

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 November, 2022
05
22/1386

SITE INFORMATION

| | |
|---|---|
| RECEIVED | 13 April, 2022 |
| WARD | Kenton |
| PLANNING AREA | Brent Connects Kingsbury & Kenton |
| LOCATION | Minterne Road Garages, Minterne Road, Harrow |
| PROPOSAL | Demolition of existing garages and development of the land for 1x four bed house with one parking space, cycle and waste stores and associated landscaping |
| PLAN NO'S | Please refer to 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_159884</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.uk2. Select Planning and conduct a search tying "22/1386" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab |

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Water Consumption
4. Restriction of PD rights for dwellinghouses
5. Balcony screen
6. Drainage Strategy measures
7. Restriction of upper floor windows
8. Tree Protection measures
9. Reinstatement of redundant crossovers
10. Construction Method Statement
11. Tree pruning
12. Contaminated land condition 1-investigation
13. External Materials
14. Landscaping
15. Contaminated land condition 2- Remediation and verification

Informatives

1. Party Wall Act
2. Building Near Boundary
3. New and existing crossover
4. CIL liability
5. Tree Standards
6. Noisy Works
7. Fire Statements

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

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

SITE MAP



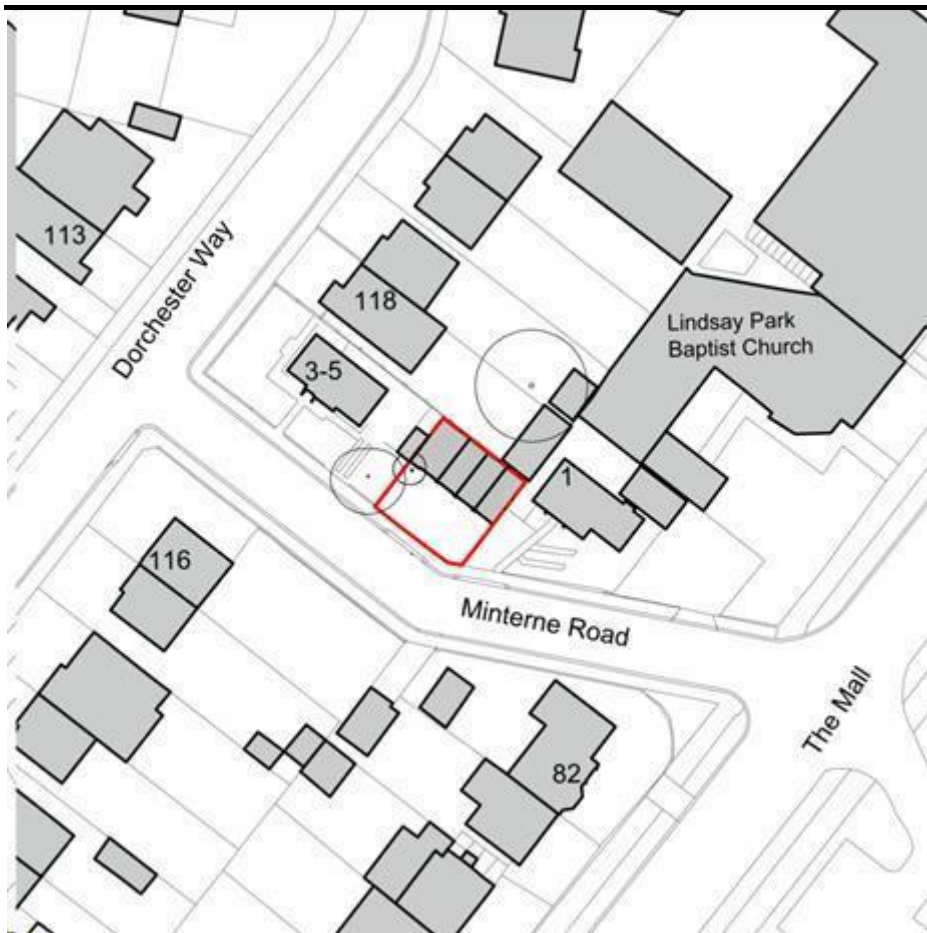
Brent

Planning Committee Map

Site address: Minterne Road Garages, Minterne Road, Harrow

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This map is indicative only.



