

Brent Publication Stage (Stage 3) Local Plan

Church End Growth Area Site Allocations BSSA1: Asiatic Carpets

Representations on behalf of Kelaty Properties LLP

These Representations are submitted on behalf of Kelaty Properties LLP, freehold owners of a 2.3ha site (herein after referred to as the Asiatic Carpets site) that forms part of the BSSA1: Asiatic Carpets site allocation (which is the combination of the Asiatic Carpets and adjoining Cygnus Business Centre sites, herein after referred to as the allocated site).

The Asiatic Carpets site is in single ownership and currently comprises a number of large industrial, office and warehouse buildings, as well as open storage, a car wash and builder's yard. All existing tenants are short-term (albeit Asiatic Carpets as landowner have occupied the site for a number of years) and the buildings are reaching the end of their economic life.

As outlined in our response to the preferred options Local Plan, it is the short to medium-term intention of the owners to rationalise their Asiatic Carpets business and either relocate, or operate from more efficient, modern space on site.

The Council reviewed and provided commentary on our representations to the preferred options Local Plan within the '*Summary of Comments to the preferred options Local Plan*' (see **Document 1**). The response considered our representation to raise three main issues, which can be summarised as follows:

1. Whether it should be necessary and appropriate for the redevelopment of the Asiatic Carpets site to provide replacement industrial floor space;
2. The phasing and deliverability of the Asiatic Carpets site in conjunction with the adjoining Cygnus Business Centre as a single allocation; and
3. If the intended housing allocation of 223 residential units makes the efficient and best use of the brownfield site.

This consultation response reviews the comments provided by the Council as part of its summary of comment and responds accordingly, where necessary.

Whether it should be necessary and appropriate for the redevelopment of the Asiatic Carpets site to provide replacement industrial floor space

Draft policy E4 of the new London Plan provide a definition for 'industrial' purposes, which are stated to be as follows:

- 1) *Light and general industry (Use Classes B1c and B2);*
- 2) *storage and logistics/distribution (Use Class B8) including 'last mile' distribution close to central London and the Northern Isle of Dogs, consolidation centres and collection points;*
- 3) *secondary materials, waste management and aggregates;*

- 4) *Utilities infrastructure (such as energy and water);*
- 5) *land for sustainable transport functions including intermodal freight interchanges, rail and bus infrastructure;*
- 6) *wholesale markets;*
- 7) *emerging industrial-related sectors;*
- 8) *flexible (B1c/B2/B8) hybrid space to accommodate services that support the wider London economy and population;*
- 9) *low-cost industrial and related space for micro, small and medium-sized enterprises (see also Policy E2 Providing suitable business space);*
- 10) *research and development of industrial and related products or processes (falling within Use Class B1b).*

A number of the larger buildings and elements within the Asiatic Carpets site have been used for television and film production purposes, with a current 18 month lease in place for this on-going use. This use is considered to be Sui Generis.

The use of the buildings and elements for the filming of television and films first commenced at the site in 2001 and has been used by various companies or organisations, including the BBC, Channel 4, Spooks 8, Nick Trick TV Productions and Britannia TV Ltd.

The buildings have been used for tv and film production purposes for a continuous period in excess of 10 years and thus this use has become lawful in Sui Generis use by virtue of passage of time.

Therefore, we consider that Policies E4 & E7 of the draft London Plan would not require such uses to be replaced at the site as part of the redevelopment of the land, as the Sui Generis use does not form 'industrial' use, as defined by draft Policy E4 of the new London Plan.

Provided as **Document 2** is a plan which shows the existing Asiatic Carpets building. The areas of the building as marked on this plan are considered to be lawful Sui Generis use, by virtue of being used for a continuous period in excess of 10 years and so would not be required to be replaced as part of the redevelopment of the site. These buildings are marked yellow (Film Studio) & blue (ancillary warehouse and storage for film / TV studio).

In our response to the preferred option Local Plan, it was highlighted that the Asiatic Carpets site does not form part of the Locally Significant Industrial Site, as this designation only covers the adjoining Cygnus Business Centre site, and so Policy BE2 would not be applicable.

The Council's comments in relation to this matter states that draft Policy E7 of the new London Plan also applies to non-designated industrial sites.

This is correct, but draft Policy E7 states in relation to non-designated industrial sites:

"Mixed-use or residential development proposals on Non-Designated Industrial Sites should be supported where:

- 1) *there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function; or*

2) it has been allocated in an adopted local development plan document for residential or mixed-use development; or

3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part B of Policy E2)." (SPL emphasis added)

Given the wording of draft Policy E7 of the London Plan, it is clear that Local Planning Authorities have the power to reallocate non-designated industrial sites for residential use or mixed-use development, without the requirement for co-location or intensification of existing industrial buildings within these sites. The Council's response to our preferred options representation states the following:

"1. London Plan policy E7 also applies to non-designated industrial sites. It allows for mixed-use development through an allocation in an adopted local development plan document. Given Brent's status as a borough which is to provide capacity an increase in industrial floorspace will be sought."

The above comment fails to reflect that if the Council allocated the land for residential use or mixed use as part of the Local Plan, then it would not conflict with draft policy E7 of the new London Plan. This draft policy allows for the release of non-designated industrial sites without the need for replacement or intensification of industrial use, where the site has been allocated for residential or mixed-use.

Notwithstanding the above comments, the Council have stated in their response that due to Brent's status as a borough which is to provide a capacity increase in industrial floorspace, then it is considered that the allocation of the land should provide for a mixed-use development, including an increase in industrial floorspace.

Table 6.2 of the draft New London Plan shows the '*Management of the industrial floorspace capacity – industrial property market area and borough level categorisations*'. Within this the London Borough of Brent is categorised as a '*provide capacity*' borough. Paragraph 6.4.6 expands further on the requirements of this and states:

"Boroughs in the 'Provide Capacity' category are those where strategic demand for industrial, logistics and related uses is anticipated to be the strongest. They should seek to deliver intensified floorspace capacity in either existing and/or new locations accessible to the strategic road network and in locations with potential for transport of goods by rail and/or water." (SPL emphasis added)

In light of the above, it is clear that the requirements of the London Plan do not expect that all existing industrial sites should be retained and intensified in order to deliver capacity, but this capacity should be focussed in areas which are accessible to the strategic road network and in locations with potential for transport of goods by rail and/or water.

The main access into the site would be from Dalmeyer Road and due to the existing width and alignment of this road, we consider that it would not be suitable for an intensification of use by HGV's to enter and exit the site. The approach taken in the revised illustrative masterplan for the site provides a separation of the industrial uses from the proposed residential, as it is considered an unreasonable expectation for residential dwellings to share internal access roads with large HGV's which would access the intensified industrial development within the existing designated industrial land on the Cygnus Business centre.

It is considered that the designation of the Council to 'Provide Capacity' does not automatically require any existing non-designated industrial sites to provide an intensification of industrial uses as part of an allocation within a development plan.

The phasing and deliverability of the Asiatic Carpets site in conjunction with the adjoining Cygnus Business Centre as a single allocation;

In our response to the preferred option Local Plan, we considered that it was inappropriate to combine the Asiatic Carpets with the Cygnus Business Centre as a single allocation. This was due to the fact that the Asiatic Carpets site falls within single ownership and could be brought forward within an early part of the plan period. The adjoining business park contains number of long term tenancies held by multiple occupiers.

The Council has acknowledged that this would form an issue and that there is the potential for the Asiatic Carpets site to come forward as a first phase of development. This is recognised in the comments in response our the preferred option representation where the Council states:

“Given the land ownership there is potential for the Asiatic Carpets site to come forward as a first phase.”

This acknowledgement and the updating of the site allocation to reflect this is welcomed. We consider a flexible approach which allows for the Asiatic Carpets site to be delivered as a first phase would ensure that housing could be delivered in the early years of the plan period in the Church End Growth Area.

The issue of phasing of the development is more pertinent when the quality of the existing buildings within the allocated site are considered. The buildings on the Asiatic Carpets site are old and are coming towards the end of their natural life, which is a significant factor why the owners wish to rationalise their business. The buildings on the adjoining Cygnus Business Park are of more modern construction and of adaptable size and configuration for current business requirements, and there is not the same pressure for redevelopment due to this. Therefore, it is clear that the quality and age of the buildings within the site lends itself to a phased approach, due to the pressing need to redevelop the older buildings on the Asiatic Carpets site.

If the intended housing allocation of 223 residential units makes the efficient and best use of the brownfield site.

In our response to the preferred option Local Plan we raised a concern in relation to the combined allocation for the Asiatic Carpets and Cygnus Business Centre being just 223 dwellings.

