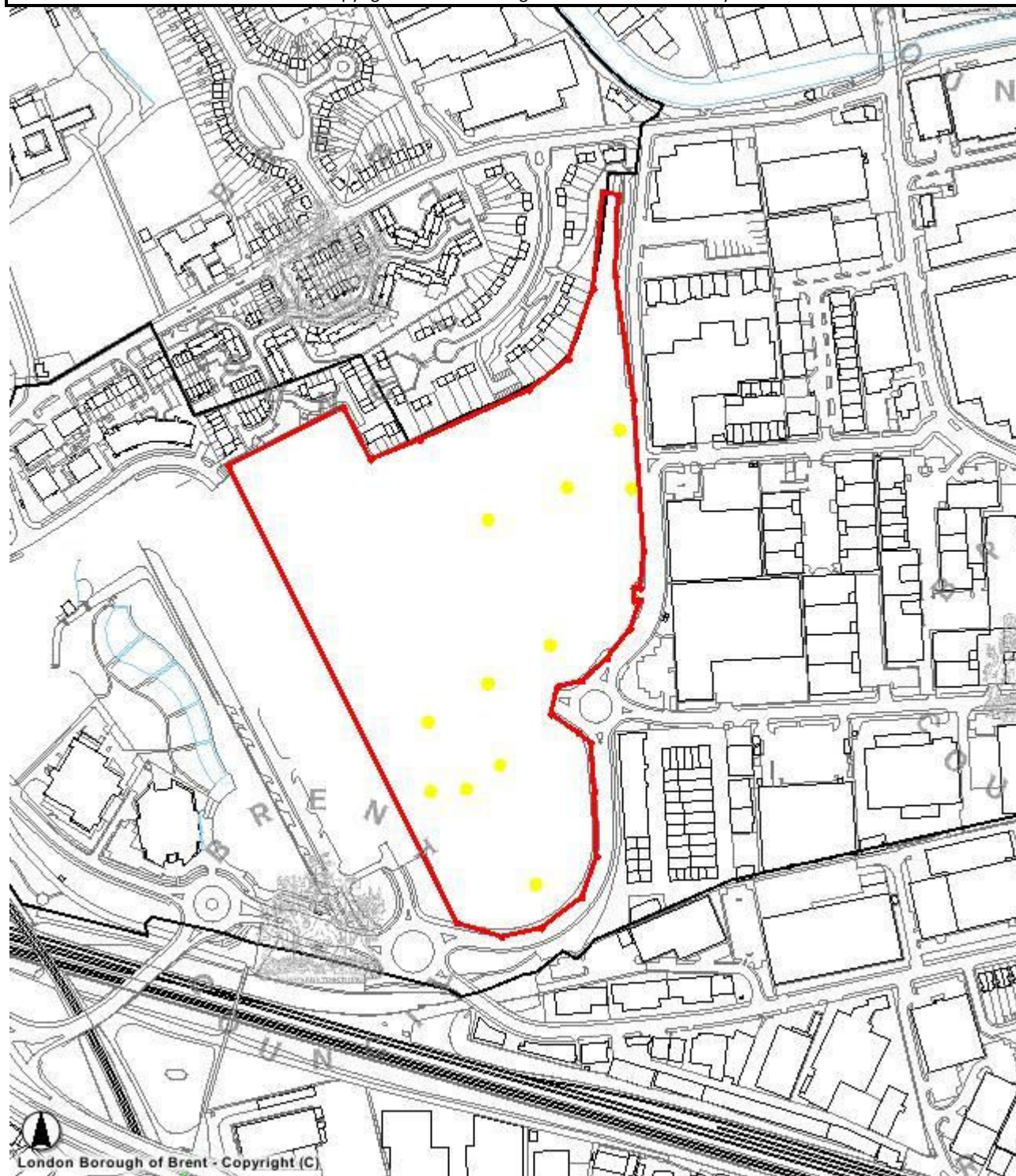


	Planning Committee Map
Site address: Former Guinness Brewery Site, Rainsford Road, Park Royal, NW10	
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London Borough of Brent - Copyright (C)
This map is indicative only.

RECEIVED: 22 December, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Former Guinness Brewery Site, Rainsford Road, Park Royal, NW10

PROPOSAL: Extension to time limit of full planning permission 07/1293 dated 24/01/08 for the erection of 8 buildings providing 49,797m² of B1(c), B2 and B8 floor space and including a cafe, gatehouse, creation of new vehicular and pedestrian access points, 332 car-parking spaces, servicing, landscaping, the creation of a pocket park, installation of CCTV security cameras and provision of external lighting, and subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

APPLICANT: Brixton (Origin) Limited

CONTACT: Drivers Jonas Deloitte

PLAN NO'S:

(See Condition 2 for the approved plans/documents)

