

Location Brent Cottage Brent Park Road London NW9 7AP

Reference: 21/2485/FUL Received: 4th May 2021
Accepted: 12th May 2021

Ward: West Hendon **Expiry:** 11th August 2021

Case Officer: James Langsmead

Applicant: Alaris Properties Ltd

Proposal: Redevelopment of the site comprising of a part 1, part 8 and part 9 storey building (plus a basement level) to provide 63no. self-contained residential units and associated car parking; secure cycle parking; refuse and delivery bay; refuse storage; plant; landscaping and amenity space.

APPLICATION SUMMARY

Agenda Item 1 (Brent Cottage) of the Planning Committee C of the 25th November 2021 was unanimously voted for referral to the Strategic Planning Committee by members following the Chairman's motion to do so. The reason given was to allow for detailed consideration of the security of the neighbouring school.

The original Officer Recommendation report has been amended to incorporate the additional matters that were covered within the addendum that was published on 25th November 2021. This included: a correction to the wording condition 12 concerning a parking management plan; clarification on the sum Skills & Employment, Education and Training financial contribution; corrections/clarifications to site description; and, additional public representation comments 24/11/2021 and Officer response to these comments. The Officer report is included as Appendix A, and the Minutes of the Planning Committee C meeting are contained within Appendix B.

Since the Committee's decision to refer the application for hearing at Strategic Planning Committee, the applicant, of their own volition, has made minor amendments to the scheme to further mitigate the concerns raised with regards to overlooking, privacy, security and safeguarding of the school. These amendments / minor alterations to the design include:

- the addition of a privacy screen to 8th floor terrace (one private flat and communal amenity space);
- privacy louvres to 6th, 7th and 8th storey windows and balconies; and,
- the re-positioning of balconies on the 6th, 7th and 8th storeys.

The principle of development remains unchanged and the alterations were sufficiently minor in planning materiality to warrant a 7 day re-consultation with the public/neighbours which took place between the 15th December 2021 and 22nd

December 2021.

The Officer's consideration of these minor changes, together with a response to issues raised on the night 25th November 2021 Planning Committee Meeting, the summary of public consultation responses, and Officer response to these comments are considered in the following:

Revised Plans / Privacy, security, safeguarding

Officers maintain, as per the recommendation report to Committee on 25th November 2021, that adequate distances exist between the school and the proposed development to ensure that privacy and overlooking are not a significant material issue to warrant a reason for refusal.

Residential, commercial and mixed-use developments in close proximity to schools are ubiquitous throughout the Borough, and London as a whole. There are also recent and historical examples of Planning Committees granting permissions for similar developments where no additional mitigation and/or some minor mitigation has been provided. Some examples are as follows:

| Ref: | Address | Description | Mitigation? |
|-------------|---|--|--|
| 20/1111/FUL | 46 Watford Way London NW4 3AL | Demolition of existing building and redevelopment of the site to provide a part-four, part-seven storey building including lower ground level, comprising 180 rooms of student accommodation (Sui Generis) with a commercial unit for flexible use (Use E shop, financial and professional services, café or restaurant, pub or drinking establishment) at ground floor level. Associated shared areas, amenity space including roof terrace, refuse storage and cycle parking | Yes – privacy louvres. Approved by Committee: 01/07/2021 |
| 20/4031/FUL | Land Between Broadfields Primary School And Hartland Drive Edgware HA8 8JP | Redevelopment of the site to provide 137 residential units (Use Class C3) comprising 51 houses and 86 apartments ranging from 2-5 storeys, 158 car parking spaces, cycle parking, landscaping, access improvements and other associated development. Extension of the Edgware Eruv to include the site and installation of poles and wire gateway. | No mitigation – similar distances between development considered appropriate Approved by Committee: 01/12/2020 |
| 20/4032/FUL | St Johns Church Hall Friern Barnet Lane | Replacement of existing building with a new mixed use development comprising a Class E use and 9no | No mitigation – although windows less prevalent on |