The Council’s comments in relation to this point states that the site assessment submitted would not meet the requirements of the Policy E7 or Policy BE3 of the London Plan. It also raises concerns that the development would not meet the London Plan and Local Plan design standards in terms of dual aspect and proximity to adjoining development.

Notwithstanding the above comments, the Stage 3 version of Brent Local Plan has increased the anticipated capacity of the BSSA1 allocation to 380 dwellings.

It is welcomed that the draft Brent Local Plan has increased the indicative capacity for the site to 380 dwellings. However, we consider that this figure still fails to reflect the potential capacity for the Asiatic Carpet site, which is located within the Church End Growth Area.

Policy BSGA1 of the draft Brent Local Plan relates to the Church End Growth Area. It highlights that the development of the West London Orbital will improve the connectivity of Church End to the wider borough and central London. Due to this, it is anticipated that the PTAL score of the allocated site will be increased to 5 once the orbital has been completed.

Policy BSGA1 also outlines that the Church End Growth Area will deliver 1,040 homes to 2041. The Asiatic Carpets site is the largest site in single ownership within the defined Growth Area and its future regeneration will play a key role in delivering the area's and Brent's regeneration objectives.

Given the comments by the Council in response to our preferred options representations and without prejudice to our comments above in relation to the need for us to provide replacement industrial buildings, we have taken the opportunity to review the scheme in further detail and provide a illustrative site plan to demonstrate the potential capacity for the site, which is provided as **Document 3**.

We would highlight at this stage that this plan is illustrative in nature to demonstrate the potential capacity for the allocated site. As outlined within the allocation for BSSA1, the land within the allocation to the east of Dalmeyer Road is designated as a Local Significant Industrial Site. It is clear that draft Policy E7 of the London Plan and Policy BE2 will require an intensification of the industrial buildings within the existing designated industrial land.

The '*Industrial intensification and co-location study: design and delivery testing*' was commissioned by the Greater London Authority (GLA) to provide guidance on the acceptability of industrial intensification and co-location with residential uses.

Within this guidance model site 3 '*Area 3- Urban London*' is considered most appropriate to the proposed allocation. The proposal for this site was to provide a stacked industrial development with residential co-located to this. Given the need to intensify the industrial use on the Cygnus Business Centre land, the stacking of industrial units is proposed for this land, following the advice provided by the GLA in relation to the design of the intensification of industrial buildings.

The existing film studio use might also be retained via the creation of new studios towards the southern extent of the Asiatic Carpets site. The remaining land would be used to provide residential and care home development with the larger 10 to 12 storey buildings being located adjoining the studios. The heights of the residential buildings would then step down towards the northern extent of the site, as suggested by the text supporting allocation BSSA1.

We consider this the illustrative layout to be a feasible and policy compliant and this would result in the following approximate quantum of development within the allocation:

- 450 dwellings;
- 80 bed care home;
- Creative Hub comprising flexible employment and Sui Generis uses, including film studios (11,200 sq m) and employment block (with showroom on ground floor) (4,500 sq m); and
- Four industrial blocks containing 11,100 sqm of floor space (on the Cygnus Business Centre site).

The approximate total floor area of the industrial units on Cygnus Business Centre site has been calculated to be 4,500 sq m. As such, the intensification of the industrial buildings shown on the illustrative site plan would provide over double the existing floor space providing within the existing designated industrial floor space contained within the adjoining business centre site.

It is noted that the draft new London Plan is moving away from the principle of development meeting set density standards. Draft Policy D1B relates to 'Optimising site capacity through the design-led approach' and states that:

“All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D1A) and best delivers the requirements set out in Part B.

Part B of Policy D1B identifies 14 elements which development proposals should consider, which are listed as follows:

“Form and layout

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions;*
- 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples’ movement patterns and desire lines in the area;*
- 3) be street-based with clearly defined public and private environment;*
- 4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users;*

Experience

- 5) achieve safe, secure and inclusive environments;*
- 6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest;*
- 7) deliver appropriate outlook, privacy and amenity;*
- 8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity;*
- 9) help prevent or mitigate the impacts of noise and poor air quality;*
- 10) achieve indoor and outdoor environments that are comfortable and inviting for people to use*

Quality and character

- 11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character;*
- 12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well;*
- 13) aim for high sustainability standards (with reference to the policies within London Plan Chapter’s 8 and 9) and take into account the principles of the circular economy;*
- 14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.”*

The illustrative layout has been designed to consider the above 14 elements and we believe this has shown how a development of up to 450 dwellings, a 80 bed care home, a creative hub (incorporating employment use and film studio uses), with an intensification of industrial use, could be delivered within the allocation, in a manner which is consistent with the draft Brent Local Plan and draft new London Plan.

It is noted that in their response to our preferred options representation, the Council expressed concern in relation to the design of the development due to the living conditions which might be provided for future occupiers.

The illustrative site plan has considered the design approach undertaken at the nearby development known as 'The Workshop' on Dudden Hill Lane, Willsesen (application ref: 18/3498). This application has a number of comparable elements when considered against the proposed allocation, being a mixed used development incorporating both residential and commercial elements.

The Greater London Authority has reviewed the workshop development and considered the acceptability of single aspect flats within the development. In their Stage 1 comments dated 14th January 2019 (see **Document 4**), they note in paragraph 50 the following:

"Overall, 42% of the residential units would be dual aspect and 68% single aspect, with no north facing single aspect units proposed. The orientation of the blocks ensures that single aspect units would benefit from having an east or west facing aspect to optimise the level of daylight and sunlight received and also ensures that the shared communal amenity spaces would be south facing."

Paragraph E of draft Policy D4 of the London Plan states that 'single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Policy D1B Part B than a dual aspect dwelling'.

In the Panels response to the Examination Inspectors Report on the new London Plan, the Panel has recommended that modification PR20 be carried forward into the adopted plan. Modification PR20 relates to paragraph 3.4.5 and is concerned with single aspect dwellings. The paragraph had originally been drafted to state that north facing single aspect dwellings should not be permitted.

The Inspector raised concerns with this approach, as draft Policy D4 clearly states that single aspect can be provided if it is considered a more appropriate design solution. As such the modification changes the wording of paragraph 3.4.5 of the new London Plan to state that single aspect north facing flats should be "avoided", rather than "not permitted". Therefore, the wording of the new London Plan does allow single aspect flats, when they are an appropriate design solution.

The illustrative site layout shows that no north facing single aspect flats would be provided, as the development has been designed to ensure any blocks which might require single aspect flats aren't directly on a north / south axis. Any future planning application would be required to demonstrate how any single aspect flats would be the most appropriate design solution and how they would provide suitable ventilation and living standards for future occupiers.

The Council also raised concerns about the proximity of blocks. The nearest blocks, those being A1 & A2, would be 10 metres apart at their closest points, with the distance separation of the majority of the blocks being far greater than this.

The acceptability of the distance separation between blocks was also considered in the GLA's response to the workshop scheme, in paragraph 51 they wrote:

"Whilst the separation distance between Block A and B is only 10 metres, no directly facing balconies or living rooms are proposed and the applicant has stated that obscure glazing will be used to mitigate potential privacy issues for west facing bedrooms within Block A. This is acceptable, subject to this being secured by condition."

At present the scheme is illustrative in nature to demonstrate potential capacity for the allocation within the Local Plan. However, the development would be designed at detailed design stage to ensure no directly facing balconies or living rooms would be provided, between any blocks with a similar degree of distance separation.

As such, we consider that the illustrative site layout has addressed any concerns raised about living conditions provided for future occupiers, to an extent which means that the illustrative layout can be considered a feasible and reliable scheme upon which to base any capacity in the Local Plan.

In the latest version of new London Plan (consolidated changes version July 2019) Policy D1B has been amended introduce paragraphs C & D, which state the following:

"C. Where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.

D. Proposed development that unjustifiably fails to optimise the capacity of the site in accordance with this policy should be refused."

Given the above amendment to the new London Plan, we consider that a limitation to the allocation at the site to 380 dwellings will cause future issues with compliance with paragraph C & D of Policy D1B of the new London Plan, due the fact that this figure will significantly constrain the capacity identified through the design led process to date.

Constraining the site's potential dwelling capacity at this stage, and prior to a detailed design led capacity analysis, would not be consistent with the London Plan's objective of optimising dwelling delivery across the Capital. This is all the more so given the site is accepted as a regeneration site, is within a defined growth area and benefits from good and to be improved public transport accessibility. Optimising the site's dwelling capacity also has to be set in the context of the new London Plan's acknowledged failure to meet identified SHMA housing need figure.

As such, we would respectfully request that the Council reconsiders the extent of the allocation being proposed at the site within the draft Local Plan, as we consider that the site has the potential to deliver a significantly increased level of both residential and commercial floor space, which would significantly assist in ensuring the delivery of 1,040 dwellings within the Church End Growth Area by the end of the plan period in 2041.