RECOMMENDATION

Grant consent subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area 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) *contribution of £800,000, index-linked from the date of agreement, with 50% due on Material Start and 50% due 6 months after Material Start, based upon £750,000 for Sustainable Transportation in the local area, including but not limited to Fast Bus, pedestrian and cycling routes to and from the development to local bus and tube services; £50,000 towards local landscaping and environmental improvements including but not limited to 10,000 'Trees for Park Royal' project.*
- (c) *Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score and BREEM Excellent rating is achieved, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.*
- (d) *A minimum 10% on site renewable generation, unless it is proven to the Council's satisfaction that it is not practically feasible to do so on-site. To achieve 25% improvement on the 2010 Building Regulations Carbon Dioxide Target Emission Rates, this to be demonstrated through the submission of a revised Energy Strategy to be submitted to the Council. Acceptable evidence for which must be submitted before Material Start and post construction validation of this. Where it is clearly demonstrated that this cannot be achieved on-site, any shortfall may be provided off-site or through an in-lieu contribution to secure the delivery of carbon dioxide savings elsewhere in the Borough.*
- (e) *Notify Brent 2 Work of forthcoming job and training opportunities associated with the development.*

- (f) *Submission and approval in writing of a Framework Travel Plan and to fully implement the Framework Travel Plan approved by the Council, (or as amended by agreement of the Council and the Owner in writing) on first occupation of any of the units.*
- (g) *he provision of park land - shown on plan number 10514/TP/002, revE as 'Pocket Park', to be open to the public not less than 350 days a year, during daylight hours, maintained at the owners expense.*

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

This 9.72 Hectare site forms part of Guinness's former Park Royal Brewery and forms part of the PR1 Guinness Brewery Site Specific Allocation. It is bounded to the east by Rainsford Road, the remnants of a former railway siding and Cumberland Business Park; to the south by Coronation Road and beyond that the Central Line; to the west by the First Central Office Park development site; and to the north by residential properties in the London Borough of Ealing.

The site has been cleared of all buildings and is surrounded by hoardings.

PROPOSAL

This application seeks to extend the time limit of full planning permission **07/1293** dated 24/01/08 for the redevelopment of the site, permitting the erection of 8 buildings providing 49,797m² of B1(c), B2 and B8 floor space and including a cafe, gatehouse, creation of new vehicular and pedestrian access points, 332 car-parking spaces, servicing, landscaping, the creation of a pocket park, installation of CCTV security cameras and provision of external lighting. This was subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

If granted this would allow a further three years from the date of permission for the implementation of the consent.

HISTORY

Formerly the Guinness Park Royal Brewery, brewing ceased in 2005 and the site has now been cleared. There are numerous historical planning and building control records relating to operational development carried out while the brewery was still in use.

In July 1999 outline planning permission was granted for a mixed-use development of the whole of the 22.18-hectare Guinness site comprising the existing brewery, playing fields, laboratories, head office buildings and other ancillary development. The proposal included the retention of the brewery and the development of 116,100m² of offices (Use Class B1); 61 residential units; an underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking and the creation of new access roads. There have been a number of applications since for reserved matters and for details pursuant to various conditions imposed upon the outline planning permission. Further reserved matters applications for later phases of the development have been approved.

In September 2006 consent was granted for a variation to the details for the alignment of the proposed Rainsford Link Road which will run down the eastern side of the former Guinness site.

As referred to above, application 10/3221 has recently come forward for the development of the remainder of undeveloped land within the First Central site. Brent's Planning Committee has resolved to grant permission to this application subject to referral to the Mayor and completion of a s106 agreement.

07/1293 – Granted

Erection of 8 buildings providing 49,797m² of B1(c), B2 and B8 floor space and including a cafe, gatehouse, creation of new vehicular and pedestrian access points, 332 car-parking spaces, servicing, landscaping, the creation of a pocket park, installation of CCTV security cameras and provision of external lighting and subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

10/3221 – Resolution to grant subject to completion s106 agreement & Stage 2 Mayoral response

Outline planning application for:

- a) The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- b) the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and
- c) the provision of 2 play areas and a Multi Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and
- d) the provision of an energy centre on land east of Lakeside Drive.

Matters to be approved: access, layout and scale with appearance and landscaping reserved.
(N.B. this relates to the adjoining site to the west often referred to as First Central)

POLICY CONSIDERATIONS

National Policy Context

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

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

Planning Policy Guidance 13: Transport

Planning Policy Statement 25: Development & Flood Risk

Regional Policy Context

The London Plan Spatial Development Strategy for Greater London (July 2011)

The following London Plan Policies are considered to be particularly relevant to this application:

2.13; Opportunity Areas & Intensification Areas

2.17; Strategic Industrial Locations: - The Mayor will, and boroughs and other stakeholders should, promote, manage and where appropriate, protect the strategic industrial locations.

4.1; Developing London's Economy: - Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.

4.4: Managing Industrial Land & Premises

5.1; Climate Change Mitigation.

5.2 Minimising Carbon Dioxide Emissions: - Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.

5.3; Sustainable Design & Construction:

5.7; Renewable Energy:

5.11: Green Roofs & Development Site Environs

5.12; - Flood Risk Management

5.13; - Sustainable Drainage

5.21; - Contaminated Land

6.3; - Assessing Effects of Development on Transport Capacity

- 6.5; - *Funding Crossrail & Other Strategically Important Transport Infrastructure*
- 6.9; - *Cycling*
- 6.13; - *Parking*
- 7.5; - *Public Realm*
- 7.14; - *Improving Air Quality*
- 7.15; - *Reducing Noise & Enhancing Soundscapes*
- 7.21; - *Trees & Woodlands*

Sub-Regional Context

Park Royal Opportunity Area Framework (OAPF) – This is a non-statutory planning framework document issued by the Mayor of London as Park Royal has been identified as an opportunity area within the London Plan. Although non-statutory this is considered to be a material consideration to a development of this size.

