



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

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting (to follow) Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA (Ref. 13/3902)	Brondesbury Park	5 - 16
NORTHERN AREA		
4. Asda, Forty Lane, Wembley, HA9 9EX (Ref. 14/2592)	Barnhill	17 - 22
SOUTHERN AREA		
5. 1-12 and 13-24 INC Leeland Way, London, NW10 1SA (Ref. 14/2515)	Dudden Hill	23 - 30
SPECIAL ITEM		
6. 110 Walm Lane, London, NW2 4RS (Ref. 13/3503) - Public Inquiry - Housing		31 - 36
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		
8. Supplementary Site Visits 13 September 2014		37 - 42

SITE VISITS – SATURDAY 13 SEPTEMBER 2014

Members are reminded that the coach leaves the Civic Centre at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/2592	Asda, Forty Lane, Wembley, HA9	4	Barnhill	9:35	17 - 22

9EX

14/2515	1-12 and 13-24 INC Leeland Way, 5 London, NW10 1SA	5	Stonebridge	10.00	23 - 30
13/3902	1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA	3	Brondesbury Park	10:30	5 - 16

Date of the next meeting: Wednesday 15 October 2014

The site visits for that meeting will take place the preceding Saturday **{DATE}** at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

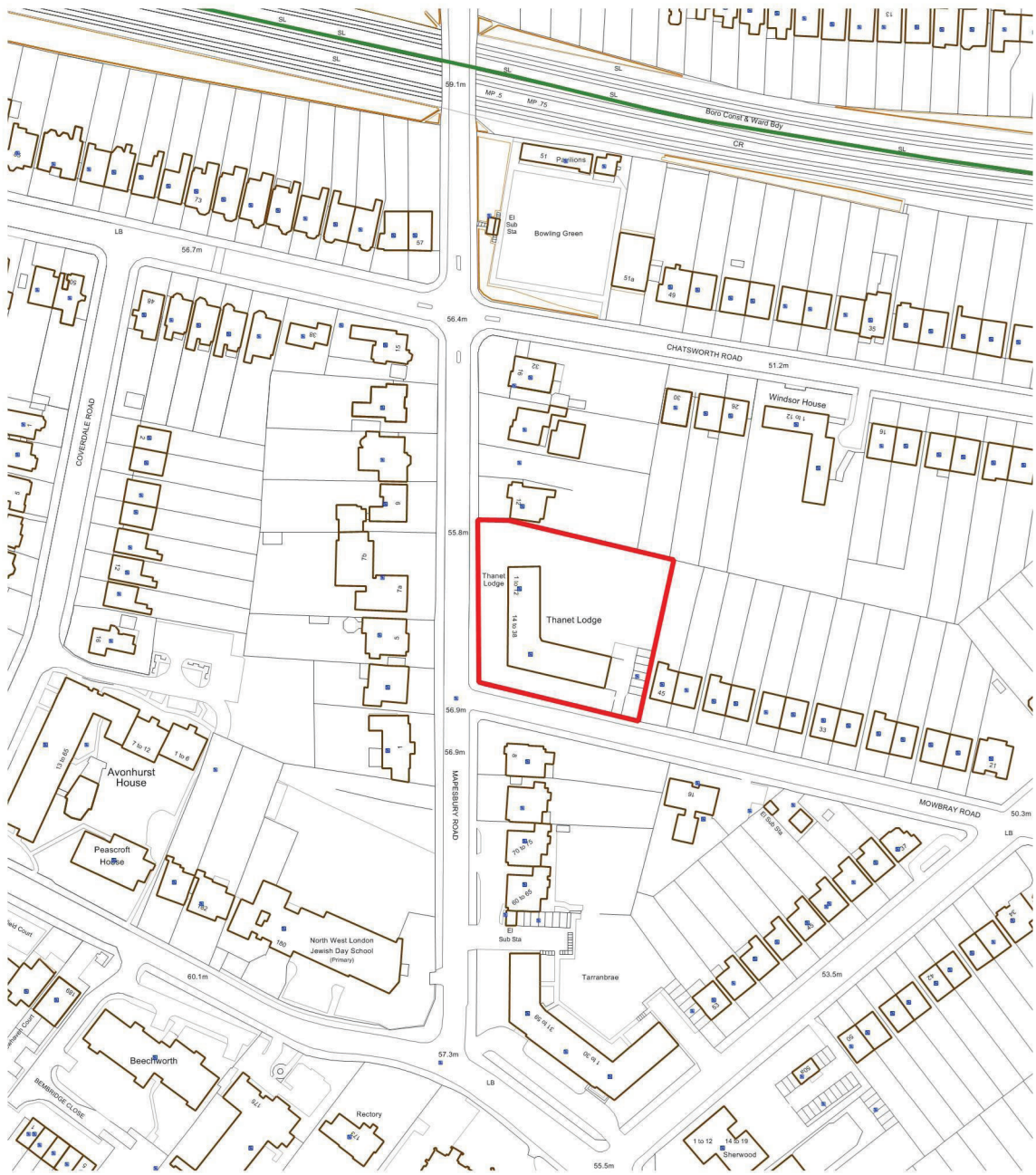
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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 **Planning Committee Map**
Site address: 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA
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This map is indicative only.

RECEIVED: 2 January, 2014

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA

PROPOSAL: Erection of a 2 storey 1 x 4 bedroom dwellinghouse to the north of Thanet Lodge

APPLICANT: Java Properties International

CONTACT: Michael Burroughs Associates

PLAN NO'S:
Please see condition 2

This application was deferred at the Planning Committee on 9 April 2014 as Members voted to defer consideration of the application to allow for further negotiations to take place between the applicant and the residents of the existing Thanet Lodge.

The Planning Committee wanted the applicant to consider the following points:

- Creation of revised pedestrian access via Mapesbury Road.
- Reinstatement of landscaping on the site after the implementation of the development.
- Consider an enhanced tree planting scheme on the site so that the one to one ratio mentioned in the draft condition is improved upon.
- Construction management plan to cover matters relating to how the development will be implemented (predominantly off Mapesbury Road).
- Consider how the development will impact on communal amenity space/delineation of the rear private terrace area.
- Create self-contained site from the rest of Thanet Lodge.
- Enter into a Considerate Contractors' Scheme (CCS).

A number of changes have been made to the submission and a re-consultation exercise undertaken, as set out below. However, the applicants have now submitted an appeal against the non-determination of this application which means that it will now be for the Planning Inspectorate, rather than the Council, to make a decision on the proposal. In circumstances such as this it falls for the Local Planning Authority to say what decision it would have made had it been in a position to make one.

RECOMMENDATION

The Council would have granted planning permission, had it been in a position to do so, subject to the conditions and reasons set out after paragraph 28 and the completion of a satisfactory Section 106 or other legal agreement.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Car Free Agreement

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£33,877.94** of which **£28,832.29** is Brent CIL and **£5,045.65** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The site in use as part of a communal garden that services an apartment complex (Thanet Lodge) is located on Mapesbury Road. The property is located within the Brondesbury Conservation Area.

