost, the resulting provision of off street parking, taken with on street parking pressure as a result of this development is considered acceptable.
Elderly residents use spaces cannot carry things far and need to feel safe.	
No delineation for cars and pedestrians.	Between the car park and the street, there is sufficient space available to accommodate the parking demand from the existing and proposed properties in Oman Court. If the residents feel that the amount of parking in Oman Court is making it difficult to find parking, then they have the option to purchase a permit to park within Oman Court
Increase noise pollution.	A condition requiring block paving be extended across the width of the existing car park and along the access drive. This would then send a subliminal message to drivers that the area is more of a mews court with pedestrian present than a car park and will encourage them to keep speeds low. It would also improve the outlook from the proposed houses. The development is not considered to give rise to increased or harmful noise pollution.

Brent Internal Consultees:

Transport: No objection raised subject to conditions for re-surfacing of part of the car part and removal of new resident's right to obtain on street parking permits.

Tree Officer: No objection raised, subject to the submission and implementation of a detailed Tree & Landscaping Strategy.

Environmental Health: No objection raised, subject to the submission and implementation of a Construction Method Statement.

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 include:

Regional Level

The London Plan (2021)

- GG2: Making the best use of land
- GG3: Creating a healthy city
- GG4: Delivering New Homes Londoners need
- D4: Delivering Good Design
- D5: Inclusive Design
- D6: Optimising site capacity through the design-led approach
- D5: Accessible Housing
- D3: Optimising Housing Density
- D12: Fire Safety

D14: Noise
G7: Trees and Woodlands
H1: Increasing Housing Supply
H10: Housing size mix
SI1: Improving Air Quality
T4: Assessing and Mitigating Transport Impacts
T5: Cycling
T6: Car Parking
T6.1: Residential Parking

Local Level

Brent's Core Strategy 2010

CP 1: Spatial Development Strategy
CP 2: Population and housing growth
CP 5: Placemaking
CP 6: Design & Density in Place Making
CP 17: Protecting and enhancing the suburban character of Brent
CP 20: Protecting and Enhancing the Suburban Character of Brent

Brent's Local Plan Development Management Policies 2016

DMP1: Development Management General Policy
DMP12: Parking
DMP18: Dwelling size and Residential Outbuildings
DMP19: Residential Amenity Space

Draft Brent Local Plan

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

DMP1: Development Management General Policy
BD1: Leading the Way in Good Urban Design
BH1: Increasing Housing Supply in Brent
BH13: Residential Amenity Space
BT1: Sustainable Travel Choice
BT2: Parking & Car Free Development
BG12: Trees and Woodlands
BSUI2: Air Quality

The following are also material planning considerations

National Level

National Planning Policy Framework 2021
Technical Housing Standards - nationally described space standards
National Design Guide (2019)

Supplementary Planning Documents/Guidance (SPD/SPG)

Brent SPD1: Design Guide for New Development (2018)
Mayor's Housing SPG
Mayor's Sustainable Design and Construction SPG
National Planning Policy Guidance
National Design Guide
Brent Waste Planning 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.