Local Policy Context

Brent UDP 2004

- BE2** *Townscape: Local Context & Character*
- BE3** *Urban Structure: Space & Movement*
- BE4** *Access for Disabled People*
- BE5** *Urban Clarity & Safety*
- BE6** *Public Realm: Landscape Design*
- BE7** *Public Realm: Streetscape*
- BE8** *Lighting & Light Pollution*

- BE9** *Architectural Quality*
- BE12** *Sustainable Design Principles*
- BE13** *Areas of Low Townscape or Public Realm Quality*
- BE33** *Tree Preservation Orders*

- EP2** *Noise & Vibration*
- EP3** *Local Air Quality Management*
- EP6** *Contaminated Land*
- EP12** *Flood Prevention*

- TRN1** *Transport Assessment*
- TRN2** *Public Transport Integration*
- TRN3** *Environmental Impact of Traffic*
- TRN4** *Measures to Make Transport Impact Acceptable*
- TRN10** *Walkable Environments*
- TRN11** *The London Cycle Network*
- TRN22** *Parking Standards Non-Residential Development*
- TRN31** *Design and Land Take of Car Parks*
- TRN34** *Servicing in New Development*
- TRN35** *Transport Access for Disabled People*
- PS6** *Parking Standard*
- PS16** *Cycle Parking Standards*
- PS19** *Servicing Standards*
- EMP5** *Designation of Strategic Employment Areas*
- EMP8** *Protection of Strategic Employment Areas*
- EMP10** *The Environmental Impact of Employment Development*
- EMP11** *Regeneration of Employment Areas*
- EMP12** *Public Realm Enhancements in Employment Areas*
- EMP18** *General Industrial Developments*
- EMP19** *Warehouse Developments*

- PR1** *Major Developments in Park Royal*

PR3 *Public Realm Improvements in Park Royal*

LDF Brent Core Strategy 2010

CP3 *Commercial Regeneration*

CP12 *Park Royal*

CP14 *Public Transport Improvements*

CP15 *Infrastructure to Support Development*

CP19 *Brent Strategic Climate Change Mitigation & Adaptation Measures*

CP20 *Strategic Industrial Locations*

Brent DPD Site Specific Allocations PR1;-

This allocation supports industrial and warehousing development. Regard is to be had to the business park development occurring to the west. Development proposal should have regard for the possible Fast Bus route through Park Royal and provide east/west cycle route and pathway at the north of the site. Proposals should seek to conserve and enhance the adjacent Nature Conservation designation.

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

SPG 17 sets out the Councils minimum design standards to ensure that development does not prejudice the amenities of the occupiers of neighbouring properties or the occupiers of the application site.

Supplementary Planning Guidance (SPG) 18 - "Employment Development".

SPG 18 sets out design guidance for employment uses to ensure that the proposed development does not prejudice against the employment land and to minimise impact to the nearby residential uses.

Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

SPG 19 complements existing design and planning guidance on urban design, transportation, economic and community issues. It focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants.

Guinness Brewery Supplementary Planning Document & Planning Position Statement -

This seeks to secure the prompt redevelopment of the former Guinness Brewery site for employment related uses.

Supplementary Planning Document – "Section 106 Planning Obligations"

Main Considerations;

- (a) Principle of use
- (b) Employment and regeneration benefit
- (c) Layout and visual impact
- (d) Scale and quantum of development
- (e) Impact on transport network
- (f) Sustainability credentials and climate change mitigation
- (g) Environmental impacts of development
- (h) Impact on surrounding users

SUSTAINABILITY ASSESSMENT

See 'Remarks' section and the paragraph titled '*Energy strategy*' for discussion on the sustainability credentials.

Sustainability measures including compliance with Brent's TP6 Sustainability Checklist, achieving BREEAM 'Excellent', delivering on-site renewables and reducing carbon dioxide emissions 25% above Building Regulations Target Emission Rates will be secured as Heads of Terms in the revised s106 legal agreement. A revised Energy Strategy demonstrating carbon dioxide reductions will need to be submitted to and approved in writing by the Local Planning Authority.

CONSULTATION

Date site notices erected: 31 January 2011

Advertised in the press on 13 January 2011

Public

447 letters were sent to adjoining residences and nearby businesses on 18 Jan and 4 Feb 2011. This included some 209 properties in the adjoining London Borough of Ealing.

Five individual letters of objection were received raising the following grounds for objection;-

1. The proposed development will cause noise and light pollution to residents of Abbeyfields Close. This will be caused by vehicular noise, noise generated by the operation of machinery, human noise and the installation of floodlighting.
2. This is the only green space in the area, with many native trees.
3. This will worsen traffic conditions.
4. The area will become overdeveloped.
5. The development will result in increased areas of tarmac and concrete on land immediately uphill from Rainsford Ct, posing greater risk of flooding during heavy rainfall.

Comments have been received from Lamberts Chartered Surveyors, who act in capacity of managing agents to Abbeyfields Management Limited, the freeholders of 1-202 Abbeyfields Close, Park Royal. Situated within the London Borough of Ealing.

