

Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3220

RECEIVED: 1 October, 2009

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: GREENHOUSE GARDEN CENTRE, Birchen Grove, London, NW9 8RY

PROPOSAL: Outline planning permission for the erection of 71 dwellings with amenity open space (matters to be determined: access) (as accompanied by Planning Statement and Design and Access Statement prepared by Malcolm Scott Consultants Ltd; "Transport Assessment" prepared by i-Transport; "Phase 1 Environmental Assessment" prepared by WSP; "Assessment of Implications in Welsh Harp/Brent Reservoir SSSI and Site of Metropolitan Importance for Nature Conservation" and "Extended Phase 1 Habitat Survey" prepared by WYG Environment; "Flood Risk Assessment and Drainage Proposals" prepared by Simon Jones-Parry; and "Energy Statement" prepared by Cole Thompson Anders Architects)

APPLICANT: Garden & Plant Centre Developments Ltd

CONTACT:

PLAN NO'S: 1.3-01; 1.3-02; 1.3-03; and 1.3-04; and unnumbered "Proposed Illustrative Layout Plan"

RECOMMENDATION

Refusal

EXISTING

The application site comprises the Greenhouse Garden Centre located off Birchen Grove. The site is currently accessed through the Welsh Harp Environmental Education Centre although it also has planning permission for an additional access through the extension of Birchen Grove located at the southern end of the site.

The application site is located in Metropolitan Open Land (MOL). The area of land designated as MOL is situated within both the boroughs of Brent and Barnet. To the south and west of the site lies the Welsh Harp Site of Metropolitan Conservation Importance and public open space. The site is also designated as a Local Nature Reserve. To the north and east of the site lies the rear gardens of residential properties in Doreen Avenue and Glenwood Grove and the playing fields of Woodfield School. Approximately 140m to the south of the site is the Welsh Harp Site of Special Scientific Interest (SSSI).

PROPOSAL

This application seeks outline planning permission to demolish the existing buildings on site and erect 71 dwellinghouses (18 x 2 bed, 36 x 3 bed and 17 x 4 bed) with associated private and public external amenity space (matters to be determined access only)

HISTORY

E/06/0323: Enforcement investigation into the material change of use from Nursery Garden (sui generis) to Retail Sales (Use Class A1) - no action taken, 07/11/2006.

99/0868: Full Planning Permission sought for resurfacing to form car park, provision of open sales area, erection of open-sided structure, relocation of existing shed, erection of fencing, landscaping and cafe, which is ancillary to the garden nursery and the Welsh Harp Interpretation Centre, and formation of access road to Birchen Grove - Granted, 27/06/2003.

89/1230: Full Planning Permission sought for erection of single storey buildings to form garden and leisure centre together with public toilets, car parking, ancillary cafe, office, storage and boundary walls - Refused, 07/11/1990.

LE39226472: Full Planning Permission sought for establishment of central parks nursery incorporating glasshouses, ancillary buildings, access road and car parking - Granted, 03/12/1973.

LE20195229: Outline Planning Permission sought for establishment of central parks nursery and formation of access road from adjoining land - Granted, 04/04/1973.

18698 2114: Full Planning Permission sought for sports pavilion - Granted, 05/01/1951.

POLICY CONSIDERATIONS

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Guidance 2 - Green Belts

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.

There is a presumption against inappropriate development within the Green Belt. Inappropriate development, is by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities that is easily accessible and well-connected to public transport and community facilities and services. The guidance also requires Local Authorities to deliver sustainable development objectives.

Planning Policy Statement 9 - Biodiversity and Geological Conservation

Proposals on land within or outside a SSSI which is likely to have an adverse effect on an SSSI should not normally be granted. Where an adverse effect on the site's notified special features is

likely, an exception should only be made where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Local authorities should ensure that these protected species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitat would result unless the need for, and benefits of, the development clearly outweigh that harm.

Sites of regional and local biodiversity, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well being of the community; and in supporting research and education.

Planning Policy Guidance 13 - Transport

The objectives of PPG13 are to integrate planning and transport to (i) promote more sustainable transport choices; (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and (iii) reduce the need to travel, especially by car.

Planning Policy Statement 25 - Development and Flood Risk

Flood risk should be taken into account at all stages in the planning process. Flood Risk Assessments should demonstrate how flood risk from all sources of flooding to the development itself and flood risks to others will be managed now and taking climate control into account. Assessment of surface water and drainage is required as part of a Flood Risk Assessment.

Regional Planning Policy Guidance

The London Plan - Consolidated with Alterations since 2004

Policy 3D.10 Metropolitan Open Land (MOL) should be protected from inappropriate development and be given the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of the MOL.

Policy 3D.14 The Mayor will and borough councils should resist development that have a significant adverse effect on the population or conservation status of protected species identified in national, London or borough biodiversity action plans.

Policy 3C.17 Local authorities should include measures to support the Mayor's objectives on tackling congestion and reducing traffic.

Policy 3C.21 Development proposals should provide safe, convenient, accessible and direct pedestrian access to public transport nodes and key land uses.

Policy 4A.1 Development proposals should make the fullest contribution to the mitigation of and adaptation to climate change and to minimise emissions of carbon dioxide by adopting sustainable design and construction measures, prioritising decentralised energy generation and using renewable energy.

Policy 4A.4 Development proposals should provide an assessment of the energy demand and carbon dioxide emissions from proposed major developments.

Policy 4A.14 Seeks to ensure that surface water run-off is managed as close to its source as possible, in line with a specified hierarchy. In particular, it promotes the use of sustainable urban drainage systems for development unless there are practical reasons for doing so.

Policy 3A.3 Development proposals should achieve the highest intensity of use compatible with local context, the design principles in policy 4B.1, with public transport capacity and the density ranges as set out in Table 3A.2.

Policy 3A.5 New developments should offer a range of housing choices, in terms of housing sizes and types; all new housing should be built to 'Lifetime Homes' standards; and 10% of new housing should be designed to be wheelchair accessible or easily adaptable for wheelchair users.

