

## Alperton Manufacturing Estate

in the London Borough of Brent

planning application no. 18/4919

### Strategic planning application stage II 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

Redevelopment of the site to provide a mixed-use development of 581 residential units with flexible commercial floorspace, associated car parking, landscaping and ancillary facilities in buildings up to 14 storeys.

### The applicant

The applicants are **Zed Homes Ltd** and the architect is **Broadway Malyan**.

### Key dates

**Stage 1 reporting:** 7 May 2019

**Planning Committee:** 6 May 2020

### Strategic issues

Brent Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination, under Article 7 of the Town and Country Planning (Mayor of London) Order 2008.

Having regard to the details of the application, the matters set out in the committee report, the outstanding issue from Stage I described in this report and the Council's draft decision notice to refuse the application, **there are no sound planning reasons for the Mayor to intervene in this particular case** and therefore no basis to issue a direction under section 2A of the Town and Country Planning Act 1990.

Should the scheme be considered at appeal or a revised application submitted, the applicant should have regard to the matters set out in this report.

### The Council's decision

In this instance Brent Council has resolved to refuse planning permission

### Recommendation

That Brent Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take and does not therefore wish to direct that he is to be the local planning authority.

## Context

1 On 11 March 2019 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. This was referred to the Mayor under the Categories 1A and 1C of the Schedule to the 2008 Order:

- **Category 1A:** *“Development which comprises or includes the provision of more than 150 houses, flats, or flats and houses.”*
- **Category 1C:** *“Development which comprises or includes the erection of a building which is more than 30 metres high and is outside the City of London.”*

2 On 7 May 2019 the Mayor, considered planning report GLA/4804/01, and subsequently advised Brent Council that the application did not comply with the London Plan and the draft London Plan, for the reasons set out in paragraph 65 of the above-mentioned report; but that the possible remedies set out in that paragraph of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 6 May 2020, Brent Council decided that it was minded to refuse planning permission for the revised application, and on 26 May 2020 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Brent Council under Article 6 to refuse the application or call the application in for his own determination under Article 7.

5 A Direction may only be issued where the criteria in Article 7(1) (a) to (c) of the 2008 Order are all satisfied. In deciding whether to issue such a Direction the Mayor must take account of the extent to which Brent Council is achieving, and has achieved, the applicable development plan targets for new housing, including affordable housing. If the Mayor determines to issue a Direction there is a requirement that the reasons for doing so specify how these matters have affected his decision. The Mayor has until 9 June 2020 to notify the Council of his decision and to issue any direction.

6 The Council’s draft decision notice includes the following reasons for refusal:

- *“The proposed development would fail to deliver the maximum reasonable amount of Affordable housing and is therefore contrary to policy 3.12 of the London Plan (consolidated with alterations since 2011); Policy DMP15 of Brent’s Development Management Policies (2016) and policies H5 and H6 of the emerging London Plan (Intend to publish version 2019).”*
- *“The proposed development would result in a significant increase in the local population without securing the provision of commensurate improvements to local facilities, with particular reference to leisure and multi-use community facilities and as such, is likely to result in an adverse impact to the availability of local community facilities. This is contrary to policy CP23 of Brent’s Core*

*Strategy (2010), as well as policy S1 of the emerging London Plan (Intend to Publish Version 2019) and policies BP7, BSI1 and site allocation BSWSA5 contained within Brent's emerging Local Plan (Reg 19 version 2019)."*

- *"In the absence of a legal agreement to control such matters, the development would not secure: - Sustainability measures; - Job and training opportunities for local residents; - Necessary highway improvement works; - Necessary pedestrian environment improvement works; - A travel plan, inclusive of car club measures; - Sufficient affordable workspace through the incorporation of appropriate safeguarding mechanisms; - Necessary contributions towards the expansion of controlled parking zones and removal of rights for parking permits for future residents and business users; - Necessary contributions towards the expansion of local public transport capacity and accessibility. As a result, the proposal would fail to comply with policies 4.12 and 5.2 of the London Plan (consolidated with alterations since 2011); policies CP1 and CP19 of Brent's Core Strategy (2010); policies DMP1, DMP11, DMP12 and DMP13 of Brent's Development Management Policies (2016); policies E3, E11, SI1, SI2, T4, T6 and T9 of the emerging London Plan (intend to publish version 2019); policies DMP1, BP7, BSUI1, BSUI2, BT1, BT2, BT3 and BT4 and site allocation BSWSA5 of Brent's emerging Local Plan (Reg 19 Version 2019) and the guidance contained within Brent's S106 Planning Obligations SPD (2013)."*