PROPOSAL IN DETAIL

Demolition of existing garages and development of the land for 1x four bed house with one parking space, cycle and waste stores and associated landscaping

EXISTING

This site is currently occupied by four garages on the north side of Minterne Road. The site is adjacent to the front garden of No. 1 Minterne Road located to the east and two storey flats of 3 and 5 Minterne Road located to the west. The site does not contain a listed building and is not located within a conservation area.

AMENDMENTS SINCE SUBMISSION

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

- Crossover has been revised following Transport comments and removal of the redundant crossover at the developer's expense
- Bin stores have been relocated from the front to the rear of the parking space to provide additional soft landscaping to the front of the building
- Height of the terrace screen has been increased from 1.58 metres to 1.7m for privacy matters
- Additional landscaping added to the rear courtyard of the garden.

SUMMARY OF KEY ISSUES

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

Representations Received: Representations were received from 9 of the occupiers of neighbouring properties in response to the consultation. In summary the nature of the objections relates to impact on neighbouring amenity, parking demand, traffic congestion and highway safety concerns, new home being out of character with the surrounding area, and the Council should be spending money on other improvements within the area. These are set out below and discussed in the report.

Principle of Development: The site is within a priority location for new homes, and the general principle of residential development is supported in this location, contributing towards the Council's housing targets.

Highway impacts: The proposed home would be provided with an off street parking, meeting parking standards. Consideration has also been given to the loss of the existing garages whereby it has been confirmed by Brent's transportation officers that the loss of the garages would not result in overspill parking on Minterne Road. The new home would be provided with secure and covered cycle parking and refuse storage facilities.

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

Design and appearance: The proposal is considered to represent a good standard of design within an infill site and would not result in harmful impact on the character and appearance of the local area.

Trees and landscaping: Landscaping has been provided with a practical layout in the form of a landscape buffer along the street frontage and a courtyard garden. The proposal will result in the loss of one tree within the application site and the Council's tree officer has confirmed in this case that there is no requirement to provide replacement tree planting within the site given its constrained nature.

Flood Risk: The site does not lie within land that is liable to flooding, but the proposal would result in a betterment in terms of drainage rates at the site.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

8 properties were consulted on 29th April 2022 and re-consulted on 13th of August 2022 following the receipt of two elevations from the rear and from 3-5 Minterne Road.

Objections were received from 9 individuals from 7 different addresses. A summary of the comments received is discussed below:

| Nature of Objection | Officer response |
|---|---|
| Obstruction of daylight and overshadowing as the property is close to the boundaries. | This is discussed within paragraphs 32-43 within the remarks section below. |
| Loss of privacy and overlooking. | This is discussed within paragraph 30-31 within the remarks section below. |
| Noise and disturbance such as smells, light pollution and late-night activities will cause nuisance and will have a serious negative impact on the neighbouring day to day life. | There is no evidence to suggest that a new home within a predominantly residential area would cause nuisance such as smells or late night activities. Details of landscaping including any external lighting are recommended to be conditioned. |
| Noise for the period of construction. | It is acknowledged that there will be noise and disruption during the construction period. There is environmental health legislation in place to manage the impacts of construction, and a condition is also recommended to manage the impact of construction works through a demolition and construction method statement. |
| Parking space and traffic generation. The road is narrow and this space allows for cars turning into the road to pass by the cars exiting the road, particularly at morning times when the road becomes very congested. | This is discussed within paragraphs 44-49 within the remarks section below. |
| Safety hazard to pedestrians and road users. including impeding views of neighbouring driveways. | This is discussed within paragraph 46 within the remarks section. |
| The proposal is higher than adjacent buildings and would be an eyesore and over dominate the space. | This is discussed within paragraphs 7-14 within remark section below. |
| Council money could be better spent on other factors such as improving the pavements which are currently not suitable for less mobile users. | The local planning authority must consider the development that is proposed. Whether the Council should spend more money maintaining pavements cannot be considered as part of this application. |
| Building should be constructed of prefabricated materials to reduce construction times, noise in a location on a bend of a narrow road. | While the use of modern methods of construction, such as the use of pre-fabrication, would be supported; it would not be necessary in order for the development to comply with planning policy and guidance. |
| Daylight and sunlight impact on Number 1 Minterne Road side and back garden. | This is discussed within paragraph 42 within the remarks section below. |

Internal consultation

Local Lead Flood Officer - no objections raised.

