

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

11 August, 2021
04
19/3571

SITE INFORMATION

RECEIVED	7 October, 2019
WARD	Kilburn
PLANNING AREA	
LOCATION	Street Record, Malvern Mews, London
PROPOSAL	Proposed installation of metal vehicular/pedestrian gate at entrance to private mews.
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke</p> <p><u>When viewing this as 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 "19/3571" (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. Timescale for implementation
2. Approved Plans
3. Materials
4. Any other planning conditions considered necessary by the Head of Planning

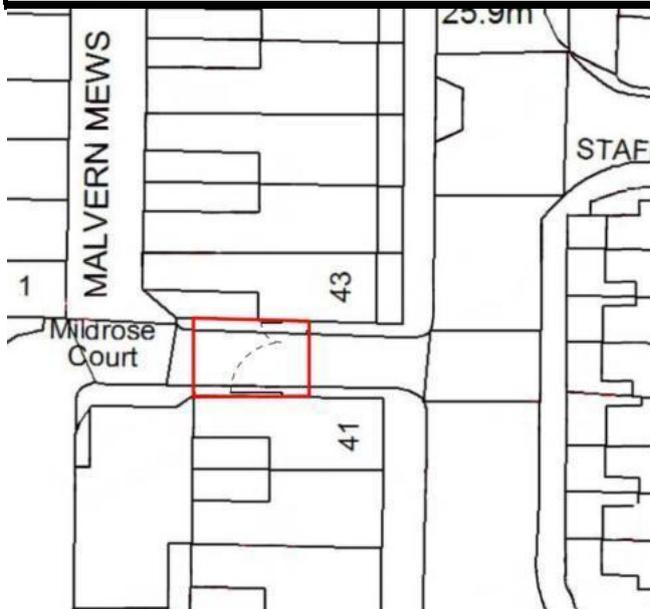
Informatives

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

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

SITE MAP

	Planning Committee Map
	Site address: Street Record, Malvern Mews, London
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This map is indicative only.

PROPOSAL IN DETAIL

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

EXISTING

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

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

The following properties also have rear access onto Malvern Mews:

5 – 85 Malvern Road
209 – 211 Shirland Road

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

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

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

AMENDMENTS SINCE SUBMISSION

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

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

SUMMARY OF KEY ISSUES

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

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

RELEVANT SITE HISTORY

No related planning history

CONSULTATIONS

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

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

The primary grounds for concern have been summarised below:

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

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

One neutral response was received making the following comment:

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

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

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

POLICY CONSIDERATIONS

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

Core Strategy 2010

CP5 Placemaking

London Plan 2021

Policy D4: Delivering good design

Policy D11: Safety, security and resilience to emergency

Policy T4 Assessing and mitigating transport impacts

Brent Development Management Policy (2016)

DMP 1: Development Management General Policy

DMP12: Parking

Draft Brent Local Plan

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

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

Key relevant policies from these documents include:

DMP1 – Development Management General Policy
BD1 – Leading the Way in Good Urban Design
BT2 – Parking & Car Free Development

Other Material Planning Considerations

National Planning Policy Framework

SPD1: Brent's Design Guide

Public Sector Equality Duty

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

DETAILED CONSIDERATIONS

1. Impact on Character and Appearance of the Area

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

2. Neighbouring Residential Amenity

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

7. Infra-red sensors / The proximity reader (fob) and keypad are to be positioned on a smaller separate posts within reach of cars meaning vehicle users are not required to leave their cars when entering and exiting the site. While cars are likely to need to stop for a short period of time while the gates are opening, this should not be for unreasonable periods of time and significant impacts are not considered to be likely.

8. The gates will be managed by the Malvern Mews Tenants' Association (MMTA) who will enter into a maintenance contract with the supplier to ensure that the gates are regularly maintained.

9. It should be noted that the installation of the gate would not result in an increase in vehicle and pedestrian movement as no additional trips are to be generated.

10. There are no significant neighbour amenity concerns.

3. Highways and other considerations

11. Local Plan Policy DMP1 seeks to ensure development is satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.

12. Access for emergency services, maintenance services and tradesmen, deliveries and visitors will be provided through a number of access means. This includes an intercom system with keypad linked to each of the residents within the mews. A Fireman's key switch would allow access for emergency vehicles. A key protected manual release is incorporated in the case of a power cut.

13. The gates are positioned 10m from the public highway which would ensure the footway of Malvern Road is not obstructed by vehicles waiting for the gates to open.

14. Currently, two vehicles cannot pass each other along the narrow road. This arrangement would not be altered with this proposal, therefore there is not considered to be any additional harm in this regard.

15. The proposal is similar in concept and appearance to the alley gating scheme implemented across Brent some years ago, but in this case the road acts as the sole means of access to residential properties. The mews is a no-through-road. It is proposed to provide fob and key code access to all and any persons with an established easement onto the Mews. The applicants have stated that access for those without this (e.g. for the purpose of boundary treatment maintenance) can be requested through the Tenant's Association. Therefore, there are no objections in terms of place-making requirements for connectivity of pedestrian routes or permeability.

4. Summary

16. It is noted that there are a high number of objections especially related to accessibility into and out of the site. Further information has been sought, and subsequently provided, throughout the application process and it is considered that the details and measures which are to be implemented would sufficiently address these concerns. In regards to the key planning matters related to this proposed development, for the reasons set out above, it is considered to be acceptable in all regards.

17. It is considered that the proposed gate would have little to no impact on the character or appearance of the streetscene, while proposed technologies would mitigate potential impacts to neighbouring amenity. It is also noted that the proposal would provide some security benefits as parts of the access road do not benefit from good natural surveillance.

18. The proposal is considered satisfactory in relation to its impact on the transport network and parking in the area.

19. The proposal is considered to be in general compliance with relevant planning policies and as such is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 19/3571

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

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

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

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

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

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

Date: 02/08/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

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

Relevant policies in the Adopted Development Management Policies are:

DMP1: Development Management General Policy
DMP12: Parking

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

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

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

1065-001B Rev.B

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

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

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

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

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