



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 20 October 2021 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice-Chair) and Councillors S Butt, Chappell, Donnelly-Jackson and Maurice.

### 1. Apologies for Absence and clarification of alternative members

Apologies for absence were received from Councillors Dixon and Kennelly.

### 2. Declarations of interests

There were no declarations of interest made at the meeting

#### APPROACHES:

Agenda Item 4: 21/3059-6a and 7-8 Elmwood Crescent, Kingsbury, NW9

- All members of the Committee present at the meeting declared that they had received an approach from Councillor Crane as local ward councillor.

### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meeting held on Wednesday 8 September 2021 be approved as an accurate record of the meeting.

### 4. 21/3059 - 6a and 7-8 Elmwood Crescent, Kingsbury, NW9 0NL

#### PROPOSAL:

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

#### RECOMMENDATION:

- (a) That the Committee resolve to grant planning permission subject to the conditions and informatives as set in the report and supplementary report.
- (b) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out in the report.

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- (c) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (d) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh, Planning Team Leader North, introduced the report, set out the key issues and answered members' questions. In introducing the report members were advised that the application proposed the demolition of the bungalow and garage at No 6a Elmwood Crescent and construction of a two-storey building, comprising nine self-contained studio flats for the provision of supported living for adults to be run in conjunction with the existing facility at No 7 & 8. The boundary wall and railings separating the two properties would be demolished to create a shared forecourt providing bin and cycle storage, soft landscaping and three parking spaces, with the existing access to No 7 & 8 used for access to both buildings. An office with ensuite bathroom would be provided in the proposed building for the use of staff, and a communal room for residents. An outbuilding would be constructed in the rear garden of No 7 & 8 to provide additional storage space for both buildings and space for occasional meetings.

In reference to the supplementary report circulated in advance of the meeting, the Planning Team Leader North drew members' attention to the following points:

- The receipt of a petition (containing 33 signatures) objecting to the scheme from residents of Elmwood Crescent and Stag Lane who felt their objections had not been adequately addressed in the report and were therefore requesting deferral of any decision to allow further discussions with officers. These concerns had been supported by a local ward councillor. The Committee advised they were not minded to support deferral on the basis that it was not felt appropriate to consult on the committee report itself.
- The receipt of an additional objection from an objector who had already commented on the application concerning the identified need for the development within the borough; why the development was not felt to represent an over intensification of the site (given refusal of a previous application); compliance with London Plan policies and of the proposed conditions with National Planning Policy Framework requirements; clarity over proposed use of the Community Infrastructure Levy funds from the proposal; space standards & quality of accommodation and fire safety.

The Committee was advised that as a result of the comments raised an amendment had been proposed to the wording of Condition 4 in order to clarify restrictions on the number of persons residing within the premises at any one time and Condition 7 in order to clarify the relevant Building Regulations that would apply. Having considered and addressed each of the issues raised within the

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supplemental report the recommendation remained to approve the application subject to the conditions (as amended) within the committee report.

Alex Litvin (objector) was then invited to address the Committee (as an online participant) in relation to the application who raised a number of concerns including:

- The over intensification of use on the site in seeking to extend the existing mental health rehabilitation facility from 11 to a total of 20 people.
- The severe negative impact and imbalance which the over-concentration of people being cared for in the facility would have on the character of the local residential area and also quality of rehabilitation in the extended care home.
- The reasons for the previous refusal of a similar application relating to the site, with the concerns relating to overconcentration and intensification still felt to be relevant in terms of planning policy and law and concern raised at what was regarded as limited reference within the committee report to articles breached by the proposed development such as GG1 of London Plan 21 aimed at protecting local communities.
- Concerns raised in relation to the proposed room size within the development, on the basis that the proposed 25m (square) was significantly smaller than the national guideline minimum.
- Reference to the in principle nature of support provided for the development by Adult Social Care within the committee report and damaging nature which local residents felt the scheme would have on the surrounding area and local community.

In response to questions from members, Alex Litvin made the following points:

- Residents concerns regarding the negative impact which the over-concentration of people being cared for in the facility would have on the local residential community had been based on the personal experience of noise and other nuisance created by residents in the existing facility.

Wojciech Poza (objector) was then invited to address the Committee (as an in person participant) in relation to the application who raised a number of concerns including:

- The overbearing nature of the development including overlooking, loss of light and privacy given the proximity of the boundaries to neighbouring properties on Stag Lane and in Elmwood Crescent.
- The over intensification of use of the site and detrimental effect it was felt this would create for the local community given levels of noise and nuisance already being experienced linked to residents at the current care facility.