Environmental Health - no objections subject to conditions being secured in relation to contaminated land and a demolition/construction method statement.

POLICY CONSIDERATIONS

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

The development plan is comprised of the:

London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design

Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D12a: Fire Safety
Policy H1 Increasing housing supply
Policy H2 Small sites
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy SI 1 Improving air quality
Policy SI 13 Sustainable drainage

Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

Local Plan 2019-2041

DMP1 - Development Management General Policy
BD1 - Leading the way in good design
BH1 - Increasing Housing Supply
BH2 - Priority Areas for Additional Housing Provision within Brent
BH4 - Small Sites and Small Housing Developments in Brent
BH13 - Residential Amenity Space
BG11 - Blue and Green Infrastructure in Brent
BG12 - Trees and Woodland
BSUI2 - Air Quality
BSUI4 - On-site Water Management and Surface Water Attenuation
BT1 - Sustainable Travel Choice
BT2 - Parking and Car Free Development
BT3 - Freight and Servicing, Provision and Protection of Freight Facilities
BT4 - Forming an Access on to a Road

Other material considerations include:

National Planning Policy Framework 2021
National Planning Practice Guidance
Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018

DRAFT Small Site Design Codes LPG DRAFT Good Quality Homes for All Londoners Guidance LPG

DETAILED CONSIDERATIONS

Background

1. The proposed homes form a part of the Brent Council project that is aiming to deliver 5000 new homes over a five year period, 1000 of which are proposed to be delivered through the New Council Homes Programme. The aim of the New Council Homes Programme is to reduce the high housing waiting list and the number of residents living within temporary accommodation, by building new homes that meet the needs of Brent's residents. This site is one of the sites identified within the New Council Homes Programme to build on land already owned by the Council.

2. The proposed scheme would be for a new house which the applicant has specified will be provided at 'London Affordable Rent' levels. It should be noted that the proposal is for a single new dwelling, as such there is no requirement within planning policy for the provision of the home as an Affordable Dwelling (which is required for schemes of 10 or more homes) or a contribution towards Affordable Housing (which is required for schemes of 5-9 homes). While the provision of an Affordable home would be a planning benefit, this is not required to make the proposed development acceptable in planning terms. As such, it would not be reasonable or necessary in relation to planning considerations to require the home to be provided as an Affordable home within the consent and this proposal has been considered on the basis of the provision of a new home (without reference to tenure).

Principle of development

3. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Brent's local plan policy BH1 reflects this target as well.
4. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.
5. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing would be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
6. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate. The site is located within PTAL of 3 (therefore a priority location for new homes) and close to Brent's intensification corridor and Kingsbury Town Centre and as such the proposal to provide a new residential unit would contribute to the borough's housing stock and acceptable in principle subject to all other policy considerations.

Design and appearance

7. The NPPF (2021) requires "Planning Policies and decisions should ensure that developments...are visually attractive as a result of good architecture, layout, appropriate and effective landscaping...Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions" (Paragraphs 127 and 130 of the NPPF, 2021)
8. Brent's local plan policy BD1 requires all new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.
9. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Additional design guidance can be found in DMP1, BD1 ("Local Plan 2019-2041") and within the Councils SPD1 ("Design Guide for New Development").
10. Principle 3.1 of SPD1 requires new development to be of a "height, massing and façade design should generally respect the existing context and scale; facilitating good urban design". SPD 1 3.2 principle also states 'Development should ensure animated facades towards public routes and spaces, avoid blank walls and inactive frontage...'
11. The proposed development makes the best use of the land and optimises the site for a large family dwelling. The proposal is a three storey dwelling with a flat roof element to the front and sloped to the rear with contemporary appearance in place of existing garages. The adjacent dwellings are all two

storey traditional hipped roof dwellings with variety of other styles further from the site on The Mall. The proposed 3 storey roof development would be higher than No.1 and 3-5 Minterne Road, however given the close proximity to the intensification corridor, there are no concerns in terms of the height increase, as the last storey of the proposed building is quite compact and the increase is incremental in terms of massing.

