

## Agenda Item 04

### Supplementary Information Planning Committee on 6 June, 2018

Case No. 17/5416

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Location	Kings Drive Garages, Kings Drive, Wembley
Description	Demolition of garages and erection of 4 bungalows with associated car parking spaces, cycle storage, refuse storage and amenity space, 25 communal parking spaces and associated landscaping (Amended description 16.12.18).

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Further information and clarification has been provided following members' site visit on 2 June 2018, in response to a neighbour objection received on 4 June 2018 and additional information submitted by the applicant on 5 June 2018.

#### Affordable housing

Please see paragraphs 3-5.

The four dwellings would be for Affordable Rent. Affordable Rent is defined in the National Planning Policy Framework 2012 as being housing that is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent. This is distinct from social rented housing, which is based on guideline target rents determined through the national rent regime, and tends to result in higher rent levels. However, social rented housing requires a greater level of public subsidy and, as the public funding available to subsidise affordable housing is limited, providing social housing rather than affordable housing would result in fewer affordable dwellings being provided overall.

Brent Policy DMP15 aims to provide both social and affordable rented homes, as well as intermediate housing, at affordability levels meeting local needs, and is consistent with London Plan Policy 3.11. The policy does not make any distinction between social and affordable rent, but states an overall target of 70% social or affordable rent within affordable housing provision (compared to 30% intermediate housing such as shared ownership).

However, affordable housing provision is not a policy requirement on sites providing less than ten dwellings and the proposal to provide all four dwellings for Affordable Rent is therefore considered to be a benefit of the scheme. Providing all four dwellings for social rent rather than affordable rent would reduce the amount of subsidy available for social housing elsewhere in the Borough and is not necessary to comply with policy.

#### Impact on trees

Please see paragraphs 30-35.

As set out in the main committee report, the Council's Tree Officer has visited the site and considers that a further tree survey should be carried out following the demolition of the garages, because the presence of the garages makes it impossible to accurately assess the condition of the the adjoining trees or to identify exactly the extent of roots of trees near to or under the garages. The Tree Officer is satisfied with the Arboricultural Impact Assessment (AIA) submitted and does not consider that further information is required at this stage. The AIA includes an initial Tree Protection Plan which specifies measures necessary to protect trees during the demolition of the garages. The Tree Officer has commented further, that : "Due to the change in height I would expect most tree roots to be confined to the rear gardens but as the garages mask the existence and condition of a rear boundary wall, I am reluctant to provide a conclusive opinion."

The Arboricultural Impact Assessment has been updated and resubmitted to clarify that all trees that are proposed to be removed are within the applicant's ownership other than T17, which is located in a neighbouring garden. This tree is in a dangerous condition and is recommended to be removed subject to the agreement of the owner of the tree. This is in response to queries about the ownership of two trees to be removed, T9 and T10, which are shown on the drawing PL-31 Rev G as being outside of the red line site boundary. The revised drawing PL-31 Rev H has been submitted to confirm that these trees, although not

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within the red line, are within the applicant's ownership and can therefore legally be removed by the applicant.

The Tree Officer recommends three conditions in place of the proposed Condition 9, to cover submission of more detailed tree protection measures, an arboricultural method statement and a scheme of site supervision.

### **Fire safety and potential damage from retained trees**

Please see paragraphs 36-38.

A further objections have been received setting out that a fire safety risk assessment has not been carried out as part of the application. Fire safety is not normally considered as a material planning consideration because it is a requirement of the Building Regulations, and the planning system aims not to duplicate other legislative regimes. Nevertheless, this issue has been considered and discussed in the above paragraphs of the committee report. Paragraph 37 notes the objector had specified that if a fire broke out in one of the dwellings, it could spread to the overhanging conifer trees and then to other dwellings. However, this is also the case with the existing garage buildings and indeed with any cars parked in the open air beneath the overhanging trees.