DETAILED CONSIDERATIONS

Principle of Development

1. The site is located on hardstanding currently in use as a car park in association with the five storey flatted development of Oman Court to the South. The proposals would be consistent with the aims of the London Plan and policies within the Core Strategy which seek to support development which contributes to the strategic housing needs of Greater London and the Borough. Notwithstanding the in-principle support for additional housing, it is important that all other relevant planning considerations which seek to ensure that appropriate regard is given to design, the character of the area, neighbour amenity, traffic generation and highway safety, and acceptability with regards to sustainable design and construction is properly satisfied.
2. Core Strategy Policy 17 ("Protecting and Enhancing the Suburban Character of Brent") confirms that the infilling of plots with out of scale buildings which do not respect the setting of existing dwellings is not acceptable. Additional design guidance can be found in DMP1 ("Development Management General Policy") and within the Councils SPD 1 ("Design Guide for New Development").
3. The surrounding area is largely residential, but not uniform in character or architectural design. The immediate context is characterised by a mix of two storey semi-detached and detached properties and flatted developments carrying in height from 2-5 storeys.
4. The proposal is for part single, part two storey dwellings sited on the northern side of the existing car park, which would incorporate a front garden and parking space for each new dwelling. The proposal also included the laying of block paving across a larger proportion of the car park.
5. The separation distances to boundaries varies from approximately 0.9m to 1.7m on the western boundary, from 0.5m to 0.7m to the northern boundary and approximately 1.6m-1.45m to the eastern boundary. Although it is acknowledged that there are pinch points, the separation to all boundaries is considered acceptable in terms of character and appearance.
6. The proposed bulk and mass has been designed to respect the neighbouring amenity, the two storey elements of the proposals are located to the east and west sided of the site with a single storey element with a flat roof in the middle. The two storey elements would have south facing front gable with a steeper sloped roof to the east and west boundaries respectively, both have hipped roofs to the rear (north of the site). The design and access statement outlines that the tiles would be terracotta or brown flat clay tiles, that the flat roof would have a sedum roof and that a combination of brown or terracotta bricks to reflect Oman Court as well as timber effect cladding would be used. In principle the materials described are considered to relate sufficiently to the proposal and wider context, however a condition is recommended for the submission and approval of exact material proposed.
7. The erection of two new houses is not considered inappropriate in this location. Furthermore, the scale of development is not out of context within its surroundings.

Standard of Accommodation

8. London Plan Policy D6, Development Management Plan policies DMP 18 Dwelling Size and Residential Outbuildings, DMP 19 Residential Amenity Space, Housing Supplementary Planning Guidance and Brent's SPD 1 seek high quality development to ensure the creation of new residential units provide an acceptable standard of accommodation for potential occupiers.
9. With a proposed GIA of 70.5sqm, both proposed two bedroom three person dwellings would comply with

the relevant London Plan minimum space standard of 70 sqm. All bedrooms meet the minimum sizes set out in London Plan Policy D6. Adequate built-in storage is shown.

10. All rooms are of a reasonable size and layout, with habitable rooms would benefit from at least one opening and are expected to receive reasonable levels of natural light and outlook. The London Plan strongly recommend that 75% of all new dwellings should have a floor to ceiling height of 2.5m. Part of the ground floor falls marginally short of this at 2.45m. At least 75% of the floor area would have a head height of at least 2.45m and as such is considered acceptable. The roof pitch limited some areas of the first floor, however the bedroom would benefit from adequate floor to ceiling height to ensure practical use of the room.
11. The bedrooms at first floor level are proposed to have one obscure glazed window and one window with clear glazing facing into to development (and thus towards each other) in the interest of protecting privacy between the future residents of the scheme itself as there is a 14 m distance between these opposing windows. This single non-obscured window in itself would be considered to provide adequate outlook. However, given that this relationship would be within the scheme itself and the relationship between windows would be akin to a mews development, it is not considered necessary to obscure these windows. Both bedrooms contain a third window facing toward Oman court, with the window of the western house proposed with clear glazing as it is situated opposite the stair well and deck access while the window of the eastern house would be obscured as it would face and be less than 18 m from windows of Oman Court flats. Each bedroom would also benefit from two small rooflights.
12. Objections were received in regard to the light and outlook of the proposed dwellings. The proposed dwellings would be located north of Oman Court a 5 storey flatted development with its 5th floor set back. The proposed building line is stepped creating different separation distances (varying from approximately 11m to over 15m). At ground floor the bedroom benefits from a side window facing east and away from Oman Court and the windows serving the living/kitchen diner are set back with a separation distance to Oman Court of over 15m. At first floor the bedrooms are served by both south facing windows facing Oman Court and side windows facing the east and west. As such the combination of dual aspect, rooflight and separation distances provide sufficient light and outlook for the proposed dwellings.

External amenity space

13. Policy DMP19 establishes that all new dwellings are 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 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
14. The DMP19 requirement for external private amenity space established through DMP19 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that 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". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
15. With regard to quality of the space, the supporting text to policy DMP19 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
16. London Plan policy D4 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the emerging policy.
17. Both proposed dwellings provide private amenity space in the form of front gardens enclosed by a hedging. Each of these areas measures approximately 17sqm and the depth and width is such that it would provide usable amenity space for future residents. The areas exceed London Plan Policy D4, but fall short of the requirement in DMP 19 by approximately 3sqm.
18. The amount of external amenity space for some homes falls below the targets expressed within policy).

