

10 March 2016

**Wembley West End, Montrose Car Park, Wembley****in the London Borough of Brent****planning application no. 15/4473****Strategic planning application stage 2 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**

Proposed redevelopment of Montrose Crescent car park and land at 449 and 509 High Road, Wembley to include a part three, six, thirteen and eighteen storey development on Curtis Lane and a part four and six storey building on the High Road, Wembley comprising of 186 residential units, 1,312 sq.m. of commercial space comprising A1, A2, A3, A5, B1(a) and/or D1 uses, replacement public car park comprising of 89 public car parking spaces, associated amenity space, landscaping, cycle parking, new lift access to High Road together with alterations to existing stepped access from the High Road to Curtis Lane and Station Grove and public realm improvements.

**The applicant**

The applicant is **Ares Properties Ltd** and the agent is **Maddox and Associates Ltd**.

**Strategic issues**

The principle of residential-led, mixed-use development is supported in strategic planning terms. Further information regarding **housing, affordable housing, play space, inclusive design, sustainable development** and **transport** has been submitted to address the strategic issues raised in the Mayor's earlier representations.

**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 refusal or direct that he is to be the local planning authority.

**Context**

1 On 28 October 2015, 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 Categories 1A and 1C of the Schedule to the Order 2008:

- 1A "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."

- 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.”

2 On 8 December 2015 the Mayor considered planning report D&P/3671/01, and subsequently advised Brent Council that while the application is generally acceptable in strategic planning terms, the application did not fully comply with the London Plan, for the reasons set out in paragraph 63 of the above-mentioned report; but that the possible remedies set out in that paragraph 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. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 10 February 2016, Brent Council decided that it was minded to grant planning permission. 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 issue a direction to Brent Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 11 March 2016 to notify the Council of his decision and to issue any direction.

4 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).

## Update

5 At the consultation stage Brent Council was advised that the principle of the residential-led mixed-use redevelopment of the site was supported in accordance with strategic planning policy. However, the proposal raised a number of strategic planning issues that needed to be resolved in order for the application to comply with the London Plan. These issues are detailed below:

- **Principle of development:** The proposed residential-led, mixed-use redevelopment to provide 186 residential units including commercial and community floor space, a replacement shoppers’ car park and associated amenity space is supported in accordance with local and strategic planning policy, subject to the current development proposals not prejudicing the redevelopment of the remainder of the site in the future.
- **Housing & affordable housing:** The proposed housing mix, density and quality standards are generally supported, subject to the submission of a detailed residential schedule. However, as set out above, further discussion is welcomed pending the outcome of the independent assessment of the applicant’s viability appraisal regarding the maximum reasonable amount of affordable housing and how the proposed tenure split has been arrived at.
- **Children’s play space:** Further clarification is required with regards to the proposed child yield of the development. In addition further information is sought on the size of the dedicated play areas, how this correlates with the overall child yield and the access arrangements for the residents before compliance with London Plan Policy 3.6 can be appropriately assessed. In addition, given the lack of alternative recreational facilities in the area, the applicant will need to demonstrate how the needs for older children will be met by the proposals.

- **Urban design:** The positive engagement with GLA planning officers is welcomed and design revisions made in response to pre-application advice are strongly supported. As a result the scheme is now supported in strategic urban design terms.
- **Inclusive design:** The commitment to providing 10% wheelchair accessible units with associated disabled parking is welcomed. The applicant should confirm that these will be delivered across all tenures and unit sizes and confirm whether these will be accessible from the outset or designed to be easily adaptable. Furthermore, in accordance with the comments above, the applicant should demonstrate how the shared surfaces proposed will be safe, accessible and provide clearly defined, safe crossing points for people who are blind or partially sighted.
- **Sustainable development:** The carbon dioxide savings meet the target set within Policy 5.2 of the London Plan; however, further information is sought to support the carbon savings from energy efficiency measures alone, how the demand for cooling will be minimised and confirmation that all domestic and non-domestic uses will be connected to the site heat network, before compliance with London Plan energy policy can be verified.
- **Transport:** Further discussion, clarification and/or commitments are required to address issues regarding electric vehicle charging provision, securing pedestrian improvement measures, provision of staff cycling facilities, a cycling audit, financial contributions towards bus capacity enhancements, the submission of a revised travel plan and the provision of a construction logistics plan.

6 Since then, the applicant has responded to the matters raised in the stage I report as set out below.

## Principle of development

7 At the consultation stage the applicant's approach to the provision of commercial floorspace and residential accommodation was supported. GLA officers noted that the application does not cover the entirety of the site allocation boundary. However, given the complex land ownership of those sites, the phased development approach was supported, provided the current development proposal not prejudicing the redevelopment of the remainder of the site.