12. The proposal would sit forward from No. 1 and 3-5 Minterne Road improving the natural surveillance whilst also providing an active frontage within the street. The proposal would also improve the current environment of existing predominantly hard surface garage site with new landscaping along the frontage creating a much more welcoming streetscene.
13. The proposal would be set back from the pavement with planting to allow a defensible space for privacy which although would be less than the required 2 metres as recommended within SPD1, it is acceptable due to the constraints in this location. Moreover, the proposal is an L-shaped covering most of the site with an undercroft parking and rear garden of about 27sqm and further balconies on the first floor of the proposal which would be discussed further within the residential amenity impact section below. The use of terraces on first floor within the area of the massing is welcomed as there are no privacy concerns to the surrounding private gardens in terms of overlooking.
14. The design of the proposal whilst different to the immediate context, would reference surrounding materials and residential scale windows and features. The proposal is shown to be in red brick within the submission which would be a strong approach in terms of materiality appropriate within the area.
15. Policy BH4 also requires all minor residential developments (less than 10 dwellings) to deliver an Urban Greening Factor of 0.4 on site. A landscape strategy is submitted as part of this application which shows that the UGF of 0.4 could not be achieved on site due to the constraint land, however there would be an improvement against the existing situation on site.
16. In general, the design as an overall in terms of massing is acceptable subject to further concerns discussed below.

Standard of accommodation

17. The proposal would create one dwellinghouse in a 4 bed 7 person configuration, shown to have 121 sqm meeting the minimum space standards set out by the London plan D6 policy. The proposed dwelling would be dual-aspect and would receive sufficient daylight and sunlight.
18. In line with policy D7 of London Plan, the new home would be designed to be M4(2) compliant. The dwelling is designed to be step free from the street and to the garden. The plans also show clear access widths of 0.9 metres and more for most of the premises. The bedroom and bathrooms also have adequate clear zones, hence the proposal broadly complies with D7 London Plan 2021 policy.
19. To ensure good levels of daylight and sunlight, the use of the BRE's "Site Layout Planning for Daylight and Sunlight: a guide to good practice (BR209)" is supported. This guidance was updated on 8 June this year with the 2022 edition of this guidance. As this guidance was adopted after the submission of this application, the daylight and sunlight assessments submitted reflects the version of the guidance that was in place prior to June this year. For the proposed accommodation, the daylight and sunlight report has used the ADF (Average Daylight Factor) and APSH tests, which as noted above are now superseded. Nevertheless, given the scale of the proposal and its relationship to lower density homes, it is not considered necessary to carry out an assessment based on the current guidance to determine whether the new home provides a good standard of accommodation. The results of the ADF assessment have shown that all 6 (100%) of the proposed habitable rooms exceed the BRE targets for their specific room use achieving at least 1.5% for a main living space and 1% for a bedroom.

Floor to ceiling heights

20. London Plan policy D6 specifies that the minimum height should be 2.5 m. and exceptions can be that they reflect the existing houses, benefit from dual aspect and good levels of natural ventilation. The technical standard specifies that any area under the headroom of 1.5 metre is not counted within the GIA unless used solely for storage (0.9-1.5m counted at 50% for storage only and below 0.9m is not counted at all). The sections submitted demonstrates that the scheme would have more than 2.5 metre of internal roof height, hence complies with D6 London Plan policy.

Private Amenity space

21. Policy BH13 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).
22. The BH13 requirement for external private amenity space established through BH13 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.
23. With regard to quality of the space, the supporting text to policy BH13 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.
24. London Plan policy D6 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 adopted policy.
25. The proposal within this application is shown to provide 27 sqm of private garden on ground floor with two private terrace of 11sqm amounting to approximately 49 sqm of private amenity. The minor short fall of 1 sqm is acceptable and negligible in this instance. It should also be noted that the site is also close to an open space (Lindsay Park) across the street on The Mall and overall the proposal complies with policy BH13 of Brent's Local Plan.