However, having regard to the proximity to nearby open spaces (Cricklewood Gate entrance to Gladstone Park located approximately 150m walk from site) and the quality and quantity of on-site provision, the new homes would nonetheless have access to external space that is sufficient in size and type to satisfy the needs of future residents. Even if one was to contend that the 3 sqm shortfall for each house would result in a level that was not sufficient, the limited conflict with this policy would be considered to be outweighed and the overall living conditions of the future occupiers would be good.

Impact to Residential Amenity

Light and outlook

19. SPD 1 (2018) prescribes that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. BRE Guidance sets out that further testing is required where a proposed development projects above a 25 degree line taken from nearby windows.

Oman Court

20. The 30 and 45 degree line rules prescribed within SPD 1 would not be breached in reference to Oman Court.

29 Oman Avenue

21. The 30 degree line is not an appropriate measure given the relationship of number 29 Oman Avenue to the proposed development. The building envelope largely remains within the 45 degree line with reference to the rear garden of number 29 Oman Avenue. It is acknowledge that the rooflight would project by a nominal amount beyond the 45 degree line, however this is a nominal amount and this taken with the size of the rooflight is such that the it is not considered to result in adverse harm to the rear garden in terms of light, outlook or sense of enclosure.

136, (1-8 Park Lodge), 134, 148 & 150 Olive Road

22. The proposed building envelope would respect the 30 degree line rule in reference to all of the above listed properties.
23. The building envelope largely remains within the 45 degree line with reference to the rear gardens of the above properties. It is acknowledge that the rooflight would project by a nominal amount beyond the 45 degree line (as shown on Section M on Drawing 015/PL/240 Revision C), however this is a nominal amount and this taken with the size of the rooflight is such that the it is not considered to result in adverse harm to the rear garden in terms of light, outlook or sense of enclosure.

152 Olive Road (Cricklewood Library) & Flats 1-6 Chronicle Heights, 154 Olive Road

24. The ground floor accommodates the Library as well as one residential flat. The proposed building envelope would not breach a 30 degree line as drawn from the ground floor residential flat within Chronicle Heights.
25. The rear of the building provides a communal garden for upper floor flats, as well as a private garden for the ground floor flat and accommodated single storey building to the rear for bike storage. The single storey structure to the rear extends for the majority (8.7m of 12.9m) of width of the garden.
26. The proposed building envelope would not breach a 45 degree line drawn from the edge of the garden associated with the ground floor flat. Nor would the 45 degree line be breached when taking the measurement from the west side of the single storey structure. However, when measuring the 45 degree line from the garden's boundary, the proposed development would breach the 45 degree line, with approximately 0.6m above the threshold continuously sloping away from the boundary at a 45 degree angle.
27. It is important to consider the nature of the breach and impact to the site specific circumstance. In this

instance as explained above, the majority of the rear garden is not considered to be adversely affected due to the presence of the single store bike store (approximately 3m in height) located to the rear of the garden. The remaining area of the garden located to the north east corner is the communal garden for the upper floor flats and the proposed building would breach the 45 degree line for a depth of approximately 0.65m and a width of approximately 2.8m. As such, the proposed level of breach of the 45 degree line in regard to the communal amenity space to the upper floor flats within Chronicle Heights is not considered to have an adverse impact on the living conditions of flats 2-6 and the benefits of the scheme outweigh the limited harm, it is also important to note that each of the flats within Chronicle Heights have access to their own private amenity space, as well as the communal garden.

Summary

28. The applicant has not shown the BRE 25 degree line on the drawings. However, this has been evaluated by officers and the building does not project above this line. The potential level of impact therefore accords with BRE guidance in relation to daylight. The proposed development is not considered to result in adverse harm to the residential amenity of any nearby properties.

