

RECEIVED: 21 January, 2011

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Alpine House, Honeypot Lane, London, NW9 9RU

PROPOSAL: Extension to time limit of planning permission 08/1427 dated 13/08/2008 for demolition of existing commercial units and erection of 3 x four-storey blocks and 1 x five-storey block, comprising 120 self-contained flats, 1,823m² of commercial floorspace (Use Class B1) and 5 live/work units, with 86 car-parking spaces, bicycle and bin storage and associated landscaping (accompanied by Design and Access Statement, Energy Assessment, Noise Assessment, Flood Risk Assessment, Arboricultural Report, Transportation Assessment and Planning Statement)

APPLICANT: BS Pension Fund Trustee Limited

CONTACT: Turley Associates

PLAN NO'S:
See condition 7

RECOMMENDATION

Grant planning permission subject to the completion of a deed of variation to the Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b) Affordable Housing - 26% habitable rooms (20 Social Rented and 8 Shared Equity units) tenure and location as detailed in revised Table 4.1 of the Planning Statement.
- c) A contribution of £849,000, due on material start, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- d) Five Affordable work-live units.
- e) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM rating 'Excellent', and minimum Sustainable Homes Code Level 4 with compensation should it not be delivered. Fully adhering to the Demolition Protocol for demolition, and new-build - with a minimum of 20% recycled content by value, overall.
- f) The scheme must result in a minimum 80% reduction in Carbon emissions compared to Part L of Building Regulations, by meeting the Association of Environmentally Conscious Buildings (**AECB's**) '**Passivhaus**' standard, acceptable evidence for which must be submitted before

Material Start and post construction validation of this.

- g) Offset a minimum of 50% of the site's carbon emissions through on site renewable generation.
- h) Notify Brent 2 Work of forthcoming job and training opportunities associated with the development.
- i) Submission and adherence to a Travel Plan, including the establishment and management of a Car Club
- j) Join and adhere to the Considerate Contractors scheme.
- k) A contribution of £30,000, due on material start, index-linked from the date of committee toward children's play facilities in the local area including and landscaping improvements, including tree planting in the adjoining streets

And to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the section 106 agreement has not been entered into by all relevant parties but if the application is refused for this reason to delegate authority to the Head of Planning, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

EXISTING

This application relates to a 1.1-hectare industrial site located in Honeypot Lane.

The majority of the site area is covered in buildings, mainly a combination of large one- and two-storey industrial/ warehouses with ancillary office accommodation dating from the 1930s and 1950s. The majority of the office accommodation is located in a two-storey building situated along the Honeypot Lane frontage. A service road runs along the front of the office block parallel to Honeypot Lane.

The site provides approximately 9000sqm of floor space of which some 7150 sqm is factory/warehousing. The buildings are predominantly brick with a saw-tooth pitch roof with north lights on the industrial units and flat roofs over the office accommodation.

To the north and north-west of the site, on the other side of Westmoreland Road, is a Morrison's superstore. To the north-east is an industrial premises currently occupied by a vehicle-repair centre. To the south-east is the former Kingsbury Hospital site which has now been redeveloped to provide a healthcare centre, residential units and a nature reserve, identified as a Site of Nature Conservation Protection. The Willows, a residential care home for the elderly, is located next to the site on Honeypot Lane. The opposite side of Honeypot Lane lies within the London Borough of Harrow and is predominantly residential.

PROPOSAL

This application is to extend the planning permission granted in August 2008 for redevelopment of the site for mixed use development with residential units and employment workspace; the scheme proposes a high level of environmental sustainability. No changes are proposed to the approved plans or documents.

A summary of the key aspects of the development:

Redevelopment of the site to provide a mixed-use development of 120 residential units and 1,823 sq m of flexible (Office/light Industrial) B1 space, 5 managed live/work units within 4 blocks, associated access, landscaping and 86 parking spaces.

The development is divided up into four linear blocks labelled A to D. Blocks A, B & D are four storeys high and Block C is 4½ storeys high above ground level with a semi-basement.

Block A is four storeys in height; 25 social housing residential units (comprising 9 x 4-bed, 9 x 3-bed and 7 x 2-bed maisonettes).