Asiatic Carpets

Brent Local Plan Publication Stage (Stage 3)
Representations

Document 1

Summary of Comments to Preferred Options
Representations

Chapter	Para/ Policy	Name/ Organisation	Comment Summary	Officer Response	Proposed Change
5.5 South	BSSA1	Kelaty Properties LLP	<p>1. The Cygnus Business Centre is a Locally Significant Industrial Site and would be subject to London Plan Policy E7 and Local Plan Policy BE2. In contrast, for non-designated industrial sites (such as Asiatic Carpets), industrial, storage or distribution floorspace is to be provided as part of mixed-use intensification only where this is feasible. Policy BE2 would not be applicable at all to Asiatic Carpets. 2. The Cygnus Business Park is not in single ownership, there are understood to be a number of long-term tenancies and part of the site is now in residential use. This is recognised as a risk to comprehensive development. Given this context, we consider it inappropriate to combine the two sites into one allocation. 3. The Indicative Capacity identified for the combined Asiatic Carpets and Cygnus Business Centre sites is just 223 residential units. It is considered to significantly underestimate the opportunity offered by the Asiatic Carpet site. Kelaty Properties LLP has begun to look at how their site could be optimised for housing, whilst also delivering flexible, modern employment floorspace. The Site Assessment submitted with these representations demonstrates that the site has capacity to deliver at least 600 units.</p>	<p>1. London Plan policy E7 also applies to non-designated industrial sites. It allows for mixed-use development through an allocation in an adopted local development plan document. Given Brent's status as a borough which is to provide capacity an increase in industrial floorspace will be sought. See correction which includes reference to Local Plan policy BE3 which applies to non-designated industrial sites. 2. Noted. See amended text to allow development to come forward in separate phases. 3. The sites capacity is constrained by the need to reprovide and increase the quantum of industrial floorspace. The site assessment submitted would not meet the requirements of policy E7 and BE3. Furthermore, it would not meet London Plan and Local Plan design standards in terms of dual aspect and proximity to adjoining development.</p>	<p>Redevelopment will be consistent with London Plan policy E7 and Brent Local Plan policy BE2 and BE3. Given the land ownership there is potential for the Asiatic Carpets site to come forward as a first phase. This would be subject to it being demonstrated it would not prejudice the delivery of a comprehensive masterplan for the site allocation or the operation of Cygnus Business Park. It would need to be demonstrated the Asiatic Carpets site in isolation would meet policy requirements, including an increase in industrial floorspace.</p>



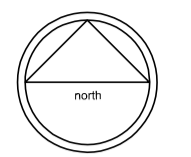
Asiatic Carpets

Brent Local Plan Publication Stage (Stage 3)
Representations

Document 2

Existing Building Uses Plan

Notes:
 Drawing based on Ordnance Survey Promap data and is subject to a topographical survey.
 Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 Work to figured dimensions only. Do not scale.
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Key Legend

- Film studio
- Warehouse / storage (currently third party / studio production)
- Asiatic Carpets & storage / distribution

Upper level offices at Mezzanine, first & second floor (above A&F) and used as ancillary production & support space in connection with studio use.



Rev.	Date	Description	Drawn	Checked
A	28.11.19	Building uses added.	HR	GB

 Harborne Court 67-69 Harborne Rd Edgbaston Birmingham B15 3BU T: 0121 455 9234 F: 0121 456 2232 E: reception@srdarchitects.co.uk www.srdarchitects.co.uk	Client:	Kelaty Properties		
	Project:	Church End High Road, Neasden		
	Title:	Existing Uses Plan		
Drawn LM Checked GB	Drp. No.	1842 / SK01	Rev.	A
Date 07.2018 Scale 1:500@A1	Status	SKETCH		



Asiatic Carpets

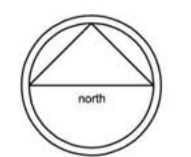
Brent Local Plan Publication Stage (Stage 3)
Representations

Document 3

Illustrative Site Layout Plan




Notes:
 Drawing based on Ordnance Survey Promap data and is subject to a topographical survey.
 Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 Work to figured dimensions only. Do not scale.
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LEGEND

- Studio
- Accommodation (C3)
- Offices and Industrial (B2/B8)
- Pedestrian/Cycle Route

B 03.12.19 Minor updates. HR GB
 A 05.07.19 Block plan updated with new studio and residential layout HR GB

Rev.	Date	Description	Drawn	Checked
 Client: Kelaty Properties Project: Church End High Road, Neasden Title: Proposed Block Plan www.srdarchitects.co.uk				
Drawn	HR	Checked	GB	Drng. No.
Date	03.19	Scale	1:500@A1	1842 / SK16
Status	SKETCH			Rev. B



Asiatic Carpets

Brent Local Plan Publication Stage (Stage 3)
Representations

Document 4

GLA Planning Report GLA/4148/01 – The
Workshop, Dudden Hill Lane, Willesden

The Workshop, Dudden Hill Lane, Willesden
in the London Borough of Brent
planning application no. 18/3498

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Mixed-use redevelopment comprising 258 residential units, light industrial and flexible employment floorspace, a supermarket, nursery, gym and flexible commercial floorspace within buildings ranging in height from 4 to 10 storeys with a basement level, car parking, cycle parking, communal amenity space and public realm.

The applicant

The applicant is **R55 and Clarion Housing Association** and the architect is **FAL Architects**

Strategic issues

Land use principle: For the comprehensive mixed use development of this designated LSIS site to be supported, the proposed quantum of light industrial floorspace within the scheme must be maximised, in line with the recommendations in this report and in accordance with London Plan Policy 4.4 and Policy E7 of the draft London Plan. Currently, there is a net loss of industrial floorspace. Agent of Change principles must be secured, together with the proposed provision of affordable flexible workspace (paragraphs 16-30).

Affordable housing: 65% affordable housing, comprising 34% social rent and 66% intermediate tenure (by habitable room) is strongly supported; however, the application is not eligible for the 'Fast Track Route' as the LPA tenure mix requirements have not been met. To be eligible for the 'Fast Track Route' the percentage of social/affordable rented housing should be increased. Once finalised, the tenure and level of affordable housing should be secured unconditionally in the Section 106 agreement without any reference to grant funding, alongside early and, where necessary, late stage review mechanisms. The affordability of intermediate shared ownership units should also be confirmed and secured (paragraphs 31-44).

Design and heritage: The height, massing, density and architectural and residential quality is supported, subject to clarification being provided on management, public access and heritage impacts (paragraphs 45-59).

Climate change: The energy strategy should be revised to address concerns about the proposed CHP unit. The drainage strategy should consider additional above ground SuDs measures (paragraphs 60-63).

Transport: The quantum of retail car parking is excessive and should be reduced. Long-stay cycle parking should be increased. Further information should be provided on the proposed wheelchair accessible car club bay. Other necessary financial contributions and conditions should be secured (paragraphs 64-71).

Recommendation

That Brent Council be advised that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 73 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

Context

1 On 20 November 2018, the Mayor of London received documents from Brent Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following categories of the Schedule to the Order 2008:

- *Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".*
- *Category 1B(c): "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres".*
- *Category 1C: "Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London."*

3 Once Brent Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 0.92 hectare site is located within the designated Church End Locally Significant Industrial Site (LSIS). It is bounded by Dudden Hill Lane to the north-east; Colin Road and High Road (A407) to the south-west; and the Sapcote Trading Centre to the north-west. The site is currently occupied by five businesses engaged in a range of industrial and storage uses within Class B2 and B8 use, including haulage, scaffolding, construction plant and vehicle storage and repair services. The site also includes two commercial units on High Road - a cafe and florist - which are outside of the designated LSIS and include residential accommodation on the first floor.

6 A row of terraced houses is immediately adjacent to the site boundary on Colin Road, together with a recently completed three storey new build development on the corner of Colin Road and Dudden Hill Lane. The remainder of the designated LSIS including the adjacent Sapcote Trading Estate and Chapman's Park Industrial Estate is found immediately to the north and west of the site boundary, as shown below in Figure 1. The application site does not include number 364 High Road or the tyre garage unit fronting Colin Road (Jet Tyres) as the applicant has stated it has not been possible to acquire these properties.

7 The site has a Public Transport Accessibility Level (PTAL) of 5 (on a scale of 0 to 6b where 6b is the most accessible). Dollis Hill Station is approximately 250 metres from the site via an entrance on Chapter Road and is served by the Jubilee Line. Bus stops on Dudden Hill Lane and High Road are served by five bus routes. The surrounding area includes a mix of land uses including predominantly Victorian residential terraced streets, with land in commercial, industrial, educational, transport and burial use. Willesden Green Town Centre is approximately 600 metres from the site, with commercial uses drawn up the High Road (A407).

