



Supplementary Planning Committee

Wednesday 17 September 2014 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Marquis (Chair)
Colacicco (Vice-Chair)
Agha
S Choudhary
Filson
Hylton
Kansagra
Mahmood

Substitute Members

Councillors:

Chohan, A Choudry, Conneely, Daly, Duffy,
Ezeajughi and W Mitchell Murray

Councillors
Colwill and BM patel

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
8. Supplementary		1 - 6

Agenda Item 8

Agenda Item 03

Supplementary Information

Planning Committee on 17 September, 2014 **Case No.** 13/3503

Location	110 Walm Lane, London, NW2 4RS
Description	Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4/D1 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane, subject to Deed of Agreement dated under Section 106 of the Town and Country Planning Act 1990, as amended (revised description).

Agenda Page Number: 31

1. Following the publication of the main committee report, concerns have been raised by the 'Save the Queensbury' group and other residents regarding a number of matters. In summary the concerns raised include:-

- i) That insufficient public consultation has been undertaken in respect of revised affordable housing offer by Fairview New Home Ltd.
- ii) That insufficient policy context was provided within the main report and that the revised proposal still fails to meet the 50% affordable housing target set out in the Core Strategy.

Consultation

2. The planning application for the proposed development, now the subject of the appeal, was subject to widespread public consultation as set out in the main committee reports which are background documents to the item. This consultation involved sending out 1189 letters to local residents and businesses as well as advertising the application by way of site and press notices. In response to the consultation on the planning application the Council received 174 representations. The officer's report to Committee set out that the lack of affordable housing was amongst a number of issues raised by the objectors to the application.

3. When the application was reported to Planning Committee in March 2014, in accordance with standard practice, notification of the meeting was sent to only those 174 residents that had made representations on the application. The purpose of this is to ensure the notifications are targeted at only those residents that have expressed an interest in the application.

4. The minimum requirement for consultation on the appeal is to notify all statutory consultees and any interested parties that made representations on the planning application of the appeal and the Inquiry arrangements. However, given the time that has elapsed since the decision and the public interest in the proposal notifications inviting comments on the appeal and providing details on the Inquiry arrangements, were sent to 1271 local residents and businesses. This comprised of the original 1189 consultees plus those residents who made representations although they were not directly contacted as part of the original consultation.

5. Although consultation on the appeal went beyond the minimum requirements, notification letters for the report on the revised affordable housing offer were only sent to those residents and other interested parties who had submitted representations in respect of the planning application. 179 hard copy letters were dispatched in total. This is similar to the level of notification that was given in respect of the planning application when it was reported to Planning Committee in March 2014 and is, again, in general accordance with the Council's standard practice in terms of taking a more focussed approach when providing notification of committee agenda items.

6. Officers are aware that due to a technical issue the notification letter to the 'Save the Queensbury' group was not generated with a valid postal address. However, officers had informed the group of the agenda item and committee date prior to the dispatch of the notification letters. All other notification letters appear to have been dispatched with a valid address.

Affordable Housing

7. Concerns have been raised that the main report does not provide sufficient information in relation to the

planning policy context regarding the requirements to provide affordable housing within new developments in Brent. The policy context in relation to affordable housing was provided within the report on the planning application which was presented to the Planning Committee in March 2014, which is a background document to the current report. However, for the avoidance of doubt officers would like to provide the following clarification.

8. The National Planning Policy Framework (NPPF) was adopted in March 2012. The NPPF “sets out the Government’s planning policies for England and how these are expected to be applied” and is a material consideration in the determination of planning applications. Paragraph 173 of the NPPF states:-

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

9. Planning applications should be determined in accordance with the development plan and other material consideration, including the NPPF. The development plan for Brent comprises of the London Plan 2011 (as amended 2013), Brent’s LDF Core Strategy 2010 and ‘saved’ policies within Brent’s Unitary Development Plan 2004.

10. Policy CP2 of the council’s Core Strategy sets out that “the borough will aim to achieve the London Plan target that 50% of new homes should be affordable”. Although the 50% target was removed from the London Plan when it was revised in 2011, London Plan policy 3.11 continues to “seek to maximise affordable housing provision” and goes on to state that “Boroughs should set an overall target in LDF’s for the amount of affordable housing provision needed over the plan period”. Therefore the Council will continue to seek deliver 50% of the new homes delivered across the borough as affordable.

11. However, where the provision of 50% affordable housing on a particular site would result in the development being unviable then London Plan policy 3.12B states that “Negotiations on sites should take account of their individual circumstances including development viability, resources available from registered providers (including public subsidy), the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’), and other scheme requirements.”

