

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

14 February, 2018
03
17/2884

SITE INFORMATION

RECEIVED	28 June, 2017
WARD	Kilburn
PLANNING AREA	Kilburn Neighbourhood Forum
LOCATION	1 & 2 Drakes Courtyard, Kilburn High Road, London, NW6 7JR
PROPOSAL	Application for alterations to the fenestration and doors at 1-2 Drakes Courtyard
APPLICANT	1 & 2 Drakes Court Yard Ltd
CONTACT	Lichfields
PLAN NO'S	see condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_135075</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.uk2. Select Planning and conduct a search tying "17/2884" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

Conditions

1. Time limit (3 years)
2. Approved Plans
3. Materials to match the details on the approved plans

Infomatives

1. Fire Safety
2. London Living Wage

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

SITE MAP



Planning Committee Map

Site address: 1 & 2 Drakes Courtyard, Kilburn High Road, London, NW6 7JR

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This map is indicative only.

PROPOSAL IN DETAIL

Application for alterations to the fenestration and doors at 1-2 Drakes Courtyard.

EXISTING

The subject property is a two-storey commercial building situated in a mews road to the rear of the south-west side of Kilburn High Road. The application site is not located within a conservation area nor does it contain any listed buildings.

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 need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

- 1. Principle:** The proposal for alterations to the fenestration and doors at 1-2 Drakes Courtyard is considered to be acceptable.
- 2. Impact on character and appearance:** The proposal is not considered to cause material harm to the character of the host building or surrounding properties.
- 3. Impact on neighbouring amenity:** The proposed changes to fenestration and doors would not materially affect the amenity of any neighbouring occupiers.

RELEVANT SITE HISTORY

17/2348: Prior approval for change of use Units 1-2 Drakes Courtyard from office (Use Class B1) to residential (Use Class C3) involving the creation of 39 studio flats. Prior approval not required, 25/7/17.

17/4179: Prior approval for change of use Units 1-2 Drakes Courtyard from office (Use Class B1) to residential (Use Class C3) involving the creation of 39 studio flats. Prior approval required and approved, 22/12/17.

CONSULTATIONS

Consultation letters, dated 06/07/2017, were sent to adjoining neighbouring owners/occupiers. Four objections were received, representations on behalf of MP Moran, 293-301 Kilburn High Rd; No 34A Dunster Gardens; Wine Mart, No.305 Kilburn High Road; The Good Ship, 289 Kilburn High Road.

Details of the comments and where they are addressed in the assessment are in the table below.

Objection	Response or paragraph in report
Refuse handling and litter	<p>The application does not propose a change of use and therefore any impact associated with a change of use have not been assessed within this submission.</p> <p>The applicant is aware that a separate permission would be require to change the use of the building and has received Prior Approval under reference 17/4179.</p>

	The proposed replacement windows and doors would cause an increase in fly tipping and waste or litter.
Privacy and Noise Concerns	Reasonable use of the site would not result in any significant privacy or noise impacts.
Loading and unloading concerns	There would not be any impact on highway or pedestrian safety due to the replacement windows and doors. The 'new' door on the east elevation is an existing entrance as evidenced by site visit photographs and existing ground floor plan.
Dangerous entry and exit, security concerns	It is not considered that there would be any higher likelihood of individuals climbing into neighbouring gardens, or any other significant security impact, due to the replacement windows and doors.
Chemical contamination	The proposal would not result in any significant risk of chemical contamination.

Additional objection material including a supplementary noise statement was submitted by MP Moran on 17th January 2018. The additional comments were as follows:

- Additional doors and windows would increase the potential; noise impact from MP Moran, unless the window specification is increased and doors include acoustic seals and are of an appropriate specification;
- The location of the entrance door would be hazardous to pedestrians as they would be stepping out onto a shared area down which vehicles including MP Moran's forklift trucks are required to drive.
- The location of the entrance door would be hazardous to pedestrians as it would be in an area where MP Moran carry out various activities such as cutting metal and wood, and loading and unloading.
- It is suggested that borough Highways officers were not consulted on the location of the entrance.