Observations have been submitted on two main issues;-

1. **Noise Pollution**;- Residents are concerned that that an industrial warehouse and/or distribution centre will result in noise that may adversely affect Abbeyfields Close residents. This noise may for example arise from vehicular movement, opening and closing of shutter doors and beeping of reversing lorries. It is requested that appropriate sound proofing measures be secured. Another suggestion is that there ought to be a time limit condition restricting the movement of vehicles onto and around the site.
2. **Light Pollution**;- Residents are concerned about the potential erection of floodlighting, that may cause light pollution to Abbeyfields Close residents.

Many of the above grounds of objection were considered and dealt with when granting the previous planning permission.

Ward Councillors consulted (no responses received).

Statutory Consultees

London Borough of Ealing;- No objection raised.

The Greater London Authority (GLA) and Transport for London;-

The application was referable under Category 1B, 2C and 3F of the Schedule to the Order 2008. Having assessed the application to extend to the time limits of the previous permission the GLA advises that this does not raise any new strategic planning issues that were not previously dealt with.

The GLA is supportive of the scheme and it complies with the London Plan.

It is confirmed that the GLA does not need to be consulted further on this application.

Environment Agency;-

Initially raised **objection** to the proposal after a lengthy period of negotiations, and following the submission of a revised information the EA have since confirmed by letter dated 26 October 2011 this latest set of changes to the FRA addresses their concerns and their objection is removed (subject to recommended conditions being attached to any grant of permission).

Park Royal Partnership;-

No response received.

Thames Water;-

No response received.

Internal

Landscape Design:

No objection to development is raised, although conditions are requested. One of these is to secure further details of a comprehensive landscaping scheme. As the original consent has a condition (No.5) requiring the submission and approval of a detailed landscaping scheme including boundary treatments the same condition will apply to any extension of time permission. To satisfy this condition details of all new tree planting shall be submitted.

Highways & Transport Delivery:

Since the original planning consent was granted in 2008 major alterations have been made to the local road network, with Rainsford Road having been extended southwards to link Coronation Road and Cumberland Avenue via new full-sized roundabouts (the second of which provides an arm into this site).

A total of 335 car parking spaces (incl. 38 disabled) and 50 bicycle stands are proposed within the site, accessed via new spine roads of 8m (min) width with 2m footways. Full-sized loading bays are proposed for the larger units, with 8-10m bays for the smaller units.

The main access will be via a fourth 18m-wide arm from the roundabout at the junction of Cumberland Avenue and Rainsford Road, with a gatehouse set 18m from the highway boundary. A secondary gated vehicular access (no egress) is also proposed onto the service road for Units 24-32, from Rainsford Road at a position 80m north of the main access, whilst Units 13-16 at the northern end of the site are accessed solely via a separate 12m wide crossover from Rainsford Road.

This part of Park Royal is located within a free CPZ with un-restricted on-street parking bays available near to the site.

Public transport accessibility to the site is currently low-moderate (PTAL 1-2), with Park Royal station (Piccadilly line) within 960m (12mins walk) of the southern half of the site, and five bus routes within 640m (8mins walk) of the site.

The size and scale of the development triggers the need for a Transport Assessment (TA), and one has been prepared by Waterman Engineers.

Site layout;-

Car parking allowances for employment uses are set out in PS6, of the adopted UDP 2004. Accordingly a relaxed allowance of 1 space per 150m² applies to the site. As such, up to 331 car parking spaces would be permitted, and the provision of 298 standard width spaces would meet standards.

To ensure that excessive parking does not occur in practice, it would be beneficial to provide additional soft landscaping within redundant areas of the service yards and car parks (such as in front of Units 8a, 8b, 10 and 25-31). To secure this a condition is recommended requiring the submission and approval of additional soft landscaping.

UDP standard PS15 requires at least 5% of all spaces to be widened and marked for disabled persons, the provision of 38 such spaces more than satisfies the requirement. The proposed provision of cycle parking facilities would satisfy standard PS16.

UDP standard PS19 requires units of over 280m² to be provided with full-size loading bays (at least 2 in the case of units over 2000m²), with smaller units requiring 8m loading bays. The requirement is met by all the larger units, but the layout causes problems for some of the smaller units. In particular Units 13 and 14 cannot accommodate full-size delivery vehicles whilst any deliveries by full-size vehicles to Units 24, 25, 31 and 32 would be likely to obstruct access to the adjoining units.

In the case of the latter there is at least a shared loading bay shown within the service yard for Units 24-32, which is an acceptable compromise.

The proposed layout of the access roads is fine, tracking runs have been produced to show access to all units by suitable vehicles.

It is commented that the gates at the access to Units 13-16 and 24-32, from Rainsford Road are set at the highway boundary, leading to vehicles waiting on the highway whilst they are opened and closed. A condition is recommended requiring them to be kept open throughout normal business hours, to minimise disruption.

Transport impact:-

Since the granting of planning permission in 2008 there are two further factors that need to be considered in relation to this extension of time application.

The first being that since the 2007 assessment, Rainsford Road has been extended to link Coronation Road with Whitby Avenue, allowing actual flows to be recorded rather than estimated. A comparison of the two reveals that the original estimates were reasonably accurate, the only difference being that during the evening peak hour, almost 30% less traffic uses the link than was forecast.