12. As set out in the main report, the appellants revised affordable housing offer, whilst below 50%, has been reviewed by independent consultants who have advised that, on the basis of current assumptions, the revised offer of 12 (22.6%) shared ownership units is the maximum amount of affordable housing that can be provided as part of the proposal. However, in accordance with London Plan policy 3.12B, officers are recommending that should the revised offer should subject to securing a suitable ‘open book’ review of the scheme viability and affordable housing offer taking into account both the costs and revenues achieved by the development.

Recommendation: Item to be deferred to allow Members more time to consider the background documents associated with the report.

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Agenda Item 03

Supplementary Information

Planning Committee on 17 September, 2014

Case No.

13/3902

Location 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA
 Description Erection of a 2 storey 1 x 4 bedroom dwellinghouse to the north of Thanet Lodge

Agenda Page Number: 5

Members visited the site on Saturday 13th September 2014.

Page 2

The case has been discussed with the Council's Legal Officer. As explained in the main report to Committee,

and discussed at the site, the matter has effectively been taken out of the control of the Local Planning Authority (LPA) by the submission of the non-determination appeal. The Council, therefore, does not have the power to recommend on a particular course of action (the Planning Inspector in this appeal scenario is stepping into the shoes of the LPA so will make the decision independent of the Council). As a result, it remains the case that all Members can do at the Committee is to note the fact that an appeal has been submitted, the outcome of which is not yet known. Members will however need to express their views on Officers recommendation to approve, had the opportunity been offered.

OBJECTION

The Council have received one objection to the consultation on the revised plans from a resident of Thanet Lodge. They state that they are concerned that the communal areas will be used for the construction of the new house. This particular point is dealt with in the main body of the report and, as Members heard at the weekend, incorrect.

PLAN NUMBERS

The plans numbers documented in the committee report reflect those that were previously reported to Members in April. The correct plan numbers reflecting the additional work that has taken place should be read as:

1213/TP. 41P1; TP.42.P1; TP.44.P7; TP.45.P5; TP.46.P6; TP.48.P5

For the avoidance of doubt, these are the plans that residents were most recently consulted on.

Recommendation: Remains would have granted permission had the Local Authority been in a position to do so.

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Agenda Item 04

Supplementary Information

Planning Committee on 17 September, 2014

Case No.

14/2592

Location	Asda, Forty Lane, Wembley, HA9 9EX
Description	Variation of condition 4 (change opening hours from 08:00 to 20:00 Monday to Sunday to 08:00 to 22:00 Monday to Sunday), of full planning permission reference 13/3646 dated 07/02/2014 for Construction of a permanent "Home Shopping" van loading canopy and grocery collection "Drive To" canopy within the car park, with associated fencing and alterations to the existing store of learning building including the provision of a chiller and freezer.

Agenda Page Number: 17

Members site visit

Further to members site visit on Saturday 13 September 2014, an update on the following items is provided below:

Details on booking slots available within any one hours

The booking slots are every 15 minutes with collection time for each customer estimated to be around 5 minutes. This will produce up to 12 cars visiting the facility every hour when the facility is open.

Air conditioning vents and the compactor

Officers in Environmental Health have advised that investigation into noise complaints regarding the air conditioning vents and the compactor are ongoing. The matter continues to be investigated and a resolution sought. Your officers in Environmental Health are in direct dialogue with Asda regarding these concerns.

relocation of the car wash company

As a result of the petrol filling pump station (LPA Ref: 12/1268), modifications to the layout of the car park (LPA Ref: 13/0213) and the introduction of the home shopping van loading enclosure and grocery collection "Drive To" canopy (LPA Ref: 13/3646), the overall number of parking spaces within the site has been reduced to 444 spaces. The loss of the car parking spaces as a result of the above applications will still exceed the current restraint-based car parking standards for a supermarket of this size which would permit a maximum of 378 spaces. Transportation did not raised any objections.

It is noted that the Car Wash Company was indicatively shown in the location of the home shopping van loading enclosure and grocery collection "Drive To" canopy but has since been relocated to the south eastern end of the car park. On the basis that patrons are generally customers at the store and in view of the size of operation in relation to the scale of the car park, it is considered to be incidental and not require planning permission.

Parking tickets being issued for customers parking for more than 2 hours

The legal agreement for the original application (98/0413) included clauses set out in paragraphs 1.1 and 1.2 requiring the car park to be used as a short term car park for a maximum 3 hour stay by any one vehicle in any one day and as a car park for use of customers to the retail store, visitors to the Town Hall, Chalkhill Health Centre and to the shops and facilities in the local shopping centre in the immediate vicinity of the site. Issuing tickets for customers parking for over 2 years would still be in accordance with paragraphs 1.1 and 1.2 of the legal agreement, and as the car park is private, the management arrangement is outside the control of the Council.