In response to questions from members, Wojciech Poza made the following points:

- Whilst not having complained direct to the police or Council regarding the behaviour of some residents at the existing care facility and its impact on local residents, concerns had been raised with the facility manager. Although residents had recognised the role of the existing facility in providing care and

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rehabilitation for mental health service users it was felt the additional development as proposed represented an over intensification of use in the local area and would be too much to absorb within the local community.

Mostak Ahmed, the applicants representative, then addressed the Committee on several matters including:

- That whilst understanding the concern expressed by local residents an assurance was provided that the applicant had extensive experience of setting up and operating a number of similar schemes and working with neighbouring residents to address concerns around their client group and specific conditions.
- That the service operated at 7-8 Elmwood Crescent had been launched in 2015 and was now well established in the neighbourhood with very few issues or concerns being raised.
- The scheme would be staffed at all times which would assist in mitigating any perceived risks highlighted by local residents. It was stated that people with mental health issues often posed more risk to themselves than to others, with further assurance provided that those coming into the service were well established in the system meaning detailed background information was available to assist in supporting them to live with their condition.
- The key role played by residential neighbourhood community care facilities as part of the rehabilitation process for those suffering with mental health issues in terms of assisting to keep people in borough and close to support networks.
- The support expressed by Brent Adult Social Care and Mental Health service towards the application.
- That in order to further address concerns expressed by local residents regarding the impact of the development the applicant, as part of their management plan, would also be willing to provide a direct medium of communication for local people to raise any issues of concern.

In response to questions from members, Mostak Ahmed made the following points:

- The applicant had extensive experience of operating similar step down care schemes as an established provider of accommodation and care for mental health service users both in Brent and across London with a strong record of success in terms supporting 70-80% of their clients to transition from residential care back to independent living usually within a maximum timeframe of 4 years.
- Whilst not subject to CQC inspection as a regulated activity, the service would be subject to inspection and monitoring by Brent's Adult Social Care service for quality assurance purposes as a commissioned provider of Mental Health rehabilitation services.
- The standard and size of residential accommodation proposed would be comparable to that of the adjoining facility and met the standards commonly provided for this type of supported accommodation and had been designed to ensure the scheme remained viable given the inclusion of internal communal space, external amenity space and staff facilities.

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- The establishment of a direct communication and complaints process for local residents to raise concerns regarding the operation or nuisance being caused by residents at the adjoining facility (7-8 Elmwood Crescent) involving the site manager. The applicant was only aware of two complaints received in relation to the adjoining site and remained keen to foster good relationships with the local community.
- In terms of over intensification of use, the applicant highlighted the difficulty in being able to identify viable sites and lack of current provision of mental health placements within the borough. Members were reminded that the placements would not be permanent with the scheme designed to support the transition of clients back in to independent living.

In the ensuing discussion, members raised a number of issues including over intensification, flood risk and drainage, design, scale and appearance and relationship with adjoining properties, transport, traffic and parking impact. Officers then clarified a number of key points including:

- Given the proposed facility would be operated in conjunction with the existing C2 facility at 7-8 Elmwood Crescent and by the same operator as a means of providing step down care with the inclusion of office space, non self-contained residential accommodation designed to meet an identified need and communal facilities it was considered to be an appropriate use within a residential area that could be classified as a residential institution within Use Class C2 rather than within Use Class C3.
- Brent Adult Social Care had supported the application, highlighting the lack of provision of mental health placements in the borough with the additional provision extending capacity to place Brent service users within the borough and nomination rights secured within the recommended planning conditions. It was therefore considered that the proposal met an identified Brent need for a 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. Members noted that neither policy included restrictions on over concentration of care home facilities within a local area with the emerging policy only applying this to Houses in Multiple Occupation.
- The increased occupation of the site would be acceptable in scale and would reflect Brent's emerging policy on the redevelopment of small sites, with the loss of a family sized dwelling to be compensated by the provision of non-self-contained housing to meet an identified Brent need.
- Brent's Adult Social Care team had confirmed that the quality, standard size and layout of accommodation space proposed was typical of supported living units and would be adequate for the needs of the client group proposed. As the scheme related to a care facility providing non self-contained accommodation falling within Use Class C2 bed space standards within the London Plan and National Technical Space Standards would not apply.
- The site was not in or located near any areas of flood risk and had not been assessed as materially impacting on drainage conditions in the area.
- The proposed building would be in keeping with the scale of surrounding properties with its height and siting within the plot retaining the main characteristics of the existing dwelling. The combined frontage would also be subject to new hard and soft landscaping works to contribute to the visual amenity of the area. In terms of impact on light and outlook, overlooking and