| | | | |
|-------------|--|--|---|
| | London N20 0LP | self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping. | school facing elevation. Approved by Officers: 29.10.2020 |
| 17/4335/FUL | Standard House 1 - 2 Church Way Edgware HA8 9AA (High relevance) | Creation of three storey roof extension to provide 9no self-contained flats at second, third and fourth floor levels with associated balconies, refuse/recycling and cycle storage | No mitigation Approved by Officers: 31.10.2017 |
| N/A | Holmsdale House Coppies Grove London N11 1NX | Historic residential development, overlooking St Paul's school – no case file on hand, however was constructed in 70s/80s when the school was already in existence | No mitigation |

Notwithstanding Officers' view that privacy / overlooking was not regarded as a demonstrable issue for the development, the applicant voluntarily made a number of modifications to the design by means of addition of a privacy screen to 8th floor terrace (one private flat and communal amenity space); privacy louvres to 6th, 7th and 8th storey windows and balconies; and, the re-positioning of balconies on the 6th, 7th and 8th storeys. These were detailed and submitted within the following plans:

- Drawing no. IF20-01 106 Rev. A Proposed 6th floor
- Drawing no. IF20-01 107 Rev. A Proposed 7th floor
- Drawing no/ IF20-01 108 Rev. A Proposed 8th floor
- Drawing no. IF20-01 200 Rev. A Proposed North West Elevation
- Drawing no. IF20-01 203 Rev. A Proposed North East Elevation
- Drawing no. AW.001.1100 Rev. E - Landscape Eighth Floor General Arrangements
- Document: Louvres and Details (December 2021)

These plan references have all been updated in Condition 1 (plan numbers) within the report at Appendix A.

The alterations are considered to be relatively minor in design and character terms, having little impact on the quality and overall appearance of the building and the wider street scene.

The louvres will be made of an obscured transparent material that will provide a fixed aspect for the window (i.e. away from the school and its court yard playground), without the occupiers being able to see through the louvre panels, although their semi-transparent nature will still allow light to permeate through. This will ensure that the occupiers still benefit from adequate outlook and access to natural light. A revised daylight and sunlight assessment has been provided which demonstrates that the units, where these measures are to be provided, will still pass the BRE standard guidelines.

The screening added the 8th floor terrace area, coupled with the planting boundary will prevent any over-looking in the school's direction – particularly the courtyard playground - whilst still providing a satisfactory outdoor amenity space for the future residents. Again, the screen will be made of a semi-transparent/obscured material that will allow for light permeation and reduce the perception of bulk added at the top floor.

The reposition of the top three balconies, coupled with appropriate screening will prevent the overlooking towards the school and its courtyard playground from the 6th, 7th and 8th floors. There will be no loss of amenity for the future occupiers of the development as the quality of space is regarded as comparable.

Notwithstanding the assessment above, an additional planning condition (no. 37) has also been included requiring further details of the privacy measures incorporated in the amended plans to ensure that materials used do not compromise the amenity of the future occupiers or character, appearance or quality of the development and / or surrounding area. This condition is included at the bottom of this cover report.

Privacy measures, such as the ones detailed above, are not deemed to be appropriate on the 5th floor and below as there is no overlooking into the school courtyard play space from these levels, which is what the applicant has sought to address with the amendments. Views possible from the 5th and below are all within the public realm, and owing to the satisfactory separation distances, it would therefore not be reasonable to require mitigation at these levels. It is noted that concerns were raised at the Committee with regards to security and anti-Semitic terrorism, however, these are criminal matters that are governed by the relevant statutory enforcing agencies (such as the Metropolitan Police Service). Since the Committee of 25th November 2021 further correspondence from the Metropolitan Police Service has been received in respect of the proposed changes and they consider the measures to be reasonable and proportionate - raising no concerns regarding security and safety of the School, as a consequence of the proposed development.