Figure 1 – site boundary and LSIS designation



8 The site is not located within a conservation area and does not contain any listed buildings or structures and there are no conservation areas or listed buildings within the immediate vicinity of the site. The site's wider context includes Willesden Jewish Cemetery which is a Registered Park and Garden and contains the Grade II listed War Memorial, Funerary Building and a number of Grade II listed tombs. Willesden Green Conservation Area is found approximately 700 metres away to the south, along Dudden Hill Lane.

Details of the proposal

9 The application seeks full planning permission to redevelop the site to construct a residential-led mixed-use development comprising:

- 258 residential units (65% affordable);
- 1,037 sq.m. of light industrial floorspace in Class B1c use;
- 804 sq.m. of flexible employment floorspace in either light industrial (Class B1c use) or office (Class B1a use);
- a 1,919 sq.m. supermarket in Class A1 retail use;
- a 503 sq.m. nursery in Class D1 use;
- a 1,617 sq.m. gym in Class D2 use; and
- 501 sq.m. of additional flexible commercial floorspace in Class A1, A2, A3, A5, B1c/D1 Class use.

10 The scheme proposes four interlinked mixed use buildings ranging in height from 4 to 10 storeys, with an additional smaller infill building provided on a gap site between the retained tyre garage and number 20 Colin Road. Commercial floorspace would be provided at ground, first floor and basement level, with residential accommodation provided from the first floor and above. The supermarket and gym would be accessed from Dudden Hill Lane. Employment and flexible commercial floorspace and nursery uses would be clustered around a new public courtyard accessed from High Road to the west of the site. Residential blocks would be rotated on a north-south axis so that they form a sequence of east/west facing linear blocks, with two raised communal amenity space located on a second floor podium deck.

Case history

11 On 11 November 2016, a pre-planning application meeting was held between the applicant and GLA officers to discuss the mixed use redevelopment of the site to provide 230 residential units, a supermarket, flexible co-working employment space, a nursery and a gym. The advice report issued by GLA officers (refer to pre-application report: D&P/4148/JA) concluded that the land use proposals were supported, subject to further evidence being provided to support the case for the release of the LSIS site and proposed supermarket use. Further advice was provided in respect of affordable housing, transport, access, energy and residential quality. Whilst the height, density and layout of the scheme was supported, the applicant was required to demonstrate how the pedestrian route adjacent to the supermarket will function and ensure this would be activated and overlooked.

12 On 8 November 2017, a follow-up pre-application meeting was held to discuss broadly similar proposals for the above site. The advice report issued by GLA officers (refer to pre-application report: DM/4148/AP) concluded that the principle of the residential-led mixed use redevelopment of the site could be supported where this was brought forward as part of a comprehensive masterplan that embodies the principles of co-location and intensification as set out in Policy E7 of the draft London Plan, and re-provides the requisite quantum of industrial capacity. The applicant's commitment to provide 50% affordable housing was strongly supported; however, a number of outstanding issues were raised, including specifically, the quantum of retail parking provision and the rationale for the proposed east-west pedestrian route through the site, given the design issues highlighted above.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding strategic policies and guidance are as follows:

- Land use principles *London Plan; Land for Industry and Transport SPG;*
- Housing and affordable housing *London Plan; Affordable Housing and Viability SPG; Housing SPG; the London Housing Strategy;*
- Play space *London Plan; Children and Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG;*
- Historic environment *London Plan;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG*
- Climate change, flood risk and drainage *London Plan; Sustainable Design and Construction SPG; the London Environment Strategy (2018)*
- Transport *London Plan; the Mayor's Transport Strategy (2018);*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Brent Council's 2010 Core Strategy Development Plan Document (DPD); the 2011 Site Specific Allocation Development Plan Document; the 2016 Development Management Policies; and, the 2016 London Plan (Consolidated with alterations since 2011).

15 The following are also relevant material considerations:

- The National Planning Policy Framework (2018);
- National Planning Practice Guidance;
- the Draft London Plan showing minor suggested changes (August 2018) which should be taken into account on the basis explained in the NPPF;

- the Affordable Housing and Viability SPG. This must now be read subject to the decision in R (McCarthy & Stone) v the Mayor of London;
- the Draft Brent Local Plan (Nov 2018) – Preferred Options (Regulation 18 consultation);
- Brent Council – Planning Obligations SPD (2013)

Principle of development

16 Given the scale, nature and regenerative ambition of the scheme, it is necessary to address a range of strategic issues related to the principle of development, comprising: housing delivery; the principle of residential and mixed use development within the designated LSIS; the potential net loss of industrial land/capacity and the potential impact on the continued operation and function of the adjacent LSIS sites; and the provision of large format town centre uses outside a designated town centre boundary. These issues are considered within the sub-sections below.

Increasing housing supply

17 The London Plan seeks to increase the supply of housing in the capital and sets Brent Council an annualised average housing target of 1,525 homes a year, which is increased significantly in the draft London Plan to 2,915 homes a year. The proposed high density, mixed use redevelopment of the site would provide 258 residential units which would equate to 17% of the Brent Council's current London Plan annual housing target. This is supported in principle; however, as the site is currently designated LSIS, the introduction of residential uses must be considered in accordance with London Plan Policy 4.4 and Policies E4, E6 and E7 of the draft London Plan.

Designated LSIS

18 London Plan Policy 4.4 and the Mayor's Land for Industry and Transport Supplementary Planning Guidance (SPG) sets out the need to rigorously plan, monitor and manage designated LSIS to ensure sufficient stock of industrial land to meet demand, particularly for small and medium sized enterprises (SMEs) through the provision of well-located, good quality and affordable industrial space. London Plan Policy 4.4 of the London Plan states that any release of surplus industrial land should be rigorously evidenced, taking into account local and strategic demand, the borough level classifications and monitoring benchmarks for industrial land release, and should be focused around public transport nodes to enable higher density redevelopment, especially for housing. Table 4.1 of the London Plan classifies Brent as having 'limited' capacity for the potential transfer of industrial land to other uses.

19 In response to updated strategic evidence on the supply and demand for industrial land¹, Policies E4 and E7 of the draft London Plan proposes a revised strategic planning policy framework for designated industrial land in London. This seeks to ensure there is no overall net loss in industrial floorspace capacity (and yardspace capacity) within designated SIL and LSIS areas. Policy E6 and E7 of the draft London Plan recognise that there may be potential within LSIS for industrial intensification and co-location with residential and other land uses, subject to compliance with the criteria set out in Policy E7. This includes securing no overall net loss of industrial floorspace (and yardspace capacity) and ensuring adjacent industrial activities are not compromised and appropriate design mitigation measures are secured in line with the Agent of Change principle. Furthermore, it is noted that Brent has been reclassified as a 'provide capacity' borough in Table 6.2 of the draft London Plan.

20 Brent's draft Local Plan (Reg 18 – Preferred Options Stage) published in November 2018, identifies the wider 3 hectare Chapman's and Sapcote Industrial Estate (BSSA3) as a potential site allocation for mixed use development, including the co-location of housing, employment and supporting community facilities; however, this is subject to a comprehensive masterplan-led approach

¹ AECOM, London Industrial Land Supply and Economy Study, 2016; and CAG consultants, London Industrial Demand Study, 2017

being followed which should result in a net increase in employment floorspace. This draft allocation has been informed by qualitative assessment of employment sites in Brent and their potential for intensification, renewal and co-location with residential use; however, this emerging approach will be subject to further discussion with the GLA as part of the Local Plan process. The Council's most recent employment land study was undertaken in 2015 and concluded that this part of the Church End LSIS was in relatively poor condition and could potentially support a wider mix of uses including light industrial, commercial and residential uses; however, the study recommends the site is retained as LSIS, with its potential release needing to be justified in accordance with the criteria set out in Brent's Development Management Policy DMP14.

21 Overall, taking into account the policies in the adopted and draft London Plan, GLA officers consider that the introduction of residential and other supporting non-industrial land uses at this site can be supported, subject to this being achieved as part of an appropriately comprehensive development, which does not negatively impact or undermine the functionality or use of the adjacent retained parcels of the designated LSIS; and also provides an appropriate quantum of replacement industrial floorspace on-site.

Comprehensive development

21 The draft London Plan sets out the Mayor's strong preference for the intensification and co-location of an LSIS to be progressed as part of a comprehensive and strategically co-ordinated plan-led process, either via a Development Plan Document (DPD) or a masterplan. Where a masterplan-led approach is used ahead of the adoption of a DPD, the draft London Plan and recently published GLA practice note² recommend that comprehensive approach is followed ideally covering the entire LSIS site. In this instance, the applicant has undertaken a high level masterplanning exercise covering the wider LSIS site. This demonstrates that the wider LSIS would retain coherence if this scheme stands alone, but also that the adjacent parts of the LSIS could potentially come forward as future phases of a comprehensive co-located employment and mixed use redevelopment - effectively plugging into the layout proposed by the applicant. Having reviewed this information GLA officers are therefore satisfied that it demonstrates that adjacent land parcels could be delivered in accordance with relevant strategic policies in terms of industrial floorspace re-provision, design or access and this would not be prejudiced by this application coming forward in isolation.

