



## Planning Committee

**Thursday, 12 May 2011 at 7.00 pm**

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Members

Councillors:

Sheth (Chair)  
Daly (Vice-Chair)  
Baker  
Cummins  
Hashmi  
Kabir  
McLennan  
Mitchell-Murray  
CJ Patel  
RS Patel  
Singh

#### First alternates

Councillors:

Thomas  
Long  
Kansagra  
Cheese  
Castle  
Oladapo  
J Moher  
Van Kalwala  
Lorber  
Gladbaum  
Hossain

#### Second alternates

Councillors:

R Moher  
Naheerathan  
HB Patel  
Allie  
Beck  
Powney  
Moloney  
Butt  
Castle  
Harrison  
Mashari

**For further information contact:** Joe Kwateng, Democratic Services Officer  
(020) 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)

**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 6.15pm in Committee Room 4**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

| ITEM   | WARD         | PAGE      |
|--|--------------|-----------|
| <b>Extract of Planning Code of Practice</b>  |              |           |
| 1. Minutes of the previous meeting held on 6 April 2011  |              | 5 - 16    |
| 2. Declarations of personal and prejudicial interests  |              |           |
| Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.         |              |           |
| <b>NORTHERN AREA</b>   |              |           |
| 3. Alpine House, Honeygot Lane, London, NW9 9RU (Ref. 11/0156)   | Queensbury;  | 17 - 36   |
| 4. Westly Court 1-17 & 112 Walm Lane, London, NW2 4RS (Ref. 11/0444)   | Mapesbury;   | 37 - 54   |
| 5. First Floor Function Room, Finbars - The Zone, 332-336 Dudden Hill, Neasden Lane, London, NW10 0AD (Ref. 11/0425)                       | Dudden Hill; | 55 - 66   |
| 6. Kingsland Hotel, Kingsbury Circle, London, NW9 9RR (Ref. 10/3262)   | Kenton;      | 67 - 82   |
| 7. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref. 11/0403)   | Queensbury;  | 83 - 102  |
| 8. 171-173, 171A, 173A, 175 & 175A Church Lane, London, Welsh Harp, NW9 8JS (Ref. 11/0266)   | Welsh Harp;  | 103 - 118 |
| 9. 2 Donnington Road, Harrow, HA3 0NA (Ref. 11/0230)   | Kenton;      | 119 - 124 |
| 10. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (Ref. 11/0992)   | Fryent;      | 125 - 130 |
| 11. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (Ref.11/0961)  | Fryent;      | 131 - 138 |
| <b>SOUTHERN AREA</b>   |              |           |
| 12. 139 Kilburn High Road, London, NW6 7HR (Ref. 11/0347)  | Kilburn;     | 139 - 144 |
| 13. 139 Kilburn High Road, London, NW6 7HR (Ref. 11/0346)  | Kilburn;     | 145 - 150 |
| 14. 271-273 Kilburn High Road, London, NW6 7JR (Ref. 11/0349)  | Kilburn;     | 151 - 156 |
| 15. 1-10 inc. Wood House, Albert Road, 1-16 inc. Bond House, Rupert Road, 1-8 inc. Hicks Bolton House, Denmark Road & 1-2 Denmark Road NW6 | Kilburn;     | 157 - 178 |
| 16. 12 Dudley Road, London, NW6 6JX (Ref. 11/0535)   | Kilburn;     | 179 - 182 |

## WESTERN AREA

17. 856-858 Harrow Road, Wembley, HA0 2PX (Ref. 11/0568) Sudbury; 183 - 196
18. Unit 10, 253A Ealing Road, Wembley, HA0 1ET (Ref. 10/3161) Alperton; 197 - 202
19. Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 (Ref. 10/3032) Tokyngton; 203 - 290
20. Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

## SITE VISITS –TUESDAY 3 MAY JUNE 2011

**Members are reminded that the coach leaves Brent House at 10.00am**

| REF.    | ADDRESS   | ITEM | WARD       | TIME  | PAGE      |
|---------|---|------|------------|-------|-----------|
| 10/3262 | Kingsland Hotel, Kingsbury Circle, London, NW9 9RR  | 6    | Kenton     | 10:20 | 67 - 82   |
| 11/0403 | 3 Burnt Oak Broadway, Edgware, HA8 5LD  | 7    | Queensbury | 10:45 | 83 - 102  |
| 11/0266 | 171-173, 171A, 173A, 175 & 175A Church Lane, London, NW9 8JS  | 8    | Welsh Harp | 11:10 | 103 - 118 |
| 11/0371 | 1-10 inc Wood House, Albert Road, 1-16 inc Bond House, Rupert Road, 1-8 inc Hicks Bolton House, Denmark Road & 1-2 Denmark Road NW6 | 15   | Kilburn    | 11:50 | 157 - 178 |

**Date of the next meeting: 7 June 2011 (subject to confirmation)**

The site visits for that meeting will take place the preceding Saturday 4 June 2011 at 9.30am when the coach leaves Brent House.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.
  - Catering facilities can be found on the first floor near The Paul Daisley Hall.
  - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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## **EXTRACT OF THE PLANNING CODE OF PRACTICE**

### **Purpose of this Code**

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

### **Accountability and Interests**

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
  - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
  - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
  - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

### **Meetings of the Planning Committee**

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
  
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
  
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
  - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
  - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

### **STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE**

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Wednesday, 6 April 2011 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Long, McLennan, CJ Patel and Powney (alternate for Kataria)

ALSO PRESENT: Councillor Mary Arnold and Councillor Muhammed Butt

Apologies for absence were received from Kataria

#### 1. **Declarations of personal and prejudicial interests**

*Unit 16, The Tay Building, 2A Wrentham Avenue, London NW10 3HA*

Councillor Adeyeye declared a personal interest that his daughter used the facilities at the site. He therefore left the meeting room and did not take part in the discussion or voting on this item.