Policies 3A.9 and 3A.10 The maximum reasonable amount of affordable housing should be negotiated on private housing scheme. Boroughs should meet the Mayor's strategic target for affordable housing provision of 50%.

Policy 3A.11 Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes, applying the density guidance set out in policy 3A.3

Policy 4B.1 Developments should maximise the potential of sites; are accessible, usable and permeable for all users; are sustainable, durable and adaptable; and respect local context, character and communities.

Policy 4B.5 New developments are required to meet the highest standards of accessibility and inclusion.

London Borough of Brent Adopted Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

STR 5 This policy attempts to reduce the need to travel, especially by car, for example by giving priority to public transport, walking and cycling.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

STR33 Strategic open space, i.e. Metropolitan Open Land, will be protected from inappropriate development.

STR36 Sites of nature conservation value will be protected and enhanced.

BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area.

BE4 Access for disabled people.

BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

BE6 High standards of landscape design is required as an integral element of development schemes.

BE12 Encourages adherence to sustainable design principles in terms of design, construction and pollution control.

- H1 Provides targets of additional number of housing proposed for the borough subject to suitable locations.
- H9 A mix of family and non-family units will be required on sites capable of providing 15 dwellings or more.
- H11 Encourages the use of housing on previously development urban land which the plan does not protect for other uses.
- H12 Seeks to ensure that all residential development has a high-quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 This policy refers to residential density. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- TRN3 The development proposal should not cause unacceptable road safety problems or environmental problems. It should be easily and safely accessible to pedestrians and cyclists.
- TRN10 All new development should have safe walking routes which are overlooked, convenient and attractive within the site and to surrounding facilities and areas.
- TRN11 Major development would be expected to contribute towards improvements to the London Cycle Network and comply with the minimum Cycle Parking Standard (PS16) with secure and convenient cycle parking.
- TRN14 New highway layouts, visibility splays and accesses to and within developments should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance. There should be an efficient circulation as well as integrating with the existing road network.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS16 Relates to the standard for cycle parking.
- OS1 The Welsh Harp is designated and protected as Metropolitan Open Land (MOL)
- OS2 The predominantly open character of MOL will be preserved. Uses which may be acceptable on MOL are restricted to:
- Public and private open space and playing fields;
 - Agriculture, woodlands and orchards;
 - Rivers, canals, reservoirs, lakes, docks and other open water;
 - Golf courses;
 - Allotment and nursery gardens;
 - Cemeteries; and
 - Nature conservation
- OS3 Within MOL development will not be permitted unless any proposed building or use is complementary to the land uses listed in OS2 and any development is small in scale and is required to preserve or enhance activities associated with the particular open space.
- OS6 Development of public open space will not be permitted unless it is required to maintain or enhance activities associated with the open space.

OS12 Development will not be permitted on or adjacent to Sites of Special Scientific Interest and Sites of Metropolitan Nature Conservation Importance, unless it is demonstrated, that there will be no adverse effect on nature conservation.

OS15 Development which would have an adverse impact on protected species or national or local Biodiversity Action Plan species that are uncommon or under threat in London will be refused, unless steps to secure the protection of the species are implemented.

London Borough of Brent's Supplementary Planning Guidance

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control

Provides design and planning guidance on complying with Policy BE12 of the adopted UDP which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally friendly landscape design, sustainable demolition and construction practices and reduction of pollution in the operation of developments.

London Borough of Brent's Core Strategy - Proposed submission Version, June 2009

Objective 7 - To achieve Housing Growth and Meet Housing Need

Objective 8 - To Reduce the Need to Travel and Improve Transport Choices

Objective 9 - To Protect and Enhance Brent's Environment

Objective 10 - To Achieve Sustainable Development, Mitigate & Adapt to Climate Change

Objective 12 - To promote Healthy Living and Create a Safe and Secure Environment

CP2 - The provision of at least 22,000 additional homes will be delivered between 2007 and 2026.50% to be affordable and 85% to be delivered in growth areas.

CP5 - New developments should be well connected and accessible.

CP18 - Open spaces of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and well being of Brent's residents, visitors and wildlife.

CP19 - All development should contribute towards achieving sustainable development, including climate change mitigation and adoption.

SUSTAINABILITY ASSESSMENT

The applicants have stated in their Planning Statement that the scheme will be designed to meet Code for Sustainable Homes Level 4. Such measures would be secured through a Section 106 Agreement.

The applicant has also submitted an Energy Statement in line with GLA requirements. These includes measures on how to mitigate climate change, and the carbon dioxide reduction targets that are necessary across London to achieve it, and how the development will be designed to be adaptable to the climate change over its lifetime. The information submitted is broadly acceptable

but additional information and clarification is required to ensure full compliance with London Plan energy policies.

CONSULTATION

Consultation Period: 08/10/2009 – 29/10/2009

Additional Consultation Period: 21/10/2009 - 12/11/2009

Site Notice displayed: 22/10/2009 – 13/11/2009

Public Consultation

224 neighbours consulted – 1 letter of support received and 101 letters of objections received together two petition with 38 signatures and 345 signatures. Objections raised on the following grounds:

- Welsh Harp and its surrounding area is an invaluable leisure and community resource, especially to young people and for outdoor activities and enjoyment in a built up area
- Proposal would be severely detrimental to wildlife. It would disturb wildlife on the nearby SSSI through a more intensive use – longer hours, increased traffic, noise, lighting
- Loss of open space
- Open space a valuable and rare resource
- Intrusive to the character of the open space
- Inappropriate development on MOL
- No benefits provided to compensate building on MOL
- Housing out of keeping with surrounding residential properties
- Pollution to the Welsh Reservoir from additional population
- Lack of infrastructure to support additional housing e.g. school places, medical care etc
- Garden centre a valuable community resource in the area
- Too many houses already being built in Brent
- Environmental considerations made by the developer are completely inadequate and fail to mitigate the impact of such a development on the Welsh Harp and its wildlife
- Additional traffic on Birchen Grove will lead to congestion. Additional problems created at the junction with Blackbird Hill
- Loss of trees and impact on climate change
- Greenfield site easier and cheaper to develop on
- Lack of consultation by both the Council and the applicant
- Need for other sites to be considered for housing
- Restrictions in nearby conservation area on extensions and alterations to properties but allowed to built 71 new houses on MOL
- New access road will remove trees and grass and would extent into natural space. This would be intrusive and noisy. New access road would be a risk to pedestrians walking in the Welsh Harp
- Risk of flooding through loss of trees and vegetation
- Adversely impact upon established sporting facilities in the area – sailing clubs, sea cadets, allotments and Welsh Harp Environmental Educational Centre
- Need for Environmental Impact Assessment
- Need for historic survey
- Integrity of the site as public open space would be threatened and a large block of MOL would be fragmented with the threat of further development
- Loss of privacy
- Subsidence to properties on Doreen Avenue
- Increased crime to area
- Damage to bridge over the Welsh Harp which is listed
- If application is granted it would set a precedent for further development such as the scheme for a residential development in Barnet at Cook Oak Lane

Springfield Estate Residents' Association

Objections raised on the following grounds:

- Residential development not an appropriate use on MOL
- The construction of an access roadway, residential buildings, road and utilities provision of this scale would severely and permanently affect an important national wildlife site.
- The development would require extensive road and pavement construction on land designated as public open space.
- The area is poorly served by public transport. Journeys to and from work and services by car would increase and add to the density of vehicle traffic in the area.

Silver Jubilee Residents' Association

A petition has been prepared with 61 signatures. Objections raised on the following grounds:

- Proposal contrary to policies on MOL and is an inappropriate use on MOL
- Poor public transport links to the site
- Additional need for car parking will considerably impact upon the parking in Birchen Grove
- Loss of a more beneficial land use for the community
- negative effect upon the character of the area
- no proposal for a secure boundary between the new housing and the bungalows (Glenwood and Parkfields Avenue) and Woodfield School which could attract more crime in the area and reduce a sense of security
- Increased noise from the cars and people - disturbed to wildlife and local residents

Church View Residents' Association

A petition has been received with 83 signatures objecting on the following grounds:

- Impact of the proposal on the SSSI and SINC would be negative and irreversible.
- No mitigation and compensation measures would be sufficient to overcome the adverse impacts on bats, nesting birds and other protected or notable species
- Inadequate consultation in adjacent Conservation Area

Internal Consultation

Policy & Research

The proposal should be refused as it proposal contradicts London Plan policy 3D.10 and UDP policies OS1, OS2, OS3 on the protection of Metropolitan Open Land and the proposal would be harmful to the Welsh Harp and its designation as Site of Metropolitan Conservation Importance and as a Local Nature Reserve, contrary to policies OS12 and OS16.

Transportation Unit

Recommends that the proposal is refused on the grounds that the development fails to provide safe, convenient and attractive walking routes to nearby key destinations such as shopping facilities, schools and public transport, contrary to policies TRN3 and TRN10 of the adopted UDP 2004. As such, it is likely to be over-reliant on journeys by private car to access the site, worsening the environmental impact as a result of the traffic generated.

In the event that planning permission is granted, a Section 106 Agreement would be sought to secure:- (i) provision of the proposed extension to Birchen Grove to provide the access route to adoptable standards and dedication as public highway; (ii) a Residential Travel Plan; and (iii) a financial contribution of £97,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site.

Environmental Health

No objections raised subject to conditions being attached to the planning consent on material transfer, general control over works and contaminated land.

Urban Design & Conservation

Raises concerns are raised about how to integrate this site with the wider area and the ability of an outline application to deliver the quality of architecture and detailing necessary.

Landscape Design Team

Recommends refusal for the following reasons:- (i) the development creates a barrier with the surrounding nature reserve, school and SSSI rather than integrating them. The layout makes little or no attempt to link with or supplement the existing suburban residential and green space network; (ii) the Environmental Statement does not seem to mention landscape and visual impact when it should be in such a sensitive area; and (iii) the design statement on landscape and appearance is unconvincing and not sympathetic enough to its surroundings, i.e. there is not enough emphasis on native planting, habitat creation and ecological planting.

Brent Parks Service

Raised the following planning related comments regarding this proposal:

- Residential development is not an appropriate use of MOL and would not allow for accessible open space over the substantial area of the development.
- The new access route would result in the loss of open space
- Proximity of the proposed development to the Welsh Harp Open Space and to the Brent Reservoir is a concern.
- The development would not only encroach upon the open land but would also visually impact on the views from the remaining open land
- If the development on the Barnet side was to proceed, the Greenhouse Garden Centre land would be even more precious given the loss of the nearby land

Section 106 Observations

If officers were minded to grant planning consent the following Section 106 Heads of Terms would be sought:

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) 50% Affordable Housing - the split to be agreed with the council.
- (c) A contribution £3,000 per bedroom (£2,400 for affordable housing) due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Prior to Occupation, submit, gain approval for and adhere to a residential Travel Plan.
- (h) Prior to Occupation the provision of the extension to Birchen Grove to provide the access route to adoptable standards and dedication as public highway
- (i) Prior to Occupation, re-instate the former access road as woodland.

(j) Prior to Material Start conduct a tree survey to be approved by the Council, with a 4:1 re-provision prior to Occupation

Welsh Harp Ward Councillors - Cllrs Singh and Farrell

Objections raised on the following grounds:

- The proposed development is contrary to the Borough Planning Guidelines - UDP
- Building a housing estate next to the SSSI would risk damage to the finely balanced ecosystem which supports the wildlife, the flora and the fauna of the SSSI
- Metropolitan Open Land must be protected for the use and enjoyment of future generations
- An increase in traffic resulting from the housing estate will have a negative impact on local roads and in particular Birchen Grove

Councillor Ann M John OBE (Leader of the Labour Group)

Objections raised to the proposal as it would spoil the 'rus in urbe' character of the whole area. The increased traffic flows which would inevitably result from these proposals will cause further problems.