Privacy

28. SPD 1 (2018) at Principle 5.1 states that new development should provide adequate privacy and amenity for residents. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies
29. At ground floor level the windows on the western house would not directly oppose habitable rooms within Oman Court to the south, the closest habitable room window is located at an angle approximately 17.5m away and located behind the defensible space provided by the front garden area and hedging. Similarly the windows to the eastern house at ground floor would be located at an angle to windows at Oman Court located approximately 16.8m away and again located behind the front garden which creates a defensible space. Some windows are located directly opposite windows within Oman Court at ground floor, however issues of privacy have been mitigated by having high level windows in these sections located at a height of at least 1.7m.
30. At first floor where proposed windows are less than 18m from directly opposing habitable rooms in Oman Court, or less than 9m from amenity space of 29 Oman Avenue, overlooking has been mitigated by using obscure glazed windows, a condition would be recommended to ensure that these windows are fully obscure glazed and non-opening below a height of 1.7m as measured from the finished floor level of the room they serve.
31. Objections were received regarding issued of privacy resulting from the placement of the rooflights. Due to their siting, height within the roof and angles afforded, the proposed rooflights would not give rise to overlooking to any nearby properties or their gardens.

Trees and Landscaping

32. It is noted that there are a number of trees located to the rear and side of the proposed development (boundaries with gardens of Oman Avenue and Olive Road) that would likely be impacted by the development. A number of Trees with Tree Preservation Orders (TPO's) located to the south of Oman Court, fronting Oman Avenue.
33. A Phase II Arboricultural Impact Assessment has been submitted by the applicant and reviewed by the Councils Tree Officer. The development includes the removal of three trees (TA-TC), Silver Birch Trees to the rear of the site in order to accommodate the development. It is reported within the Arboricultural Report that one of these is dead (TB) whilst the other two are recently established with potential to grow into significant specimens. Three replacement trees (2 x silver birch and 1 x snowy mespil) are proposed within the car parking area in order to mitigate against the loss of the three trees. The replacement trees are considered to adequately mitigate against the removed trees.
34. The report has demonstrated that the development would not result in adverse harm to trees identified off

site and has provided mitigation measures to protect trees during construction.

35. A condition is recommended to secure the replacement trees and measured within the submitted Arboricultural Impact Assessment are adhered to.
36. A sedum roof is proposed to the flat roof and front gardens with hedging to the boundaries. This along with the proposed tree planting is considered to result in a more verdant visual appearance.

Transport Considerations

Car Parking

37. As the site has poor access to public transport services, the higher residential car parking standards set out in Table 6 at Appendix 1 of the adopted DMP 2016 apply. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and the parking allowances in Brent's emerging Policy BT2 are aligned with those set out in London Plan Policy T6. The Brent maximum Parking Standards allow the 27 existing flats within the building up to 35 off-street car parking spaces while the London Plan maximum standards would allow 40.5 spaces, and the existing provision of 22 off-street spaces accords with maximum standards.
38. This proposal for two additional 2-bedroom houses will increase the maximum permissible parking allowance by 2 spaces (3 if using the London Plan), whilst also reducing off-street parking to 14 spaces. Maximum standards will therefore still be complied with.
39. Policy DMP12 requires that new development does not add to on-street parking problems where there is a lack of safe parking capacity, such as on heavily parked streets. Census data has been examined for the flats, it shows average car ownership to be 0.69 cars/flat in this area, which would equate to 20 cars for the 29 resultant properties in Oman Court following this development. As such, with the proposed reduction in off-street parking to 14 spaces, an overspill of about six cars onto Oman Avenue could be expected.
40. The submitted parking note includes overnight car parking surveys for the existing car park and adjoining streets. These were carried out in March 2020, at about the time the country was entering lockdown due to COVID-19 restrictions on movement. As such, the overnight parking survey figures are considered to represent a worst case.
41. The results showed just five cars parked within the Oman Court car park, but all ten bays along the site frontage occupied. The overall number of cars parked within and alongside the site therefore generally accorded with Census results.
42. A number of objections were raised in regard to parking demand and the representations critique the methodology used and scope of the submitted parking survey. Notwithstanding the points raised, Brent's Transport Team have concluded that the development would not result in insufficient parking available on- and off-street to meet likely future parking demand.
43. With ten parking bays marked out along the site frontage and a further 14 within the site, there is considered to be sufficient parking available on- and off-street to meet likely future parking demand.
44. In terms of numbers, there are 22 spaces at present and the development will result in the loss of 10 spaces. The additional space is lost to landscaping at the eastern end of the site, where tree planting is proposed, rather than the two new dwellings.
45. To summarise, Census data suggests that 20 cars would be expected from the existing and new properties. With 14 accommodated within the site (12 existing spaces and two new spaces for the new houses), six cars would be left to park on-street and the bay along the Oman Court frontage can accommodate six cars. Oman Avenue is not at all heavily parked, so is considered to comfortably cater for on-street parking.
46. Two parking spaces are proposed and to be allocated to the proposed dwellings. A condition would be recommended to remove rights of the proposed dwelling occupiers from obtaining a parking permit.
47. Objections were received stating that the freeholder had removed the right for existing residents (with the