It is important to point out that the process of renting or purchasing one of the units within the scheme to commit a criminal act would be unduly convoluted and onerous. A property could not be obtained without full disclosure of the personal details of the renter / purchaser, making any such person(s) known to the landlord / seller, and subsequently verifiable by relevant enforcement agencies. It is therefore considered unlikely that this would occur, and the Metropolitan Police Service have not suggested otherwise.

Overall, whilst Officers remain satisfied with the previous iterations of the scheme presented at Planning Committee C (on the 25th November 2021), on the basis of the buildings orientation and satisfactory distances between the development and the school, it is acknowledged that the proposed alterations minimise any minor residual risk even further, to ensure that no perceived adverse safety, security and privacy impacts remain. Officers maintain that there will be no harm to an extent that would warrant a reason for refusal of the application on such grounds.

During the 25th November 2021 Committee, a speaker (objector) presented an information pack to the Members which contained a proposed elevational drawing from a planning permission (Application ref: H/01324/13, granted 31/07/2013) for the existing school. The application was for “*Change of use to school with ancillary caretaker accommodation and associated works. Works to include: car and cycle parking facilities, fencing, hard and soft landscaping, gazebos, addition of an external staircase and provisions for refuse storage.*”

The pertinent details shown in the plan presented (Drawing No. L(0)024 Rev. B – ‘Proposed Elevation 4’), to which the Objector raised concerns in respect of privacy/security, were a “New partially glazed link between reception class and main school” and “New extension for staircase to be clad in aluminium cladding to match existing, with glazing to match main school” (as annotated on the plan). There are two things to consider here: the nature and purpose of the extensions; and, the existential presence of the extensions.

The ‘New partially glazed link between reception class and main school’ is as exactly as it described on the plan – a transitory route for children to access the first floor Reception classroom in a building that has no outlook towards the site. The glazed link is illustrated in plan on Drawing No. L(0)004 Rev. A. The route is so narrow (circa. 1.1m width) that it would rarely, if ever, be utilised as a space for anything other than providing access to the Reception classroom. It is therefore very unlikely that children would spend any significant amount of time in this part of the building, being a transitory space. Reception-aged children are also unlikely to be unsupervised and unaccompanied within this space. Accordingly the nature and purpose of this element would not present a safety/security risk that would required mitigation on the development. The additional floor to the stair core would also raise no further concerns, for a similar reason, and also, given it’s diagonal off-set from the proposed building. Notwithstanding, the latter issue of the existential presence of the extensions is non-existent, as the extensions do not exist at present. At the time of writing, more than 8 years on from the grant of permission, there is no construction taking place on site, to indicate that these proposals will come forward within a reasonable timeframe. Nevertheless, this is regarded as irrelevant to a degree, as already discussed above, such proposals would not be adversely impacted by the development by way of security / privacy, to an extent that would warrant a reason for refusal.

Overdevelopment

At the 25th November 2021 Committee, it was noted that objections were raised by Members with regards to overdevelopment of the site. It should be noted that the scheme is located within the Brent Cross / Cricklewood Regeneration Area, where redevelopment of sites, such as this one, for higher density residential development is considered to be appropriate. Officers do not consider the scheme to be an overdevelopment of the site as it is located within an urban area, where there are other medium-to-high density residential and mixed use developments. The height corresponds with recently approved and constructed / completed developments within the West Hendon Broadway Area, and it does not relate unacceptably in scale to the adjacent neighbouring buildings. No objections have been raised from consultees with regards to impact on existing infrastructure/services and subject to

the recommended conditions and s.106 obligations/contributions, it would not have an unacceptable impact on the function and amenity of the surrounding area.