Impacts on surrounding businesses

22 As set out above, any co-location proposal within LSIS must ensure the surrounding businesses are not compromised in terms of their function, access, servicing and hours of operation. Appropriate design mitigation measures must be secured in relation to noise, vibration, air quality and safety and security. Whilst these matters are covered under urban design, GLA officers consider that the application would accord with the criteria set out in Policy E7 of the draft London Plan and is acceptable in terms of the Agent of Change principle, subject to appropriate planning conditions being secured.

Re-provision of industrial floorspace

23 As set out above, the draft London Plan requires no net loss of industrial capacity on designated LSIS sites. Industrial floorspace capacity is defined as either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on-site at a 65% plot ratio (whichever is the greater). The existing site is predominantly used for open air storage and industrial activities and includes a two storey warehouse building (1,423 sq.m.), together with a 507 sq.m. MOT garage. As such, the total existing industrial floorspace is 1,930 sq.m. This is substantially lower than the notional 65% plot ratio benchmark which would necessitate a total of 5,845

² https://www.london.gov.uk/sites/default/files/practice_note_-_industrial_intensification.pdf

sq.m. of industrial floorspace in this instance, taking into account the area of the site covered by the LSIS designation (8,992 sq.m.).

24 The application proposes a total of 1,037 sq.m. of B1c light industrial floorspace, which would comprise makerspace and light industrial studios and workshops suitable for small and micro sized businesses, artists and artisans. Although the exact occupants have not been identified at this stage, the applicant has stated that the workspace will be targeted at creative art, jewellery, textile and ceramic sectors, with the facility equipped with a pottery workshop and kiln. The proposed B1c use is acceptable, in accordance with Policy 4.4 of the London Plan and Policy E4 of the draft London Plan and responds positively to the Brent workspace study (2017) which flags a particular demand for this type of creative SME workspace in the borough. Notwithstanding this, further information should be provided in relation to access, servicing, deliveries and floor to ceiling heights to demonstrate that the proposed workspace could be capable of being adapted to meet the requirements of a broader range of SMEs undertaking light industrial activities within Class B1c use.

25 A separate 804 sq.m. open plan co-working space is also proposed which would have flexible planning permission for either B1a office or B1c light industrial use. Whilst the proposal to provide B1a office uses as part of a broader employment offer is supported, it should be recognised that such floorspace cannot contribute towards the quantum of replacement industrial capacity. As such, the application currently proposes a net loss in industrial capacity both in relation to the existing industrial floorspace on site and in terms of the notional assessment benchmark proposed in the draft London Plan which is based on a 65% plot ratio. The existing and proposed floorspace is summarised in the tables below:

Existing industrial floorspace	sq.m.
Storage and distribution	1,423
General industrial	507
Total floorspace	1,930

Proposal development	sq.m.
Light industrial floorspace	1,037
Flexible employment (B1a/B1c)	804
Total employment floorspace proposed	1,841
Net industrial floorspace	-893

26 The application proposes a substantial quantum of retail use (1,919 sq.m.), together with a further 501 sq.m. of flexible commercial floorspace. With this in mind, GLA officers are concerned that the provision of retail and commercial uses would compromise the potential for the scheme to achieve a greater level of re-provision in terms of industrial floorspace capacity. Nevertheless, during discussions with GLA officers, the applicant stated that the provision of the supermarket and gym uses are intended to cross-fund the proposed employment workspace, with 'subject to planning' pre-let agreements in place, with Lidl and Pure Gym respectively. Following an initial review of the applicant's Financial Viability Assessment (FVA) by GLA officers, it is evident that the proposed supermarket use plays an important enabling role in assisting the overall viability of the proposed scheme. This notwithstanding, GLA officers consider there is scope to accommodate additional light industrial studios within Block D on either ground floor or first floor levels, specifically by:

- converting commercial units to light industrial use;
- converting the six residential units at first floor level and private amenity space to light industrial use; and/or
- converting undercroft retail car parking spaces to light industrial use.

These options must be fully explored in discussion with GLA officers ahead of any referral at Stage 2. Once agreed, the final quantum of light industrial floorspace should be secured in B1c use by condition preventing its conversion to B1a office use.

Affordable workspace

27 The proposed flexible employment workspace in either B1a office or B1c light industrial use is assumed to be let at 50% of market value according to the applicant's FVA, which is strongly supported in this instance. However, it is not clear how this space will be secured with rent and service charges capped to ensure the space is managed as envisaged. This should be confirmed and the agreed terms should be secured in the Section 106 agreement, in accordance with Policy E3 of the draft London Plan.

Town centre uses

28 The applicant has submitted a retail impact assessment which concludes that the proposed supermarket is not likely to have a significant adverse impact on the vitality and viability of nearby town centres. This assessment also concludes that the impact of the other proposed town centre uses would be minimal and would complement rather than negatively impact nearby centres. A sequential test has been undertaken which concludes that there are no suitable preferable sites within or on the edge of these designated centres within Brent. This is acceptable. As such, the proposals are compliant with London Plan Policy 4.7 and draft London Plan Policies SD8 and E9.

Community floorspace

29 The principle of accommodating a nursery on the site is supported in line with London Plan Policy 3.18 and Policy S3 of the draft London Plan and would help to generate additional activity within the public courtyard. However, the submitted plans show the nursery amenity space on the first floor would be immediately adjacent to a tyre fitting garage, which raises concerns in terms of noise, disturbance and outlook. Further design information should be provided to show how this building/boundary interface will be dealt with in terms of landscaping and soundproofing, in accordance with the Agent of Change principle.

Principle of development – conclusion

30 For the principle of a comprehensive residential and mixed use development to be supported on this part of the designated LSIS the proposed quantum of light industrial floorspace must be demonstrably maximised within the scheme, in line with the recommendations set out above in paragraph 26, in accordance with London Plan Policy 4.4 and Policy E7 of the draft London Plan. Currently, there is a net loss of industrial floorspace. Agent of Change principles must also be secured, together with the proposed affordable flexible workspace.

Housing and affordable housing

31 The application proposes 258 residential units, comprising 54 social rent units, 114 shared ownership units and 90 private units. This represents 65% affordable housing by habitable room and by unit, as shown below in Table 1. In terms of tenure split, 34% of the total affordable housing would be social rent and 66% would be shared ownership (by habitable room) and 32% / 68% by unit.

Table 1 – affordable housing

Tenure	Units	Habitable rooms	% by habitable rooms	% by unit
Private	90	246	35%	35%
Social rent	54	159	65%	65%

Shared ownership	114	302		
Total	258	707	100%	100%

32 The proposed development is a joint venture between the developer R55 and Clarion Housing Group. Clarion Housing Group is a housing association and one of the Mayor's 'strategic partners' who are contractually targeted via GLA funding contracts to deliver 60% affordable housing across their portfolio in London. Whilst the affordable housing within the scheme would be potentially eligible for grant funding via the 'approved provider route' as set out in the Mayor's Affordable Homes Programme 2016-21 Funding Guidance, the level of grant funding within the scheme has not been clarified and this should be confirmed.

Affordable housing threshold

33 London Plan Policies 3.11 and 3.12 and draft London Plan Policy H5 seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H6 of the draft London Plan identifies a minimum threshold of 50% affordable housing (by habitable room) on Strategic Industrial Locations (SIL), Locally Significant Industrial Sites (LSIS) and non-designated industrial sites considered appropriate for release and confirms that the 35% threshold is only applicable where development accords with the principle of no net loss of industrial capacity. As the application would result in a net loss of industrial capacity it is subject to the 50% threshold for affordable housing. Eligibility for the Fast Track Route is therefore contingent on the application proving an appropriate tenure split.

Tenure mix

34 Policy H7 requires at least 30% low cost rented (either Social Rent or London Affordable Rent) and 30% intermediate housing, with the remaining 40% determined by the borough - which in this instance should be social/affordable rented housing, in line with Brent's Policy DMP15 and as confirmed by Brent Council officers. As set out in paragraph 4.7.11 of the draft London Plan, applications may be considered eligible for the Fast Track Route where at least 35% of the total proposed residential units accords with the tenure split set out in Policy H7 of the draft London Plan and, where this is the case, the tenure of the remaining affordable housing (above 35%) can be flexible in order to maximise affordable housing provision.