The existing apartment complex (Thanet Lodge) consists of 40 no. self-contained 1-1/2-bed flats, including the 4 no. 2-bed flats at 4th floor level approved in 2003 and completed in 2006.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
dwelling houses	0		0	141	141

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	141	141

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Houses										0

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Houses				1						1

PROPOSAL

Please see above

HISTORY

The property has an extensive site history, however of particular relevance in the assessment of this case in the dismissed appeal for, the erection of three flats (1x Two Bed and 2 x One Beds) to the North of Thanet Lodge (Ref No: 12/2813). The Local Authority refused the application for the following reasons:

The proposed development would, by reason of its height, size and siting, be detrimental to the amenities of adjoining occupiers, by reason of loss of light, loss of outlook from, and the creation of an overbearing impact on, the existing property. The proposal would be contrary to policies BE9 and H16 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."

The proposed development, by virtue of a lack of external amenity space will be contrary to Supplementary Planning Guidance SPG17: "Design Guide for New Development."

In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a "car-free" agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space, public sports facilities and education infrastructure, without any contribution to assist in their delivery and enhancement respectively. As a result, the proposal is contrary to policies STR19, TRN, TRN23, OS7 and CF6 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning

Document: "S106 Planning Obligations".

Although the appeal was dismissed, the Inspector unfortunately did not support the Council on all its objections. It was only dismissed on two particular aspects, these were:

- Loss to neighbouring amenity at Thanet Lodge
- Absence of a 'Car free' development

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

The recommendation here is considered to comply with the Core Principles set down in the NPPF:

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.
- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

Mayors London Plan 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth

CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2 Townscape: Local Context & Character

BE7 Public Realm: Streetscape

BE9	Architectural Quality
BE25	Development in Conservation Areas
BE26	Alterations and Extensions to Buildings in Conservation Areas
H12	Residential Quality – Layout Considerations
TRN23	Parking Standards – Residential Development
PS14	Parking Standards

SPG

The Council produces a series of Supplementary Planning Guidance notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultation the Planning Authority would suggest that considerable weight to be attached to them.

SPG 17: Design Guide for New Development

CONSULTATION

ORIGINAL SUBMISSION

External:

75 Neighbouring properties were consulted on 7 January 2014. A site notice was posted on 11 February 2014 and press notice was placed in the local paper on 20 February 2014. The Local Authority received a total of 16 objections.

The objections included:

- The loss of communal garden space will have a detrimental impact on the living conditions of existing and future occupiers of Thanet Lodge
- The design of the proposal fails to respect the Character of the Conservation Area
- Depreciation of property value
- The increase in traffic and reduction in parking will result in detrimental impact on environmental quality
- Concern over the number of applications being applied for by Java Properties
- The proposed building is located too close to the existing block at Thanet Lodge and will therefore result in a loss of light
- Loss of light to No 12 Mapesbury Road
- The proposed block will be overlooked by the existing block at Thanet lodge resulting in a loss of privacy
- Increased traffic congestion
- The proposal will detract from the established character of the Conservation Area
- Consultation has been flawed as residents have not been provided.
- Quality of work can not be assured - Noise Insulation
- A number of trees (5 of which are covered by a tree protection order) will be lost to the development
- Loss of views over mature garden.
- The new block will be subject to flooding owing to its low lying nature
- The proposal will result in an increased flood risk to the existing garden and the new basement flat
- A new pedestrian access is being created contrary to the application form
- Additional strain on refuse and recycling services
- Loss of garages

At the Planning Committee itself, a resident made the specific point that they believed that the Council was attaching too much weight to the views of the appeal Inspector. Whilst it is true to say that the appeal decision is only one material consideration and it does still fall for the application to be determined on its own planning merits, revisiting the Inspectors decision letter does make his views on a proposal of this form very clear. As explained at the time, the applicant had responded to the issues identified by the Inspector and in those circumstances it was felt that the only recommendation that can be made was to grant consent.

Internal:

- Highways: No Objection Subject to 'Car Free' agreement
- Tree Officer: No objection 'subject to condition requiring tree protection and replacement

REVISED SUBMISSION

As explained above the scheme has been amended to take account of the issues that were raised by Members at the April 2014 Planning Committee. On 27 June 2014 the final revised plans were sent to the Council and on 5 July 2014 Thanet Lodge residents confirmed that they had written to the Council confirming their support for the revisions.

A formal re-consultation exercise was undertaken on 25 July 2014 and to date no responses have been received. Members will be updated at the meeting in the event that any new representations are received.

REMARKS

Introduction

1. This application was deferred at the Planning Committee on 9 April 2014 to allow for further negotiations to take place between the applicant and the residents of Thanet Lodge. The Planning Committee indicated at that time that they wanted the applicant to consider the following points:

- Creation of revised pedestrian access via Mapesbury Road.
- Reinstatement of landscaping on the site after the implementation of the development.
- Consider an enhanced tree planting scheme on the site so that the one to one ratio mentioned in the draft condition is improved upon.
- Construction management plan to cover matters relating to how the development will be implemented (predominantly off Mapesbury Road).
- Consider how the development will impact on communal amenity space/delineation of the rear private terrace area.
- Create self-contained site from the rest of Thanet Lodge.
- Enter into a Considerate Contractors' Scheme (CCS).

2. A number of changes have been made to the submission and a re-consultation exercise undertaken, as set out in this revised report which seems to have dealt with the issues that were discussed at the Planning meeting. However, the applicants have now submitted an appeal against the non-determination of this application which means that it will now be for the Planning Inspectorate to make a final decision on the proposal taking into account all material considerations. In circumstances such as this it falls for the Local Planning Authority to say what decision it would have made had it been in a position to make one, rather than to make the decision itself.

3. In April 2014 the Planning Committee Members visited the site on the Saturday before the meeting and they heard from a number of speakers, as well as Councillor Carol Shaw the Ward Councillor, at the meeting itself.

Changes since the application was deferred at the April Planning Committee

4. A summary of what has happened since the April deferral in relation to the specific issues raised is set down below:

Access

- Proposed Development to have self-contained access solely from Mapesbury Road.
- Refuse and bicycle store to be moved to the other side of the proposed development
- The development is to be subject to a "car-free" arrangement, as confirmed by applicant

Landscaping scheme

- Enhanced landscaping scheme to be reviewed by residents of Thanet Lodge and paid for by applicant.

Trees

- The replacement of five existing trees with five new semi-mature trees at the expense of the applicant .
- Specific location and type of any replacement trees to be agreed with Thanet Lodge Right to Manage Company.

Construction Management Plan

- Draft Construction Management Plan to be provided for review by residents of Thanet Lodge.
- All construction and related works to be implemented from Mapesbury Road.
- Hours of work to be controlled.
- Construction vehicles to park in allocated on-street car parking bay on Mapesbury Road.
- If any loss or damage to Thanet Lodge is incurred, caused by the Proposed Development the Applicant must indemnify the Thanet Lodge Right to Manage Company for any such losses or damage caused.

Considerate Contractors Scheme (CCS)

- The Applicant accepts the need to sign up to the CCS.

Previous Planning Decision on the Site.