Residential amenity of nearby occupiers

26. According to SPD 1 the building envelope should be set below a line of 30 degrees (from the horizontal) from the nearest rear habitable room window of adjoining existing properties which would face towards the development, 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. Moreover, 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 room windows which would look towards those gardens.
27. The house complies with the 45 degree rule at the rear of the site adjacent to the storage unit/outbuilding of 118 Dorchester Way.
28. The proposal projects forward for most of the first floor and above towards the side windows of No.3-5 Minterne Road. The proposal is not compliant with the 45 degree adjacent to the boundary with 3-5 Minterne Road. However the proposed house is adjacent to side garden area which is dominated by the parking area. A soft landscaped area is situated between the parking spaces and the subject site, but this is open to the frontage and does not appear to be well used as external amenity space. There is a side facing window within Nos. 3-5 which faces towards the subject site. The ground and first floor of the building would accord with the 30 degree line, and the siting of the proposed house is such that the window of No. 3-5 would not directly face the house. However, the second floor of the proposed house would project above the 30 degree line if taken at an angle from the window. However, the window would retain a reasonable extent of openness and the impact on the outlook from this window is not considered to be unduly detrimental.
29. With regard to No.1 Minterne Road, the proposed house would be adjacent to the parking area within the front garden and as such, the proposal would not be considered to have an unduly detrimental impact on this space.

Privacy

30. With regard to privacy, habitable room windows above ground floor level face the street. All the windows

towards the rear and side of the site on upper floors are obscured glazed and non-opening up to 1.7 metres high from internal floor level or behind the terrace screenings. The roof terraces are less than 9 m from the boundaries with properties to the sides and rear. To address the potential overlooking, the terrace adjacent to No.3-5 Minterne Road is surrounded by a 1.95 metre wall to the side and a 1.7 metres solid panel with angled balustrades. The balustrade to the south west elevation faces the street and therefore is lower (approx. 1.1 m) and is of a more open design. The rear terrace has a 1.735 m high wall to the rear and 1.735 m solid panels with angled balustrades to the sides to mitigate the potential for overlooking.

31. It is considered that the proposed development does not have an unduly detrimental impact on the amenities of adjoining residents.

Daylight and sunlight

32. To ensure good levels of daylight and sunlight, the use of the BRE's "Site Layout Planning for Daylight and Sunlight: a guide to good practice (BR209)" is supported. This guidance was updated on 8 June this year with the 2022 edition of this guidance. As this guidance was adopted after the submission of this application, the daylight and sunlight assessments submitted reflects the version of the guidance that was in place prior to June this year. While this version of the guidance has now been superseded, the information submitted does provide detailed technical information examining the impact of the proposal on surrounding properties, the assessment to existing properties was not updated under the new version of the guidance.
33. In support of the application a Daylight and Sunlight Report has been prepared by eb7, which assesses the effect of the proposed development on surrounding properties as well as within the proposal itself.
34. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight.
35. No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value. To assess impacts on sunlight to existing south facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
36. The assessment is for the overshadowing effects to neighbouring amenity areas and gardens, considering both the existing and proposed conditions. The assessment has considered all the closest neighbouring residential properties with windows overlooking the proposed development which are:

118 Dorchester Way, HA3 9RB
1 Minterne Road, HA3 9TA
3-5 Minterne Road, HA3 9TA
118 Dorchester Way
37. The report confirmed that there would be no material effect to daylight and sunlight to windows/rooms within No. 118 Dorchester Way, or the external amenity space. The levels of daylight and sunlight would continue to comply with BRE guidance.