exception of some flats) to park in the off street car park and that this increases parking pressure figures. The agent has advised that 7 flats within Oman Court have spaces linked to their lease and the remaining spaces were offered to residents at an annual cost of £600, but that no residents took this up. It is believed that those with cars park on-street. The proposal would result in the retention of 12 spaces for the existing flats, leaving 5 spaces to be leased by residents in addition to the 7 assigned spaces and the 2 spaces for the proposed dwelling. There are no restrictions in any planning consents regarding the leasing or letting of the remaining spaces. Nevertheless, the agent has indicated an intention to offer these spaces at a rate comparable to the CPZ tariffs. However, this falls outside of the application site so could not be secured through condition. The proposal would make adequate provision for the proposed dwelling and given that the remainder of the existing residents park on-street, the proposal would not result in additional over-spill parking. The anticipated parking demand for the entire site (including existing and proposed dwellings) is 20 cars, with 10 on-street spaces and 9 off-street (7 assigned to existing flats and 2 for the proposed flats), the shortfall below the projected would be minor in any case.

Bike Provision

48. The London Plan requires two secure bicycle parking spaces for each house and each incorporates a bicycle store to meet this requirement.

Access / Block Paving

49. With regard to access, the vehicular and pedestrian accesses from Oman Avenue remain unaltered. At present, the car park and driveway are surfaced in tarmac and the originally submitted plans illustrated that block paving will be laid along the site frontage including the parking spaces. The proposal would increase pedestrian traffic across the car park and along the narrow entrance drive and in order to make the route safer, amendments were sought for the block paving be extended across along the access drive and for larger proportion of the car park. It is considered that this would visually signal to drivers that the area is more of a mews court or shared surface with pedestrian movements
50. Concerns have been raised in regards to manoeuvring space and pedestrian safety. The above measure is considered to overcome concerns and the space is sufficient for manoeuvring.

Refuse

51. Refuse vehicles are unable to access the site, so it is suggested that residents will move their bins to the communal bin storage area at the western end of Oman Court on collection days. This arrangement is considered to be fine.

Fire Safety

52. Policy D12 of the London Plan (2021) requires all new development to take account of fire safety in design. The applicant has submitted a Planning Fire Safety Statement which addresses criteria set out within policy D12A and identifies the potential fire risks and sets out safety measures and identifies escape routes and access for emergency vehicles and specifies the use of a fire hydrant for those parts of the development that are located over 45m from a fire appliance.
53. The submission of the fire safety information pursuant to Policy D12A is intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through Part B of the Building Regulations. An informative will remind the applicant of their duties under the Building Regulations with respect to fire safety.

Environmental Health Considerations

54. Due to the size of the development there is no requirement for an air quality assessment or an air quality neutral assessment. In terms of contaminated land there are no previous uses that would pose a risk to this land being used for residential. The applicant must consider minimising noise, vibration and dust during the construction phase. As such a pre-commencement condition requiring the submission and approval of a construction method statement is recommended and shall include outline measures to control dust, noise and other environmental impacts of the development.

Conclusion

55. The proposed development would have an acceptable impact on the character and appearance of the locality, ensure a good standard of amenity for both future and neighbouring occupants. The proposal would also be acceptable in terms of transport and impact to trees. The proposed development would provide two good quality dwellings which would make a contribution to meeting Brent's housing needs. The development is considered to accord with the development plan when viewed as a whole and the application is therefore recommended approval.

CIL DETAILS

This application is liable to pay **£57,974.43** * 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): sq. m.