These additional objections are considered below.

POLICY CONSIDERATIONS

National Planning Policy Guidance
Chapter 7: Requiring Good Design

London Plan Policies
7.4: Local Character:
7.6: Architecture:

Brent Development Management Policies
DMP1: Development Management General Policy

Brent Planning Guidance:

The above policies seek to ensure that development does not significantly affect the amenities of neighbouring properties and is in keeping with the design, scale and character of the existing building and surroundings.

DETAILED CONSIDERATIONS

1.0 Principle of development

1.1 Alterations and extensions to buildings are generally considered acceptable provided that there is no detrimental impact on the amenity of neighbouring residents, and that they are in keeping with the character and appearance of the property and its surroundings.

1.2 The following considerations are material to the assessment:

- Impact on character and appearance

Impact on neighbouring amenity

The proposal is for changes to fenestration and doors only. The conversion of the building to flats has been assessed under Prior Approval application 17/4179 and is not subject to assessment under this proposal. Notwithstanding this, some of the elements of the proposal involve a cumulative impact and therefore the pertinent objections will be addressed.

2.0 Character & Appearance

2.1 The proposed development would involve replacement and modifying the existing windows at the ground floor level, bulkheads to first floor windows, changes to lintel at the ground floor. The proposed windows are timber with timber panel details. It is also noted that the modified (extended) timber windows at the ground floor, shown on east Elevation BB, would extend from the existing arrangement and therefore would not look out of character. Although the proposed windows do not replicate the design and detail of the existing windows, they would be sufficiently in keeping with the general vernacular of the building to not cause significant harm to the character of the host building or the surrounding area.

2.2 The proposal also includes four rooflights to the ground floor pitched roof and ten rooflights to the main roof. Although visible, the design and scale of the rooflights is considered to be suitably subservient so as not to cause significant harm to the character of the host building and surrounding properties.

2.3 Overall, the proposal is considered to sufficiently respect the character of the host building and surrounding area. The resultant building would not appear overly prominent or out of place and is therefore considered acceptable, in accordance with policy DMP1.

3.0 Impact on Neighbouring Amenity

3.1 It should be noted that the proposal seek the replacement of windows and doors only. The assessment of the amenity of neighbouring properties therefore primarily relates to any potential overlooking or loss of privacy.

3.2 In terms of assessment of the internal arrangements it is acknowledged that the studio flats approved under 17/4179. Whether this change of use complies with London Plan section 3.5 is not relevant to this application. The proposed alterations would not have a significantly greater impact on the neighbouring occupiers if the application building were to be used for another permitted use.

3.3 Although the proposed windows would be visible, it is not considered to affect the living conditions of any

neighbours, as they would be a replacement and enlargement of windows in their existing positions, and no new viewpoints would be introduced to cause significant overlooking beyond existing levels. The proposed rooflights would mostly have an upward outlook and with a cill height of approximately 1.2m would not result in any significant further overlooking.

3.4 The proposal therefore would not have any adverse impact on the overall living conditions of the adjoining occupiers.

4.0 Objections and other material considerations

4.1 It is acknowledged that objections have been received regarding the possible impact of noise complaints against the nearby builders' merchants. These objections primarily relate to a residential change of use being implemented at the site and have been addressed within the report 17/4179, which has submission conditions in place regarding noise mitigation and mechanical ventilation. Further comments received require consideration.

4.2 Although this proposal is for changes to fenestration and doors only, the proposal under case 17/4179, a Prior Approval for change from Office to Residential is a material consideration. It is posited that Highways officers were not consulted for the proposal to have the entrance to the flats approved under 17/4179 on Drakes Courtyard. In fact Highways Officers were consulted on this issue, the position of the entrance and access to the proposed development, case 17/4179, which showed the proposed entrance in the same place.