7 The decision on this case, and the reasons, will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## **Article 7: Direction that the Mayor is to be the local planning authority**

8 In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within categories 1 and 2 of the schedule to the Order 2008), the Mayor must be satisfied that certain statutory tests set out in article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

9 The relevant statutory tests comprise the following three parts, all of which (subject to paragraph 12 below) must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

10 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

11 As set out above, the application is for up to 581 residential units. Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.

12 Moreover, article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council, has achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Council has achieved any other relevant development plan targets.

13 This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

14 With regards to test (a), the site has the potential to contribute towards London's housing supply, with the proposed 581 units representing 38% of Brent's annual housing target of 1,525 units under the current London Plan or 25% of the 2,325 annualised housing target set for Brent under the Mayor's Intend to Publish (ItP) London Plan.

15 Turning to test (c). Whilst it is acknowledged that the proposals could offer strategic planning benefits that positively respond to strategic and local policy; given the specifics of the case, including the unacceptable affordable housing offer and the matters raised in the Council's draft decision on the case, it is not considered that the proposals presently provide these strategic benefits. Therefore, having regard to the details of the proposals, the Council's committee reports and draft reasons for refusal, it is considered that there are no sound planning reasons to intervene in this case.

16 As set out in paragraph 7(3) of the Order, the Mayor must take account of the Council's current and past performance against relevant housing and development plan targets in his decision. In this instance the targets that are applicable are contained within London Plan Policy 3.3. Table 3.1 of the London Plan establishes an annual average housing supply monitoring target for Brent of 1,525 per annum. The ItP London Plan Policy H1 proposes an annualised target for net housing completions for Brent of 2,325.

17 The following table sets out the number of homes and affordable homes granted planning permission between 2015 and 2018 in Brent:

<b>Planning permissions</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>total</b>	<b>net delivery %</b>
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homes target	1,525	1,525	1,525	1,525	6,100	326% of target
homes approved	1,411	7,973	3,990	6,494	19,874	
affordable homes target	530	530	530	530	2,120	247% of target
affordable homes approved	215	2,264	1,051	1,698	5,228	

Table 1: total housing approvals for LB Brent (source: London Development Database)

18 The following table sets out the number of homes and affordable homes delivered between 2015 and 2018 in Brent:

Planning completions	2015-2016	2016-2017	2017-2018	2018-2019	total	net delivery %
homes target	1,525	1,525	1,525	1,525	6,100	79% of target
homes completed	1,047	1,363	695	1,741	4,846	
affordable homes target	530	530	530	530	2,120	30% of target
affordable homes completed	52	281	-147	442	628	

Table 2: total housing completions for LB Brent (source: London Development Database)

19 The above tables demonstrate that, whilst Brent Council is performing well against the London Plan targets for the approval of housing and affordable housing. The Council is under-delivering in terms of housing completions, particularly in terms of delivery of affordable housing.

### Conclusion

20 For the Mayor to issue a direction that he is to be the local planning authority, all relevant statutory tests must be met. As the tests have not been met, there is no basis to issue a direction under Article 7.

### **Update**

21 At consultation stage, Brent Council was advised that application did not yet comply with the London Plan and the draft London Plan for the reasons set out in paragraph 65 of that report, as set out below:

- **Principle of development:** The proposal to provide a high density residential-led mixed use development was supported in principle. However, in order for high density development to be acceptable, the proposal would need to be appropriately optimised in terms of affordable housing provision and is of exemplar design quality. A planning obligation should secure the proposed affordable workspace.