This link has also had the effect of reducing traffic flows through the problematic Abbey Road/Cumberland Avenue roundabout junction. To quantify this revised flows have been obtained through another development proposal in the Park Royal area. This shows that there would be a redistribution of flows, which in turn will allow the junction to operate within capacity, and so the impact of the development on the roundabout junction is no longer of concern.

The site roundabout junction has also been retested and found to operate within capacity.

The second factor that needs to be taken into account is the revised application for the First Central development (ref; 10/3221). Despite potential problems being identified on junctions with the A40 the traffic impact of this development is considered acceptable insofar as it affects roads within the remit of Brent Council, particularly in light of the redistribution of traffic flows resulting from the opening of Rainsford Road link and the amendments to the First Central development proposals.

The s106 legal agreement once again will need to secure a financial contribution of £750,000 towards non-car access improvements and a Travel Plan will need to be approved for the site (this was not secured previously).

Recommendation;-

No objections subject to the renewal of the s106 agreement, plus conditions requiring (i) a minor alteration to the parking layouts to incorporate additional soft landscaping to ensure parking is restricted to the marked spaces only; and (ii) that gates to Units 13-16 to remain open throughout normal business hours.

Environmental Health;-

No objections to the extension of time application

A condition is recommended, this relates to validation of any soil imported, including the 'pocket park'.

REMARKS

Site location

The site is located in Park Royal, London's largest industrial and Business Park. Approximately 40% of the Park Royal estate is within Brent, 50% in Ealing and 10% in Hammersmith and Fulham. The site is designated as Strategic Industrial Land and is also subject to a Major Opportunity Site designation; PR1 – *Former Guinness Brewery site in the LDF Core Strategy Site Specific Allocations (DPD)* in the Brent LDF Core Strategy, and is identified as within an Opportunity Area in the London Plan (2011). Additionally, Park Royal Partnership (including LB Brent representation) has produced a 10 year Regeneration Strategy it sets out the local regeneration strategy context, and particularly outlines the importance of quality development at gateway locations in Park Royal.

Employment benefit

The site is located within designated Strategic Industrial Land and therefore the proposed mix of B1(c), B2 and B8 uses complies with Council policy and the 2011 London Plan. The Former Guinness Brewery Combined Supplementary Planning Document & Planning Position Statement adopted 12 December 2005 set out a range of uses that might be considered acceptable within the former Guinness site. These included industrial, storage and distribution uses, but also went further setting out a more aspirational approach to the sites potential including the option for an education or health led redevelopment.

Due to its size and potential for job generation this scheme would deliver significant economic and employment benefits to the Borough.

The new Rainsford Road Link road, Cumberland Avenue Roundabout and the realignment of the existing Rainsford Road, along with a new bus lane have been delivered since the previous grant of planning permission. These road works were originally agreed as part of the First Central Redevelopment.

Extension of Time Proposal

This application seeks to extend the time limits for the implementation of the development that was approved through planning consent reference 07/1293 on 24 January 2008. The development proposed for extension, has by definition been judged to be acceptable to the Council. The original delegated report can be found on our website; - (<https://forms.brent.gov.uk/servlet/ep.ext?extId=101150&reference=89551&st=PL>)

The issues discussed within the original report will not be discussed again, unless the relevant policies have changed.

Background

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.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued.

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 to 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).

Procedural matter

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 new S106 is required in this case to reflect the new sustainability requirements. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes (see below).

The Department for 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).

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).

The principle of development is accepted and consideration of such applications must focus solely on the changes in policy or guidance that have come into force since the previous application was approved that would affect the proposal.

Policy changes since the previous grant of permission

A number of new plans and guidance documents have been adopted, such as:-

- LDF Core Strategy 2010,
- The London Plan 2011
- LDF Site Specific Allocations DPD 2011,
- Planning Policy Statement 4; Planning for Sustainable Economic Growth*
- Planning Policy Statement 25; Flood Risk*

At the time the application was considered and determined previously, 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 an updated Flood Risk Assessment and the Environment Agency have no objection to this proposal (subject to the imposition of conditions - see discussion below).

In your officer's opinion, the primary issues to be considered within this application relate to:

- a) The Mayor's energy hierarchy (discussed within the 'energy strategy' section of this report).
- b) The risk of flooding and proposed mitigation measures (discussed below).

Energy Strategy

The previous grant of permission secured the following sustainability measures, through the s106 legal agreement;

- Submission of and compliance with TP6 sustainability checklist ensuring a minimum score of 50% is achieved.
- To achieve BREEAM 'Excellent' rating
- Provide 10% on site renewable energy generation

Since the previous grant of permission London Plan energy policies have been revised, and there are more stringent requirements for large developments to minimise carbon dioxide emissions. To satisfy London Plan Policy 5.2 ***“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy”***:

1. ***Be lean: use less energy***
2. ***Be clean: supply energy efficiently***
3. ***Be green; use renewable energy***

London Plan Policy 5.2 also states that major developments should meet targets for carbon dioxide emissions reduction. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations. For non-domestic buildings a 25% improvement on the 2010 building regulations should be achieved.

A clause within the s106 legal agreement will ensure compliance with this.