Other mattersAlteration to wording of "recommendation" in committee report

It is proposed to amend the wording of the "recommendation" section to Grant Consent subject to conditions as set out after paragraph 9 of the main committee report

Response to objections raised

Whilst the main objections have been discussed within the main committee report in paragraphs 5 to 8, the objections have not been summarised within a table. This is set out below:

Point of objection	Response
Noise and disturbance from the Asda Home Delivery Service;	This application only relates to the operating hours of the Grocery Click and Collect Service and not the Asda Home Delivery Service. Any noise issues from the Asda Home Delivery Service will need to be referred to environmental health for investigation
Light pollution	The planning application for the home shopping van loading enclosure and grocery collection "Drive To" canopy (LPA Ref: 13/3646) did not include proposals for new lighting, nor does this variation of condition propose external lighting. Any new lighting columns will need to be considered as part of a separate planning application
Historic problems with noise and disturbance from service area including air conditioning units, the compactor unit and car wash facility when in the location of the click and collect	As discussed above and within the main committee report, your officers in Environmental Health are investigating complaints from the air conditioning units and compactor unit.

Recommendation: Remains approval subject to conditions as set out after paragraph 9 of the main committee report.

Agenda Item 05

Supplementary Information**Planning Committee on 17 September, 2014**

Case No.

14/2515

Location	1-12 and 13-24 INC Leeland Way, London, NW10 1SA
Description	Construction of roof extensions to create a third floor over two existing blocks of flats at 1-12 and 13-24 Leeland Way, to form 6 new self-contained flats (2 x 1bed and 4 x 2bed 3person) with associated cycle parking spaces and bin stores

Agenda Page Number: 23

Members visited the site on Saturday 13th September 2014.

The issue of parking was identified as a concern and officer's recommend that a condition be added to the decision requiring that the new units are 'permit free'. As discussed in the main report each flat will be allocated a parking space to the rear of the site, the 'permit free' agreement would mean that the future occupiers would not be able to obtain parking permits for on-street parking in addition to their off-street provision meaning they would not add to pressure for the existing on-street spaces.

Members queried whether the existing garages were large enough for modern cars and also mentioned that garages are often used for storage instead of parking. These garages are large enough to park a car (standard space is 2.4m by 4.8m) but Members may feel that a condition requiring the removal of the garages, leaving a newly created parking area for the 6 cars, may be wanted. Officers consider that the removal of the garages is not necessary and an existing garage already deals with the need for improvements to hardsurfaces and landscaping.

At the site visit it was noticed that the car park to the rear of the flats on the opposite side of the road is currently blocked with rubbish. The agent has confirmed that this has been used as a compound for the contractors and will be cleared shortly following the landscaping work.

The applicant remains happy to accept the proposed condition regarding refuse storage to ensure there is a formalised and convenient arrangement for storage for the existing and proposed units and that the vehicular route will not be blocked, which was again something that was seen at the weekend. The existing refuse facilities are plainly not used, or capable of being used, and the waste management of the site needs to be considered in some detail if these additional units are to be built. This needs to be made very clear to the applicant.

Further details of the cladding material will be agreed by condition as set out in the main report. The agent has suggested that Red Cedar may hold its stains without discolouration, but again, further detail will be agreed by condition. Alternative treatments could be considered as far as the materials to be used for the proposed new storey, but it is considered that on balance a timber treatment is the best approach given what has been used on the other side of Leeland Way.

The agent has advised that the corner site, which Members saw was hoarded up on Saturday, will be developed in due course, and the applicant will, in the mean time, repair and paint the hoarding and tidy the area.

A comment was received from Cllr Long in advance of the site visit who was broadly supportive of the proposal but raised some queries regarding:

- the need for maintenance and improvement of the communal areas,
- adequate refuse and recycling storage including for food waste and bulky items,
- the proposed parking arrangements and
- the status of the corner site discussed above.

These issues are addressed in this Supplementary report, other than storage for the disposal of bulky goods. The Council currently has a free collection service for such items and it is required that they are left within the front garden of the property. Officers do not feel that it would be necessary to insist on a store for such items as it would be infrequently used and would need to be large in size. However, along with all other refuse storage, the details agreed by condition will make clear that nothing can be stored in the vehicular access route.

"Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site".

Recommendation: Remains approval subject to conditions including a new 'permit free' condition.

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