- **Affordable housing:** The affordable housing offer was 21.5%, calculated by habitable room, with an initial split of 53% affordable rent/ 47% shared ownership. The offer was subject to scrutiny by GLA officers with a view to securing an increase. Given the low value of the existing industrial site and the significant uplift in development value, significantly greater levels of affordable housing were expected. The affordable housing offer was deemed unacceptable and would need to be increased. The affordability of the proposed tenures should be confirmed and secured, and options for grant funding should be explored. Early and late review mechanisms should be secured as appropriate and as required by Policy H6 of the draft London Plan.
- **Design:** The design approach was broadly supported. However, improvements to the quality of the residential streets and to demonstrate exemplary design should be made.
- **Environment:** Additional information was requested to determine the carbon dioxide reductions and compliance with London Plan and draft London Plan energy policies. Further information on sustainable urban drainage required.
- **Urban greening:** The applicant should seek to ensure that the scheme achieves an urban greening factor of 0.4.
- **Transport:** Further work on trip generation and mode share required along with more information on highways impact. The proposals should be assessed against the Healthy Streets indicators and Road Safety Audits undertaken and appropriate mitigation should be secured. Cycle parking should be increased to meet draft London Plan standards and car parking, other than that for disabled people reduced. Financial contributions to mitigate the site-specific transport impacts of the development are required for bus capacity and accessibility with the exact amount to be confirmed following completion and agreement of revised trip assessment.

22 Since consultation stage, GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters, particularly in relation to the affordable housing offer and viability.

23 It is also noted that since Stage 1, the Mayor has published The London Plan Intend to Publish Version (December 2019), which is now a material consideration which must be taken into account on the basis explained within the NPPF. On 13 March 2020 the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to this particular application, have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.

## Principle of development

24 As reported at Stage 1, the principle of the redevelopment of the site for commercial led mixed uses was supported in principle subject to improvements to the affordable housing offer and design quality of the scheme. Whilst the identified urban design issues have since been resolved, the affordable housing offer still falls considerably short of the GLA's expectations and therefore the development cannot be

fully supported on this basis. Further details on affordable housing and urban design matters are provided in the following sections of this report.

25 It was noted at consultation stage that a total of 620 sq.m. of affordable workspace would be provided as part of the overall commercial package of 1,335 sq.m., representing 46% of the total. The quantum of affordable workspace has been subsequently reduced slightly to 545 sq.m. out of 1,254 sq.m. equating to 43% of the total commercial floorspace proposed. The affordable workspace was proposed to be secured at no more than 50% of the market rent in accordance with Brent Council's Development Management DPD, which would be welcomed.

## **Affordable housing**

26 The original affordable housing offer was 21.5% by habitable room with a 53:47 split between affordable rent and shared ownership. This was subsequently increased to 22.8% affordable housing provision with a tenure split of 65:35 between affordable rented and shared ownership.

27 Whilst the Council's independent financial advisors came to the conclusion that the revised offer would represent the maximum reasonable affordable housing offer, GLA officers are not of the same view. GLA officers have engaged extensively with the applicant during the course of the application process, particularly in relation to the viability position of the proposed scheme. Significant concerns remain with respect to the applicant's approach to the assessment of the viability of the scheme, which does not comply with the Development Plan, including the Mayor's Affordable Housing and Viability SPG and the Mayor's Intend to Publish London Plan Policy H6. These concerns are detailed below:

### Benchmark Land Value

28 The approach undertaken by the applicant relies on an analysis of the evidence of much better industrial lettings and applies these assumptions to assess the market value of the units. This ignores the actual rent evidence of the existing units and fails to take into account the condition, and quality of the estate such as the circulation, parking, and loading facilities.

### Gross development value

29 It is considered that the comparable evidence relied on for the residential values has been heavily influenced by properties that do not share the attributes of the proposed development. GLA officers considered the St. William development, which is in close proximity to this site, would reflect the attractions of a quiet residential area with a canal setting similar to this scheme, and must be reflected in the assumptions.

### Developer's return

30 The level of profit assumed by the applicant is considered to be at the top end of a range of generally accepted allowances. This should be reserved for schemes with an increased risk profile. No justification has been provided by the applicant that the level of profit assumed is acceptable.

## Other matters

31 The affordable rent units were originally proposed to be delivered at Brent's Affordable Rent levels (these equate to 65% of market rent levels, capped at LHA rates). GLA officers considered that calculating affordable rent as a percentage of market rent may have the effect over time of making them not truly affordable which would conflict with the provisions of Policy H6 of the ItP London Plan. The affordable rent levels should therefore be aligned with London Affordable Rent levels to ensure they are genuinely affordable.

