

Agenda Item 05

Supplementary Information Planning Committee on 23 March, 2022 Case No.

21/2473

Location	Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2
Description	Demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class: C3(b)) in three separate buildings ranging from 3 to 14 storeys, alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works

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Further representations

One further comment has been received from local a resident in objection to the proposals. The objections raised largely re-iterate issues previously raised, however some more detailed queries around the arboricultural survey and proposed tree removals have been made. In particular, comments have been made about the trees growing in gardens along the Exeter Road boundary, and their importance and contribution local treescape in terms of softening and screening the proposed development, which it is stated has not been recognised by the submitted arboricultural survey.

In response to these points, the applicant team has confirmed that all trees proposed to be removed are only done so because they are absolutely necessary to enable the scheme to be constructed, and the design process has been developed with tree retention a priority. The trees highlighted for possible retention (T18, T32, T33, T34) were considered fully, because although they are not directly under the development footprint, they will have their long-term survival and growth significantly restricted. It was for this reason they were identified for removal.

It is understood that the applicant’s arboricultural consultants have been in contact with residents on Exeter Road concerning the trees in general, but specifically the third party trees (in adjacent gardens). The consultants acknowledge that not all trees have been recorded on the constraints plan, many of which have been determined to not be impacted in any manner (even indirectly), however this would involve management and site visits to the specific gardens to discuss works with individual residents. I would agree that a condition should be applied to ensure work is carried out correctly, which would offer some reassurance to the neighbouring residents.”

The comments also suggested that some of the new trees planted on the estate could be forest trees, which would in time help to restore the balance of the current treescape. The applicant’s landscape consultant has responded that forest trees were not deemed appropriate for this site, either in scale, or in their ability to grow and thrive in this location. This issue was also discussed at length with Brent’s tree officer, and all proposed new and replacement tree choices have been agreed in principle.

Amendments to main report

With regard to external amenity space for the proposed development, the table under para. 63 of the main committee report has been amended to reflect updated figures as a result of new requirements outlined under Policy BH13 of the recently adopted London Plan. The table therefore should read as follows:

Private space	BH1 3	Provision	Shortfall
Existing Blocks			

A	900	90.72	809.28
B	820	82.08	737.08
C	800	79.92	547.28
Total	2520	252.72	2093.64
Proposed Blocks			
Block A	620	421.8	198.2
Block B	1040	469.2	570.8
Block C	865.2	0	865.2
Total	3280	891	1634.2
Total private space shortfall existing and proposed			3727.84
Communal space			
Less proposed communal space (all existing and proposed blocks)		3196	531.84
Less communal space accessible for Block C only		667	559.64
Cumulative shortfall			135.16 sqm

The updated amenity space figures indicate that while there continues to be a slight shortfall in external amenity space for residents of the conventional flats in Blocks A and B, this shortfall is reduced. However calculating the cumulative amenity space which includes that provided exclusively to the NAIL units in Block C, there would be an overall surplus.

Officers consider that the scheme is not fully compliant with BH13 requirements, but the material considerations set out in paras. 56-67 of the main report remain relevant to the overall assessment of this issue.

With regard to ecology (para. 89-91), the applicant has clarified that two Bat Emergence Surveys were conducted in August 2021, further to the recommendations made in the Phase 1 Habitat Survey Report. The findings of these reports concluded that there was no evidence of bats roosting in the existing bungalows and Clare Court, i.e. the buildings which are proposed for demolition, and therefore it is highly likely there was an absence of roosting bats in these blocks. No further surveys are therefore required to be submitted, and draft condition 17 has been amended to read as follows:

'Unless alternative measures are agreed in writing by the Local Planning Authority, the mitigation measures outlined in section 5 of the submitted 'Extended Phase 1 Habitat Survey Report' and the Bat Emergence Surveys by Arbtech dated 18th August 2021 shall be implemented in full during the site clearance process.

Reason: In the interest of safeguarding wildlife habitats.'

With regard to vehicle access (para. 135), the applicant team has clarified that part of the improvement works have already been undertaken. Draft condition 9 has been amended to reflect the works which still need to be undertaken and for which a section 278 agreement needs to be entered into:

'No development above ground level shall commence until the developer has entered into an agreement with the Local Highways Authority to carry out the following works under S278 of the Highways Act 1989:

- (i) narrow the site access from Shoot Up Hill to 5.5m in width and 4m-6m radius kerbs, a raised entry table and tactile paving*
- (ii) provide 2m-4m radius kerbs with a raised entry table and tactile paving at the site*

access from Exeter Road

The development shall not be occupied until evidence that the above mentioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment and creates an accessible development.'

With regard to pedestrian improvements (para. 141), officers clarify that the widening of pedestrian access to Shoot-up Hill applies to the southern access only. This is reflected in the wording of draft condition 11.

With regard to the requirement for a Car Club Membership to be entered into (para. 154), officers clarify that this would be requested by condition, rather than as a planning obligation within a Section 106 agreement.

Paragraph 155 incorrectly refers to construction works provisionally commencing in 'autumn 2021'. This should read as 'spring/ summer 2022'.

Additional conditions

Following correspondence with the applicant, it is requested that the following additional conditions are attached to the permission, in relation to the affordable housing units secured by the scheme:

'33. The affordable housing provisions approved by this development shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

- (i) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the affordable dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable dwellings to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and*
- (ii) if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the affordable dwellings free from the affordable housing provisions in this Agreement which provisions shall determine absolutely*

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to the Affordable housing when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.'

Recommendation: Officers continue to recommend that permission is granted, subject to the additional and amended conditions and informatives set out above and in the original committee report.