Major developments should further reduce carbon dioxide emissions through the use of on-site renewable technologies. Previous policies required that 10% of the sites carbon dioxide emissions be off-set through the use of renewable technologies, the London Plan increased this to 20%, this occurred after the previous grant of permission. Now the 2011 London Plan no longer sets a minimum proportion but still requires major developments to ***“provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible”*** (Policy 5.7).

In support of this extension of time application an updated Energy Strategy has been prepared by Watkins Payne. This strategy has been prepared in accordance with planning policy set out in 2011 London Plan, Brent's Core Strategy and planning guidance set out in Planning Policy Statement: Renewable Energy.

The Strategy adopts a hierarchical approach of using passive and low energy design technologies to reduce the baseline energy demand. The analysis shows that by incorporating passive and low energy design measures (the lean scheme) there is a reduction of 10.5% in the developments annual regulated CO₂ baseline emissions over the 2010 baseline carbon emissions.

The renewable energy strategy is to utilise solar thermal panels, plus 760m² of pv arrays positioned on the main roof of the buildings. These measures combined are expected to deliver a 5% reduction in annual CO₂ emissions (be lean).

The combined measures have been shown to achieve a 45% reduction in annual CO₂ emissions over the previous Building Regulation Part L2A. However London Plan Policy 5.2 (adopted July 2011) requires improvements on carbon dioxide emissions to be based on baseline 2010 Building

Regulations Target Emission Rates. Therefore a revised energy strategy will need to be submitted for approval demonstrating compliance with policy, and this will form an obligation within the updated s106 legal agreement.

Aside from proposed changes to the energy efficiency measures the scheme remains as approved previously and these changes have no effect on the layout or quantum of development.

Flood Risk

The Environment Agency initially raised objection in the absence of an acceptable Flood Risk Assessment (FRA), which failed to comply with the requirements of Planning Policy Statement 25 (PPS25). The basis for this objection (Feb 2011) was that (i) the FRA fails to be supported by appropriate information to demonstrate Sustainable Drainage Systems (SUDS) have been maximised on site (ii) the FRA fails to demonstrate that the proposed development layout and surface water systems can cope with storm events, and (iii) take the impacts of climate change into account.

In March 2011 the EA provided an updated response which confirms their objection still stood, this requested further information in relation to SUDS and storage volume/run-off calculations in the event of a storm.

Following the submission of further information the EA responded on 10 June 2011, still raising objections. Having been satisfied on the surface water storage they removed this part of their objection, but still maintained an objection on the basis that SUDS have not been utilised, nor has their non-inclusion been fully justified.

A further response from the EA, dated 6 July 2011 confirms that having reviewed the revised drainage scheme the EA maintains its objection.

The latest response from the EA, dated 26 October 2011 confirms they are satisfied with the principles for the revised drainage scheme (drg SS/015190-46 P7), and are able to remove their objection.

The proposed development will only be acceptable to the EA if the following measures, as detailed in the FRA, Windes Quickstorage Estimates (submitted in email dated 17 May 2011) and drawing SS015190-46-P7 submitted on 20 October 2011 are implemented and secured by way of a planning condition on any extension of time consent. Officer's recommend this through condition, which did not form part of the previous consent.

Comments on objections received

Noise pollution;-

This issue was considered in the previous grant of planning permission, which was supported by an Environmental Noise Assessment, prepared by WSP Acoustics. This assessment considered the noise impacts at the nearest sensitive receptors, which are residential properties immediately to the north. The environmental noise assessment was submitted and approved as part of the previous permission, this by definition was adjudged to be acceptable, and it follows that the scheme as a whole has, by the same definition been adjudged acceptable in noise impact terms. No changes to the layout are proposed which would have a material impact in noise terms.

Where mitigation is required to ensure that noise levels are acceptable at the nearest affected residential units suggested amelioration measures are put forward.

It is considered that acceptable plant noise emission levels are readily achievable without the need for excessive amelioration measured due to the layout, distance and existing barriers between the nearest affected residential units and the site (see condition about the installation of plant).

It is considered the change in background noise levels due to vehicles associated with the new development will be insignificant (less than 1dB).

The assessment considers the potential installation of plant, and it is recommended that all operational plant associated with the development be designed such that it does not exceed a combined noise level which is 5dB below the existing lowest measured L_{A90} noise level assessed over a 24-hour period at 3.5m from the nearest ground floor noise sensitive façade and 1m from the nearest first floor noise sensitive façade.

Service yards and vehicle movements have been assessed. The report identifies that based on typical goods-transportation vehicle movement noise levels and the proximity of the nearest affected residential units, it is apparent that mitigation measures would need to be applied between Units 8b and 9, as proposed, to ensure that noise levels do not exceed reasonable internal living conditions.

It is recommended that mitigation be provided by way of a solid, imperforable barrier attached to both structures to ensure the acoustic integrity of surrounding spaces. Officers also suggest this should be the case between Units 14 and 15 also. Further details of these measures will need to be approved as a condition of any approval prior to the commencement of works.

Breakout noise from the units has been considered. This is difficult to quantify though as end users are not known. The assessment identifies that doors should be designed such that breakout noise levels are controlled. Doors should also be designed to match the performance of the cladding system of the building, when closed, such that breakout noise levels are controlled. It also says that doors, other than escape doors which are normally closed should not be located in the rear facades of units overlooking residential areas. Provided these measures are incorporated it is not considered that noise breakout from the units would cause any noise impact.

