

## Agenda Item 05

### Supplementary Information Planning Committee on 14 December, 2022

Case No.

22/2531

Location Broadview Garages, Broadview, London, NW9  
Description Demolition of garages and erection of two dwellinghouses with car parking, cycle storage, amenity space and associated landscaping

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#### Consultation

Additional objection was received in response to the officers committee report which is summarised as below:

| Nature of Objection  | Officer response  |
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| Confusion over the number of homes proposed as under paragraph 92 and paragraph 2 that refers to single family sized home  | This has been noted, however the description of the proposal as consulted refers to two family dwellinghouses, and the proposal when read as a whole clearly assesses the scheme with two dwellinghouses.   |
| Affordable Housing : Due to the report recommendations under paragraph 2 refers to 'a new house' and 'single new dwelling' it has been wrongly assumed that no affordable housing condition is needed in the recommended consent to the application. However, if consent is to be given affordable condition for London Affordable Rent should be attached to this application   | This has been noted , however paragraph 2 also clearly states that provision of affordable dwelling is not required for scheme of 10 or more homes and a contribution towards affordable housing is not required as the scheme is below Brent's threshold of 5-9 homes. The scheme is below both thresholds. As such the same outcome would still be relevant to two dwellings. Furthermore, as noted within the committee report the scheme would have been accepted if put forward by a private developer, and therefore when balancing the merits of the scheme, significant weight was not placed on the homes being delivered as affordable homes.                         |
| The proposed two houses as part of Brent's New Council Homes Programme has been specified to be at 'London Affordable Rent'. If the conflicts with planning policy which this application demonstrates are to be overlooked because of the planning benefits that providing two new family sized homes are said to provide, then the benefit of these homes being genuinely affordable must be protected by way of a planning condition.         | The planning policy requirements for the provision of Affordable Housing for schemes of this size are set out above.<br>The new dwellings are part of 'Brent's New Council Homes Programme' which has commitment to either build or facilitate the building of 5,000 new affordable homes by 2024, including 1,000 new council homes for Brent families. As such the overarching aim of this scheme is to provide affordable housing. However it is important to note that this application must be considered against planning policy and guidance, as set out above and in the main report. A condition as suggested within the objection would not meet the necessary tests. |
| A recent planning application for Rokesby Place 22/1400 was given consent subject to an affordable housing condition. That application also breached some Brent planning policies, but the argument was accepted that the benefits, including particularly 'the provision of new affordable family sized homes to meet identified need', outweighed those policy shortfalls. The same condition should be part of Broadview Garages application. | Each application is assessed on its individual merits. As noted above a condition is not considered necessary in this case,   |
| Arboricultural Impact Assessment ("AIA") submitted   | The plans submitted as part of this application   |

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states that T1 is growing on the site boundary however officer report states incorrectly that it is located within the application site. Drawings 1 and 2 in the AIA, showing the location of trees T1 and T2 in relation to the Broadview Garages site are incorrect. They place the red site boundary line on the south-west side of the site around one metre beyond where it should be given the fence posts on site. This gives the false impression that tree T1 is within the site, whereas it is actually growing within Fryent Country Park, even though its branches spread out over the proposed development site

shows T1 tree to be within the site close to the boundary. This would still be technically within the site boundary line shown via the red line on plans.

Council's park team have also been consulted on this aspect and it has been stated that the boundary would require surveys which in most cases accurate boundaries are difficult to be established. Nevertheless, both the applicant and Parks team of the council believe that T1 appear to be within the site boundary, erring slightly towards the garage site which both elements are owned by the council and their value have been taken into account irrespective of whether the tree is within the park land or garage sites.

This has also been reviewed by Council's tree officer where both Ash trees were identified as category B in accordance with BS5837 and so this means that they should be considered a material consideration in determining the planning application and this has been done. This has also led to the retention of one of the two trees which was originally intended to remove.

If T1 falls within the boundary of Fryent Country Park this is designated as a Local Nature Reserve and a wildlife site of metropolitan importance to London (which is a Site of Importance for Nature Conservation or SINC) and so the London Plan in G6 states where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

- 1) avoid damaging the significant ecological features of the site
- 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
- 3) deliver off-site compensation of better biodiversity value

Given the above, whether the trees are within the garages site or the adjacent open space, the council has taken the mitigation hierarchy above into consideration (i.e. in either instance) as part of the decision process.

The Council has recommended tree replacement of similar size within the vicinity of the site as well as 3 multi-stem trees on site as per landscape plans. Also recommendations per the ecology assessment report has been conditioned for net gain and protection of existing biodiversity onsite.

Tree T1 should also not be removed as it is in breach of BGI2 and is within Fryent Country Park. If T1 is to be retained the building of the development would not be practical proposition. The removal of tree T1 does not meet the requirements of Section 197 and preservation order should be conditioned and should therefore be refused.

The tree analysis is within the remarks below 72-78.