8 The Council's Committee Report acknowledges the complexities of the site and the constraints of redeveloping the site. GLA officers are of the opinion that the proposal will not prejudice the redevelopment of the wider site. The principle of development is supported in strategic planning terms.

## Housing and affordable housing

9 The stage I report indicated that the proposed housing mix, density and quality standards are generally supported subject to a detailed residential schedule being submitted to GLA officers, which the applicant has subsequently provided. The housing aspects of this proposal are supported.

10 As was requested at the consultation stage, the Council has undertaken an independent assessment of the applicant's viability appraisal. This applicant's viability report concluded that 18% was the maximum reasonable amount of affordable housing that the scheme could provide. Brent Council's independent assessment confirmed that 34 units (approximately 18%) was the maximum reasonable and viable amount of affordable housing the proposed scheme can deliver.

11 Sensitivity analysis undertaken as part of the review also indicates that there would be scope for the scheme to deliver additional affordable housing planning obligations. Council officers have included a s106 review mechanism to reassess the schemes viability post implementation and prior to practical completion, such that a reasonable proportion of any surplus generated over the agreed developer profit margin be ringfenced for affordable housing delivery elsewhere in the borough.

12 Following discussions with the Council, the applicant is offering to provide 38 units (20.43%) as affordable housing, despite 34 units being the maximum reasonable amount that could be provided as part of this development. The uplift in the affordable housing provision is welcome. The review mechanism is still captured through the s106.

13 The above addresses GLA officers comments made in the stage I report. The increase in affordable housing provision for this scheme, and the review mechanism are supported.

### **Children's play space**

14 At the consultation stage, GLA officers requested further clarification with regards to the proposed child yield of the development, the size of the dedicated play areas and access arrangements for residents. It was also noted that given the lack of alternative recreational facilities in the area, the applicant needed to demonstrate how the needs for older children will be met by the proposals.

15 The applicant has revised the child yield calculations and this is in conformity with GLA officer's calculations set out in the stage I report. Overall, the proposal is likely to yield 52 children, of which 25 will be under five years old. This generates an overall play space requirement of 520 sq.m. of which 250 sq.m. should be provided on-site. The development will provide 1,100 sq.m. of communal amenity space, and the applicant has set out that the proposals will provide 226 sq.m. of formal play space, with a further 165 sq.m. of informal play space on site for children under five. The applicant has demonstrated that the formal and informal play spaces will be appropriately distributed across the communal amenity areas to meet the on-site need generated by each of the cores.

16 In addition, the applicant will provide outdoor gym equipment on the second floor mezzanine level which will help to meet the recreational needs of older children and the applicant has also identified a number of community centres and recreational facilities within 800 metres of the site which meet the needs of older children.

17 The additional information provided to GLA officers indicates that the proposal is now in accordance with London Plan Policy 3.6 'Children and young people's play and informal recreation facilities'.

### **Urban design**

18 The applicant had successfully addressed all urban design comments raised during the pre-application stage when the application was first referred to the Mayor. The application is supported in strategic urban design terms.

### **Inclusive design**

19 At stage I GLA officers welcomed the commitment to providing 10% wheelchair accessible units with associated disabled parking. The applicant has submitted additional information as requested, and has confirmed that the nineteen wheelchair adaptable units will be delivered across the mix of units in both private and affordable tenure.

20 The applicant has clarified that the majority of the public realm would be designed with raised curbs to define pedestrian pavement from the vehicular road and that shared surfaces (pedestrian crossings) would be delineated through the use of tactile paving. Furthermore, planters and street furniture will be utilised to further denote pedestrian priority in areas where this would not obstruct the clear flow of pedestrians. This is welcomed and helps address those concerns raised at the initial consultation stage. Furthermore, the applicant has confirmed that the commercial units will contribute towards the maintenance of the lift through their service charge and the site manager will be responsible for arranging the maintenance contract.

21 As was requested at stage I, the applicant has made provision for inclusion of storage and charging spaces for mobility scooters in the basement, this is welcome.

22 Overall, given the amendments and additional information, the proposals are now considered to be in compliance with London Plan Policy 7.2 'An inclusive environment'.

## **Sustainable development**

23 At the consultation stage the applicant was asked to confirm how the demand for cooling will be minimised. The compliance check sheets provided by the applicant indicate that the majority of the units have a slight risk of overheating. However, a number of units are expected to have a 'medium' risk of overheating. Therefore, the applicant should consider the inclusion of solar control glazing to reduce solar gain and further reduce the risk of overheating to 'slight'.