Councillor Wharton (Sudbury Ward)

The application is inconsistent with UDP policies on MOL and does not show any benefits which compensate for building on MOL. The development would disturb wildlife on the nearby SSSI. It would create more disturbance than the existing use having activities for longer hours and lighting for longer hours.

External Consultation

Greater London Authority

The application does not comply with the London Plan for the following reasons:

MOL: The proposal represents inappropriate development on MOL for which there are no very special circumstances that would outweigh the resultant harm

Energy: Additional information and clarification is required to ensure full compliance with the London Plan energy policies.

Inclusive design: Inadequate information is provided in the design and access statement to ensure inclusive access for people with mobility impairments throughout the scheme, and to ensure compliance with London Plan policy 4B.5.

Natural England

- Recommended that presence or absence of bats is determined prior to the granting of planning permission.
- Recommended a number of conditions to ensure the Site of Metropolitan Importance for Nature Conservation (SMINC) is safeguarded from adverse impacts during construction and mitigate for the proposed loss of habitat to create the access road. Natural England would prefer to see no loss of habitat within the SMINC or Local Nature Reserve.
- Contribution to the Welsh Harp Conservation Group for management and interpretation of the site.

The Wildlife Trust - Herts & Middlesex

The following information shall be included in any further submissions for this application to ensure minimal disturbance to both protected species and the adjacent Local Nature Reserve and SSSI:

- Full bat survey with appropriate mitigation/compensation measures required.
- Presence/absence surveys for great crested newts should be carried out in the ponds opposite the Welsh Harp Environmental Education Centre with appropriate mitigation/compensation measures
- A reptile mitigation plan detailing measures taken to avoid disturbance or damage to reptiles.
- A detailed landscaping plan.
- Method statement demonstrating how giant hogwood is to be eradicated from the site
- Recommend that the access to the site is retained via the existing access road rather than the loss of an area of SINC. If new access road is approved then compensation measures for the loss of a part of the woodland as well as fragmentation of the remaining habitat should be proposed.

London Wildlife Trust

Objections raised on the following grounds:

- Fails to meet UDP policies on MoL. If granted would establish a worrying precedent for further damage and loss of the integrity of MOL within the Borough.
- Access road will result in the direct loss of habitat and in operation will serve to cause disturbance to the Local Nature Reserve. Acknowledges previous planning permission and that weekly trips reduced but difficult to accept that there would be no adverse impacts on the nature reserve (cumulative impacts of light, noise, pets etc). Fails policies OS12 and OS16
- Proposed mitigation is the removal of the existing access road and to replant this line with native woodland species. This complies with OS17. However not considered adequate mitigation for the proposed extension to Birchen Grove nor the development as a whole. No further mitigation measures are put forward for example the planting and landscaping of the estate's amenity space. or in respect to any garden/roadside planting. Some of the sites existing landscape features (border woodland strips) are deemed adequate measures to reduce (but not prevent) impacts from development, but these do not appear to take account of direct encroachment during construction and/or cumulative impacts of new housing over time.
- Issues of potential damage or likely changes to existing habitats or species populations are not covered by the statement that "will be no net habitat loss as a result of this proposed development" in the longer term. E.g. the reservoir surrounds support significant nos. of bats and impact of lighting could be significant – whilst referred to no specific mitigation measures proposed.
- impacts upon the SSSI interest of the reservoir (wildfowl and water margin flora) is less significant. However concerned that run off especially to the extension of Birchen Grove, and other pollution aspects have been adequately addressed.
- Granting permission could adversely impact upon the Council's ability to meet the objectives of National Indicator 197, which in the Welsh Harp SMINC the NI 197 assessment is part of the site beyond the SSSI boundary
- Reference made in reports to bats – expected a full bat survey of the site and its surrounds to have been commissioned and largely completed in order to provide a better insight to the likely impact of the proposal and inform more comprehensive mitigation proposals

London Wildlife Trust (Welsh Harp representative)

Objections raised on the following grounds:

- Proposal would adversely impact upon the SSSI and LNR
- Housing not an appropriate use on MOL
- Existing roads not suitable to cope with the increased traffic and new access road would involve the destruction of many trees and vegetation
- The development would reduce the overall area of the existing open space and would create a precedent for future developments thus threatening the existence of an area for nature conservation of national importance.
- More appropriate ways to meeting housing needs

RSPB South East Regional Office

Objections raised on the following grounds:

- An Environmental Impact Assessment has not been submitted
- The application has failed to fully consider the potential impacts on interest features of the SSSI, for example it has not considered the impact of construction work during the wintering period.
- No evidence has been given to quantify existing levels of recreational pressure or whether there is capacity at the site for additional recreational activity. An evaluation of the existing pressures is required, together with the impacts of increased visitor numbers on the designated features, both breeding and wintering
- Lack of detail for the proposed mitigation for construction noise impacts - type, scale and timing of mitigation.

The Welsh Harp Conservation Group

The following points raised for consideration:

- Integrity of the site as a public open space would be threatened and a large block of MOL would be fragmented with the threat of further developments in the future. The open space is made up of a mosaic of varying habitats into which a housing estate would not easily fit.
- Access via Birchen Grove is unsuited to increased volume of traffic. The transport links are inadequate.
- New access road would involve the loss of a number of trees and associated vegetation. Mitigation measures proposed not adequate. Previous application for the access road not discussed with the Welsh Harp Joint Consultative Committee (WHJCC).
- New access road will worsen problems of illegal dumping of waste
- Significant increase in disturbance to wildlife both during construction phase and when occupied.
- Adverse effect on bats at the site reducing the area for foraging, affecting possible tree roosts and introducing excessive lighting into an area that is currently dark.