Block B is four storeys in height; 38 private residential units (comprising 8 x 3-bed and 8 x 2-bed maisonettes and 22 x 2-bed flats).

Block C is 4½ storeys above ground floor with as a sub-basement; 43 mixed residential and live-work units (comprising 8 x 3-bed, 18 x 2-bed maisonettes, 12 x 2-bed flats and 5 x 1-bed live-work).

Block D contains a mix of residential units (comprising 19 x 2-bed flats) and employment space (1823sqm of Use Class B1 space in 3 x light industrial units totalling 364sqm on ground floor and 1477sqm of flexible office accommodation over the first, second and third floors).

HISTORY

The original application was submitted on 15 May 2008. Members considered this application on 13 August 2008 and resolved to grant permission subject to a section 106 legal agreement. This was signed on 13 August 2008.

POLICY CONSIDERATIONS

National

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

This PPS supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 (PPS3): Housing (2010)

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth (2009)

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). It sets out how planning can help achieve the Government's objective of sustainable economic growth by: improving the economic performance of cities, towns, regions, sub-regions and local areas; reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation; deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change; promote the vitality and viability of town and other centres as important places for communities.

To achieve this, the Government wants: new economic growth and development of main town centre uses to be focused in existing centres; competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres; the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced; raise the quality of life and the environment in rural areas

Planning Policy Guidance 13 (PPG13): Transport (2010)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create

places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Planning Policy Guidance 25 (PPS25): Development and Flood Risk (2010)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

Greater Flexibility for Planning Permissions (2010)

This was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. LPAs are instructed to take a “positive and constructive approach” towards those applications which improve the prospect of sustainable development being taken forward quickly.

Regional

London Plan (2008)

The London Plan, which was adopted in February 2004 and revised in 2006 and February 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London’s growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London’s accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The London Plan sets targets for the provision of new homes and the proportion of affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of wheelchair or easily adaptable units.

The London Plan sets out policies relating to climate change, setting out the Mayor’s energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

Housing – Supplementary Planning Guidance (2005)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision (following draft SPG published for consultation in December 2004) and policies on affordable housing (following draft SPG published for consultation in July 2004). It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site. It emphasises that new developments should make the most effective and appropriate use of the land available, consistent with the principles of Sustainable Residential Quality. The Mayor is concerned that new housing in London should meet the full range of housing needs. The guidance sets out how this must include in particular a higher level of new family housing than is currently being built in London.

Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)

This Planning Guidance seeks to ensure that a high quality environment is provided for all residents with sufficient high quality play and recreation space accessible by children and young people of different ages. Targets are set for the amount and types of play and recreation space based on the child yield of the development and accessibility of the existing and proposed play and recreation facilities.

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

The SPG provides guidance on the way that the seven measures identified in the London Plan 2004 Policy 4B.6 (Policy 4A.3 of the 2008 amendment to the London Plan) can be implemented to meet the London Plan objectives.

The seven objectives are as follows:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

Industrial Capacity SPG (March 2008)

This SPG provides guidance on the implementation of policies relating to industrial capacity in the Mayor's London Plan (Consolidated with Alterations since 2004).

The SPG is focused on the implementation of London Plan Policies 2A.10 and 3B.4 to manage, promote and, where appropriate, protect Strategic Industrial Locations (SILs) as London's main reservoir of industrial capacity to accommodate industry and other activities with similar land use needs (including logistics, waste management, utilities and transport functions). It also provides guidance on the implementation of strategic policy to manage the protection, release or enhancement of industrial sites outside the SILs including Locally Significant Industrial Sites (LSIS) and other industrial sites not categorised as SIL or LSIS.

The approach to the management of industrial capacity set out in this SPG is designed to address the Plan's broader concerns including those to secure efficient and effective use of land, environmental improvement and wider sustainability objectives, especially those to tackle climate change.

The SPG provides guidance to (i) ensure an adequate stock of industrial capacity to meet the future needs and functional requirements of different types of industrial and related uses in different parts of London; and (ii) plan, monitor and manage the release of surplus industrial land so that it can better contribute to strategic and local planning objectives, especially those to provide more housing (including affordable housing) and in appropriate locations provide social infrastructure and contribute to town centre renewal.