24 The applicant was requested to provide sample SAP calculation worksheets (both DER and TER sheets) and BRUKL including efficiency measures alone to support the carbon dioxide savings claimed. The applicant has provided the requested SAP calculation worksheets and BRUKL documents which indicate that a policy compliant 35% of regulated carbon dioxide savings is achievable. However, the 35% savings are reliant on the installation of LED lighting. The Council has confirmed the s106 agreement will require the applicant to provide prospective commercial tenants with information on reducing energy demand in fit out and operation and include this information within future tenancy documents.

25 At stage I the applicant confirmed that there were no existing or planned district heating networks within the vicinity of the proposed development; however, the applicant committed to ensuring the development was designed to allow future connection to a district heating network should one become available. The applicant is proposing to install a site heat network served from a single energy centre on the ground floor and has confirmed that all apartments and non-domestic building uses will be connected to the site heat network.

26 The carbon dioxide emission savings have been confirmed and the energy strategy is supported.

## **Transport**

27 At consultation stage, TfL raised a number of issues, namely car and cycle parking, pedestrian access and environment, bus service capacity, servicing and construction.

28 TfL is content that the submission details related to car and cycle parking, electric vehicle charging point provision, loading bay, along with the implementation of a car parking management plan will be secured by conditions.

29 TfL is pleased that a financial contribution of £109,000 toward improving local bus service in the Wembley area, along with permit free agreement, provision of a car club bay, and travel plan will be secured by s106 obligation.

30 Additionally, TfL welcomes that Brent Council has secured public realm/safety improvement works around the site, as well as separate vehicular and pedestrian access. This includes introducing traffic calming measures on Curtis Lane and Station Grove, and alternating traffic movements on these roads. TfL also supports the proposal to widen the steps linking High Road and Station Grove and the footway on Curtis Lane, to be secured by s106/278 agreement.

31 TfL is also pleased that the final submission of delivery and servicing plan, and construction logistics plan, which includes details for temporary bus stop locations during construction, have also been secured by Brent Council with appropriate conditions.

32 In summary, TfL considers that the proposal now complies with the relevant London Plan policies.

## **Response to consultation**

33 The application was subject to statutory formal consultation; with the application publicised by sending notifications to addresses in the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted. The representations received in response to the local consultation process are considered in detail within the Council's committee report of 10 February 2016. Furthermore, copies of all representations to public consultation, and any other representations made on the case have been made available to the Mayor in their original form.

34 The Council received four written responses; two in objection and two in support of the proposal. In addition to the written responses, one petition with 65 signatories raising objection to the planning application was also received. The representations in support of the proposal stated that the development will be a positive contributor to the area, provided it does not worsen existing traffic congestion and that the site has been in need of regeneration and therefore the proposal is welcome.

35 The following planning objections were made from the written responses and the petition:

- The proposal will cause further traffic congestion in the area, and it should be retained as a car park
- Loss of views from adjacent apartments
- Concern over loss of existing car park and where will these spaces be relocated to
- Concern over where future residents of the proposal will park
- Concern over what will happen to the existing bus stops along Montrose Crescent
- Eighteen storey building is not in keeping with the surrounding area
- Loss of natural light to Lodge Court
- Will increase pressure on schools, doctors and dentists
- Disruption to residents during construction due to noise, construction vehicles, dirt and dust
- Will result in poor air quality in the surrounding area due to increased traffic congestion.

36 No response was received from Thames Water or the Metropolitan Police.

37 The issues raised in the consultation have been considered elsewhere in this report, in the previous stage I report or in the Council's Committee Report.

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

38 Under Article 7 of the Order the Mayor could take over the application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

## Legal considerations

39 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purposes of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## Financial considerations

40 Should the Mayor direct refusal, he would be the principle party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

41 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

42 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 reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## Conclusion

43 Further information and clarification has been provided regarding housing, affordable housing, children's play space, inclusive design, sustainable development and transport; which together with conditions and planning obligations imposed by Brent Council address the outstanding issues that were raised at stage I. On this basis there are no sound reasons for the Mayor to intervene in this particular case.

44 Having regard to the details of the application, the matters set out in Brent Council's Committee Report and draft decision notice, this scheme is on balance acceptable in strategic planning terms.

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for further information, contact GLA Planning Unit (Development & Projects Team):

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development & Projects)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Jessica Lintern, Senior Strategic Planner, Case Officer**

020 7983 4653 email [jessica.lintern@london.gov.uk](mailto:jessica.lintern@london.gov.uk)

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