The Council's tree officer found that the Tree Preservation Order on either of the trees is not appropriate as it is generally considered that any trees owned by the Local Authority are being managed by a responsible land owner, and as such there is no degree of risk associated with the

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|  | <p>retention of the tree.</p> <p>Moreover, if this planning consent is subsequently granted which includes the removal of one tree, then the one tree can be removed without the need to seek separate consent under the TPO legislation which would help with the process of delivering these homes without much delay.</p> <p>The council's park team has assessed the removal of T1 tree and found this approach to be acceptable given that a replacement tree to be undertaken away from any development.</p>  |
| Removal of G1 a hawthorn hedge along the length of the north-west boundary of the site adjoining the Jubilee Line railway bank is an integral part of Jubilee Line wild life corridor and would be in breach of Planning policy BG11.  | <p>The ecology report has provided recommendations for net gain in biodiversity which has been conditioned to this application. Moreover, the landscaping plan is conditioned to enhance the biodiversity on site use of native and/or wildlife attracting species.</p> <p>The drawings propose the removal of much of the Hawthorn hedge, to be replaced at least for that section that will form the new garden boundaries, by a shrub and herbaceous boundary to mitigate for the loss.</p>  |
| The removal of G1 would also increase the noise levels from the trains travelling along the jubilee line. These noise levels are already problem for the existing houses and that the noise level for the proposed homes as well as their garden seem likely to be intolerable. The noise condition is for prior to occupation which a strong possibility that these levels could not be achieved and new homes would be unfit for occupation. The application should be refused or postponed until the noise level assessment has been carried out. | <p>This was assessed by Council's Environmental Health Officer and the conditions proposed is thought to be achievable and therefore a noise and vibration assessment up front was not considered necessary. The main reason for this decision is that the team considered that there are houses on Broadview that are a similar distance to the railway and there are properties on Shakespeare Drive closer to the railway. The Environmental Health officers also not aware of any complaints regarding these properties. The report required by the condition would likely provide acoustic glazing specification.</p> <p>In terms of the removal of the bushes, vegetation do not tend to provide much noise attenuation; they are more of a barrier in terms of screening the railway/trains as opposed to any reduction in noise therefore the removal of the bushes should not increase noise levels in the area. That said the space would be replaced by the building (the dwellings) and that would provide more attenuation of noise as it would be a solid building.</p> |
| Given the site access constraint during construction the forecourt of the area would be the only place where site facilities equipment and materials could be located during the construction process which would in turn block the residents 11-14 Broadview access depriving their legal right of access.  | <p>A Construction Method Statement is required at condition 8. Details of how the construction site will be set out to retain access to adjoining properties will need to be agreed within that document.</p> <p>Moreover, the houses are set 6m back from the vehicular access gates to the rear of 12-14 Broadview, which meets standards for aisle widths for turning into and out of parking spaces.</p>  |
| Access concerns for the refuse vehicles and fire appliances . The bin stores would be built into the vegetation of Country park and would further narrow the already very narrow access driveway which was measured to be exactly 3 metres ( distance  | <p>This is within remarks paragraph 55-58.</p> <p>The swept paths do not show the refuse vehicle pass the access gate mentioned and would park in front of the existing gate which has adequate width</p>   |

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| <p>between the wooden fence at the side of 14 Broadview and the hedge at the side of Fryent Country Park )</p>   | <p>on site.</p> <p>Nevertheless, Council's planning team has reviewed the comment and they acknowledge in the report that the access drive is narrow, which is why alternative arrangements are proposed for fire access (sprinkler system) and refuse collection (shared bin store). The shared bin store is shown within the red line of their site, accommodated within the verge on the southern side of the access by removing a section of hedgerow. Therefore it is believed it would not encroaches on Fryent Country Park or narrows the effective width of the access.</p> <p>Despite what is shown on the D&amp;A tracking diagrams, the council would expect refuse and emergency vehicles to actually stand in front of the parking spaces at the start of the access drive, where there is more room for personnel to manoeuvre and more space for other pedestrians to pass.</p> |
| <p>Trying to use that space, flanked on two of its three sides by ecologically important nature reserves, for two modern 4-bedroom homes is going beyond what is practically acceptable. The two houses themselves would provide sufficient accommodation to live in, but the living conditions on the cramped site, with natural light restricted by tall trees to the south, the noise from trains for 19 hours (or 24 at weekends) a day meaning you could not open the windows to your main living and bedrooms, and inadequate space for children to play, would not be considered acceptable by most reasonable people. This application represents bad planning, and should be refused.</p> | <p>The site is a brownfield land which is currently underused and the benefit of two family units would out weigh the minimal conflict with the policies contained within the development plan as discussed explained within the report. The proposal provides more than 50sqm of private garden space for the dwellings as well as high quality internal spaces and this is the current situation for all the houses on site close to the railway as well. Conditions have been attached to this application to safeguard and mitigate for any concerns on site to achieve a good quality development.</p>   |

**Recommendation: Remains to Grant Consent subject to conditions as set out within the draft decision notice.**

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