Local

Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres

- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

These objectives and most of the following policies replace most of the strategic objectives and strategic policies of the UDP:

- CP 1 Spatial development strategy
- CP 2 Population and housing growth
- CP 3 Commercial Regeneration
- CP 5 Place making
- CP 6 Design & density in place shaping
- CP 16 Infrastructure to support development
- CP 18 Protection and enhancement of open space, sports and biodiversity
- CP 19 Brent strategic climate mitigation and adaptation measures
- CP 20 Strategic industrial locations and locally significant industrial sites
- CP 21 A balanced housing stock

Brent Unitary Development Plan 2004.

The Built Environment

The relevant policies in this respect include Policies BE1 (which requires the submission of an urban design statement), BE2 (townscape: local context and character), BE3 (urban structure: space and movement), BE4 (access for disabled people), BE5 (urban clarity and safety), BE6 and BE7 (public realm: landscape design and streetscape), BE8 (lighting and light pollution), BE9 (architectural quality), BE11 (intensive and mixed use developments), BE12 (sustainable design principles), BE13 (areas of low townscape quality).

Environmental Protection

The relevant policies in this respect include Policies EP2 (noise & vibration), EP3 (local air quality management), EP6 (contaminated land), EP10 (protection of surface water) and EP15 (infrastructure).

Housing

The relevant policies in this respect include Policies H4 (off-site affordable housing), H11 (housing on brownfield sites), H12 (residential quality), H13 and H14 (residential density), H22 (protection of residential amenity).

Transport

The relevant policies in this respect include Policies TRN1 (transport assessment), TRN2 (public transport integration), TRN3 (environmental impact of traffic), TRN4 (measures to make transport impact acceptable), TRN9 (bus priority), TRN10 (walkable environments), TRN11 (the London Cycle Network), TRN12, TRN13 (road safety), TRN16 (the London road network), TRN22-28 (parking), TRN34 (servicing) and TRN35 (transport access for disable people).

Brent Supplementary Planning Guidance

SPG4 – “Design Statements” adopted 2004

Provides guidance on the preparation and content of coherent and comprehensive design statements as required by Policy BE1 of the Adopted UDP.

SPG17 – “Design Guide for New Development” adopted October 2001

Provides comprehensive and detailed design guidance for new development within the Borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG 18 “Employment Development” Adopted October 2001

Provides detailed planning guidance on employment development. The guidance specifically sets out advice relating to buildings and materials; extensions to existing employment premises; waste disposal and recycling; facilities for employees; ancillary office accommodation and flexibility in B1 schemes.

SPG19 – “Sustainable Design, Construction & Pollution Control” adopted April 2003

Provides design and planning guidance on complying with Policy BE12 of the adopted UDP which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally friendly landscape design, sustainable demolition and construction practices and reduction of pollution in the operation of developments.

SPG21 – “Affordable Housing” draft consultation (2003)

This SPG note seeks to ensure that all appropriate new housing developments makes it proper permanent contribution towards alleviating Brent’s affordable housing needs. This SPG note amplifies national guidance, supplements the policies of the UDP and sets out in detail the considerations the Council will apply in determining planning applications.

SPD “Section 106 planning obligations” October 2007

Provision for a standard charge for planning obligation contributions.

Other Council documents

URS Corporation Employment Land Study (February 2009)

URS was commissioned in June 2008 by the London Borough of Brent to assess the quantity, quality and viability of employment land throughout the Borough.

The Employment Land Study (ELS) builds on and compliments the Brent Employment Land Demand Study (ELDS) URS undertook in 2006. The purpose is threefold: (1) providing an extension of the analysis of demand for employment land in the London Borough of Brent (LB Brent) up to 2026 from 2016; (2) a reconciliation of the total supply and demand for employment land based on up-to-date 2007 information; and (3) a qualitative assessment of Strategic and Borough Employment Areas including recommendation on land use change and de/reallocation of sites from or for employment uses.