NW London RSPB Group

Objections raised on the following grounds:

- The Welsh Harp is a valuable resource to the local community and for monthly educational bird walks. The proposal would degrade the habitat and defeat the core objective of providing a safe haven for wildlife in an urban/suburban setting.
- Integrity of the site will be threatened from this over development, in particular adversely impact upon bats who use the area for vital foraging and breeding.
- Additional residential lighting would reduce the area available for bats. New access road would

- add to night time disturbance.
- Risk of flooding through hardsurfacing and associated run off.

Birdwatch Magazine

The wildlife in general, and birds in particular, at Brent Reservoir are of local, regional and in some cases national importance. The building of homes and access roads and the installation of lighting will have a great impact. No proper environmental impact assessment has been undertaken to measure the long term impact.

Barn Hill Conservation Group

Concerns raised regarding the detrimental impact that the development would have on the waterbirds using this part of the reservoir, and consequently, on its value as part of a Local Nature Reserve

Environment Agency

Objections raised due to the absence of an acceptable Flood Risk Assessment (FRA).

English Heritage

Although not in an designated archaeological priority, there is a sufficient amount of known remains, historic settlements and findspots in the vicinity to warrant consideration of archeological matters in regards to this application. Condition recommended to secure the implementation of a programme of archaeological work.

Transport for London

TfL request a contribution of £6,500 is made towards pedestrian improvements on site and towards the improvement of the capital ring. Furthermore, a Delivery and Servicing Plan and a Construction Logistics Plan are requested.

Barnet Council

Objections raised in the strongest possible terms. MOL unsuitable for housing development of any scale. Fails to meet the objectives and purposes of MOL and would be detrimental to the character of MOL.

Concerns are also raised over the proposed scheme and the detrimental effect it could have on natural wildlife in the area.

Brent Green Party

Objections raised on the following grounds:

- Survey of bats on the site has not been undertaken without which a mitigation strategy cannot be finalised.
- Displacement of nesting birds would be contrary to legislation
- The MOL and Site of Metropolitan Importance would be damaged through the displacement of existing species and loss of biodiversity
- Inadequate consultation in adjacent Conservation Area

The Open Spaces Society

Objections raised on the following grounds:

- The open space is of vital importance not only for nearby residents but also for visitors from further afield. It is invaluable and irreplaceable. The Capital Ring long-distance path would be severely and adversely affected by the development as would other public rights of way in the vicinity.

Welsh Harp Joint Consultative Committee

Objections raised on the following grounds:

- Inappropriate use of land which is designated as MOL
- Close proximity to SSSI and SINC. Concerned about the impact in conservational terms of the disturbance which would be caused by the construction process and the completed development once occupied. Applicant has failed to demonstrate how to limit the impact of the development on the SSSI and SINC.
- Adverse impact upon wildfowl and bats through disturbance, lighting and loss of mature trees
- Residential use creates more of an impact in traffic terms than the garden centre
- application would set a precedent

Brent Friends of the Earth

- Inappropriate development
- Integrity of the site as a public open space would be threatened and a large block of MOL would be fragmented with the threat of further developments in the future. The open space is made up of a mosaic of varying habitats into which a housing estate would not easily fit.

Pressure Group "Save Our Remaining Bits of Green" (SORBG)

Objections raised on the following grounds:

- Adversely impact upon the Welsh Harp
- Alternative sites more appropriate for housing
- Inappropriate development

The Barnet Society

Objections raised as the application is on MOL and is close to the SSSI around the Welsh Harp.

REMARKS

Background

The application site is currently in use as a garden nursery. It has been in use as a garden nursery since around 1974 and was previously owned and occupied by the Council as the parks service's plant nursery.. The applicant who is the current owner of the garden nursery acquired a 125 year lease from the Council and has subsequently improved and expanded the facilities on site (LPA Ref: 99/0868). The application also included the extension of the Birchen Grove highway into the site. This application was considered acceptable as the expansion of the facilities fell within the same use as a garden nursery and as such the use was considered to be an appropriate form of development within MOL. The proposed structures were consistent with the use and existing structures on site and were considered to be preserve the predominantly open character of the site.

The applicant has also submitted an outline application on the Barnet side of the Metropolitan Open Land for 91 dwellings, located off Cook Oak Lane. This application is currently under consideration by Barnet Council. A number of local residents have informed officers that they are of the understanding the the applicant is intending to go ahead with either the Brent or the Barnet application but not both. This has not been stated within the application submission. Nevertheless, each application is required to be assessed on its individual merits.

Development on Metropolitan Open Land

The site is designated as Metropolitan Open Land (MOL). MOL should be protected from inappropriate development and be given the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of the MOL. Residential development does not preserve the openness of MOL. It does not fulfil any of the clearly defined uses listed in PPG2 or policy OS2 of Brent's UDP, and is therefore inappropriate development.

PPG2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is reinforced in the London Plan in Policy 3D.10 which states that MOL should be protected from inappropriate development and be given the same level of protection as the Green Belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of MOL. The applicant has put special circumstances which they consider should be taken into account in allowing the development. None of these reasons provide a remotely acceptable justification for inappropriate development on MOL. Each of these is addressed below:

- The site only contributes to MOL purposes in regard to the perimeter mature tree planting which will be entirely retained on site and better preserved by these proposals

PPG2 makes clear that the extent to which the use of land fulfils specified objectives is not in itself a material factor in the inclusion of land within MOL, or in its continued protection. The purposes of including land in MOL is of paramount importance to its continued protection, and should take precedent over the land use objectives. In this instance, the MOL boundary is well defined and clearly distinguishable from the built up area.

- The site is brownfield land and in private ownership, with no future plans for transfer into public open space.