5. As Members will see above a previous scheme was dismissed. The key consideration, therefore, continues to be whether the revised proposal has overcome the difficulties identified by the Inspector. The Inspector dismissed the appeal for the following reasons:

- Loss to neighbouring amenity as the new block failed to comply with the Councils 30 degree and minimum 5m separation distance between the new block and Thanet Lodge
- Absence of a 'Car free' development.

However, they did not agree to the Councils concerns as far as they related to design or quality of space provided.

6. This application was recommended for approval when it went before the Planning Committee in April 2014 and, therefore, the Officers view has not changed since that time. Indeed, the changes to the scheme that have been introduced in response to the discussions that took place at the April meeting have, it is considered, served to improve the development. As a result, had Officers been in a position to make a formal recommendation here it would still have been to grant planning permission.

Design

7. The building is sited within the designated Brondesbury Conservation Area. As a result policies BE2, BE3, BE7, BE9, BE25 BE26 and H12 of the UDP need to ensure that new development positively enhances the character and amenity of the Conservation Area. The character here is generally that of a suburban road of generally two storey houses and that of the flatted development of Thanet Lodge. As such no objection, to a new house, per se, in this location is raised. However, this would be on the basis that the resulting development would not detract from the well-established character of the Conservation Area, and would positively enhance the area thereby.

8. The design of the development is fairly traditional, which is not, in itself, something that the Council would object to in principle. It is considered that the width of building has been reduced (From approximately 13m to approximately 10m) so to minimise its impact on the flank windows of Thanet Lodge. Whilst your officers are of the view a better design could be employed here, officers must pay due consideration to the Appeal Inspectors decision, which states, *'The principle of housing on the site is clearly acceptable and I consider that the design accords with the relevant local (UDP) and national planning policy requirements (NPPF) in relation to the delivery and provision of a wide quality homes. I also consider that the proposal would preserve the character and appearance of the Brondesbury Conservation Area...'*

9. As such no objection to the design of the proposal is raised, given the similarities between the current iteration and the proposal that formed the basis of the appeal.

Impact on Neighbouring Amenity

10. In Paragraph 12 of the appeal Inspector found the proposal to not cause harm to Neighbouring property No 12 Mapesbury Road, however detrimental harm was considered to occur for residents of Thanet Lodge as stated in paragraph 13-14:

'However, having noted the proximity of the proposed building to the existing building, it is my view that the living conditions of those living on the lower levels of the block, with windows in the north elevation would be seriously harmed by the proposal. The distance between these windows and the

south wall of the proposal is shown as being less than 3m. I acknowledge that the SPG17 requirement (that the new building envelope is set below a line of 30° from the nearest habitable room window of adjoining existing property, measured from the height of 2m above floor level) is exceeded as the actual figure is 25°.... However, the normally acceptable minimum direct distance between habitable rooms (windows) on a flank wall and a side boundary is 5m. The proposal is positioned more than 2m less than this requirement. Furthermore, the proposed height of the new apartment block would be 0.4m above the ground floor habitable windows in the north elevation of Thanet Lodge. In my view, this is simply too close and it would have an unacceptable overbearing effect on the occupants of the rooms affected.'

11. The applicant has responded by reducing the width of the building by approximately 2m so to create a 5m separation between the existing and proposed blocks. Whilst Officers would prefer a larger separation between the blocks, once again due consideration must be paid to the Inspectors decision. The proposed block is now compliant with requirements set out in SPG17 and the Appeal Inspectors assessment as detailed above. Therefore, on balance, the proposal is not considered to cause a detrimental impact on neighbouring amenity.

12. The Inspector, in spite of the concerns raised by the Council, did not unfortunately raise any issue with the loss of communal garden space and as such unfortunately can form a reason for refusal in itself. The matter is further expanded below.

Quality of Accommodation

13. The proposal seeks permission for the erection of a new residential block comprising 1 x 4 bedroom unit. The Council's SPG17: "Design Guide for New Development" is the starting point for the assessment of this residential development. One of the key sections in the SPG covers the standards that would be applied relating to the required distances between habitable-room windows and other windows, as well as site boundaries.

14. In the case of the application proposal, it seems evident that the applicant has had regard to SPG17 and the appeal decision in compiling the proposal. The proposed building has been designed so as to have no habitable room windows in any of the elevations that would conflict with people living nearby. In terms of the likely quality of accommodation for future occupiers, the submitted drawings indicate separation distances between windows and boundaries (the majority of unit is orientated so as to face towards the road and the rear communal garden).

15. An assessment of the current proposal indicates that the proposed unit shown on the plans do exceed the Mayors London Plan Standards, in quantitative terms at 141sqm (GLA standards 113m2).

16. A further issue is the provision of external amenity space on the site. SPG17 requires 50 square metres of space for each family sized unit. A private garden of 30sqm on the Western elevation with terraces to the East and West have been proposed. In this case, and comparing favourably to the appeal scheme, the development would not rely exclusively on garden space to the front of the building, (approx. 30sqm fronting Mapesbury Road) as there is an area of communal space to the rear and side that would provide approx. 145 square metres of external space. The proposed amenity space of the current application is better in many regards in that the amenity space is useable by the future residents and the increased amenity space creates more space for future landscaping which will enhance and improve the area. This view should be considered alongside the fact that the internal space proposed in the unit exceeds the SPG17 guidance and the Mayors London Plan Standards.

17. The Inspectors views were that:

'Having considered the relevant submissions I do not consider that the living conditions of the occupiers of the new flats would be noticeably affected. The flats meet the required space standards and although the external amenity space requirements are not met for all three units, it is evident that residents would have use of the extensive communal garden.'

18. Taking into account the views of the Inspector, Officers find the quality of space provided to be of an acceptable standard.

Highway Considerations

19. Dwellings in areas with good PTAL ratings as is the case here and a CPZ are assessed using a reduced

standard, whereby 4-bed properties can be permitted up to 1.2 car spaces. The 40 no. existing flats at the site can be permitted up to 28 car spaces under the same PS14 standards. The proposed flats will therefore increase the maximum standard for the site as a whole to 29.2 car spaces, which is deemed significant. As there are only 20 car spaces currently available at the site, it is very likely that overspill car parking would occur as a result of this development.

20. Whilst the Inspector noted the parking strains both on and off-site, he concludes that, *'With a 'car free' agreement in place I consider that this would overcome the objections and harm caused relating to parking in the vicinity'*. The applicant has agreed to sign up to the terms and conditions of a 'Car free' development.

21. Secure and covered cycle parking lockers for use by the proposed new flats have been shown close to the Mapesbury Road frontage of this site. These are acceptable in highway terms only.

22. Refuse and recycling facilities are also communally provided within acceptable carry-distances both for residents of the proposed flats and for waste collection staff.