32 These issues remained outstanding prior to committee. At Brent Council's committee meeting on 17 March 2020 members highlighted several issues including the poor affordable housing offer. As a result, the application was deferred to give the applicant an opportunity to improve upon this offer. Following this, the applicant revised their offer down to 16.8% affordable housing by habitable room, weighted 78:22 towards London Affordable Rent rather than Brent Affordable Rent as previously proposed. The final offer was as follows (in unit terms):

	<b>Private</b>	<b>Shared ownership</b>	<b>London Affordable Rent</b>	<b>Total</b>
<b>1 bed</b>	224	0	10	234
<b>2 bed</b>	201	0	12	213
<b>3 bed</b>	61	53	0	114
<b>Total</b>	<b>506</b>	<b>53</b>	<b>22</b>	<b>581</b>

Table 3: accommodation schedule

33 Notwithstanding this, members remained of the view that the affordable housing offer was unacceptable and at the deferred committee on 6 May 2020 it was resolved that planning permission be refused on this basis. Whilst GLA officers are supportive of the proposed change in tenure from Brent Affordable Rent to London Affordable rent, the affordable housing offer as a whole still falls considerably short of GLA officer's expectations.

34 GLA officers do not consider that the affordable housing offer or the revised offer put forward to committee members in May would constitute the maximum reasonable quantum of affordable housing and is therefore wholly unacceptable.

## **Conclusions**

35 Should a revised application be submitted, the applicant is encouraged to improve upon their affordable housing offer, fully addressing the comments raised in this report. Both early and late stage reviews should be secured and the availability of grant funding explored and secured as appropriate within any s106 agreement. The affordability of the affordable units should also be defined and secured within the s106 agreement. Drafting of such clauses should take place in consultation with GLA officers.

## **Playspace**

36 Confirmation that the on-site playspace proposed would be sufficient in size relative to the child yield of the development remains outstanding. Sufficient on-site

playspace must be provided as part of any revised planning application in line with London Plan Policy 3.6, Policy S4 of the ItP London Plan and the Mayor's Playspace and Informal Recreation SPG. The playspace must be accessible to all tenures.

## **Urban design**

37 At consultation stage the applicant was asked to consider the use of a chamfer to the corner of block G to open up long views to the canal front from the northern part of the site. It was also requested that the applicant consider reducing the extent of inactive frontage to block K as well as introducing more front doors throughout the scheme.

38 Following further discussions with the applicant on these issues, further amendments to blocks G or K and introduction of further front doors have been ruled out as they would necessitate a significant scheme redesign. The current design is therefore considered acceptable on balance.

## **Inclusive design**

39 A Fire Strategy document has been submitted in accordance with Policy D12 of the ItP London Plan. The contents of which covers the key information requirements as required by this policy.

## **Environment**

### Energy

40 The applicant was asked to provide the following additional information and revisions in order to confirm compliance with London Plan, draft London Plan policies and GLA Energy Assessment Guidance with regards to: the submission of the GLA carbon emissions spreadsheet; estimation of emission performance against SAP10 or SAP 2012 (justification required); energy efficiency modelling; completion of the domestic overheating checklist; G-value assumptions in the overheating analysis and generally needs to be lowered; further consideration of passive design measure to reduce overheating; the use of blinds to prevent overheating; corridor comfort criteria; drawings required showing a future connection to a district heating network; NOx standards required to be met; demonstration that CHP is the optimum heating solution for the site; demonstration that the potential for photovoltaics has been maximised.

41 All issues have since been resolved except for the proposed use of CHP. The applicant has failed to justify the use of a CHP system over the use of an alternative ASHP system. The applicant was asked to consider a more pragmatic ASHP assumption in combination with gas boilers and re-report the comparison analysis as well as consider the potential to export heat to local heat consumers in their design proposals. Furthermore, the use of CHP has a consequential impact on air quality, which is dealt with in more detail in the following section of this report. Until this detail is provided to the satisfaction of GLA officers and the GLA carbon emissions spreadsheet resubmitted following resolution, the proposals would fail to comply with the provisions of the ItP London Plan Policy SI 3.