Eligibility for the Fast Track Route

35 The proposed scheme falls short of the above minimum tenure mix requirements and, as such, is not currently considered eligible for the 'Fast Track Route' and must be considered under the Viability Tested Route. Accordingly, both early implementation and late stage review mechanisms must be secured within any Section 106 planning agreement, in accordance with Policy H6 of the draft London Plan. However, should the application be revised to meet Brent's target tenure split, it would be considered eligible for the 'Fast Track Route' and the need for a late stage viability review mechanism could be negated.

Financial Viability Assessment

36 The applicant has submitted a Financial Viability Assessment (FVA) which assesses the viability of three potential affordable housing scenarios. These are based on the following tenure mix (by unit):

- Scenario 1 - 50% affordable housing based on a borough policy compliant tenure mix (70:40)
- Scenario 2 - 50% affordable housing based on the 2016 London Plan tenure mix (60:40)
- Scenario 3 - 65% affordable housing based on the proposed tenure mix weighted in favour of intermediate housing provision (35:65 by unit).

37 Whilst the FVA suggests that all of these scenarios fall short of generating the stated level of required return compared to a Benchmark Land Value (BLV) of £9.2 million. The applicant’s FVA suggests that Scenario 3 - 65% affordable based on the non-compliant tenure split set out above - generates a more viable position of £4.8 million, albeit this is still £5.2 million below the assumed BLV. It is this level of affordable housing and tenure mix which the applicant is proposing to bring forward. By comparison, Scenarios 1 and 2 generate a Residual Land Value of £604,543 and £2.6 million respectively, which are between £9.252 million and £6.65 million below the BLV. GLA officers are robustly interrogating the scheme’s viability to ensure the maximum amount of affordable housing is delivered, in discussion with the Council and applicant.

Section 106 agreement

38 Once agreed, the tenure and level of affordable housing should be secured unconditionally in the Section 106 agreement without any reference to grant funding. Furthermore, GLA officers request early engagement and discussions on the wording of the Section 106 agreement, which must be agreed with GLA officers prior to any Stage II referral. Example clauses have been shared with the Council and the applicant.

Housing affordability

39 The provision of low cost rented housing in the form of social rent is strongly supported and this should be secured appropriately in any Section 106 agreement by reference to Social Target Rent levels. Should any affordable rent units be proposed, these should comprise low cost rented accommodation at or close to the London Affordable Rent benchmarks as set out in the Mayor’s affordable housing funding guidance (2016). For the avoidance of doubt, rents at 80% of market rent are unacceptable.

40 Shared ownership units should be available to households on a range of incomes below the maximum income threshold set out in the draft London Plan (£90,000 a year). In addition to this, annual housing costs (including service charges, rent and any interest payment) should be no greater than 40% of net household income. These requirements should be secured in any Section 106 agreement.

Housing choice

41 London Plan Policy 3.8 and Policy H12 of the draft London Plan encourages new developments to offer a range of housing choices in terms of mix and unit size. To achieve this overarching objective, Policy H12 of the draft London Plan sets out a range of factors to be considered when determining the appropriate housing mix on a particular scheme and advises boroughs not to apply prescriptive dwelling size mix requirements for market and intermediate homes, but should provide guidance on the size of affordable and social rent units required, taking into account evidence of local need.

42 The applicant’s proposed housing mix is shown in Table 3 and includes 36 three bedroom flats (14%), 46% two bedroom units and 40% one bedroom units, with a greater proportion of family sized social rented units proposed (24%), which is supported. In view of the PTAL, density and location of the site, the overall housing mix is acceptable in strategic planning terms, having regard to London Plan Policy 3.8 and Policy H12 of the draft London Plan.

Table 3 – proposed housing mix

Size	Market		Social rent		Shared ownership		Overall mix	
	units	%	units	%	units	%	units	%
1 bed	35	39%	16	30%	52	46%	103	40%

2 bed	44	49%	25	46%	50	44%	119	46%
3 bed	11	12%	13	24%	12	11%	36	14%
Total	90		54		114		258	

Children's play space

43 Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Policy S4 of the draft London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10 sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Based on the housing mix in Table 3 and the GLA's play space calculator, a child yield of 72 can be expected, resulting in a requirement for 723.4 sq.m of playspace.

Table 4 – play space requirements and on-site/off-site provision

Age group	Expected children	%
Under 5	38	53%
5 to 11	22	30%
12+	13	17%
Total	72	100%
GLA benchmark	10	
Play space required	723.4	

44 The applicant has stated that informal play space provision for children under five will be provided on site, within shared amenity spaces at podium level, which would include a mix of soft landscaping, more durable play surfaces, seating, shading and play equipment. The additional play space provision required for children over five years would be met off-site, which is acceptable in this instance given the site constraints. On-site play space provision should be secured by condition and the shortfall in on-site play space provision for children over 5 should be mitigated through a financial contribution towards additional play space provision in the local area and secured by Section 106 Agreement.

Urban design

Design, layout and public realm

45 Overall, the design and layout of the western courtyard is supported. This public space would be well activated by cafe and retail uses at ground floor level, with employment workspace and a nursery on the first floor and residential accommodation and overlooking balconies provided above. Bollards would prevent vehicle access from High Road (A407) to create a pedestrianised space comprising durable paving, planters and with outdoor seating proposed outside the cafe sheltered under a recessed colonnade. The potentially awkward space immediately adjacent to the retained 364 High Road would be appropriately addressed by erecting a green wall to screen this unattractive facade and making use of the adjacent space by providing a row of visitor cycle parking bays.

46 The introduction of a strong frontage along Dudden Hill Lane is also supported. This would comprise a double height glazed facade at street level serving the supermarket and gym, with between four and six additional storeys of residential accommodation provided above. This would be

accessed via residential cores at street level. The building line would also be recessed at ground and first floor level to provide a more generous area of footway adjacent to the bus stop on Dudden Hill Lane and enabling tree planting and visitor cycle stands to be provided. This approach is strongly supported. Conditions should be secured to ensure visually permeable glazing is provided on ground floor commercial floorspace fronting publicly accessible spaces within the western courtyard and along Dudden Hill Lane and Colin Road in order to support the objective for active frontages, in accordance with London Plan Policy 7.3 and Policy D1 of the draft London Plan.

47 At pre-application stage, GLA officers expressed concern about the proposal for a pedestrian route through the eastern courtyard given the extent of dead frontage at ground floor level that is associated with the supermarket, car park and loading bay and the rear boundaries serving residential and commercial properties on Colin Road, which might lead to safety and security issues. This would be exacerbated by the presence of overhanging residential blocks, which could create a dark and unwelcoming environment for pedestrians, particularly at night. Furthermore, the car park would be a vehicle dominated space, as it would need to accommodate frequent customer car trips as well as regular delivery and refuse vehicles. These would need to undertake three point turns within the central space within the courtyard. GLA officers remain of the view that the provision of a public access through this eastern courtyard would not be desirable having regard to the principles of designing out crime and such a through route would only be supported on the proviso that the current application is revised to remedy the design issues identified above in terms of natural surveillance, safety and security, in line with London Plan Policies 7.3 and 7.5 and Policies D1 and D7 of the draft London Plan.

48 The applicant's submitted application documents now indicates that public access to the eastern courtyard would be restricted with gates positioned at the site entrance at Dudden Hill Lane and under the central void beneath Block C, with residents provided with key fob access and vehicle access limited to customers and delivery vehicles. Whilst the London Plan and draft London Plan do not generally support gated forms of development, GLA officers are supportive of this approach in this particular instance given the concerns highlighted above. However, it is unclear whether these gates would be permanently closed; or closed during evenings only; and whether residents within Blocks C and D would have key fob access through these gates. A more detailed management and access strategy should be provided to clarify these matters, which should be conditioned. Subject to the above requirements being confirmed and secured, the design and layout of the scheme is supported.

Agent of Change

49 Residential blocks would be rotated on a north-south axis which means that no windows or balconies would directly face the industrial site to the north, with a blank facade provided along this side of the site boundary. This approach to layout is supported and accords with the Agent of Change principle. Conditions should ensure adequate sound insulation is provided and residential units meet relevant standards in terms of internal noise and vibration levels, in accordance with London Plan Policy 7.15 and Policy D12 of the draft London Plan. Further design detail should be provided to confirm the landscaping approach to the boundaries of roof top residential amenity spaces where these adjoin the industrial uses to ensure these spaces are well used and an appropriate level of visual and acoustic screening provided. In addition, further information should be provided for the outdoor amenity space serving the nursery, which also adjoins a tyre garage. Once agreed, the boundary landscaping should be secured by condition.