1 Minterne Road

38. The results of the VSC assessment for No. 1 Minterne Road property show that all but one of the neighbouring windows retain VSC levels in accordance with the BRE targets, retaining at least 0.8 times their former values. There is a single ground floor window (W5) across the front elevation that experiences a minor proportional change beyond the 0.8 target, though this is a technical deviation with the retained VSC level at 0.78 times its existing position. Despite this, the absolute retained VSC value remains high at c.26.5%, which is considered good for and in excess of what is typically accepted for an urban development in London.
39. The good level of retained daylight is confirmed by the NSL results which shows no material change in the daylight penetration to all rooms within this neighbouring property, when compared with the existing

condition. The APSH assessment for No. 1 Minterne Road confirms that there would be no material change in direct sunlight levels with the scheme in place with all rooms retaining at least 0.8 their existing level.

3-5 Minterne Road

40. The results of the VSC assessments show that the windows of No. 3-5 Minterne Road facing toward the site will experience no material change as a result of the proposals retaining at least 0.8 times its existing sky view with the scheme in place. The limited impact of the scheme is confirmed by the NSC results where there is no shift recorded in the no sky contour to the room. The effects to this property are considered in line with the BRE recommendations for VSC/NSC daylight.
41. The APSH assessments confirm that there will be no material change in direct sunlight to the neighbouring rooms as a result of the scheme with both rooms remaining well in excess of the BRE target levels of at least 25% for total annual levels and 5% for winter.

External amenity spaces

42. In the proposed condition, all of the neighbouring amenity spaces will enjoy 2 or more hours of direct sunlight to at least 69% of the space on the 21st March, thus well in excess of the 50% BRE recommendation.

Summary

43. The Vertical Sky Component (VSC), No-Sky Contour (NSC) and Annual Probable Sunlight Hours (APSH) assessments all show that there will be no material change from the prevailing daylight and sunlight condition to the neighbouring properties.

Highways and Parking, Refuse, Cycle Parking

44. Minterne Road is an adopted local residential access road. It has parking restrictions by way of double yellow lines along the whole of its northern side, whilst the southern side has double yellow lines at its junctions with Dorchester Way to the west and The Mall to the east. There is one unrestricted on-street parking space along the Dorchester Way frontage of 3-5 Minterne Road. The Council's most recent parking surveys (2013) show Minterne Road is not a heavily parked street. The application has included a parking survey was carried out overnight on Wednesday 24th November 2021 and Thursday 30th November 2021 and found that Minterne Road had 100% parking stress (9 vehicles parked in 9 spaces). This shows a significant increase in demand for on-street parking compared to Brent's last overnight parking surveys carried out in 2013, when only 3 on-street spaces were occupied.
45. Consideration therefore needs to be given to the potential for overspill parking on the Public Highway, as Minterne Road would not now be able to accommodate further on-street parking.
46. Parking standards are stipulated in the adopted Local Plan. The proposed 4-bed unit will therefore have a parking allowance of one space. Drawing number 1189-11P100 proposes one off-street parking space at the north-western edge, which is within the maximum parking standards. The existing crossover would not serve the proposed parking space and would need to be removed, whilst a new 2.4m wide crossover will need to be provided to access the proposed parking space. The existing redundant lengths of crossover to the site will need to be removed at the developer's expense and returned to footway. This will not generate further on-street parking bays as there are double yellow lines on the street. Front boundary treatment is shown to be 0.4 metres to the side with the planters which are acceptable and would ensure pedestrian visibility has been maintained.
47. The off-street parking will be an undercroft space with a height of 2.3m, which is acceptable.
48. The proposal will also involve the demolition of the garages and paragraph 4.6 of the Planning Statement confirms that only 2 of the garages are currently being used: 1 for storage and 1 for vehicle parking.
49. Details of the occupier of the garage that is used for parking have not been given. However, the garages lie within the same land parcel as 3 & 5 Minterne Road and these two flats have a 12m long driveway on their southern side and an unrestricted on-street bay on their northern side. On this basis, the garages do appear to be surplus to requirements, albeit one is still in use. The loss of the garage court is therefore considered acceptable in principle.

50. Two cycle spaces have been provided and these comply with the London Plan.
51. A bin storage is shown to the rear of the car parking space below the undercroft which can be brought forward for collection from the highway and acceptable.