### Air quality

42 Although not specifically raised in the Stage 1 report, serious shortcomings have been identified in respect of the air quality and air quality neutral assessments. The Air Quality Neutral (AQN) assessment has not been calculated correctly, and thus it has not been possible to determine whether the development is compliant with London Plan Policy 7.14B and the ItP London Plan Policy SI 1 that all developments are at least Air Quality Neutral. Further clarification of the calculation of building emissions from the proposed CHP plant was requested and AQN assessment revised to determine compliance with the London Plan.

43 The air quality assessment has also used unsuitable methods to assess impacts on local air quality, and to assess the risk of exposure to poor air quality for future occupants. In particular, the emissions from gas-fired CHP have not been modelled, which would be expected given potential air quality concerns with installation of CHP.

44 It is also noted that the trip generation provided was not considered robust as per Stage 1 case report, and no changes have been made following the provision of the updated air quality assessment. Therefore, the impacts of road traffic emissions have not been suitably assessed. It is therefore not possible to determine whether the development is compliant for both energy plant and road traffic emissions impacts.

45 A construction dust risk assessment is required in line with London Plan Policy 7.14B and ItP London Plan Policy SI 1. Site-specific mitigation, appropriate to the risk of construction dust impacts, has also not been provided.

46 These issues remain outstanding and should be addressed in full should a revised application be submitted.

#### Flood risk and drainage

47 As requested at consultation stage, further details on exceedance assessment has been provided, and rainwater harvesting was given sufficient consideration but discounted in this instance. This is considered acceptable within the site constraints. The development now complies with Policy 5.15 of the London Plan and SI.5 of the Mayor's ItP London Plan with regards to water efficiency and consumption.

#### Urban greening

48 The Urban Greening Factor (UGF) has been calculated as 0.36, which falls slightly short of the 0.4 target for predominantly residential schemes. The applicant has provided a robust response following the request to calculate the UGF, setting out a well-considered account of the ecologically valuable elements proposed. The proposed level of urban greening is therefore considered acceptable given the industrial nature of the scheme and complies with Policy G5 of the ItP London Plan.

### **Transport**

49 Further information was provided to address concerns raised in regard to the trip generation assessment as requested at Stage 1.

50 A financial contribution towards bus services enhancements was proposed to be secured, the amount to be paid by the applicant to be determined through the final land

use of the commercial floorspace. A financial contribution of £160,000 towards the creating of step-free access at Alperton Station was also to be secured.

51 The applicant has provided further information to demonstrate how the proposed development adheres to the Mayor's Healthy Streets approach. The creation of the publicly accessible routes through the site, which include along the Grand Union Canal and to Woodside Close, is welcomed. 24-hour access to these routes should be secured through the relevant agreement.

52 The implementation of a traffic calming scheme on Woodside Avenue and adjoining street; improvements to the pedestrian crossing on either side of the junction of Mount Pleasant and Woodside Avenue; and construction and adoption of the main site access road which connects Mount Pleasant and Woodside End were proposed to be delivered through a S278 agreement. As requested, a Stage 1 Road Safety Audit has been undertaken in line with TfL guidance. The findings of this report should inform further discussions regarding the proposed scope of highway works that fall under the S278.

53 1,101 long-stay cycle parking spaces are proposed to serve the development. There has been an increase by 38 spaces in the quantum of visitor cycle parking at this site, which is welcomed.

54 Whilst there has been no further reduction in the quantum of residential parking provision, 4 visitor parking spaces have been removed and replaced with a car club space. It is noted that the applicant proposed to provide 20% of parking spaces with active electric vehicle charging points with passive provision for all remaining spaces, in line with ItP London Plan Policy T6. The provision of 20% of parking spaces having active electric vehicle charging points was to be secured through condition.

55 A contribution of £150,000 towards the extension of the Controlled Parking Zone (CPZ) in this area was proposed to be secured.

56 A Car Park Management Plan, Delivery and Servicing Plan, Travel Plan and Construction Logistics Plan were proposed to be secured by condition as requested.

57 All issues are therefore considered resolved subject to the necessary planning conditions and obligations being secured.