The ELS is intended to be an addendum to the 2006 EDLS, strengthening its role as evidence base to the LDF process. It aims at complimenting the ELDS with additional qualitative assessment of designated employment land against a robust set of criteria accounting for physical opportunities and constraints, sustainable development, and strategic planning factors. Based on revised projections of employment land demand to 2026, the study also aims at reconciling supply and demand for future employment uses and ultimately at suggesting a portfolio of sites that may either be retained in their current form, need intervention to improve their current conditions, or be reallocated or released to other uses. It also identifies sites that are suitable for accommodating waste and recycling uses.

Site Specific Allocations DPD (2010 – not yet adopted) - Consolidated with Focused Changes since Proposed Submission 2009

In July 2010 the Council adopted its Core Strategy. That document sets out the Council's strategy for sustainable growth to 2026 and beyond. The Site Specific Allocations Development Plan Document (SSA) identifies sites for use and development in line with the Core Strategy.

SUSTAINABILITY ASSESSMENT

No changes are proposed to the sustainability features of the development; for further information on sustainability please see the original committee report (ref 08/1427), available here: <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=93699&st=PL>

CONSULTATION

Local

All those consulted about the original application and all those who commented on the original application were consulted on 3 February 2011. This includes local ward councillors and neighbouring borough of Harrow. A notice was placed in the local paper on 7 February 2011 and a site notice was posted on 7 February 2011.

To date (23 March) two objections have been received, on the following grounds:

- Lack of parking spaces
- Increased traffic congestion
- Increase in crime
- Impact on property prices

The majority of these comments were raised in objection to the original application and were dealt with in detail in the original committee report. On the matter of an increase in crime, there is no evidence to suggest new housing would result in an increase in crime in the area.

The original report can be viewed here:

<http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=93699&st=PL>

External

Thames Water, the neighbouring London Borough of Harrow and Transport for London were consulted on 3 February 2011. The Environment Agency was consulted on 10 March 2011.

Thames Water

It will be the responsibility of the developer to assess the potential impact of the development on the local sewage system and on surface-water drainage and to pay for any necessary remediation and infrastructure improvements.

London Borough of Harrow

No response has been received to date.

Environment Agency

PENDING

Internal

Policy

There is no policy objection to the proposed extension to time limit of planning permission 08/1427. There have been no policy changes that would require an alteration to the permission. The extant permission meets the requirements of emerging SSA17 (which has been through examination in public and is a material consideration). The extant permission meets the allocation requirement for low carbon or zero emission development by providing a 'PassivHaus'

standard development which achieves a 80% reduction in Carbon emissions compared to Part L of Building Regulations. The S106 should remain as with permission 08/1427.

Transportation

There are no changes in policy thus the original comments stand; no new conditions or s.106 obligations are required.

Housing

Housing confirm that a reassessment of the scheme viability and provision of 26% affordable housing by habitable room (20 social rented and 8 intermediate homes) is not necessary for this application and that the need for affordable housing, and particularly larger affordable family homes, remains a pressing one in the borough.

Urban Design

There are no changes in policy thus the original comments stand; no new conditions or s.106 obligations are required.

Landscaping

There are no changes in policy thus the original comments stand; no new conditions or s.106 obligations are required.

REMARKS

1. Introduction

This application is for extension of the time limit on the original permission granted on 13 August 2008. As discussed below, the development proposed in this application for extension has by definition been judged to be acceptable in principle by members. The original committee and supplementary reports can be found on our website (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=93699&st=PL>). The issues discussed in those original reports will not be discussed in this report unless the relevant policies have changed.

2. Background

2.1 Why is development stalled?

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for retail space has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover as the recession eases and liquidity returns to the credit markets.

2.2 Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the

economic downturn so that they can more quickly be implemented when economic conditions improve. Guidance titled '*Greater Flexibility for Planning Permissions: Guidance*' has been published by the Government and this document informs LPAs how to approach these types of applications (Communities and Local Government, revised 2010).

2.3 Procedural matters

The process is referred to as 'extension' for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained; a deed of variation is required in this case to link the original s106 agreement to the new permission. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes (see below).