23. The proposal is considered to comply with Highway requirements.

Trees and Landscaping

24. The property at Thanet Lodge is subject to the Thanet Lodge, Mapesbury Area Tree Preservation Order, It is also located within the Brondesbury Conservation Area which affords a basic level of protection to other trees not subject to the TPO. In considering the appeal on the site, the Inspector did not consider that the development would have an unacceptable impact on the existing trees and, therefore, did not dismiss the appeal on those grounds. That said, Officers are of the view that the existing trees are valuable and should be surveyed, protected and/or replaced appropriately. Details of which will be secured by condition 5

25. Whilst no objections to the scheme are raised, your officers are of the view a tree survey, arboricultural implications assessment and ultimately a tree protection plan/ arboricultural method statement in accordance with BS5837:2012, setting out how retained trees will be protected during proposed works should be required.

26. Officers have noted there are a number of trees on the northern boundary that could be lost to the proposed development. Any potential loss should be mitigated with a high quality landscape scheme containing suitable replacement trees at a ratio of 1:1. Such detail shall be secured by condition.

Other

27. At the Members site visit the stability of the boundary structure between 12 Mapesbury Road and Thanet Lodge was queried. The existing boundary wall is evidently old and its long term stability will need to be considered regardless of whether an application is granted or not. Any alteration, loss and or replacement of boundary treatments are covered by the Party Wall Act. The applicant is reminded of their obligations under this act by way of Informative 1.

Conclusion

28. Whilst your officers are not without reservations on the merits of this application, Members will be aware, officers assessment must pay due respect to the Appeal Inspectors decision as detailed above. Therefore on balance, the proposal should be approved in its current form.

Objection	Response
Loss of communal garden	Please see paragraphs 12 and 16
The design of the proposal fails to respect the Character of the Conservation Area	Please see paragraph 7
Depreciation of property value	The matters of depreciation of property values do not form a material consideration and therefore can not form a reason for refusal
The increase in traffic and reduction in parking will result in detrimental impact on environmental quality	The development will be restricted to be a 'car free' development
Concern over the number of applications being	The applicants right to submit planning applications

applied for by Java Properties	can not form a reason for refusal
The proposed building is located too close to the existing block at Thanet Lodge and will therefore result in a loss of light	Please see paragraphs 10 to 12
Loss of light to No 12 Mapesbury Road	Please see paragraphs 10 to 12
Increased traffic congestion	The development will be restricted to be a 'car free' development
The proposal will detract from the established character of the Conservation Area	Please see paragraph 7
Consultation has been flawed as residents have not been provided.	The Councils consultation is led by SPG2 and has been carried out in accordance with its guidance.
Quality of work can not be assured - Noise Insulation	Whilst the quality of work is not a material consideration in the assessment of this application, the applicant will be reminded of their due to comply with the Party Wall Agreement.
A number of trees will be lost to the development	Please see paragraphs 24 to 26
Loss of views over mature garden.	Please see paragraphs 24 to 26
The new block will be subject to flooding owing to its low lying nature	The property is not located within a Flood Risk Area as such no objection in principle is raised.
A new pedestrian access is being created contrary to the application form	The creation of a pedestrian access is not considered a reason for refusal
Additional strain on refuse and recycling services	The proposal seeks to have separate refuse and recycling facilities
Loss of garages	No loss of garages are proposed as a part of the current proposal
The Council is attaching too much weight to the views of the appeal Inspector.	Whilst it is true to say that the appeal decision is only one material consideration and it does still fall for the application to be determined on its own planning merits, revisiting the Inspectors decision letter does make his views on a proposal of this form very clear. As explained at the time, the applicant had responded to the issues identified by the Inspector and in those circumstances it is felt that the only recommendation that can be made is to grant consent.

RECOMMENDATION: Council would have Granted

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

1213/TP.45 P4
1213/TP.44 P4
1213/TP.46 P4
1213/TP.48 P3
1213/TP.41 P1
1213/TP.42 P1

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of Thanet Lodge.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) Prior to commencement of development, full details of all pre-commencement tree works (Including a protection plan and arboricultural method statement in accordance with BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. Any potential loss of trees should be mitigated with a high quality landscape scheme containing suitable replacement trees at a ratio of a minimum of 1:1. Works shall only be carried out in accordance with the approved details.

Reason: The site benefits from mature trees, hedges and shrubs and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

- (5) No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees in the position. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

- (6) All glazing located on the Northern Elevation of the new house, shall be obscured glazed, fixed closed and permanently maintained as such, unless agreed in writing by the Local Planning

Authority.

Reason: In the interests of neighbouring amenity

- (7) The development hereby approved shall have a green roof. Prior to the commencement of occupation of the proposed unit, details of the green roof layout, construction and planting will be submitted to the Local Planning Authority. Such details/considerations will include:
- Biodiversity based with extensive substrate base (depth 80-150mm);
 - Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include details of:
- i. Specification of construction works at each phase of the development
 - ii. Construction Logistics Management
 - iii. Erection and maintenance of security hoarding including decorative displays, where appropriate
 - iv. Arrangements for the loading and unloading of plant and materials
 - v. Storage of plant and materials used in constructing the development

Reason: To allow the Local Planning Authority to exercise proper control over the development in the interests of amenity and highway safety.

- (9) No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

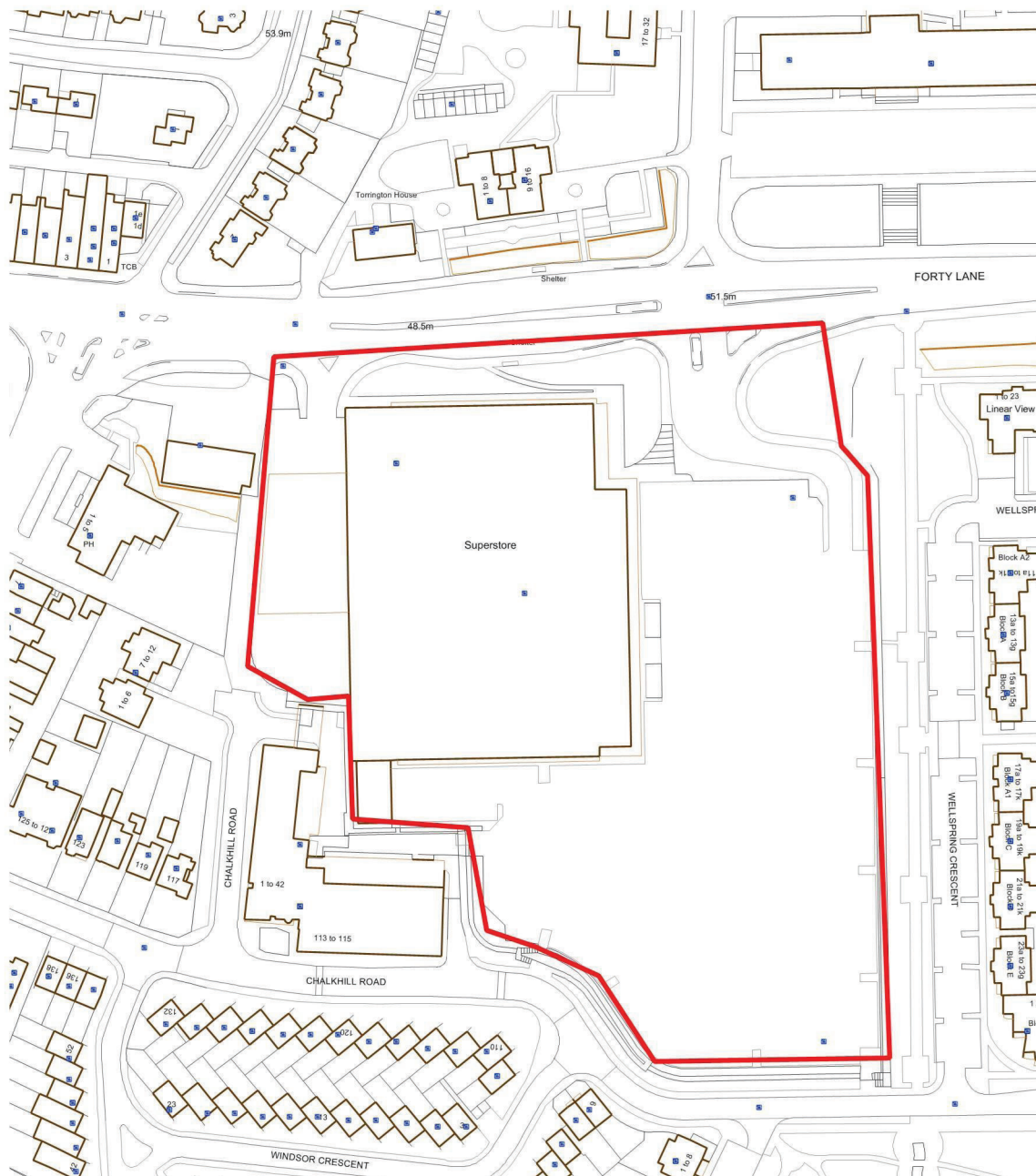
Any person wishing to inspect the above papers should contact Tanusha Naidoo, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Asda, Forty Lane, Wembley, HA9 9EX