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privacy, the proposed building was felt to have an acceptable relationship with neighbouring properties in accordance with Brent's Design Guide SPD1. Whilst the communal room would contain two side facing windows at ground floor level a condition had been included to require these to be obscure glazed and non-opening to prevent any over-looking.

- In terms of parking and transport the scheme would provide three parking spaces on site, exceeding Brent's parking standards for the two buildings and so would provide additional parking for any visiting health or social care professionals. Whilst account had been taken of the low accessibility to public transport the site was located within close proximity of local shops and services to meet the needs of the proposed residents and would also improve access arrangements and provide adequate cycle parking and bin storage. The proposal, subject to the relevant recommended conditions was therefore felt to be acceptable in terms of transportation considerations.
- Brent's Adult Social Care team had confirmed that the eligibility criteria for the scheme would be adults with a mental health diagnosis assessed as able to live in the community and not designed to operate as a dual diagnosis service catering for residents who also had drug or alcohol addiction. The care and support provider would be expected to consider known and presenting behaviours and their possible impacts on the local community as part of any pre admission assessment process with a robust management plan also to be secured via conditions to minimise risk of incidents causing nuisance and ensure effective management of the scheme.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions (as amended below) and informatives set out in the report and supplementary agenda:

Condition 4 – to be updated to read as follows: That no more than 9 persons shall reside within the premises at any one time.

Condition 7 – to be updated to read as follows: 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.

(Voting on the recommendation was as follows: For 6)

### **5. 20/1335 - Oman Court, Oman Avenue, London, NW2 6AY**

PROPOSAL:

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

RECOMMENDATION:

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- (a) That the Committee resolve to grant planning permission subject to conditions and informatives as set out in the report, as well as securing a unilateral undertaking from the applicant.
- (b) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out in the report.
- (c) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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.

Sarah Dilley, Planning Officer South Team, introduced the report, set out the key issues and answered members' questions. In introducing the report members were advised that the application proposed two new dwellings to be located on the northern side of the existing car park to the rear of Oman Court. The dwellings would be part single, part two storey and would incorporate a front garden and parking space for each new dwelling. The proposal also includes the laying of block paving across a larger proportion of the car park.

Whilst no written supplementary update report had been provided the Committee were advised of the following clarifications and amendments to the original committee report:

- Within the summary of key issues section, reference had been made to the loss of seven parking spaces as a result of the development. However, as assessed within the main body of the report, clarification was provided that the proposed development would result in the loss of ten existing parking spaces.
- Reference had been made in Paragraph 47 of the Committee Report, that the agent had given the residents the opportunity to apply for parking permits and that this would attract a cost. The agent had subsequently clarified that the detailed terms and cost were not given to residents but rather residents were advised they could apply to the freeholder for a space.
- A change to condition 10, with it now recommended that the proposed parking spaces be included within the condition to ensure they were provided and made available prior to occupation. It was also recommended that the condition require the proposed spaces for the new dwelling to remain ancillary to the development.

David Connolly (objector) was then invited to address the Committee (as an online participant) in relation to the application who raised a number of concerns including:

- Local residents felt the application had been based on a serious breach of planning control relating to proximity to gardens and buildings.

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- In terms of the original breach (relating to application 10/2012- Oman Court Penthouses) residents had raised concerns relating to the impact of the development on parking although the Committee had been advised that 23 parking spaces had been proposed (as existing) within the retained parking court. However, a number of the existing lessees had subsequently been advised to remove their vehicles and not been invited back into the car park meaning the 23 car parking spaces were not retained as existing. This had been reported as a breach to the Council's Planning Enforcement Team and was also been subject to a formal complaint.
- Whilst noting the clarification provided by the Planning Officer, regarding the contact between the agent and residents in relation to parking spaces residents remained concerned about the discretion being exercised by the block management company in dealing with applications for parking spaces along with the cost being charged, which it was felt should reflect the cost of on-street parking.
- The proximity and overshadowing of the development to adjoining properties and gardens in Oman Court and Olive Road with the development felt to fall short of the required guidelines.
- The difficulties experienced by lessees in ensuring the applicant adhered to conditions and specifications as part of previous planning consent granted.
- The adverse impact the proposed development would have on residents in relation to amenity and overcrowding as a result of previous developments in relation to the Oman Court side extension and penthouse and Chronicle Height flats.

