

## Agenda Item 03

### Supplementary Information Planning Committee on 20 October, 2021

Case No. 21/3059

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| Location    | 6A and 7-8, Elmwood Crescent, London, NW9 0NL  |
| Description | Demolition of existing bungalow and detached garage at No.6A Elmwood Crescent and erection of two-storey detached building to be used as accommodation for mental-health rehabilitation (Use Class C2), comprising of 9x self-contained units with associated landscaping, erection of single storey rear outbuilding, cycle & refuse storage and car-parking for use in conjunction with the residential institution at No.7-8 Elmwood Crescent |

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#### Petition objecting to the scheme

A petition has been received from residents on Elmwood Crescent and Stag Lane containing 33 signatures. The petition highlights that residents object to the proposal and that their objections were not adequately addressed within the committee report. The residents have requested for the application to be deferred from Planning Committee to allow the residents the opportunities to meet with officers to discuss their concerns. Similar concerns have also been expressed by Councillor Lo, requesting that the application is deferred to allow further opportunities for residents to comment.

The comments that were received were considered and discussed within the report, and the report was published in line with the requirements for publication. It is not considered to be appropriate to defer the application to consult on the report itself. The intention of the report is to present and discuss the merits of the proposal and the views of those who commented and to make a recommendation based on planning policy and guidance. The views of local residents that were received during the 2 month period that comments could be made are therefore presented in the report.

#### Additional objection

One additional objection has been received from an objector who has already written in, providing further comments in response to the details discussed within the committee report. The objection covers the following:

Unclear what the identified need for the development is within the Borough, and why is the proposed now not considered to represent an over intensification of the site compared to the earlier refusal

As highlighted within the main committee report, the proposal to provide short-term accommodation for mental health rehabilitation. Brent Adult Social Care was consulted on the proposed and advised that the applicant is an established provider of accommodation and care for mental health service users in Brent, with Brent having seven placements with the provider. There is a lack of provision of mental health placements in the Borough, with Adult Social Care advising that they have around 100 placements that are out of the Borough and this extra provision would be creating more capacity within the Borough for Adult Social Care to place Brent service users within the Borough. Nomination rights would be secured for Brent residents are set out within the recommended planning conditions. It is therefore considered that there is an identified Brent need for the proposed care home facility in accordance with policy DMP20 of Brent's Development Management Policies 2016 and policy BH7 of Brent's Draft Local Plan 2020.

The earlier refusal highlighted that the scheme for 11 self-contained flats was considered to be an over intensification of the site. This related to a number of issues including the poor standard of accommodation for the self-contained flats. It was highlighted within the earlier proposal that the scheme did not provide adequate communal facilities for residents or dedicated space for keyworking, and in the absence of information to demonstrate otherwise, the scheme was considered to provide self-contained residential dwellings. The scheme has now been amended to provide a communal room within the building and an office with a bed space and shower facilities for a staff member to stay over night. Further details on how the facility

will operate have been provided. This highlights that there will be at least one member of staff on duty outside of office hours and providing sleep-in cover from 22:00 - 08:00 hours each night with additional staffing cover during office hours. It is of a similar arrangement to the existing care facility at Nos. 7 and 8 Elmwood Road in terms of its layout, which was also considered as a C2 use. The proposed facility provides non-self contained residential accommodation that meets an identified need as noted above and is considered to be an appropriate use within a residential area. Neither policy DMP20 or BH7 include restrictions on over concentration of care home facilities within a local area. The emerging policy only applies this to Houses in Multiple Occupation. In line with policy, a management plan will be secured as part of the planning conditions, to ensure that the proposal does not unacceptably impact on neighbour amenity.

It should be noted that within the earlier appeal at 7/8 Elmwood Crescent, the Inspector highlighted the following:

*Objections have been received from neighbouring residents regarding potential disturbance resulting from the proposed occupiers of the supported accommodation. I note that there is another residential institution in close proximity to this appeal site, and that the residents of this institution can cause disturbance. However, this facility is apparently of a different nature from that proposed for the appeal property, and I have no reason to suppose that the residents in this case would create any disturbance. In any case, this issue can be dealt with using a suitable condition restricting development to the client group applied for, and through use of a Management Plan.*

*In conclusion, I find that the proposed alterations and change of use would not have any significantly harmful effects on the living conditions of the occupiers of neighbouring properties and other properties on Elmwood Crescent, by way of outlook, light or disturbance.*

Officers have been advised by Environmental Health that they have not received any noise complaints in relation to the existing facility at 7/8 Elmwood Crescent.

The objector has expressed concern regarding increased pressure on local services, especially as the site has poor access to public transport. The Council has prepared an Infrastructure Delivery Plan, to identify the necessary infrastructure required to support the level of growth set out within the emerging Local Plan. This includes health facilities and in the "north" place of the local plan, increased capacity to meet growing populations, would be funded through a range of resources including Section 106 contributions, Community Infrastructure Levy and Improvement Grant Funding. The Council will work closely with Brent CCG to identify where increased capacity is required.