Total amount of floorspace on completion (G): 162 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	162	0	162	£200.00	£0.00	£48,166.07	£0.00
(Mayoral) Dwelling houses	162	0	162	£0.00	£60.00	£0.00	£9,808.36

BCIS figure for year in which the charging schedule took effect (Ic)	224	330
BCIS figure for year in which the planning permission was granted (Ip)	333	
TOTAL CHARGEABLE AMOUNT	£48,166.07	£9,808.36

*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: 20/1335

To: Mr Carroll
Dave Carroll Planning Limited
30 Altenburg Avenue
West Ealing
W13 9RN

I refer to your application dated **04/05/2020** proposing the following:

Redevelopment of part of rear parking to Oman Court to build 2 x two-bed residential duplexes with gardens

and accompanied by plans or documents listed here:
Please see Condition 2.

at **Oman Court, Oman Avenue, London, NW2 6AY**

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: 12/10/2021

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 (2021)
 The London Plan (2021)
 Brent Core Strategy (2010)
 Brent Development Management Policies (2016)
 Supplementary Planning Document 1- Brent 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 drawings:

015/PL/001 – Location Plan
 015/PL/002 – Site Plan
 015/PL/200 D – Proposed Ground Floor Plan
 015/PL/201 D – Proposed First Floor Plan
 015/PL/202 B – Proposed Roof Plan
 015/PL/211 B – South Elevation
 015/PL/212 B – East Elevation
 015/PL/213 B – North Elevation
 015/PL/214 B – West Elevation
 015/PL/240 C – Proposed New Sections
 015/PL/241 – Chronicle Heights Sections
 015/PL/248 – Unit 2 Internal Elevation

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

- 3 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 4 No part of the development shall be occupied until further details of details of the proposed block paving shown of approved drawing 015/PL/200 D (Materials, including permeability and details of the juncture between the existing retained hard surfacing and the proposed block paving) have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of pedestrian and vehicular safety as well as visual amenity.

- 5 No part of the development shall be occupied until a detailed Tree & Landscaping Strategy has been submitted to and agreed in writing by the Local Planning Authority. The agreed Strategy shall include :

- a) details of the front garden and hedging
- b) a minimum of three trees as outlined within 'Phase II Arboricultural Impact Assessment (AIA) prepared by Arbol EuroConsulting dated 23/04/2020' to be located within the site and details of the species and size must be submitted as well as a plan illustrating the location of the replacement trees.
- c) details of the green roof species.

The details shown on Trees & Landscaping must be completed prior to the occupation of the development. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and in the interest of wildlife.

- 6 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
- (g) the use of demolition equipment that minimises the creation of dust.

Reason: In the interest of residential amenity and air quality.

- 7 Notwithstanding the approved drawings, the first floor window to the southern elevation of the eastern house hereby approved annotated as 'obscure glazed' on the approved plans shall be fully obscure glazed and non-opening below a height of 1.7m as measured from the finished floor levels of the rooms they serve. The widows must remain this way in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of privacy for the existing residents within Oman Court

- 8 No access shall be provided to the flat roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- 9 The development shall be carried out in accordance with the agreed measures contained within the submitted details submitted within the submitted 'Phase II Arboricultural Impact Assessment (AIA) prepared by Arbol EuroConsulting dated 23/04/2020' unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure trees are protected and appropriate replacement trees.

- 10 The cycle and bin storage facilities shown on the approved drawings shall be installed and made available for use prior to first occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety and to ensure adequate facilities for future occupants.

- 11 Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) no further extensions, alterations or buildings shall be constructed within the curtilage of the dwellinghouses unless a formal planning application is submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority. In view of flood risk on site.

- 12 Notwithstanding the provisions of Class L of Part 3 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, no change of use of the properties from the approved use to Class C3 or C4 of the Use classes order shall occur, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted nature and layout of the site for the proposed development and to prevent over development of the site and undue loss of amenity to adjoining occupiers.

- 13 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

INFORMATIVES

- 1 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.
- 2 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.

- 3 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
- 4 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.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 The submission/approval of the Fire Safety Statement does not replace the need for building regulations approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 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.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500

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