Communities and Local Government stresses that, although this is not a rubber-stamp exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date" (CLG, 2010: 7-8).

2.4 How Brent should approach such applications

LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly (2010: 7). The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed *significantly* since the original grant of permission" (CLG, 2010: 8, author's emphasis).

3. Policy changes since 13 August 2008

Below is a table of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

<i>Level</i>	<i>Document</i>	<i>Adopted?</i>	<i>Changed since August 2008?</i>
Brent	Unitary Development Plan 2004	2004	Yes, since 27 September 2007 a number of the policies have been deleted. The application is considered against the saved policies
	Supplementary Planning Guidance	Various, none after 2007	No
	Core Strategy	2010	Yes, adopted 2010. See below for more detail
	Site Specific Allocations DPD	Emerging	Yes, see below for more detail
Regional	London Plan (consolidated with alterations since 2004)	February 2008	None
	Regional SPG	All before 2008	No
National	Planning Policy Statement 1 (PPS1): Delivering Sustainable Development	January 2005	No

	Planning Policy Statement 3 (PPS3): Housing	June 2010	Yes, but only in terms of definitions of Previously Developed Land
	Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth	December 2009	Yes, see below for more detail
	Planning Policy Guidance 13 (PPG13): Transport	April 2010	Yes, but only in terms of parking standards and charges
	Planning Policy Statement 25 (PPS25): Development and Flood Risk	December 2006 and March 2010	Yes, see below for more detail.

Although three national policy statements have been revised and one (PPS4) is new, these have not changed significantly the way in which LPAs should consider individual cases. National policy statements explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. Although the guidance is relevant to development management decisions on individual planning applications and appeals, they are also important for plan-making. Local authorities must take their contents into account in preparing their development plan documents. Changes to the national policy framework will be incorporated into Brent's local development framework and development plan documents, a process which is under way.

3.1 National policy changes

In terms of national policy statements, only changes to PPS4 and PPS25 are considered relevant to this application.

3.1.1 PPS4

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). PPS4 places most of its attention on putting retail and town centre development in its wider context, as 'economic development' which provides employment opportunities, generates wealth or produces an economic output or product. It does not contain any revised guidance on Employment Land Reviews nor does it contain any development management policies for assessing the release of sites for alternative uses. It does seek to ensure that local planning authorities adopt an evidence-led approach to the assessment of land or floorspace for economic development and that any reviews of land available for economic development are undertaken at the same time as, or combined with, strategic housing land availability assessments (Policy EC1.3).

It goes on to state in Policy EC2.1 (h) that "local planning authorities should ensure that their development plan, where necessary to safeguard land from other uses, identifies a range of sites to facilitate a broad range of economic development, including mixed use. Existing site allocations should not be carried forward from one version of the development plan to the next without evidence of the need and reasonable prospect of their take up during the plan period. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered".

In this instance the site was identified for de-designation as a borough employment area in the emerging Local Development Framework and specifically the Site Specific Allocation identifies the site as suitable for mixed-use redevelopment whilst retaining a suitable level of employment (see section 3.3.2, below). This is supported by the evidence gathered by the Council in the URS Employment Land Study 2009 and the earlier Employment Land Demand Study 2006, which explained the justifications for redevelopment of this site for mixed-uses (see section 3.3.3, below).

Your officers consider the Core Strategy, Employment Land Study and Site Specific Allocations documents--which advocated de-designation and redevelopment of this site--have been prepared in accordance with PPS4 and therefore your officers do not believe the publishing of PPS4 renders this scheme unacceptable.

3.1.2 PPS25

At the time the application was considered by members, on 13 August 2008, the relevant national guidance on development and flood risk was PPS25; this was revised on 29 March 2010. The changes involve revision of the definitions of floodplains and the application of the policy to essential infrastructure projects.

The applicant has provided the Environment Agency with a Flood Risk Assessment and the Environment Agency have no objection to this proposal.

3.1.3 Summary of national policy changes

The changes to national policy have been generally minor and do not affect this scheme and as such approval is recommended.

3.2 Regional policy changes

No changes.