MOL is defined as any strategic open land, publicly or privately owned, with or without public access which amongst other criteria contributes to the physical structure of London, clearly distinguishable from the built up area. The horticultural use of the site and associated buildings are specified as an acceptable use of MOL, but that does not confer 'previously developed' status on the application site to an extent that justifies the introduction of an inappropriate residential use.

- There is a demonstrable need for housing, especially affordable family housing, both in Brent and the adjoining borough of Barnet. This site is particularly suited to that form of accommodation, given its links to open space and would make a valuable contribution to local housing needs. The site is available now with a willing Registered Social Landlord to deliver the housing.

Policy CF2 of the Core Strategy plans for an additional 22,000 additional homes between 2007 - 2026. Whilst a large proportion of these homes will be provided in the growth areas, approx. 15% will be provided elsewhere in the Borough. The Council is of the view that it has sufficient land and sites coming forward to meet housing demand without the need to develop on MOL. One of the key tenets of the London Plan is to accommodate London's growth within its boundaries without encroaching on open spaces.

- There would be no adverse effect on the nearby Welsh Harp Reservoir or its open space environs

The applicant has failed to demonstrate the likely impact upon the protected species in the area.

- The size, scale and massing of the illustrative housing would be considerably less than the

quantum of building presently existing on the site, much greener, more open and aesthetically pleasing.

The footprint of the existing buildings on site is approx. 5999sqm. The footprint of the proposed buildings is 3190sqm. The height of the existing buildings varies from 3.76m to 5.25m. The proposed buildings will be up to 6.3m at roof apex. Whilst it is acknowledged that the total footprint of buildings within the site may be reduced the layout is considered to be unacceptable because of its dispersal over the whole of the site and enclosed gardens having an adverse affect on the character and opennesses. The buildings will also be higher further adding to its adverse impact upon the opennesses of the site.

Transportation

This application is an outline proposal, the only issue for which permission is sought at this stage is the means of access.

Access road to the site

Access is proposed to the site by extending Birchen Grove into the site in a similar manner to that approved for the garden centre (LPA Ref:99/0868) with a 6m wide carriageway and a 2m wide footway on the northern side only. The existing access way which passes the Welsh Harp Education Centre would be removed and replanted. The proposed access road is acceptable in principle in highway terms as had previously been agreed for the garden centre. This could have potential impacts on the Site of Metropolitan Importance for Nature Conservation (SMINC) and the SSSI. This has been considered in more detail in the section on nature conservation below.

However, it will cross part of the Site of Metropolitan Nature Conservation Importance and Welsh Harp Local Nature Reserve and whilst the principle of this may of been acceptable in the past as a means of improving access to an existing garden centre that was being extended, this may not be the case for a residential development as it is required to be dedicated as public highway, with appropriate lighting, signage, drainage and extended use.

Access within the site

The indicative layout of access within the site shows a 6m wide shared surface and traffic calmed loop road serving dwellings around the site perimeter, together with two connecting 3 to 3.5m wide streets to serve 13 houses in the centre of the site. Your transportation officers have advised that in general the concept of a shared surface would be appropriate for a development of this scale, where through traffic would not be present, as long as the surface is provided in coloured block paving. The general width of 6m will ensure adequate space to manoeuvre into and out of parking spaces. The proposed traffic calming measures are generally supported, although additional features in the vicinity of plots 6/7 and 17 would be sought to ensure vehicle speeds are kept low. The layout has been tracked for a large refuse vehicle and is shown to accommodate this, although the restriction at the entrance of the site has not been tested. Overall, the layout generally satisfies the principles set out in Manual for Streets and could be accepted, subject to further detailed design with a reserved matters application.

The expansion of the car park for the garden nursery was approved with 13 low level lights. The illuminance level required for lighting for a residential scheme is likely to be higher than required for the car park associated with the nursery garden. The impact of this lighting and proposed mitigation measures will need to be considered. This is expanded upon within the section on nature conservation below.

Integration of the site with its surroundings

Public transport access to the site is extremely poor, with no bus services within 640m or railway stations within 960m, meaning the site has a very low PTAL rating. Your transportation officers

have raised a major concern over the lack of proposed pedestrian access routes into the site, with the only route being alongside the access road. The site is isolated and fails to be integrated with the surrounding area and linked to local facilities., namely eastwards towards Wood Lane/West Hendon and northwestwards towards Church Lane, with their school, shopping and public transport facilities. The lack of safe, convenient and attractive walking routes to nearby key destinations is likely to result in an over reliance on journeys by private car to access the site. This would be contrary to national, regional and local policy objectives which aim to integrate planning and transport through promoting accessibility to services and facilities through the use of alternative modes of transport and reducing the need to travel, especially by car. Furthermore, it is difficult to see how the applicant can successfully implement a travel plan without good pedestrian connectivity to the existing highway network and other pedestrian routes in the area.

Parking provision

The submitted Transport Assessment indicates that a total of 110 spaces are proposed within the site. Based on the submitted illustrative layout, your officers can see that each of the units around the perimeter of the site are shown with an in-curtilage parking space, whilst a further 32 shared spaces take the total car parking provision to 90 spaces. In terms of car parking provision, the development could be permitted up to 113 car parking spaces, so the provision of 90 spaces accords with standards, whilst being close enough to the maximum allowance to allay concerns regarding overspill parking from the site. However, the relative isolation of the site and the absence of a means of control would be likely to result in significant extra parking and within the roadways consequent congestion. Standard PS15 would require at least of the shared spaces to be marked at a width of 3.3m so that they could be used as disabled visitor spaces. Bicycle parking can be provided within each plot.

Traffic impact

Traffic impact has also been considered within the Transport Assessment, with the number of existing vehicular trips to and from the garden centre compared with estimated numbers of future vehicular trips for the residential development, based upon surveys of ten sites across the country.