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This map is indicative only.

RECEIVED: 1 July, 2014

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Asda, Forty Lane, Wembley, HA9 9EX

PROPOSAL: 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.

APPLICANT: Asda Stores Ltd

CONTACT: Deloitte LPP

PLAN NO'S:
Refer to Condition 1

RECOMMENDATION

Grant Consent

EXISTING

The application site is a part of the car park serving the Asda superstore on Forty Lane; it has some established shrub and tree planting. It is not in a conservation area nor is the building listed. Surrounding uses are mixed commercial (the superstore), residential (to the east) and Brent Council's former Town Hall, to the north.

There is a pedestrian link from the north western end of the Asda Car Park to the GP Surgery that is GP Surgery which is part of the Chalkhill Primary Care.

PROPOSAL

Variation of condition 4 to change opening hours of the grocery 'Drive-To' 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.

HISTORY

Extensive planning history with the most relevant below:

13/3646: Full Planning Permission sought 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 - **Granted, 07/02/2014.**

13/1654: Full Planning Permission sought for erection of a canopy for the grocery collection service in the store car park - **Refused, 09/09/2013.** This application was refused for the following reasons:

The proposal for the Click and Collect facility would result in the loss of safe access from the Asda car park to the GP surgery which is part of the Chalkhill Primary Care. This is contrary to policy TRN10 of Brent's Unitary Development Plan 2004.

In the absence of a Transport Statement providing details of an assessment of parking accumulation close to the car wash/valet service and proposed click and collect facility together with a more accurate assessment of the collection time per order to demonstrate otherwise, the proposal for a Click and Collect facility would result in cars queuing to collect their groceries within the main Asda Car Park to the detriment of highway and

pedestrian safety within the Asda car park. This is contrary to policies TRN3, TRN4 and TRN10 of Brent's Unitary Development Plan 2004.

POLICY CONSIDERATIONS
National Planning Policy Framework

Paragraph 20 - promoting economic development

Brent's UDP

EP2: Noise and Vibration

CONSULTATION
Consultation Period: 25/07/2014 - 15/08/2014

45 neighbours consulted - five objections received raising the following concerns:

- Noise and disturbance from the Asda Home Delivery Service;
- Light pollution
- 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

Internal Consultation

Environmental Health - No objections to the increase in hours of use for the grocery click and collect unit.

Transportation - No objections raised.

REMARKS

Background

1. The Asda retail superstore with provision of service yard and customer car-parking was granted planning permission on 3 July 1998 (LPA Ref: 98/0413). There has since been a number of applications for signage, trolley bays and reconfiguration of the car park, mezzanine floor and small extensions to the building, air conditioning and condenser units, automatic petrol filling station pumps and a car wash facility.

2. The retail trading hours for the superstore (agreed as part of application ref: 03/1053) are from 8am on Monday through to midnight on Saturday and 11am to 5pm on Sundays and Bank Holidays.

Proposal

3. This application seeks to vary condition 4 of planning permission ref: 13/3646 which restricted the hours of use for the grocery collection "Drive To" for use by customers to collect their shopping at allocated times which is pre-ordered using the internet. There are three parking bays for this service. The shopping is brought from the service area by staff and loaded into the customer vehicles.

4. The planning permission restricted the hours from 0800 to 2000 Mondays to Sundays and Asda is now seeking to increase the hours from 0800 to 2200 Mondays to Sundays. The reason why the hours of use are sought to be increased is due to customer increasing demand for on line shopping whilst retaining a connection to existing stores.

5. The main consideration for this application is the impact of the extended hours upon residential amenity of nearby residential occupiers, in particular those flats in 115 Chalkhill Road which are located to the rear of the car park and nearest to this application proposal.

6. A number of objections have been received raising concerns with noise regards to and disturbance from Asda in relation to the service yard and more recently the home delivery service. These concerns include goods being loaded into vans, general noise and disturbance and vehicles being washed.

7. Officers in Environmental Health have advised that its noise nuisance team have received several

complaints related to noise from mechanical plants, such as the compactor, chiller/freezer units, ventilation units. There have also been complaints about noise from the workmen in delivery zones shouting talking loudly late at night/ early hours of the morning. Environmental Health have advised that there is not a concern about noise from the grocery collection point so no objections are raised to the increase in the hours of use.

8. The grocery collection point is located within the car park which did previously contain car parking spaces and the difference in customers either bringing trolleys to their cars or the goods being brought out by staff at pre determined slots to the car is not considered to be materially different in terms of noise and disturbance to nearby residential properties. The grocery collection point is set a considerable distance from nearby residential properties and is separated by the home shopping delivery area. As such, whilst it is noted there have been complaints which are being investigated, these do not directly relate to the application proposal.

9. For the above reasons it is recommended that the increase in the hours of use are granted.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(1) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Refer to application ref: 13/3646

Design and Access Statement prepared by Glenages Projects Services

Planning Statement "Home Shopping" prepared by Deloitte

GPS0873.4688 (00)001 Rev A

GPS0873.4688 (00)002

GPS0873.4688 (00)003

GPS0873.4688 (00)011 Rev A

GPS0873.4688 (00)012

GPS0873.4688 (00)020

GPS0873.4688 (00)021

Reason: For the avoidance of doubt and in the interests of proper planning.

(2) The grocery collection "Drive-To" shall only be used between the hours of 0800 to 2200 Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities if surrounding residential occupiers.