3.3 Local policy changes

3.3.1 Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2007. The Core Strategy DPD was adopted on July 2010 and in particular the scheme should be tested against the following Core Policies:

- CP 1 Spatial development strategy – replaces STR1, EMP4
- CP 2 Population and housing growth
- CP 3 Commercial Regeneration – replaces STR24, STR26, EMP15
- CP 5 Place making
- CP 6 Design & density in place shaping
- CP 15 Infrastructure to support development – replaces STR19
- CP 18 Protection and enhancement of open space, sports and biodiversity – replaces STR33, STR34, STR35, OS4, OS6, OS7, OS8, OS11, OS22
- CP 19 Brent strategic climate mitigation and adaptation measures
- CP 20 Strategic industrial locations and locally significant industrial sites – replaces STR1, STR23, STR24, STR26, STR28, EMP4, EMP5, EMP7, EMP8, EMP11, EMP12, EMP15
- CP 21 A balanced housing stock – replaces STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27

3.3.2 Site Specific Allocations DPD (2010 – not yet adopted)

This site is identified in the SSA as “Industrial and business office unit occupied by a number of small businesses...” suitable for “mixed use development [in line with the 2008 planning permission] including low carbon or zero emission housing and new light industrial managed affordable workspace. The configuration should use the workspace along the north eastern and north western edge to mitigate any conflict between new residential development and existing employment premises, with family housing generally located along the southern edge. Proposals should include the re-provision of existing business where appropriate. Development must conserve and enhance the adjacent Wildlife Corridor”.

The allocation goes on to identify and discuss the need for a Flood Risk Assessment and requires

applications to be accompanied by a Flood Risk Assessment; it also states that “flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore any assessment must ensure that the most up to date data is used as part of the Flood Risk Assessment.”

The justification for redevelopment is explained as “the industrial building appears to be reaching the limits of modern employment uses. A mixed use development that also delivers modern commercial space will help to safeguard the site for employment uses, as well as delivering environmentally sustainable residential development. Site has planning permission for these uses.”

3.3.3 URS Corporation Employment Land Study (February 2009)

The site is identified within the ELS as a site suitable for re-designation “for employment-led mixed use, B1 units and enabling residential uses” in line with Recommendation 5 in the 2006 LB Brent ELDS which suggests encouraging provision of premises for SMEs and start-up businesses, highlighting the risk that their specific demand will not be met by major office schemes at Wembley and Park Royal.

3.3.4 Summary of local policy changes

As is shown, in general the Core Policies replace Strategic policies in Part One and some Part Two policies of the Unitary Development Plan adopted 2004; therefore the scheme has in effect already been tested against the Core Policies and officers and members have found it to be compliant. In addition the Site Specific Allocations document (see below) has been developed to follow the Core Strategy policies and the 2008 application has been adopted as the template for acceptable development on this site in that document. Furthermore your policy officers have confirmed that there have been no policy changes that would require an alteration to the permission. As such your officers recommend approval of this application to extend the time limit.

4. Substantial physical changes to the area since 13 August 2008

No changes have occurred along the boundaries of the site and no applications to make changes in the future have been received. The London Borough of Harrow have not raised additional concerns from any changes to their side of the borough boundary.

5. Changes to the scheme

No changes to the scheme considered and approved by members at committee in August 2008 are proposed.

6. Changes to the planning permission

To reflect the changes in policy described above, the following changes are made to the decision notice:

1. Update ‘Summary reasons for approval’
2. Amend original condition 16 to list approved plans
3. Minor changes to clarify conditions timings and triggers
4. Re-number conditions to follow new standard of listing restrictive conditions first

And the S106 agreement will be subject to a deed of variation to reflect the new planning permission which would be issued if members approve.

7. Objections

As discussed in the *Consultation* section, above, most of the objections raised have been addressed in the original committee report and supplementary report (which can be viewed on our website for this case: web link is

<http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=93699&st=PL>) and given due weight and consideration by members before planning permission was granted. As such there is no new reason why permission should not be granted.