Residential quality

50 All of the residential units would meet the minimum standards for internal space and private amenity space, which would be provided in the form of balconies and private terraces where residential units face onto shared outdoor communal areas. Overall, 42% of the residential units would be dual aspect and 68% single aspect, with no north facing single aspect units proposed. The orientation of the blocks ensures that single aspect units would benefit from having an east or west facing aspect to optimise the level of daylight and sunlight received and also ensures that the shared

communal amenity spaces would be south facing. Having regard to the applicant's internal daylight and sunlight assessment, GLA officers consider that the proposed residential units would benefit from an acceptable level of daylight and sunlight, taking into account the high density nature of the proposed development.

51 Whilst the separation distance between Block A and B is only 10 metres, no directly facing balconies or living rooms are proposed and the applicant has stated that obscure glazing will be used to mitigate potential privacy issues for west facing bedrooms within Block A. This is acceptable, subject to this being secured by condition. Communal open spaces would be well overlooked by adjacent residential units, which would be set back behind private terraces with hedge planting to provide a degree of privacy. The unit per core per floor ratio broadly complies with the SPG standard (8 units) and where this benchmark is exceeded this would be moderate (9) and is due to layout constraints and management arrangements for different tenures within the scheme, with a number of cores provided below the GLA benchmark, so is acceptable in this instance. Overall, the scheme is considered to be compliant with London Plan Policy 3.5, Policy D4 of the draft London Plan and the 2016 Housing SPG.

Height, massing and architectural quality

52 Whilst the scale of the development would represent a significant step change from the surrounding context, GLA officers consider that the height and massing of the scheme, together with the proposed architectural approach and materials palette, is well-considered and would ensure the provision of a high quality distinctive scheme that would fully optimise the development potential of the site and make a positive contribution to the townscape character of the local area. The height, roofline and appearance of the development is varied to provide visual interest and avoid the scheme appearing as a single mass of development in local or wider townscape views and rooflines would be angled to create an attractive slanted/edged appearance. Furthermore, the massing of the scheme is staggered to reduce potential impacts on residential properties on Colin Road, whilst also ensuring that taller elements of the scheme strengthen the townscape character and legibility along High Road and Dudden Hill Lane, which is supported.

53 A simple and robust materials palette of light coloured brick and bronze metal panelling is proposed with glazed tiles introduced at lower levels to differentiate residential entrances and enhance the attractiveness of the voids beneath overhanging residential blocks and areas of blank frontage adjacent to the supermarket car park. Commercial and employment spaces within the ground and first floor would be visually differentiated using double height units with floor to ceiling glazing, bronze metal panels and window frames and would be set within a simple grid structure of brick columns. Overall, the height and massing of the scheme and the architectural approach is strongly supported, subject to the proposed high quality materials being secured by condition.

54 Given the height of the existing buildings on the site, the high density development of the site will inevitably have a degree of impact on the daylight and sunlight currently experienced by neighbouring residential properties which are in close proximity to the site; however, this is to some degree reduced in this instance as the site is bounded by industrial uses to the north and west and residential properties are mainly found to the south of the proposed buildings. Whilst the applicant's assessment of daylight and sunlight impacts shows that some of the surrounding properties on Colin Road would experience some degree of change in terms of their existing daylight levels received, based on the BRE assessment criteria used, GLA officers consider that the retained levels of daylight and sunlight amenity are reasonable and would mirror those found in other urban contexts.

Density

55 London Plan Policy 3.4 and Policy D6 of the draft London Plan seek to optimise housing density, with the draft London Plan placing greater emphasis on a design-led approach to density

assessments with consideration given to site context, public transport, walking and cycling accessibility and the capacity of surrounding infrastructure. Given the characteristics of the location and context and the site's excellent accessibility to public transport (PTAL 5) and the surrounding walking and cycling routes, a well-designed high density mixed use development is strongly supported in this location. Taking into account the proportion of non-residential land uses proposed (28%), the application would have a density of 388 dwellings per hectare and 1,064 habitable rooms per hectare. In view of the PTAL of the site and the comprehensive mixed use nature of the development, this is acceptable.

Fire safety

56 In accordance with Policy D11 of the draft London Plan, the Council should include an informative prescribing the submission of a fire statement, produced by a suitably qualified independent assessor.

Inclusive design

57 The applicant has stated that 10% of the proposed residential units will be designed to meet Building Regulation M4(3) 'wheelchair user dwellings' (being either wheelchair accessible or easily adaptable for residents who are wheelchair users), with the remaining homes designed to comply with the M4(2) standard for 'accessible and adaptable dwellings', which is supported. The Council must secure compliance with these standards by condition, in accordance with London Plan Policy 3.8 and Policy D5 of the London Plan. Wheelchair user dwellings should be distributed across tenures and unit sizes to provide choice for wheelchair users. Step free access would be provided to serve the supermarket and customer car park, employment workspace, gym and nursery uses, as well as the communal residential courtyards and residential disabled parking bays, which is supported and should be conditioned. As set out below, the applicant is proposing to provide a wheelchair accessible car club bay on Colin Road to mitigate the shortfall in on-site provision. For this to be acceptable, the applicant should demonstrate that there is a clear, barrier free and level route between this bay and residential entrances so that the bay serves the intended purpose.

Heritage

58 London Plan Policy 7.8. and Policy HC1 of the draft London Plan states that development should conserve heritage assets and avoid harm. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

59 The site is not located within a conservation area and does not contain any Grade listed buildings or structures and there are no conservation areas or listed buildings within the immediate vicinity of the site. The site's wider context includes Willesden Jewish Cemetery which is a Registered Park and Garden and contains the Grade II listed War Memorial, Funerary Building and a number of Grade II listed tombs. Willesden Green Conservation Area is found approximately 700 metres away to the south, along Dudden Hill Lane. The applicant has undertaken a Townscape and Visual Impact Assessment (TVIA); however, this does not appear to include a full assessment of the potential visual impact of the proposed development on the setting of the cemetery or Grade II listed structures within it. GLA officers would therefore welcome further discussion and clarification on this matter. GLA officers are satisfied that the setting of Willesden Green Conservation Area would not be affected by the application given the distance, street layout, topography and urban form.

Climate change

60 Based on the energy assessment submitted, an on-site reduction in CO₂ emissions of 48% beyond 2013 Building Regulations compliant development is expected on the residential element of the scheme and a saving of 37% on the non-domestic element. This exceeds the minimum expectations for on-site carbon dioxide savings set out in Policy SI2 of the draft London Plan and would be achieved through a range of passive design features and demand reduction measures, including the installation of a gas fired CHP unit, approximately 679 sq.m. of photovoltaic (PV) panels, together with air source heat pumps serving the supermarket, employment floorspace and commercial units.

61 In view of Policy SI3 of the draft London Plan and updated GLA guidance (October 2018)³, the proposal for a gas fired CHP unit is not considered appropriate in this instance, given the scale development and the site's location within an Air Quality Management Area. Further robust justification on sizing and the potential for alternative low carbon heating methods should be provided and the currently proposed strategy should be revised. Further information has been requested in relation to technical aspects of the energy strategy, full details of which has provided to the applicant and the Council. A more detailed roof layout should be provided to demonstrate that the potential for a PV installation has been maximised, with areas of the roof that are considered unsuitable for PV panels identified and explained. Once all opportunities to provide on-site savings have been exhausted, any remaining regulated carbon dioxide emission reductions should be met through a Section 106 contribution to the Council's offset fund in order to meet the zero carbon target for residential development, in accordance with London Plan Policy 5.2 and Policy SI2 of the draft London Plan.

Flood risk and sustainable drainage

62 The site is located in Flood Zone 1 and has a medium level of risk of surface water flooding according to Environment Agency data. Through the proposed strategy the applicant proposes to achieve a greenfield run-off rate by restricting surface water run-off levels in excess of 12 litres per second for likely storm events within a 100 year period, with a 40% allowance for climate change. This would provide a significant improvement on the existing pre-development run-off rate of 130 litres per second and would be achieved through the provision of attenuation storage beneath the proposed car park with 405 cubic metres of storage capacity.

63 Attenuation tanks are proposed as the main SuDS measure, and these are the only measure that are shown on the drainage strategy. For this approach to be considered compliant with London Plan Policy 5.13 and Policy SI.13 of the draft London Plan, further detail is required to demonstrate how additional SuDS measures at the top of the drainage hierarchy will be incorporated. This might include rainwater harvesting, green/blue roofs, permeable paving and bioretention systems. Whilst it is noted that the applicant has stated that site constraints and ground conditions limit the potential for alternative attenuation measures, this should be clarified.

Transport

Commercial car parking

64 The supermarket would be served by a total of 60 car parking spaces, of which 4 will be designated disabled bays. This quantum of parking is excessive and significantly exceeds the minimum standards both the current and draft London Plan. Taking into account the site's public transport access level (PTAL 5) and the proposed sales area (1,513 sq.m.), a maximum parking level of parking provision would be 38 to 50 spaces, in accordance with London Plan Policy 6.13.