(3) The fencing surrounding the "Home Shopping" van loading area shall be Weld Mesh Paladin Fencing finished in white or green unless otherwise agreed in writing by the Local Planning Authority.


Reason: In the visual amenities of the locality.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

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 **Planning Committee Map**
Site address: 1-12 and 13-24 INC Leeland Way, London, NW10 1SA
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This map is indicative only.

RECEIVED: 28 July, 2014

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 1-12 and 13-24 INC Leeland Way, London, NW10 1SA

PROPOSAL: 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

APPLICANT: Casey Ventures Limited

CONTACT: David Knott Architect

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval with the conditions listed after paragraph 18.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£90,821.71** of which **£77,295.07** is Brent CIL and **£13,526.64** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The site is located on Leeland Way, and is currently occupied by two 3 storey buildings comprising a total of 24 flats. The site is not located within a Conservation Area, nor does it contain a Listed Building. Nos. 13 - 36 incl. Leeland Way is identified as a site of Archaeological Importance.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
dwelling houses	1446	1446	0	378	378

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	1446	1446	0	378	378

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

Flats û Market			24								24
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Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
-------------	------	------	------	------	------	------	------	------	-----	-------

Flats û Market	2	28								30
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PROPOSAL

See description above

HISTORY

Although there are no planning applications relating specifically to the building which is the subject of this application a very similar development was granted planning permission in 2008 at the Council's Planning Committee of January 2009 (and subsequently built) on the other building that makes up Leeland Way.

08/2774

Erection of roof extension to 25-36 and 37-48 Leeland Way to create an additional 6 self-contained flats, installation of 2 new vehicular accesses on to Bermans Way and 4 additional car-parking spaces in front forecourt of site and subject to a Deed of Agreement dated 5th February 2009 under Section 106 of the Town and Country Planning Act 1990, as amended. Granted permission.

POLICY CONSIDERATIONS

UDP 2004

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
H12	Residential Quality – Layout Considerations
TRN23	Parking Standards – Residential Development
PS14	Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

Core Strategy 2011

The London Plan

CONSULTATION

External

A total of 81 neighbouring occupiers were consulted on 29 July 2014. 4 objections, from 3 addresses, have been received raising the following points:

- Lack of parking and objection to losing green space to parking.
- Loss of light to neighbouring flats and gardens
- Loss of views for neighbouring residents
- Loss of safe play space to a car park
- The appearance of the extension is like a wooden garden shed and the cladding on the neighbouring extension has weathered to a dirty grey-brown.
- Existing problem of rubbish being dumped in the street.
- The existing roof pools with water, details of how this will be avoided are needed.

Internal

Highways - no objection, subject to conditions. Discussed in detail in Remarks below.

REMARKS

Introduction

1. This application proposes to erect a roof top extension to the two existing blocks of flats to create an additional 6 flats (4 x 2 bedroom and 2 x 1 bedroom). As explained in the "History" section of this report, a very similar scheme has been approved, and implemented, at No's 25-48 Leeland Way which is the other building that makes up the road. That proposal was approved at the Planning Committee on 14 January 2009.

Site Layout and Access

2. At present the two blocks are 3 storeys in height on Leeland Way. On the opposite side of Leeland Way are identical blocks of flats, referred to above, that now have the additional storey granted in 2009. This scheme proposes to replicate the erection of that additional storey to the two blocks. The new flats will be accessed via the existing communal entrances, with access also to the rear. The front and rear doors are linked with common ground floor corridors.

Design Scale and Massing

3. As discussed for the 2008 application at No's 25-48 Leeland Way the scale of the development is considered to be appropriate taking into account the character and context of what is around. The scheme has been approached in a manner which would serve to complement the original building, increasing the height whilst ensuring the extension would remain subservient to the original building. A set back is achieved from all existing elevations helping to minimise the visual impact of the development and the height of the additional storey is proposed to be less than that of the existing 3rd storey, ensuring the extensions do not constitute an unacceptable increase in scale.

4. Proposed drawings show the stairwells to project slightly higher than the main extension in order to emphasise the vertical appearance of the building and to help to break up the overall mass of the extended building. The roof top extension is to be clad in timber and the projecting stairwell is to be rendered. This will also assist in breaking up the mass.

5. The fenestration has been proposed to generally align with that of the other floors. Each of the units have a small projecting balcony fronting Leeland Way. The central balcony on each block would be positioned to align with the mid point between two windows below, this maintains the symmetry and rhythm of the fenestration. The balconies will be constructed from stainless steel and glass. It is considered the balconies add amenity for future occupants without compromising the character and appearance of the original building.

Materials

6. Proposed materials consist of cedar cladding, render and powder coated aluminium windows and doors. These materials have already been used in the street and it is considered appropriate to maintain consistency in the material choice. It is recommended a condition is attached to any approval to ensure that the materials will match those used in the neighbouring development. An objector has raised concerns about the materials used at the adjoining site, officers have viewed the timber cladding already used and note it has weathering which is expected with cedar cladding. Condition 3 which seeks details of materials for the proposed development requires details of either the treatment of the cladding to prevent excessive weathering or an alternative material which will not weather.

Residential Amenity-future occupiers

7. The London Plan sets out minimum internal space standards appropriate for new developments, in order to ensure development will provide an acceptable standard of amenity for future occupants.

Internal floor areas

8. The guidance suggests a minimum internal floor areas depending on the number of rooms and people living within each flat. In this case, flats A, C, D and F have a GIA (gross internal area) of 63.5sqm exceeding the minimum standard of 61sqm for 2 bed flats containing one single and one double room so accommodating 3 people. Flats B and E are 1-bed flats and are 53.9sqm, while the minimum standard is 50sqm. As a result, the proposed quantity of accommodation is likely to be sufficient in order to provide an acceptable level of accommodation for future residents.

Outlook for future occupiers

9. SPG17 suggests that primary habitable-room windows have an outlook of at least 10 metres to site boundaries, in order to ensure an adequate level of amenity for future occupants. All habitable room windows within the scheme benefit from appropriate levels of outlook.

External amenity space

10. Amenity space is provided for each unit in the form of the existing communal amenity space for the two blocks of flats and the provision of balconies to each of the new flats accessed from the living room. SPG17 seeks each flat to have 20sqm of external amenity space. Each of the balconies is approximately 3.5sqm. The existing amenity space to the rear of the blocks, discounting the bin stores, the garage and vehicular access is approximately 575sqm. Including the proposed balconies the total provision is 585.5sqm which is over 19sqm per unit. A condition is recommended to seek improvements to the landscaping and maintenance of the amenity space to mitigate the potential increase usage.

11. It is acknowledged that the additional residential units will put additional pressure on the existing amenity space, notwithstanding the quantitative assessment set out above. However, it is considered that the site does have the capacity to cope with this additional pressure and that, on balance, the proposal is considered to be something that Officers could support. The fact that additional housing is being proposed is a positive that needs to be weighed into the overall balance.