8. Conclusion

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. No significant policy changes have occurred with the exception of the adoption of the Core Strategy but the scheme is deemed to comply with the relevant policies within that document.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached weight to the Government's guidance on how to approach these applications.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Central Government Guidance
Greater Flexibility for Planning Permissions (2010)
The London Plan 2004, save for the policies requiring 50% affordable housing.
Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010
Brent's Site Specific Allocations DPD (not adopted)
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of sustainability, protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs
Waste: in terms of the development of waste management facilities
Design and Regeneration: in terms of guiding new development and extensions.

CONDITIONS/REASONS:

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

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

(2) Prior to first occupation of any part of the development hereby approved, no goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the completed streets.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site.

- (3) During demolition and construction on site:
- (i) the best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - (ii) vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
 - (iii) no waste or other material shall be burnt on the application site;
 - (iv) a suitable and efficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material, so as to prevent it becoming airborne at any time and giving rise to nuisance.

Reason: To protect the amenity of the occupiers of adjoining premises.

- (4) All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s). Parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m and lorry spaces with minimum dimensions 15m x 3.5m.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and along the neighbouring highway.

- (5) Notwithstanding the provisions of Schedule 2, Part 1 (Class H), Part 24 and Part 25 (Classes A to B) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no development by telecommunications-code systems operators carried out on the building(s) hereby approved, in the form of telecommunications, satellite antenna installation development shall be carried out, unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent installations that are prejudicial to the visual amenity.

- (6) During demolition and construction on site:-
- (i) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
 - (ii) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of noise and disturbance.

- (7) The development hereby permitted shall be carried out and be fully completed in all

respects in accordance with the following approved drawing(s) and/or document(s) and details subsequently approved:

0654 EX(00)001 P2, 101 P1, 102 P1, 201 P1
0654 GA (00) 000 P1, 001 P6, 002 P4, 003 P5, 004 P5, 005 P5, 006 P1, 0101 P3,
102 P2, 103 P1, 104 P1, 105 P1, 106 P1, 107 P2, 108 P1, 109 P1, 010 P1011 P1
L90-200 F
70421-07 & 70421-08

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure that the regeneration benefits of the development are fully realised and to avoid any detriment to amenities by any work remaining incomplete.

- (8) Details of the roof plan, showing the areas of the proposed solar thermal and photovoltaic panels, shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of works and shall be installed prior to the commencement of the appropriate part of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (9) The remainder of the undeveloped land within the curtilage of the site shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on the site; such landscaping work shall be completed prior to occupation of the building(s) or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved scheme shall be fully implemented during the first available planting season following completion of the development hereby approved and any trees or shrubs which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced with others of the same species and size and in the same locations unless otherwise agreed in writing with the local planning authority.

Such a scheme shall also indicate:-

- (i) any moundings and contours;
- (ii) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (iii) details of the proposed arrangements for maintenance of the landscaping

In the event that no scheme is submitted and approved prior to commencement of demolition/construction works, the Local Planning Authority shall be empowered to prepare a scheme which shall be forwarded to the applicant or any subsequent occupier of the site, and such scheme shall be implemented as required above.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (10) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the

development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall comprise:-

- (i) elevations of buildings showing location of advertising signage
- (ii) method of supplying digital TV cabling to all residential units;
- (iii) the provision and safeguarding of dedicated parking spaces for car-club use;
- (iv) the design of the means of vehicular and pedestrian access to and movement within the site;
- (v) the finished levels of all buildings, roads (indicating gradients), landscape works and boundaries relative to adjoining properties;
- (vi) the use and treatment (including drainage) of all open areas of the site;
- (vii) controls at pedestrian and vehicular entry points to provide safe and secure access;
- (viii) the provisions for loading, unloading and parking of service vehicles;
- (ix) the proposed boundary treatment including all fences, walls and gateways;
- (x) the provision of refuse and waste storage and disposal facilities;
- (xi) the provision of lighting to ensure safety and convenience on roads, footpaths and accesses to buildings;
- (xii) the provision of separate waste storage for the business part of the development, with allowance for segregated waste streams to meet the Landfill Allowance Trading Scheme allowances for the Borough. Commercial waste can not be mixed in with domestic waste;
- (xiii) details of surface treatment through the shared landscaped streets identifying vehicle access routes

Reason: These details are required to ensure a satisfactory development is achieved.