Flood Risk

52. Whilst the site does not lie within a flood risk area. In line with BSUI4:(On Site Water Management and Surface Water Attenuation) minor schemes should make provision of an appropriate SuDS scheme where feasible. London Plan policy SI13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
53. The proposal shows an improvement of the current site with permeable hard landscaping as well as the soft landscaping provision improving the SuDS on current site surfaces. The applicant has submitted a drainage strategy which outlines surface water runoff discharge rate calculations in line with Policy SI 13 of London Plan and Brent's BSUI4 policy.
54. In support of the application a Drainage Strategy has been prepared by Watermans. The report sets out the details of the greenfield run off calculations. It explains how it is proposed to utilise permeable surfacing across the terrace within the development. To reduce the risk of flooding in the terrace area, it is proposed to discharge the runoff from the roof via sealed downpipes into an underground storage tank beneath the permeable terrace. In addition to permeable paving, small rain gardens and bioretention areas are proposed to be incorporated into the landscaping where possible to provide additional amenity, water quality and biodiversity benefits. The use of water butts for irrigation will allow runoff from the roof to be reused and reduce the reliance of the scheme on potable water. Based on the report the site offers a reduction of 50% from the current Surface water discharge currently at the car park.
55. This drainage strategy is considered appropriate for the proposed development and commensurate for the size of the site.

Environmental impact, sustainability and energy

56. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. For residential development, a Water Efficiency Assessment will be required providing evidence the development will need the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use.

Contaminated land

57. The proposed site has had a potentially contaminative land use (Garages), previously developed land is covered by Made Ground, which is typically a mixture of soil and demolition, household and industrial sourced waste products. Burning by residential and commercial properties over hundreds of years and emissions from transport have also contributed to compounds such as lead and polycyclic aromatic hydrocarbons (PAHs) being found across urban areas. As such a condition is attached to this application in regards to investigation, remediation and verification of soil contamination.

Air Quality

58. The development is within an Air Quality Management Area and located very close to other residential properties. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. As such a condition is attached to this application to minimise the impact on local air quality and protect the amenity of neighbours during construction.

Trees and Landscaping

59. The site has several trees where the proposed work could negatively impact the Root Protection Areas (RPA). These trees are visible to the adjacent public areas and so will provide some contribution to local amenity. The proposal would need to comply with policies of Brent Local Plan policy BGI2 in terms of the trees.
60. An arboricultural report has been submitted as part of the application. The trees are category C and

therefore not part of material planning considerations. One elder on site will be removed along with a lawson cypress hedge to facilitate the development. The Silver Birch in the adjacent property will be protected using fencing in line with BS5837 (2012) during works, however as the crown is likely to be outside the protective fencing further pruning to this tree should be conditioned to prevent unsympathetic work to aid the movement of plant and materials.

61. It has been confirmed by council's tree officers that there would be no objection to this scheme in relation to arboriculture, however, conditions in terms of tree pruning would be attached to this application.
62. The Urban Greening Factor for the proposed development is 0.09, which falls short of the London Plan and Brent target of 0.4. The significant planning benefits in delivering additional family housing within the Borough in a sustainable location in a building of high quality design with considered landscaping is considered to outweigh the non-compliance with this particular policy.

Fire Safety

63. Policy D12A of the London Plan now requires all development proposals to achieve the highest standard of fire safety and requires submissions to demonstrate that they:

- 1) *identify suitably positioned unobstructed outside space:*
 - a) *for fire appliances to be positioned on*
 - b) *appropriate for use as an evacuation assembly point*
- 2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3) *are constructed in an appropriate way to minimise the risk of fire spread*
- 4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
- 6) *provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

64. In support of the application a Fire Statement has been prepared by OFR. The report sets out how the dwelling would be fitted with an automatic fire alarm and detection system and would be provided with structural fire resistance no less than 60 minutes. The location of the fire service vehicle will be such that the hose length from the fire service vehicle to any point within any room in the dwellings will not exceed 45m. A fire hydrant will be provided within 90m of the of the entrance of the dwellings. The report confirms that overall services and appliance access to the dwelling would be in line with Building Regulation guidance and London Fire Brigade Guidance and as such compliant with policy D12A of London Plan 2021.