Residential Amenity-Existing Occupants

12. It is not considered the proposed scheme will result in an undue detrimental loss of light or outlook for the neighbouring properties. The relationships between existing properties, and overlooking to rear gardens would be comparable to the existing arrangement and sufficient separation distances would be maintained between existing and proposed buildings. The closest relationship is with 198&200 Dudden Hill Lane where there is a distance of at least 20 between the rear elevations of the buildings. The scheme proposes siting the new flats above existing residential units. Plans have not been provided which show that a stacking arrangement of appropriate uses above each other has been achieved. A condition is attached requiring the submission of further details to ensure adequate noise insulation between floors is achieved and in order to avoid situations where more sensitive parts of existing flats experience unacceptable nuisance from activities above.

Transportation Considerations

13. The site has a PTAL rating of 4 which is Good. Leeland Way is within the Control Parking Zone NS and is also within the Wembley Event Zone parking scheme. Leeland Way is classed as a heavily parked street in the Brent UDP. The car parking standard for the proposed units is 0.7 spaces per unit resulting in a possible increase of 4.2 spaces which would not be acceptable to be provided on street given the apparent lack of existing capacity to accommodate that level of overspill parking. As a result, the need to deal with the increased parking requirement is a key consideration here. There are 6 existing garages to the rear of the site which the submitted Design & Access (D&A) statement advises have been recently acquired by the applicant and will be made available for each of the proposed units, accommodating the likely increase in car parking. For the development at 25-50 Leeland Way the proposal also included a proposal to accommodate the additional parking within the application site, in that instance 4 additional parking spaces were proposed which are accessed off Bermans Way.

14. A total of 6 cycle spaces are proposed for the new flats. Further details of the arrangement would be sought by condition.

Landscaping

15. A detailed landscape scheme and management arrangements will be required to improve the overall quality on site which is considered to be a key requirement to help mitigate the additional development being proposed here. It is also recommended that a condition is attached to any planning permission securing details of landscaping to provide separation between the parking spaces and amenity space to screen them from the existing ground floor flat and to identify trees which are to be affected by the building works.

Refuse storage facilities

16. The current storage for bins for the existing flats is of a poor arrangement as stores are tucked away at the rear of the site. A number of residents have also expressed their concerns with the proposed refuse arrangements. As part of this application, the bin store issue should be capable of being addressed. A bin store is proposed near to the garages within the amenity space. This location exceeds current carry standards for refuse collectors and would result in the loss of amenity space, and an improved arrangement is required by condition which will include details of the design and location of the bin store. A condition is recommended to secure the rationalisation of the existing bin stores which do not appear to be properly used and to ensure the new store meets current standards. A redundant bin store to the rear of the amenity space may be a suitable location for a cycle store.

Conclusion

17. While the northern building is in a site of Archaeological Importance, other than cycle and refuse storage, no development is proposed at ground level and as such it isn't deemed necessary to have a condition relating to ground works.

18. The proposed development will provide an appropriately designed building, to provide a high-standard of residential accommodation, without impacting on the existing residents to an unacceptable degree. The proposal meets the Council's parking standards and the new floor area will be liable to CIL.

19. In terms of consideration of the objections raised the response of Officers is set out below:

Objection	Response
Lack of parking and objection to losing green space to parking	Parking is provided for the new units without the loss of green space
Loss of light to neighbouring flats and gardens	The additional storey will not have a significant impact on light levels
Loss of views for neighbouring residents	Outlook will not be significantly affected as the development is set back
Loss of safe play space to a car park	This may be referring to the vehicular access to the garages
The appearance of the extension is like a wooden garden shed and the cladding on the neighbouring extension has weathered to a dirty grey-brown.	Officers are of the opinion that the design is contemporary but the appearance (this would need reapplication every few years)
Existing problem of rubbish being dumped in the street	Refuse storage has been proposed for the additional flats, and this will be addressed
The existing roof pools with water, details of how this will be avoided are needed	The development would need to be compliant with building regulations

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
 Council's Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
 Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Design and Access Statement May 2014
1953/01
1953/04
1953/05
1953/06

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. This shall also include either details to treat the proposed timber cladding to prevent excessive weathering or an alternative material of similar appearance which will not weather. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the units.

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained (in accordance with the tree protection condition)
(b) screen planting between the vehicular access and ground floor flats
(c) areas of hard landscape works and proposed materials utilising SUDs
(d) details of the proposed arrangements for the maintenance of the landscape works.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (5) Adequate insulation shall be provided to prevent the transmission of noise and vibration between walls and floors of units in separate occupation, the details of which shall be submitted to the Local Planning Authority for approval. The insulation shall be installed prior to the occupation of the units hereby approved.

Reason: To protect the residents and adjoining neighbours from the impacts of noise and vibration.

- (6) Notwithstanding the hereby approved plans, details of the provision of a minimum of 6 secure and covered cycle parking spaces in an appropriate location shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (7) Details of arrangements for the storage and disposal of refuse and recyclable materials, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Details shall include a review of existing storage capacity, identification of any redundant bin stores and provision of storage for the new units in a suitable location for collection.

The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.


- (8) Notwithstanding the plans hereby approved, a tree survey, tree protection plan, arboricultural method statement and construction method statement for the proposed works, specifying the method of tree protection in accordance with BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree protection measures. The approved tree protection measures shall be in place throughout the construction period.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377

 Brent	<p style="text-align: center;">Planning Committee 17th September 2014</p> <p style="text-align: center;">Report from the Operational Director, Planning & Regeneration</p>
<p style="text-align: right;">Wards affected: Mapesbury, Willesden Green, Dudden Hill, Brondesbury Park</p>	
<p style="text-align: center;">Report Title: 110 Walm Lane, Public Inquiry – Affordable Housing</p>	

1.0 Summary

- 1.1 Following the Council's decision in March 2014 to refuse planning permission for the redevelopment of 110 Walm Lane (including the Queensbury Public House) an appeal has been submitted by the applicant, Fairview New Homes Ltd. The appeal is due to be determined through the Public Inquiry procedure. During the appeal a Planning Inspector will examine whether the Council's reasons for refusal were reasonable and justified in planning terms. The Council cited three reasons for refusal which are set out in detail below. The second reason for refusal relates to affordable housing provision, identifying concerns that the applicant's proposal did not make adequate provision for on-site affordable housing within the scheme.
- 1.2 Following the submission of the appeal, the applicant has issued a revised affordable housing offer to the Council, which they intend to present to the Inspector during the appeal process. The revised offer proposes all affordable housing to be provided on-site. The purpose of this report is to provide information on the revised affordable housing offer so that the Planning Committee can decide whether the revised offer would adequately address the relevant reason for refusal.

2.0 Recommendations

2.1 That the Planning Committee:-

- i) agree to the principle of the revised affordable housing offer from Fairview New Homes Ltd 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.
- ii) delegate authority to the Head of Planning or such other duly authorised officer to agree, under advice from the Director of Legal Services and Procurement, the exact terms of a

s106 or other legal agreement to secure the revised affordable housing offer should the Planning Inspector be minded to allow the appeal and grant planning permission.

iii) note that the appeal will still be fully contested by the Council on the remaining reasons for refusal.