- (11) No development shall commence until further details of the proposed development have first been submitted to and approved in writing by the Local Planning Authority which list and detail the actions and works to be carried out, together with their timetable for implementation, to address the following issues which include the impact study and details of mitigation measures. The development shall thereafter only be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

The details in particular relate to:

- (i) Noise level and its mitigation during construction/demolition phase and operational phase;
- (ii) Water quality and resources mitigation measures during construction/demolition and operational phase;
- (iii) Ecology and Nature Conservation mitigation measures during construction/demolition and operational phase;
- (iv) Socio-Economic mitigation measures during construction/demolition and operational phase

Reason: To ensure a satisfactory form of development.

- (12) Details of adequate arrangements for the storage and disposal of refuse, food waste and paper and cardboard waste including litter bins inside and outside the premises shall be submitted to and approved, in writing, by the Local Planning Authority and shall be installed as approved prior to the commencement of the appropriate part of the development hereby approved.

A waste-management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and implemented thereafter.

Reason: To protect the amenities of the locality and in the interests of hygiene.

- (13) The development shall not be commenced until:
- (i) a site investigation (in accordance with a scheme to be agreed in writing by the Local Planning Authority and carried out by a person approved by the Local Planning Authority) has been carried out to determine the nature and extent of any contamination present and the results of such investigation together with recommended measures to contain, treat or remove any contamination found have been submitted to the local planning authority;
 - (ii) the local authority have approved in writing remediation measures to be taken to contain, treat or remove any remediation found or to avoid risk to the public when the site is developed (or have confirmed in writing that no remediation measures are required); and
 - (iii) the remediation measures (if any) approved by the Local Planning Authority have been implemented and a completion report and certification of completion by the person approved by the Local Planning Authority has been submitted stating that remediation has been carried out in accordance with the approved remediation scheme and the development can be implemented.

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

- (14) A fixed wheel-washing facility shall be provided before commencement and be operational during development, the location and details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the environment.

- (15) Before any demolition works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority, specifying the access and egress points to and from the site and routes for demolition and construction traffic, the parts of the site used for site huts, storage of materials and plant.

Reason: In the interests of local amenity.

- (16) Notwithstanding the submitted details of this application, development shall not commence until details of surface-water drainage systems have been submitted to and approved in writing by the Local Planning Authority. These agreed details shall be fully implemented. The design shall be in accordance with current Government policy and guidance and satisfy statutory obligations in consultation with the Environment Agency and Thames Water. Existing run-off rates and volume shall be reduced, given the nature of the development and the local ground conditions.

Reason: In order to prevent flooding to properties and as required by Thames Water.

- (17) Notwithstanding the plans hereby approved, parking management plans shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the occupation of the development and shall be implemented during the lifetime of the development unless otherwise agreed in writing by the Local

Planning Authority.

Reason: To ensure that the parking spaces and the arrangement for both commercial and residential development would benefit the end users and to minimise any impact or overspill of residential parking on the nearby streets.

- (18) Notwithstanding the plans submitted and hereby approved, further amendments shall be submitted to and approved in writing by the Local Planning Authority to show:
- (i) the internal landscaping at the points of vehicular access and egress to the site to accommodate a realignment of the parking provision within the shared amenity space. This will be accompanied by an appropriate management strategy to distinguish between parking for wheelchair users and non-wheelchair users;
 - (ii) further amendments to the site layout providing an adequate margin of at least 300mm width between the internal streets and Block B

Such approval shall be obtained prior to commencement of any works and such amendments shall be carried out in accordance with the proposals hereby approved.

Reason: To limit vehicular movement within the site and to ensure a satisfactory layout and protect the amenities of residents.

- (19) Development shall not commence until a drainage strategy detailing any on and /or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Committee Report and Supplementary Information - 13 August 2008 Item 1/07 (Case no. 08/1427) which can be viewed on our website (<http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=93699&st=PL>).

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Alpine House, Honeypot Lane, London, NW9 9RU

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