In terms of total daily flows, the Transport Assessment indicates that weekday vehicular flows rising from an average of 436 two-way daily trips to 462 trip (+6%), whilst weekend trips would fall from 794 trips to 415 trips (-48%). However, the most marked impact on the road network would be during the weekday peak hours, with flows estimated to increase from 16 to 38 movements in the am peak (8 - 9am) and from 31 to 46 movements in the pm peak (5 - 6pm). Although such increases would represent a high percentage of the total flow on Birchen Grove, given that existing flows in the street are very light, they are not significant enough to be likely to result in any capacity problems at the signalised junction with Blackbird Hill and would be barely perceptible further afield. As such, the likely overall traffic impact of the development would be acceptable, with a beneficial drop in the number of servicing trips by HGVs to and from the site.

Nature Conservation

The Brent Reservoir and Surroundings (Welsh Harp) Site of Metropolitan Importance for Nature Conservation (SMINC) incorporates the Brent Reservoir (Welsh Harp) SSSI and the Brent Reservoir/Welsh Harp Local Nature Reserve. The SSSI is of interest primarily for breeding wetland birds. The diversity of wintering waterfowl and the variety of plant species growing along the water margin are also of special note for Greater London. The SSSI is approximately 170m south of the proposed development and approximately 130m south of the proposed access road.

In addition to the open water of the reservoir, the SMINC comprises reedbed, marsh, carr, grassland, scrub and woodland. These additional habitats support bird species other than the important wildfowl and wetland birds. It also supports amphibians, invertebrates, bats and reptiles. The SMINC lies to the immediate south and west of the application site and the proposed access road runs through the SMINC.

The applicant has submitted a habitat survey report and an assessment report on the impact that the proposal would have on the SSSI and SMINC. The potential impacts identified during the construction phase and operational phase have been identified together with a number of mitigation, compensation and enhancement measures to minimise these impacts. The initial assessment has identified that most of the impact could be mitigated but the impact on protected species, including bats and great crested newts has not been established. A full survey is required to determine the presence or absence of these protected species prior to the granting of planning permission. This is to provide a better insight to the likely impact of the proposal, and inform more comprehensive mitigation proposals. The full bat and newt surveys are required to demonstrate that there will be no significant impact on these protected species.

Environmental Impact Assessment

A number of objectors have queried whether the application requires an Environmental Impact Assessment (EIA). The application did not trigger a request for an EIA as it does not fall within the relevant criteria and was not sought in the initial period of assessment. However, some subsequent representations have indicated that there may be some concerns which may have warranted an EIA. On balance, as there are overriding reasons to refuse this application, it is however recommended that an informative is attached which advises that if the event of an appeal that the Secretary of State requests a screening direction.

Flood Risk Assessment

The applicant has submitted a Flood Risk Assessment and Drainage Proposal. The Environment Agency has raised objections advising that the FRA does not comply with the requirements set out in Annex E of Planning Policy Statement 25. The FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Design and Layout of proposed houses

Based on the indicative layout of the access roads within the site and information submitted in the Design & Access Statement, 71 two storey family houses are proposed comprising a mix of 18 x 2 bedroom, 36 x 3 bedroom and 17 x 4 bedroom units. The proposed density is 196 habitable rooms per hectare which complies with both the borough density range and London Plan density range.

As a result of the indicative layout of the access routes within the site, the houses are to be sited around the perimeter of the site with two connecting access routes running east to west serving 13 houses. The applicant has stated in the Design & Access Statement that all of the units will exceed the minimum unit size as set out in SPG17 but has not made reference to the amount of private external amenity space that is proposed for each unit or made reference to distances between properties to ensure adequate levels of privacy. Based on the indicative layout some of the units particularly to the south of the site significantly fall short on the minimum amount of private external amenity space required for family sized units. There are also concerns with a lack of privacy and overlooking between the 13 houses within the centre of the site.

The proposed indicative layout showing the location of the shared car parking spaces is considered to be poorly located adjacent to the flank and rear elevations of the dwellinghouse would result in a significant loss of enjoyment by the occupiers of these units by virtue of disturbance, smell and noise pollution.

No details have been provided in the Planning or Design and Access Statement to explicitly confirm that the homes would be built to Lifetime Home Standards, with at least 10% adapted or capable of being adapted to wheelchair accessible standards. In addition, a lack of information has been provided to tackle the issue of access for people with impaired mobility, which is of importance in this relatively remote location with low level of public transport accessibility.

Conclusion

In conclusion, the proposed development is an inappropriate form of development within MOL that would adversely impact upon the opennesses of the MOL. The applicant has not provided very special circumstances to justify that the harm caused would be clearly outweighed by other considerations. The proposed development is unacceptable in principle.

Notwithstanding the above, the location of the site is relatively isolated and fails to be integrated with surrounding facilities through a lack of pedestrian connectivity. The majority of impacts upon the SMINC and SSSI could be mitigated but the impact on protected species, including bats and great crested newts has not been established. The submitted FRA has failed to comply with the requirements set out in Annex E of Planning Policy Statement 25.

The applicant has failed to provide sufficient information to demonstrate that the scheme will provide adequate levels of external private amenity space and sufficient levels of privacy for the proposed occupants. Furthermore, a lack of information has been provided to consider inclusive access within the site.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development is inappropriate development on Metropolitan Open Land that would have a harmful impact on the openness of the Metropolitan Open Land, and that there are no special circumstances that would outweigh the resultant harm. This would be contrary to PPG2, Policy 3D.10 of The London Plan - Consolidated with Alterations since 2004, and policies OS1 and OS2 of Brent's adopted Unitary Development Plan 2004.
- (2) The proposed development, by virtue of the lack of safe, convenient and attractive walking routes to nearby key destinations is likely to result in an over reliance on journeys by private car to access the site. This would be contrary to PPG13, Policy 3C.21 of The London Plan - Consolidated with Alterations since 2004 and policies STR5, TRN3 and TRN10 of Brent's adopted Unitary Development Plan 2004.
- (3) The Flood Risk Assessment accompanying the application fails to comply with PPS25 and as such does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. This would be contrary to PPS25, policies 4A.12 and 4A.13 of The London Plan - Consolidated with Alterations since 2004 and policies EP12 and EP13 of Brent's Unitary Development Plan 2004.
- (4) The proposed indicative layout of the shared car parking spaces adjacent to the flank and rear elevations of the dwellinghouse would result in a significant loss of enjoyment by the occupiers of these units by virtue of disturbance, smell and noise pollution. This would be contrary to policies BE9 and TRN3 of Brent's adopted Unitary Development Plan 2004.
- (5) The proposal has failed to provide sufficient information to demonstrate a satisfactory level of inclusive access in regards to the layout of the access routes and in the design of the dwellings. This is contrary to policy 3A.5 and 4B.5 of The London Plan - Consolidated with Alterations since 2004 and policy BE4 of Brent's Unitary Development Plan 2004.