3.0 Detail

3.1 The subject site is located on the eastern side of Walm Lane, on the edge of Willesden Green town centre. The site is occupied by a two/three storey building which accommodates the Queensbury public house and some first floor office accommodation, used in connection with the former Conservative Club. The site lies within the Mapesbury Conservation Area and also borders the Willesden Conservation Area. The site is located in close proximity to Willesden Green Underground Station (Grade II Listed). The Queensbury public house is currently listed as an Asset of Community Value.

3.2 The proposal submitted by Fairview New Homes Ltd, under planning application ref. 13/3503, would involve the *“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”*.

3.3 In March 2014, the Planning Committee resolved to refuse permission for the proposed development against the recommendation of officers. The application was refused for the following reasons. It is the second reason for refusal, highlighted in **bold**, that is the subject matter of this report:-

1. The proposed development, by reason of its height, scale, massing and density, would appear unduly prominent and out of character in the street scene and in the wider locality. The development would fail to preserve or enhance the character and appearance of the Mapesbury Conservation Area in which the site is located and would adversely impact on the nearby Willesden Green Conservation Area and the setting of the Grade II Listed Willesden Green Station. As a result, the proposal fails to comply with the National Planning Policy Framework 2012; Policies 3.4, 3.5 and 7.4 of the London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013; Policies BE2, BE3, BE9, BE10, BE23, BE25, BE27, H12 & H13 of Brent's Unitary Development Plan 2004; Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001; Mapesbury Conservation Area Design Guide.

2. The proposed development would provide insufficient provision of on-site affordable housing. As a result, the development would fail to comply with National Planning Policy Framework 2012; Policies 3.8, 3.9, 3.10, 3.11, 3.12 and 3.13 of the London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013; Policy CP2 of Brent's Core Strategy 2010; S106 Planning Obligations SPD, July 2013.

3. In the absence of a legal agreement, the development would not secure a Community Access Plan, sustainability measures, job & training opportunities for local residents, adherence to the Considerate Contractors Scheme, a Travel Plan and restrictions to prevent future residents from applying for parking permits. As a result, the proposal fails to

comply with the National Planning Policy Framework 2012; Policies 3.16, 4.6, 5.2, 5.3, 5.6, 5.7, 5.9, 5.13, 6.3, 6.13, 8.2 of the London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013; Policies CP19 and CP23 of Brent's Core Strategy 2010; Policies EP2, EP14, TRN3, TRN4, TRN10, TRN23, TRN34 and CF2 of Brent's Unitary Development Plan 2004; Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001; S106 Planning Obligations SPD, July 2013.

- 3.4 At the time of determination, the applicant proposed to provide 10 (18.9%) of the 53 homes as affordable, shared ownership, units as well as a cash in lieu contribution of £138,346 towards the off site provision of affordable housing. The offer was reviewed by an independent consultant, BNP Paribas, instructed by the Council to assist with the negotiation of affordable housing on the site. BNP Paribas advised that in viability terms the proposed affordable housing offer would be acceptable.
- 3.5 Whilst acknowledging the advice on viability, this affordable housing offer was found to be unacceptable by the Planning Committee during their consideration of application given the "insufficient provision of on-site affordable housing". As noted above, the proposal did not provide all affordable housing 'on-site'.
- 3.6 Following the submission of an appeal against the decision, Fairview New Homes Ltd have approached the Council to see if this particular matter can be resolved prior to the Public Inquiry. They have issued a revised affordable housing offer which would increase the provision of shared ownership units from 10 to 12 (22.6%), an increase of 2 units. The affordable housing offer would therefore be delivered wholly on site and no longer include a cash-in-lieu contribution.
- 3.7 The 2 additional shared ownership units have been created by changing the tenure of 2 ground floor units that would have been private under the previous proposal. The proposal does not affect the layout or design of the building, nor does it affect the overall mix or quantity of units that would be provided within the scheme. The new shared ownership units would comprise 1x2-bed (3 person) and 1x 2-bed (4 person) units, both of which would share a core with the other private units within the scheme. As the units would be within a mixed tenure core it would be for the Registered Provider to negotiate a suitable service charge for the units. The following table summarises the changes between the original and revised affordable housing offers.

Shared Ownership	Original AH offer	Revised AH Offer
1-bed (2person)	3	3
2-bed (3 person)	3	4
2-bed (4 person)	0	1
3-bed (4 person)	4	4
Total	10	12
Cash-in-Lieu	£138,346	£0

- 3.7 This revised offer has been reviewed by BNP Paribas and they have confirmed that, in viability terms and on current assumptions, the revised offer of 12 shared ownership units is

acceptable. However, they highlight the sensitivity of such appraisals to changes in assumed future sales values and have recommended that, if the offer is accepted by the council, this be 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.

3.8 Having considered the revised affordable housing offer within the context of the previous decision, the appeal and the advice given by BNP Paribas, officers consider that the revised offer constitutes an improved position on the matter of affordable housing. As such, on balance, officers consider that the principle of the revised offer should be accepted, subject to the terms set out in paragraph 2.1 of this report.

3.9 In terms of the implications of accepting these recommendations on the Council's appeal case, whilst this would clearly narrow the matters in dispute, it is considered that the Council would maintain sufficient grounds to contest the appeal, particularly in relation to the design and heritage impacts of the proposed development. The Council have appointed an expert Design and Heritage witness to provide evidence to support the council's case at the public inquiry.

4.0 Financial Implications

4.1 Under the Public Inquiry appeals process the Council is required to bear the cost of hosting the Public Inquiry and the cost of preparing and presenting the Council's case. If the revised affordable housing offer is accepted by the Council this may reduce the duration of the Inquiry (which is currently programmed for 5 days) and the resources required to contest the appeal.

4.2 Under the planning appeals process, the Planning Inspector has legal powers to make an award of costs where it is found that costs have been incurred by one party due to unreasonable behaviour of another party.

5.0 Legal Implications

5.1 There are no particular legal implications associated with this matter other than it will be necessary to negotiate the exact terms of s106 or other legal agreement to secure the affordable housing contribution should the Inspector be minded to allow the appeal.

6.0 Diversity Implications

6.1 There are no particular diversity implications associated with this matter.

7.0 Staffing/Accommodation Implications

7.1 Staff resources will be required to contest the appeal. If the revised affordable housing offer is accepted then the council will not need to put forward an officer to prepare and provide evidence to the Inquiry in relation to the issue of affordable housing.

7.2 The Council are required to host the Public Inquiry and conference rooms at the Civic Centre have been reserved for 5 days. If the revised affordable housing offer is accepted by the Council this may reduce the duration of the Inquiry.

8.0 Environmental Implications

8.1 No significant environmental implications are anticipated.

9.0 Background Papers

9.1 Officers report to Committee, 12th March 2014 (including Supplementary report

Decision notice 13/3503, dated 19th March 2014

Minutes of Committee meeting 12th March 2014

Revised Plan indicating ground floor units to be shared ownership

Letter from BNP Paribas, dated 4th August 2014

Contact Officers

Any person wishing to inspect the above papers should contact Ben Martin, Area Planning, Planning & Regeneration 020 8937 5231

Stephen Weeks

Head of Planning, Planning & Regeneration

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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).

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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.

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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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