As the Committee had no questions for David Connolly the applicants agent, Dave Carroll, was then invited to address the Committee highlighting several matters including:

- The work undertaken to secure a design that has been carefully sculpted and a building carefully positioned to ensure that it delivered what the Council's planning officer had described as 'a good quality design that adequately respects the character and appearance of the surroundings'.
- The proposed development had complied with London Plan Housing standards and although the external amenity space was 3m (square) smaller than Brent's standards, this was considered sufficient to satisfy the needs of future residents (noting also the presence of Gladstone Park in the area).
- In respect of car parking, whilst off-street car parking spaces would be lost that would leave five unassigned spaces within the parking court which the applicant had advised they would (if necessary secured via condition in relation to a car parking management plan) be prepared to rent to residents at a rate equivalent to those in the CPZ with sufficient additional on-street parking capacity also available.
- The replacement trees proposed had been deemed as acceptable by the Council alongside the proposed green roof.
- It was felt that the proposed development would not result in adverse harm to the amenity of nearby residents and their gardens.

In response to questions from members, Dave Carroll made the following points:



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- In terms of further greening of the proposed development, whilst the development would include the removal of three trees these would be replaced with a green roof also proposed to the flat roof and hedging to the boundaries of the front gardens. It was considered this would result in a more green visual appearance.

In the ensuing discussion, members raised several issues including the character and appearance of the development along with its impact in terms of distance and overlooking on neighbouring amenity, parking and bin storage access. Officers then clarified a number of key points including:

- The proposal was considered to be a good quality design that adequately respected the character of its surroundings and would have appropriate relationship with the surrounding buildings and street scene.
- The development had been assessed against loss of light, outlook and sense of enclosure on all neighbouring properties and was considered to comply with the relevant guidance contained in SPD1 and not result in adverse harm to the residential amenity of any nearby properties or their gardens.
- As refuse vehicles would be unable to access the site it was proposed that residents within the proposed development would place their bins in the communal bin storage area at the western end of Oman Court on collection days. Concerns expressed regarding the location and distance to the communal bin storage area could be addressed by inclusion of an additional condition requiring the submission and approval of revised bin storage details relating to collection distance.
- In relation to the issues highlighted on parking, officers considered (on the basis of the parking survey undertaken and reviewed by Brent Transport Team) that sufficient parking was available on and off-street to meet likely future demand. Whilst issues relating to the cost of parking could not be secured via planning condition, members were advised it would be possible for the Committee to request that an undertaking be obtained relating to parking costs as a means of addressing the concerns expressed.
- Whilst confirming that a case was ongoing in relation to a breach of a previous planning consent relating to the site, officers confirmed that this would not impact on the ability of the Committee to determine the current application, which it was noted would need to be considered on its current planning considerations and merit. The inclusion of an additional informative was also recommended relating to the wider sites previous permission(s), which would advise the applicant to vary all condition/plans amended as a result of this application.

With no further issues raised and having established that all member had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

**DECISION:** Granted planning permission subject to the prior completion of a legal agreement, the conditions (as amended below) and informatives as set out in the report:

Condition 10 – to be amended to include the proposed parking spaces in order ensure they are provided and made available prior to occupation. The condition to

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also require that the proposed spaces for the new dwelling remain ancillary to the development.

The inclusion of an additional Condition to require the submission and approval of revised bin storage details relating to collection distance

In addition it was **RESOLVED**:

- (1) that in advance of the planning permission being issued a unilateral undertaking should be obtained relating to parking cost.
- (2) An informative be included relating to the wider sites previous permission(s), the informative would advise the applicant to vary all condition/plans which would be amended as a result of this application.

(Voting on the recommendation was as follows: For 6)

### **6. Any Other Urgent Business**

None

The Committee noted that, following consultation with the Chair, the date for the December meeting had been brought forward from Wednesday 22 to Wednesday 15 December 2021 with a 6pm start time.

The meeting closed at 7.50pm

COUNCILLOR KELCHER  
Chair