It is accepted council practice to use a relevant consultation response where the information is already available under another recently assessed case. Highways feedback was as follows:

"The proposed conversion of the building into 39 studio flats will increase the parking allowance to 29.25 spaces, which is a significant increase. Again, no parking is proposed within the application site boundary. The applicants' Transport Statement states that they are willing to enter into a 'car-free' condition to designate the development as 'permit-free'. At the time of the Transport Officer's site visit, it was notable that no parking was taking place along the access road, with several signs in place warning of penalty charge notices for unauthorised parking. This helps to maintain sufficient width for vehicles and pedestrians to pass in safety. Other delivery vehicles would be able to bring their vehicle into Drakes Courtyard and turn within the car parking entrance area. This is considered to be acceptable.

The Applicant has submitted a Transport Statement which has given consideration to the likely number of trips the 39 studio flats would generate, although comparison is only available via the TRICS site for flats of 2.16 bedrooms. This concludes that the flats would generate 4 arrivals/22 departures in the am peak hour (8-9am) and 11 arrivals/6 departures in the pm peak hour (5-6pm). However taking into account the fact that the development is to be studio flats, not 2-bedroom flats,

A second visit by a Borough Transport Officer and examination of the TRICS data resulted in the finding that the original transport survey had assumed that each dwelling created would have 2.16 bedrooms. This not being the case with the development proposed, that being 39 studio flats it is calculated that the number of trips generated by the development is likely to be approximately 60% of that generated by the offices, and therefore would be likely to generate a significant fall in pedestrian movements to and from the building. Furthermore it is likely that a residential use would require less servicing and delivery trips than the existing office use. This is likely to represent a significant fall in pedestrian movements to and from the building, and also it is likely that less servicing and delivery trips would be required."

4.3 It should therefore be noted that an access point exists on this elevation, which could be used at any time without the need of planning permission. Furthermore, the prior approval under reference 17/4179 could be implemented at any time and use this access point. In summary, the proposal would not result in any significant further harm in terms of pedestrian safety.

4.4 The door to the east elevation may be intended to be a new door, however this would be to improve security and acoustic insulation. It is an existing entrance to the building.

4.5 With regard to the increase in the number of windows, the proposal would involve the addition of and the enlargement of openings at ground level. It would be possible to implement the proposal without the change

of use referred to in Prior Approval 17/4179. This would result in an improvement in the acoustic insulation of the existing office building, which are not of a modern specification.

4.6 If the prior approval were to be implemented after the windows have been changed, the condition requiring a noise assessment would ensure that the future flats are constructed to mitigate external noise to an acceptable level.

4.7 It would be possible to implement the Prior Approval 17/4179, without carrying out the changes applied for within this proposal being assessed 17/2884. If the proposed changes to windows and doors were to then be implemented, the modern higher specifications of the proposed windows would ensure that the sound insulation to the dwellings is likely to be better than the existing windows with secondary glazing.

4.8 The replacement door in the existing entranceway would be of a higher standard of acoustic insulation than the existing door.

4.9 In summary, whichever way round the proposals were implemented, the development application site is likely to have better acoustic insulation than the existing building.

Conclusion

4.1 Overall the proposal is considered acceptable in terms of character and design, and would be unlikely to significantly harm the outlook, daylight or privacy of any neighbouring occupiers. The proposal would comply with the development plan including policy DMP1 and is considered to be acceptable.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 17/2884

To: Ms Walker
Lichfields
14 Regents Wharf
All Saints Street
London
N1 9RL

I refer to your application dated **28/06/2017** proposing the following:

Application for alterations to the fenestration and doors at 1-2 Drakes Courtyard

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

at **1 & 2 Drakes Courtyard, Kilburn High Road, London, NW6 7JR**

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

Date: 02/02/2018

Signature:

Alice Lester
Head of Planning, Transport and Licensing

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 as follows:

National Planning Policy Framework/National Planning Practice Guidance
London Plan 2018
Brent Core Strategy 2010
Brent Development Management Policy 2016
Supplementary Planning Guidance 17 'Design Guide for New Development' (2002)
Draft SPD1 – Brent Design Guide

- 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:

110 B
010 B
300 D
030 B

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

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail of those noted on the plans hereby approved.

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

INFORMATIVES

- 1 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 2 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 Michele Katzler, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231