Consultation Responses (as of Publication 04/01/2021)

An additional 22 comments of objection were received in response to the neighbour/public re-consultation on the amended plans, between the 15th December 2021 and 22nd December 2021, these can be summarised as follows:

- Overlooking the school
- Security of the school
- Blocking light to the school
- Additional traffic congestion
- Disruption during the construction phase
- Council is only interested in income
- Council is not interested in the objections of its residents
- Roads are not improved
- Pressure on local services
- Louvres / screening does not resolve the overlooking / security issues
- Overdevelopment which adversely impacts on the function and amenity of all neighbours
- Overcrowding
- Too big
- Road is too narrow for the development
- Noise, dust, odours and debris during the construction phase
- Children's education will be disrupted by construction noise/pollution
- Pressure on parking in the area
- Site is not suitable for this development
- Overshadowing / loss of light
- Privacy of the playground
- It would impact the wider highway network (Staples Corner)
- Jews are under constant threat from various extremist groups and the schools and children are targets for attacks and anti-Semitic abusive behaviour.
- The school is very exposed to the proposed development during drop-off and pick-up times, which takes place right across the street from the suggested development
- If a teacher decides to take a class out to the post-box, they will become exposed to the eyes of some 20 unvetted eyes right across the street.
- No amendments have been made to the road/traffic related matters

Officers respond to the above as follows:

- Overlooking and loss of privacy for the school is covered within the main the report, at depth, concluding that there are sufficient distances between the relevant parts of the school (i.e. class room windows / playground), and therefore, that there would not be demonstrable harm that would warrant grounds for refusal of the scheme on this basis. Furthermore, as discussed in this cover report, the applicant has made minor amendments to the scheme which further mitigates the perceived concern.

- Security of the school has been considered by Officers and by the Metropolitan Police Service, who consider that there would be no demonstrable risk to the school and its pupils, parents, and/or staff as a result of the proposed development. The scheme increases natural surveillance of an existing public space at the front/side of the school, which is beneficial - increasing safety and security. Matters concerning anti-Semitic act / behaviour, violence, and terrorism are criminal matters. These matters fall within the Statutory remit of the Metropolitan Police Service and the criminal justice system. The scheme's response to addressing issues of security are both reasonable and proportionate, and thus, to require any further controls or mitigation outside of this would be both unreasonable and disproportionate.
- Matters of overshadowing and loss of light have been considered within the main report and it is considered that the alterations to the scheme would not amount to any greater harm.
- Disruption during the construction phase, has previously been considered, and will be managed through a construction management and logistics plan, as per the original recommendation report. This will address concerns of, although no limited to: odour, dust, noise, vibration and construction traffic management (deliveries etc).
- The Council makes its decisions in line with national, regional and local development plan policies, and other relevant material planning considerations. The generation of income through Council tax, is not a material planning consideration that overrides the planning balance in decision making. Comments received from the public and consultees are also not overriding factors, but are material to the decision maker's consideration of the scheme, and are therefore part of the overall planning assessment.
- Matters concerning additional traffic congestion, parking stress, road widths, overdevelopment, overcrowding, design/size/height/mass, site suitability, and pressure on infrastructure and services have all been considered within this cover report and the main Officer report.

Equality Statement

The application site is situated adjacent to the Torah Vodaas school, an orthodox Jewish private school. Officers have taken into account the needs of the school and its parents, pupils, and staff, particularly with regards to security and safeguarding, and consider that the development would not compromise these, nor prejudice the religion, culture or beliefs of the community in which it serves.

Accordingly, in line with the statutory duty under the Equality Act 2010, Officers have taken into account the impact of the development on the school and community that it serves, and have made a recommendation without prejudice to any of the 'protected characteristics' set out within the Act.

Additional Planning Condition – Details of Privacy Measures

As per the discussion/assessment within the 'Revised Plans / Privacy, security, safeguarding' section above, the following additional planning condition is recommended.

37 *Notwithstanding details shown in the hereby approved plans, prior to occupation of the development, details of measures to the protect privacy of the adjacent school shall be submitted to and approved in writing by the Local Planning Authority.*

b) The measures shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).