- (6) Based on the indicative layout and absence of information in the Planning and Design and Access Statements, the proposed units fail to demonstrate compliance with the Council's standards on private amenity space and separation distances between properties in order to provide adequate levels of private garden amenity space for each of the units and levels of privacy between properties. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".

INFORMATIVES:

- (1) In the event of this application being considered at an appeal, it is requested that the Secretary of State includes a screening option to determine whether the proposal requires an Environmental Impact Assessment.

REFERENCE DOCUMENTS:

Planning Policy Statement 1 – Creating Sustainable Communities
Planning Policy Guidance 2 - Green Belts
Planning Policy Statement 3 – Housing
Planning Policy Statement 9 - Biodiversity and Geological Conservation
Planning Policy Guidance 13 - Transport
Planning Policy Statement 25 - Development and Flood Risk
The London Plan - Consolidated with Alterations since 2004
London Borough of Brent Adopted Unitary Development Plan 2004
Supplementary Planning Guidance Note 17 - Design Guide for New Development
Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control
London Borough of Brent's Core Strategy - Proposed submission Version, June 2009
Letters of objection

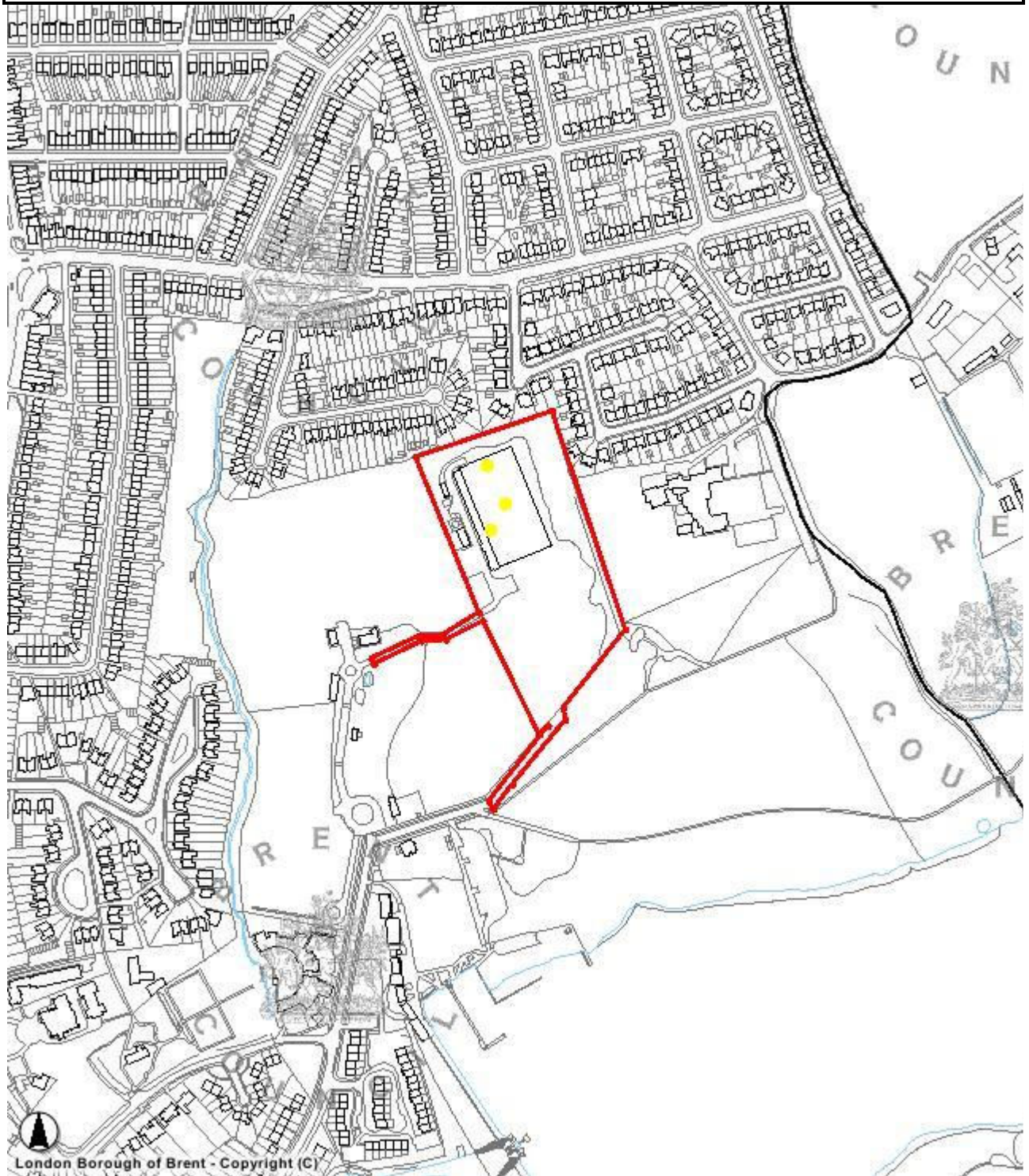
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: GREENHOUSE GARDEN CENTRE, Birchen Grove, London, NW9 8RY

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