The Council's Tree Officer has commented in detail on the risk of trees catching fire, as follows: "Trees do occasionally catch fire in the U.K although they do not spontaneously combust except where struck by lightning. Fires that do occur are generally man made occurring in the summer months when foliage is dry. This problem does not seem to affect broad leaf deciduous trees such as Oak, Ash, Sycamore etc. which when alive and in leaf are almost impossible to burn. It is more likely to occur on coniferous trees where leaf litter builds up inside the branch structure and around the base. Again, they do not spontaneously combust but would have to be either purposely set fire to or be near an object that was already on fire. The trees overhanging the application site mainly comprise of conifers. The canopies of these trees would be over and above the roofs of the proposed dwellings and could under common law be cut back to the boundary of the tree owner. I cannot comment on the chance of a fire occurring in one of the proposed dwellings setting light to adjacent conifers and spreading to other conifers within the vicinity. From a lay persons point of view I would suggest there was more chance of a fire occurring in the run down garage blocks that currently occupy the area beneath the trees."

The proposal has demonstrated that large vehicles can enter and leave the site, and the four dwellings could therefore be directly accessed by a fire engine if required. Furthermore, the dwellings would be single-storey, separated from one another by areas of garden and with direct access out onto the street. As set out above, fire risk is assessed at building regulation stage and therefore cannot be considered at planning. It should be noted that any overhanging branches could be easily be cut back to the common boundary if necessary to meet the requirements of the fire brigade as a result of the formal building regulations consultation. Consequently a fire safety report is not required for this planning application.

### **Disabled parking**

Please see paragraphs 42-48.

Maximum parking allowances are set out in Policy DMP12 and Appendix 1 of Brent's Development Management Policies 2016. The four dwellings all have one dedicated parking space, which complies with the maximum allowance, and 25 parking spaces to meet the surveyed demand for parking by existing residents of the Kings Drive housing estate.

Appendix 1 states that a minimum of 10% of private residential parking spaces should be dedicated to disabled use. However, this requirement is not generally applied where the number of dwellings is less than ten, and has not been applied in this case in respect of the four dwellings. The additional 25 spaces are a re-provision of the existing parking on-site, to which the policy standards do not apply. However to reflect current best practice in parking provision one of these spaces is designed to cater for disabled use. This supplements an existing on-street disabled parking space on Kings Drive.

### **Bin stores**

Please see paragraph 50.

Bin stores for each dwelling would be located to the side of the dwelling on the frontage of the shared surface driveway, and would be easily accessible from both the front entrances and the garden gates whilst being in a

convenient place for collection by refuse vehicles on collection days.

### **Party Wall issues**

Party Wall issues are not material planning considerations as they are covered under The Party Wall etc Act 1996 and cannot be controlled through a planning application. The decision notice would include an informative to this effect.

### **Recommendation:**

Remains to Grant Permission subject to conditions as set out in the Committee Report, with revised wording for Condition 9 and additional Conditions 13 and 14 to read as follows:

9. No demolition, site clearance or building operations shall start until tree protection details relating to all stages of development, for the protection of all trees, hedges and shrubs to be retained on site (as per Arboricultural Impact Assessment, 30 May 2018, Ref DFCP 3994, DF Clark Bionomique Ltd) has been submitted to and approved in writing by the local planning authority. These details shall observe the principles embodied within BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the Local Planning Authority

Reason: To prevent any damage to retained trees including trees within the conservation area boundary.

13. No development shall start until an arboricultural method statement, appropriate and specific to the approved scheme, to include details of all works within the root protection area of any retained tree (as per Arboricultural Impact Assessment, 30 May 2018, Ref DFCP 3994, DF Clark Bionomique Ltd) has been submitted to and agreed in writing by the local planning authority; details shall include specification, construction methodology and sequencing of works for no-dig surfacing, methodology for demolition and removal of existing buildings, and manual/mechanical excavation within root protection areas including the protection/treatment of any roots encountered. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.

Reason: To prevent any damage to retained trees including trees within the conservation area boundary.

14. Site supervision: No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by Conditions 9 and 13 has been submitted to and approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Timing and methods of site visiting and record keeping, including updates
- d. Procedures for dealing with variations and incidents.
- e. The scheme of supervision shall be carried out as agreed.
- f. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To prevent any damage to retained trees including trees within the conservation area boundary.

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