#### Proposal does not comply with a number of London Plan policies including GG1 and GG4

The objector considers that the proposal has not been considered against policy GG1 "Building strong and inclusive communities" in particular referring to criteria G, and GG4.

"ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements"

The objector is concerned that the proposal would represent an over concentration of C2 uses within the street.

As noted above, a C2 care home facility is considered an appropriate use within a residential area. Both adopted and emerging policy context identify a wide range of accommodation types are required to meet the Council's housing needs, including non-self contained accommodation that needs an identified Brent need. Neither adopted or emerging policy have a criteria on over concentration of C2 uses. The nature of the use is considered through the quality of accommodation and use of management arrangements.

#### A number of planning conditions do not meet six tests set out under the National Planning Policy Framework

Planning conditions are required to satisfy the following tests:

- 1.necessary;
- 2.relevant to planning;
- 3.relevant to the development to be permitted;
- 4.enforceable;
- 5.precise; and
- 6.reasonable in all other respects.

The objector has raised concerns with a number of conditions, in particular, specifying that conditions 4 and 7 do not fully meet the above tests.

Condition 4 restricts the number of persons residing within the premises to no more than 9 at any one time. The reason for the condition is to ensure that any increase in occupation within the premises would not result in a substandard form of accommodation for the C2 use and that it would not result in a harmful impact on neighbouring amenity. An increase in the number of occupants that would materially affect the proposal would need to be formally considered through varying the condition via section 73 of Town and Country Planning Act, which requires public consultation and the inclusion of this wording would not mean that such an increase could be agreed without appropriate scrutiny. However, for clarity, it is recommended that the condition is updated to read as follows:

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

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

An increase in the number of residents would not result in the development becoming a major planning application, as the scheme does not relate to self-contained residential dwellings and the scheme does not exceed 1,000 sqm in floorspace.

Condition 7 relates to restriction on water consumption. In line with S15 of London Plan, the use of planning conditions should be considered to minimise the use of mains water in line with the Optional Requirements of the Building Regulations, achieving mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water computation) and the condition therefore required compliance with this optional requirement. This is set out under part G, regulation 36 of the Building Regulations. For clarity it is recommended that the condition is updated to refer to the relevant part of building regulation and remain a compliance condition.

The development shall be designed and constructed so as to limit the internal consumption of water to 105 litres or less per head per day, **in line with part G, regulation 36 of the Building Regulations.**

Reason: To promote water conservation and efficiency measures in all new developments in accordance with Policy S15 of the London Plan, and DMP9b of the Development Management Policies.

#### Clarity to be provided on what Community Infrastructure Levy funds would be used for from this proposal

Strategic CIL will be used to fund, in part or full, infrastructure to support the level of growth outlined in the Local Plan and the projects identified within the Infrastructure delivery Plan. Strategic CIL accounts for 70% of receipts. Neighbourhood CIL accounts for 15% of receipts (or 25% where there is a neighbourhood plan in place), whereby the local community can apply for funding for projects that will help support the impact of development. Bidding for such projects takes place twice a year.

#### Space standards and quality of accommodation

Concerns have been raised that the bed spaces do not meet policy D6 of London Plan nor the National Technical Space Standards (NTSS). Policy D6 and the NTSS apply to new self-contained dwellings only (i.e. within use class C3). As this scheme relates to care facility providing non-self contained accommodation falling within use class C2, such standards do not apply. Such accommodation does however need to be of an acceptable quality meeting appropriate standards for the needs of its occupants as highlighted within policy DMP20 and emerging policy BH7. As discussed within the main committee report, Brent's Adult Social Care team have confirmed that the size and layout proposed is typical of supported living units and is adequate for residents' needs in this case.

The objector has also queried where wheelchair accommodation would be provided. Policy D7 of London Plan relates to accessible homes, requiring 10% of new homes to be designed to part M4(3) 'wheelchair users dwellings'. Part M of the building regulations applies to new build dwellings falling within use class C3 rather than C2.

#### Fire Safety

The objector has highlighted that fire safety should have been considered at the application stage in line with policy D12 of London Plan, rather than relying on building regulations. The proposed building sits within a similar position within the site to the existing bungalow and has access off the head of the cul de sac. Given that the access arrangements are similar to existing, it is considered that the matter can be considered through the Building Regulations.

It should also be highlighted that within the earlier appeal at 7/8 Elmwood Crescent, that the Inspector had regard to the use of the premises and whether it would present difficulties for emergency vehicles. The Inspector concluded that the nature of the road would present the same difficulties to such vehicles regardless of the use of the property. They had no reason to believe that the proposed use would involve vehicular activity anything other than what would be considered normal to any residential area, except for the occasional visit of a minibus, and there would appear to be no problem for such a vehicle to use the road.

**Recommendation: Remains approval subject to the conditions as set out within the committee report and as recommended to be amended as discussed above.**

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