## **Response to consultation**

58 On 7 March 2019 Brent Council notified 385 properties of the development proposal in surrounding areas. In addition, site notices were posted on 7 May 2019 and a press notice was printed on 31 October 2019. One objection was received from a neighbour and two neutral comments were received. The comments were as follows:

- The development is very high and will be imposing.
- Loss of daylight and the character of the area will be lost.
- The adjoining site would have its access limited by the proposals.
- The development should not stymie development on adjoining allocated sites.

- Support for the opening up of the northern side of the canal and creation of active frontages onto the canal. Massing and height of the buildings along the canal are appropriate.
- Proximity of the pavilion building close to the canal – does not provide sufficient space for gathering and access.
- Concerns raised about the high retaining wall to the north bank of the canal which erodes the relationship between the canal and canalside.
- Concern regarding the possibility of contaminated surface water runoff into the canal during construction.

### Statutory and non-statutory organisations

59 Responses from statutory bodies and other organisations:

- **Local Lead Flood Authority** – No objection
- **Thames Water** – Suggest conditions in relation to confirming suitable capacity of foul water infrastructure to accommodate development.
- **Canal and River Trust** – Conditions required in relation to showing vehicular barriers and a 1 metre wide habitat verge at the edge of the canal; and pre and post construction survey of the waterway wall for Canal and River Trust approval.

### **Response to the consultation - conclusion**

60 Issues raised by objectors have been considered in this report, the Mayor's Stage 1 report, and the Council's committee report of 17 March and 6 May 2020. The Council's Planning Committee resolved to grant planning permission for the reasons set out in the committee report. However, members resolved to refuse planning permission against officer's recommendation for approval.

61 Following Brent Council's resolution to refuse planning permission, the applicant has requested that the application is called the application in for determination by the Mayor. However, as detailed at paragraph 8-20 of this report, it has been concluded that there are no sound reasons for doing so.

62 However, should the Mayor take over the application for his own determination, the consultation responses, and the issues raised within them, will be fully considered as part of GLA officer's assessment of the application.

### **Section 106 Heads of Terms**

63 The heads of terms identified in the committee report are summarised as follows:

- Payment of Council's reasonable legal and professional costs.
- Provision of on-site affordable housing.
- Early, mid and late stage reviews.
- Provision of 545 sq.m. of affordable workspace
- Submission of an affordable workspace plan.
- Contribution towards carbon offsetting in line with GLA formula.

- BREEAM 'Excellent' within the commercial floor space of the development.
- Submission and approval and implementation of Training and Employment plan.
- A sum of £150,000 towards the implementation of a Controlled Parking Zone in the area.
- S38/S278 highway works under the Highways act 1980.
- A restriction to prohibit future residents from obtaining on-street parking permits in any future CPZ that is introduced in the area.
- Submission and approval of a Residential Travel Plan prior to occupation of the development.
- Establishment of a Car Club within the site including the provision of suitable parking spaces and subsidising of resident membership fees.
- Construction of a pedestrian path alongside the Grand Union Canal with pedestrian links from the main spine road through the site.
- Bus contribution (£ TBC)
- Contribution towards accessibility improvements at Alperton Station: £166,000.
- Any other planning obligation(s) considered necessary by the Head of Planning.

## **Legal considerations**

64 The Mayor has the power to issue a direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In order to issue a Direction and to act as the local planning authority the Mayor must be satisfied that the criteria set out in Article 7(1) of the 2008 Order are all fulfilled. In determining whether these criteria are fulfilled the Mayor is required to have regard to the matters set out in Article 7(3). He is also required to provide reasons for his decision. Those reasons must specify how the matters set out in Article 7(3) have affected his decision.

## **Financial considerations**

65 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any approval of details applications (unless the Council agrees to do so).

## **Conclusion**

66 Having regard to the details of the application, the matters set out in the committee report and the Council's draft reasons for refusal, it is concluded that there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

67 Should a scheme be considered at appeal or a revised application submitted; the applicant should have regard to all outstanding issues identified in this report and the GLA Stage 1 report (GLA/4804/01) and the conditions and s106 heads of terms should be secured for any future planning permission as appropriate.

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