The approved layout permits a scheme that turns it back on the residential properties to the north, there are no openings approved on the façade facing the residential properties thus reducing the potential for breakout noise to occur. In addition the landscaping condition will secure further details of boundary landscaping, which will help to form a buffer between units and residential properties. Further details of any plant will need to be approved in writing as a condition of any approval, this will ensure such plant has an acceptable impact on the nearest residential premises.

As the scheme has not changed since the previous grant of permission, it has already by definition been judged to be acceptable in noise pollution terms.

Conditions are recommended requiring the submission and approval of any plant equipment. Also details of mitigation by way of an acoustic barrier are required through condition, this will apply to the areas between Units 8b and 9 and 14 and 15. This follows a recommendation of the noise assessment, and will ensure the acoustic integrity of surrounding uses. In addition the detailed landscaping scheme to be approved as a condition will also include planting along the northern boundary between units and residential facades.

An additional condition is recommended on this extension of time application, which is for the submission and approval of sound proofing/insulation measures to be installed to Units 8a, 8b, 9, 10, 11, 13, 14, 15 and 16 to prevent the potential for breakout noise.

Light pollution;-

The representation on behalf of Abbeyfield Close residents raises a concern about the potential for light pollution to these residences, as a result of any floodlighting being installed.

When approving the previous application external lighting layout plans were considered, these confirm that along the northern boundary of the site only low level bollarded lighting is proposed. This by its very nature would not have a harmful impact. Taller, pole mounted lighting at 10m high

is located further away from sensitive boundaries and the nearest residential properties, so as to avoid any light pollution. The fact that the units effectively turn their back on properties to the north removes the need to have pole mounted lighting along the northern boundary, and such high level lighting will be concentrated within the central site areas predominantly.

To ensure an acceptable residential environment the previous planning permission included the following condition No8:-

“Notwithstanding the details shown in drawing numbers 2961/ME/01 -1 & 2 further details of a scheme for lighting the development shall be submitted and approved in writing by the local planning authority prior to the commencement of works on site. Such details shall pay attention to further reducing light spillage at sensitive boundaries with residential neighbours.

Reason: In the interests of the residential amenity of adjoining occupiers.”

It is recommended that the same condition form part of any extension of time approval. This provides the opportunity for further scrutiny of the external lighting proposals, to ensure no harm to the residential environments on adjoining sites.

Loss of green space/trees:-

There is no loss of open space. The site was a former Guinness brewery. The approved layout in fact includes the provision of a new 'Pocket Park' in the north eastern site corner, this will be publicly accessible. A large number of trees were cut down three years ago. Details of new tree planting across the site will be secured as part of the landscaping condition.

Increased risk of flooding:-

After lengthy negotiations between the developers and the Environment Agency (EA) the EA have confirmed that they have no objection. The EA are satisfied with the amended Flood Risk Assessment, and subject to a condition to ensure acceptable Greenfield run-off rates for all storm events, provision for on-site surface water storage, and the implementation of sustainable drainage that the development would not pose a risk to flooding.

Other matters

Substantial physical changes to the area since 24 January 2008

No changes have occurred along the boundaries of the site. An application for development of the remainder of the First Central site has been agreed in principle, subject to the completion of a s106 agreement. This decision was made in the knowledge that the Guinness brewery site benefited from a planning consent.

A large industrial/warehouse development has been completed on the opposite side of Rainsford Road, at the junction with Cumberland Avenue. This provides approximately 11,000m² of employment floorspace. It is understood the unit(s) are vacant following recent completion.

Changes to the scheme

No changes to the scheme considered and approved under delegated powers in 2008 are proposed. This extension of time application is being reported to Members as a greater number of objections have been received (the nature of which are discussed above).

Changes to the planning permission

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

- a) Update 'Summary reasons for approval'
- b) Attach additional conditions (including a condition listing all the approved plans and documents)
- c) Re-number conditions to follow new standard of listing restrictive conditions first

And the S106 agreement will be re-drafted to reflect the new planning permission, accounting for additional sustainability obligations which would be issued if members approve.

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 LDF Core Strategy and the 2011 London Plan but the scheme is deemed to comply with the relevant policies within these documents.

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.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance

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
Environmental Protection: in terms of 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
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Park Royal: to promote the opportunities and benefits within Park Royal
Site-Specific Policies

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):

30165/PL/300
Capita Symonds letter dated 7th December 2010, Geo-Environmental Considerations
Capita Symonds letter dated 7th December 2010, Flood-Risk Considerations

Bernie Harverson, Arboricultural Constraints letter, dated 27 October 2010
EPR, Ecological Appraisal Update, dated 2 December 2010
Drivers Jonas Deloitte, Planning Statement, December 2010
Oxford Archaeology, Desk Based Assessment, Issue No.1, November 2010
Drivers Jonas Deloitte, Environmental Impact Assessment Screening Report,
December 2010
Watkins Payne, Energy Strategy, April 2011

**Other related plan numbers/documents approved within planning permission
07/1293;**

10514/TP/001, 002E, 003A, 004B, 005A, 006A, 007B, 010, 011, 012, 013, 020, 021,
022, 030A, 031B, 032A, 040, 041, 042, 050, 051, 052, 060, 061, 062, 070A, 071A,
080, 081, 082, 090; 091, 10514/SL/2002 & 2961/ME/01-01 & 02; & SS/i5190-11/P2 &
12/P2

Flood Risk documents;

Waterman Civils, Flood Risk Assessment, April 2007

Drg SS/015190-46-P7

Drg SS/015190-47/P5

Drg SS/015190-48/P5

Drg SS/015190-49/P5

Windes Quickstorage Estimates, submitted under cover of Capita Symonds letter
dated 17 May 2011 (*ref: SS015190-01-PE-11-092-L1*)

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

- (3) The gates proposed to the vehicular access serving Units 13-16 shall remain open throughout normal business hours.