³ GLA Energy Assessment Guidance (October 2018), Appendix 3

Furthermore, a car free standard is sought from sites such as this, as set out in Policy T6.3 of the draft London Plan. As such, the proposed level of parking provision must be significantly reduced. As set out above, this should ensure space is freed up to provide additional light industrial floorspace. Space for cargo bikes cycle parking bays and rapid electric charging points should be provided. Two disabled bays are proposed for the B1 office use, which is acceptable; however, no disabled parking provision is made for the nursery use on the site, which does not accord with Policy T6.5 of the draft London Plan.

Residential car parking

65 The residential element of the scheme is proposed to be car-free, except for four blue badge parking bays, which is supported. The applicant has in their draft 'heads of terms' committed to a parking permit restriction to be included with the Section 106 agreement which is welcomed and should be secured. At least 20% of spaces should have active electric vehicle charging facilities, whilst the remaining 80% should be passive provision, which should be secured, in line with Policy London Plan 6.13 and Policy T6.1 of the draft London Plan.

66 A total of 8 blue badge spaces should be provided in line with Policy T6.1 of the draft London Plan which requires at least one designated disabled persons parking bay per unit for 3% of total units proposed. As mitigation for the shortfall in on-site disabled parking spaces, the applicant is proposing to provide a wheelchair accessible car club bay on Colin Road. Whilst this innovative approach could be supported, this is subject to further information being provided to demonstrate the long-term viability of this approach before this can be accepted. For this to be acceptable, the applicant should demonstrate that there is a clear, barrier free and level route between this bay and residential entrances so that the bay serves the intended purpose. In addition, a financial contribution should be secured in any Section 106 agreement to fund free car club memberships for residents who are blue badge holders. The applicant should also provide a Car Parking Design and Management Plan demonstrating how an additional 7% of dwellings could be provided with a designated disabled bay depending on demand, for example, via the re-allocation of supermarket parking spaces.

Cycle parking

67 The total number of long-stay cycle parking spaces serving the residential units (414) complies with the current London Plan; however, this should be increased to meet the minimum standard in the draft London Plan (465 spaces). Residential short stay cycle parking and the remaining cycle parking spaces for the other proposed land uses on site are in accordance with draft London Plan, which is supported. Cycle parking facilities should accord with the London Cycle Design Standards (LCDS) in terms of the design and dimensions of stands and lifts to basement level parking provision. Cycle parking facilities serving employment and retail uses should be provided with showers, changing rooms and lockers.

Walking, cycling and Healthy Streets

68 The applicant is proposing to provide a new pedestrian crossing point with beacons to replace the existing uncontrolled crossing points which is strongly supported in accordance with the Mayor's priority for Healthy Streets, given the likely desire line between the site and Dollis Hill Station and taking into account the likely footfall generated by the proposed food store. The existing situation and final agreed design improvements should be assessed using the Healthy Streets Check for Designers⁴ and appropriate enhancements should be secured via Section 106 agreement, in accordance with Policy T2 of the draft London Plan. Financial contributions should be sought

⁴ <https://tfl.gov.uk/corporate/about-tfl/how-we-work/planning-for-the-future/healthy-streets>

towards bus stop enhancements and improving the wider cycling and pedestrian network in the vicinity of the site.

Site access

69 Vehicular access to the proposed supermarket is proposed on Dudden Hill Lane in broadly the same location as the existing site access. This would serve customer car parking, deliveries and refuse and recycling vehicles and the required site access improvements will necessitate the existing bus cage being reduced, which will need to be subject to further discussion with TfL.

Public transport impacts and mitigation

70 TfL has raised concerns about the applicant's trip generation which should be addressed to enable officers to determine whether the application would have a further material impact on bus and London Underground services and the extent to which additional mitigation measures should be secured via Section 106 agreement.

Construction, deliveries, servicing, travel planning and CIL

71 A detailed Construction Logistics Plan (CLP), Delivery and Servicing Management Plan (DSP) and Travel Plan should be secured by condition, in line with TfL's best practice guidance. In June 2017, the Mayor published proposals for an MCIL2. This will be levied from April 2019 and will replace the current MCIL.

Financial considerations

72 There are no financial considerations at this stage.

Conclusion

73 London Plan and draft London Plan policies on industrial land, retail, offices, housing, urban design, inclusive design, heritage, climate change, flood risk and sustainable drainage and transport are relevant to this application. The application does not comply with the London Plan and draft London Plan; however, the following changes might lead to the applications becoming compliant:

- **Land use principle:** For the principle of a comprehensive mixed use development of this designated LSIS site to be supported, the proposed quantum of light industrial floorspace within the scheme must be demonstrably maximised, in line with the recommendations in paragraph 26 of this report and in accordance with London Plan Policy 4.4 and Policy E7 of the draft London Plan. Currently, there is a net loss of industrial floorspace. In addition, the necessary mitigation measures set out below must be secured by condition, in line with the Agent of Change principle. The proposed affordable flexible workspace should also be secured.
- **Housing and affordable housing:** 65% affordable housing, comprising 34% social rent and 66% intermediate tenure (by habitable room) is strongly supported; however, the application is not eligible for the 'Fast Track Route' as the minimum tenure mix requirements have not been met. To be eligible for the 'Fast Track Route' the percentage of social/affordable rented housing should be increased. Once finalised, the tenure and level of affordable housing should be secured unconditionally in the Section 106 agreement without any reference to grant funding, alongside early and, where necessary, late stage review mechanisms. The affordability of intermediate shared ownership units should be confirmed and secured. On-site and off-site playspace provision should also be secured.

- **Urban design:** The height, massing, density and architectural and residential quality of the scheme is supported, subject to the proposed high quality materials being secured by condition, together with visually permeable glazing on ground floor commercial sales floorspace fronting the publicly accessible space within the western courtyard, along Dudden Hill Lane and on Colin Road in order to support the objective for active frontages, in accordance with London Plan Policy 7.3 and Policy D1 of the draft London Plan. GLA officers remain of the view that the provision of a public pedestrian route through this eastern courtyard would not be desirable, unless the development is substantially revised to ensure natural surveillance and address safety and security concerns along this route. A more detailed management and access strategy should be provided to clarify how access to the eastern courtyard will be managed which should be conditioned.
- **Agent of Change:** The layout and orientation of residential blocks accords good acoustic design and Agent of Change principles and, subject to necessary conditions being secured in relation to noise, vibration and landscaping, the application is considered compliant with London Plan Policy 7.15 and Policy D12 of the draft London Plan.
- **Heritage:** The applicant's Townscape and Visual Impact Assessment (TVIA) does not appear to include a full assessment of the potential visual impact of the proposed development on the setting of Willesden Jewish Cemetery which is a Registered Park and Garden and includes a number of Grade II listed structures. GLA officers would welcome further clarification on this matter. GLA officers are satisfied that the setting of Willesden Green Conservation Area would not be affected by the application given the distance, street layout, topography and urban form.
- **Inclusive design:** Compliance with London Plan accessible housing standards should be secured by condition, together with level access to non-residential uses. Further information should be provided on wheelchair access between the proposed wheelchair accessible car club bay the residential cores.
- **Climate change:** In view of Policy S13 of the draft London Plan and updated GLA guidance, the proposal for a gas fired CHP unit is not considered appropriate in this instance, given the scale development and the site's location within an Air Quality Management Area. Further robust justification on sizing and the potential for alternative low carbon heating methods should be provided and the currently proposed strategy should be revised, with any residual shortfall in CO2 emissions on the residential element of the scheme mitigated by way of a carbon offset payment.
- **Sustainable urban drainage:** The proposed drainage strategy relies on below ground attenuation tanks and does not give appropriate regard to the London Plan drainage hierarchy. Further details is required on how additional SuDS measures at the top of the drainage hierarchy will be incorporated within the scheme, including rainwater harvesting, green/blue roofs, permeable paving and bioretention systems.

- **Transport:** The proposed quantum of retail car parking significantly exceeds the minimum standards in both the current and draft London Plan. This is excessive and should be reduced. The car-free nature of the residential element is supported; as is the applicant's proposal for a wheelchair accessible on-street car club bay on Colin Road as mitigation for the shortfall in on-site disabled parking provision. However, further information is needed to demonstrate the viability and accessibility of the proposed bay on Colin Road. Cycle parking should be increased to meet the draft London Plan standards and the shower and changing facilities serving commercial uses should be confirmed. The proposal for an enhanced pedestrian crossing facility on Dudden Hill Lane is strongly supported and should be supported by a Healthy Streets Assessment. Financial contributions towards bus stop enhancement and improving the wider cycling and pedestrian network should be sought. Contributions towards bus and tube capacity may need to be secured once the impacts have been established and agreed.