Equalities

65. 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:

66. Whilst the proposal does not meet the 0.4 target for the Urban Greening Factor as set out within policy BH4, 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 as set out within this report. The proposal would deliver a family sized home that would contribute the Council's housing targets within a sustainable location, and the limited conflict with policy would be outweighed by the planning benefits.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/1386

To: Maddox and Associates Ltd
33 Broadwick Street
London
W1F 0DQ

I refer to your application dated **13/04/2022** proposing the following:

Demolition of existing garages and development of the land for 1x four bed house with one parking space, cycle and waste stores and associated landscaping

and accompanied by plans or documents listed here:
Please refer to condition 2

at **Minterne Road Garages, Minterne Road, Harrow**

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: 08/11/2022

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
London Plan 2021
Brent's Local Plan 2019-2021

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

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

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

1189-11-P-0001
1189-11-P-0010
1189-11-P-0100
1189-11-P-0200
1189-11-P-0201
1189-11-P-0202
1189-11-P-0203
1189-11-P-2000 A
1189-11-P-2001 A
1189-11-P-2002 A
1189-11-P-2003
1189-11-P-2004
1189-11-P-3000 B
1189-11-P-3001 B
1189-11-P-3002 B
1189-11-P-3003 B
1189-11-P-1000 A
1189-11-P-1001 A
1189-11-P-1002 A
1189-11-P-1003 A
1189-11-P-1004 A

Supporting documents

WIE18009-105-R-7-2-1-AIA – Arboricultural Impact Assessment
WIE18009-100-R-4-3-1 - SUDS Report

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

- 3 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse subject of this application, notwithstanding the provisions of Class(es) A, 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) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

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

- 5 The privacy screens to the first floor roof terraces on all elevations except South-West elevation shall contain solid screening and shall not be less than 1.7 metres in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure a satisfactory level of outlook for future residents whilst maintaining a satisfactory levels of privacy for adjoining properties.

- 6 The works shall be carried out in accordance with the approved Drainage Strategy (WIE18009-100-R-4-3-1) prior to occupation of the development unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: To ensure that risks from flooding are effectively mitigated

- 7 Any upper-floor window located in a wall or roof slope forming a side elevation on the North, East and West on second floor of the building must be—

- (i) obscure-glazed, 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).

- 8 The works hereby approved shall be in accordance with the Arboricultural Impact Assessment (WIE18009-105-R-7-2-1-AIA) in relation to the retained trees outside of the site boundary. Works shall not be carried out other than in full accordance with the details approved, unless an alternative strategy is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To ensure that existing trees are safeguarded where they are to be retained during the course of construction works in order to ensure that the character and amenity of the area are not impaired

- 9 The development hereby approved shall not be occupied until the construction of a new crossover to serve the proposed parking space and the removal of the redundant crossover has been carried out by the Local Highway Authority, at the applicants expense.

Reason: In the interest of highway safety.

- 10 Prior to the commencement of the development a Construction 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 development shall thereafter be carried out in accordance with the approved details.

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

that would otherwise give rise to nuisance.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 11 Prior to the commencement of the development, details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with (insert relevant policies here)

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 12 Following the demolition of the buildings and prior to the commencement of building works, 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 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

- 13 Details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations).

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.

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

- (i) A planting plan for the front and rear garden area, including the provision of shrubs and/or trees
- (ii) details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights);
- (iii) any car parking spaces, including the size and siting of the parking area, defined points of access and the surfacing materials to be used;
- (iv) details of any external lighting including a spillage diagram in relation to neighbouring sites;
- (v) details of cycle storage through the provision of secure, weatherproof cycle storage facility;
- (vi) details of all hard surfacing materials.

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

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 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 ensure that it enhances the visual amenity of the area.

- 15 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 If the development is carried out it will be necessary for a crossing to be formed over the public highway and any redundant crossover re-instated by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Highways Team -
<https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>

The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 4 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.
- 5 The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- 6 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

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

those regulations.

Any person wishing to inspect the above papers should contact Mahya Fatemi, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2292