Reason; In the interests of highway safety and to prevent vehicles from obstructing the highway.

- (4) During demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the 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;
 - Vehicular access to adjoining and opposite premises shall not be impeded;
 - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
 - No waste or other material shall be burnt on application site;
 - A barrier shall be constructed around the site, to be erected prior to demolition;
 - A suitable and sufficient means of suppressing dust must be provided and maintained at all times during construction works.

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

- (5) Details of materials for all external work including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced

and the development carried out in accordance with the approved details.

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

- (6) Notwithstanding the plans hereby approved, further details of site wide landscaping and boundary treatments, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The proposed landscaping shall include provision for new tree planting and shall be completed in accordance with the approved details before the development hereby approved is occupied and thereafter shall be maintained to the satisfaction of the Local Planning Authority, with any trees or plants that die, are badly damaged or become seriously diseased being replaced in the first five planting seasons.

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

- (7) Notwithstanding the plans hereby approved 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 include:-

- details of additional refuse and recycling facilities;
- details of bicycle storage facilities;
- further details of the proposed external lighting;

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

- (8) Notwithstanding the details hereby approved further details of the proposed pedestrian/cycle access to the site from Lakeside Drive shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. And the access shall be provided prior to first occupation of any of the units hereby approved.

Reasons: To ensure that the development provides an acceptable level of access for cyclists and pedestrians.

- (9) Notwithstanding the details shown in drawing numbers 2961/ME/01 -1 & 2 further details of a scheme for lighting the development shall be submitted and approved in writing by the local planning authority prior to the commencement of works on site. Such details shall pay attention to further reducing light spillage at sensitive boundaries with residential neighbours.

Reason: In the interests of the residential amenity of adjoining occupiers.

- (10) Notwithstanding the plans hereby approved further amended details of the access and servicing arrangements to Units 13, 14, 15 and 16 shall be submitted showing the provision of two full sized loading bays and two 8m rigid vehicle bays. These revised details to be submitted and approved in writing by the local planning authority prior to the commencement of works on site, unless otherwise agreed in writing by the local planning authority..

Reasons: To avoid obstructing the highway and ensure the free flow of traffic.

- (11) Notwithstanding the details hereby approved further details of the proposed CCTV cameras shall be submitted showing how cameras located adjacent to the boundary with adjoining residential neighbours will be restricted in order to prevent overlooking of private residential gardens and residential windows. Submitted details to be approved in writing by the local planning authority prior to the commencement of works on site, and the cameras shall be installed fully as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To protect the privacy of neighbouring residential occupiers.

- (12) The quality of soil imported to site for the purposes of soft landscaping, including the 'Pocket Park' must be tested to ensure that it does not pose an unacceptable risk to the health of future end users of the 'Pocket Park'. The results must be submitted to the Local Planning Authority for written approval, prior to the commencement of works

Reason To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6.

- (13) No mechanical extraction, ventilation, cooling or other such plant equipment shall be installed to any of the units hereby approved without the prior approval in writing of the local planning authority.

Reason: To protect adjoining occupiers from potential noise and odour nuisance.

- (14) If the development is to be carried out in a phased manner then the details required to discharge the conditions relating to that phase shall be submitted to and approved by the Local Planning Authority before any work in relation to that phase is commenced

Reason: To allow the phased implementation of the development

- (15) Prior to the commencement of works on site further details of an acoustic barrier to be installed between Units 8b and 9 and Units 14 and 15 shall be submitted to and approved in writing by the local planning authority. Such details shall specify the materials and height, and shall be installed fully, with details as approved in writing, unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of maintaining the amenity of neighbouring residential occupiers.

- (16) Notwithstanding the plans hereby approved revised parking layout plans shall be submitted to and approved in writing by the local planning authority prior to the commencement of development on any of the units, such revised details are required to demonstrate the incorporation of additional soft landscaping in areas not required for marked parking areas, and parking areas shall be constructed fully in accordance with these revised details.

Reason; In the interests of the visual amenities of the area, and to prevent overspill parking in non-designated areas.

- (17) Further details of sound proofing insulation measures to Units 8a, 8b, 9, 10, 11, 13, 14, 15 and 16 shall be submitted to and approved in writing, prior to the commencement of development. Thereafter these details shall be installed fully, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To safeguard the amenity of neighbouring residential properties

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

See Delegated Report for planning application 07/1293. This can be downloaded from the Brent website; - <https://forms.brent.gov.uk/servlet/ep.ext?extId=101150&reference=89551&st=PL>

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227