*1 Fernbank Avenue, Wembley HA0 2TT*

Councillor Daly declared a personal interest that she had received representations from an objector about this application. She therefore left the meeting room and did not take part in the discussion or voting on this item.

#### 2. **Minutes of the previous meeting - 16 March 2011**

RESOLVED:-

that the minutes of the previous meeting held on 16 March 2011 be approved as an accurate record of the meeting subject to the following addition to the list of declarations of personal and prejudicial interests;

*Newfield Primary School, Newfield Nursery & Mission Dine Club*

Councillor Long declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board. She left the meeting room and did not take part in the discussion and voting on this item.

#### 3. **17 Waltham Drive, Edgware, HA8 5PG (Ref. 11/0293)**

PROPOSAL: Erection of part single-, part two-storey side and rear extension to dwellinghouse and the division of the property to two self-contained dwellinghouses, comprising one three-bed and one one-bed, new vehicular crossover to front with one off-street parking space and associated hard and soft landscaping as revised by plans received 24/03/11

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

DECISION:

- (a) Planning Permission granted, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

**4. 2 Glenwood Grove, London, NW9 8HJ (Ref. 11/0285)**

PROPOSAL: Single storey rear extension to dwellinghouse

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**5. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10 (Ref. 11/0023)**

PROPOSAL: Details pursuant to condition 3 (landscaping), condition 8 (details of ventilation and extraction), condition 9 (materials) and condition 10 (tree survey) of full planning permission 10/0932 dated 13/07/10 for demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION: Grant planning consent.

Steve Weeks, Head of Area Planning, informed the Committee that further to the publication of the main report, comments were received from a resident which

raised no additional issues. He added that the applicant had stated that he would observe all the proposed conditions set out in the officer's report. Steve Weeks continued that the applicant's arboriculturist's report submitted had been agreed by the Council's tree protection officer.

DECISION: Planning consent granted.

**6. 62A Wrentham Avenue, London, NW10 3HG (Ref. 10/2913)**

PROPOSAL: The erection of a single storey side and rear extension to ground floor flat.

RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan the Area Planning Manager referred to the adjoining resident's request for the last two metres of the extension to be set off the boundary by an additional 63cm so as to mirror the gap at No 64 Wrentham Avenue. He submitted that extensions built up to the common boundary were routinely approved by the Council.

Mr Iain Lindsey an objector stated that the proposal would constitute an infilling development which could set a precedent for similar undesirable developments in the area. He requested that the flank wall be brought only 63cms further away to increase the gap between the boundary to 1.3 metres over the rearmost 2 metres of the extension for the following reasons: to mirror the gap left between the boundary at No.64; to produce a much more consistent and complementary design; and to reduce significantly the bulky impact of the extension on No. 64.

In responding to the above, Steve Weeks stated that the proposal which incorporated a satisfactory design would have no significant harm to the objector.

DECISION: Planning permission granted subject to conditions.

**7. 1-3, Canterbury House, Canterbury Road, London, NW6 5ST (Ref. 11/0179)**

PROPOSAL: Extension of time limit for planning permission 07/2234 (Change of use from office premises (B1) to residential (C3) on the first floor to create 2 one-bedroom and 3 two-bedroom flats, 3-storey side extension to provide staircase and lift, erection of additional storey to form 4 two-bedroom flats with associated landscaping to front and car parking to side of Canterbury House, as accompanied by Design & Access Statement dated July 2007 ("car-free" development), subject to a Deed of Agreement dated 15/02/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 3, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

The Head of Area Planning drew members' attention to the amendment to condition 3 as set out in the tabled supplementary report on landscaping and measures for tree replacement.

Mr Jay Dalu-Chandu in objecting to the application expressed concerns about the impact of the proposed development on sunlight and residential amenities in general. He added that the likely increase in population as a result of the development would put an undue pressure on available local amenities.

Mr Jonathan Cross the applicant's agent stated that the application complied with the standards and policies of the Borough both in terms of sunlight and intensification. He endorsed the recommendation and urged members for approval.

Steve Weeks informed the Committee that it was difficult to envisage the impact on sunlight being significant and that the applicant's BREEAM statement was satisfactory.

DECISION: Planning permission granted subject to conditions as amended in condition 3, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**8. Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA (Ref. 10/3149)**

PROPOSAL: Conversion of first floor Yoga Centre (Use Class D2) to 5 self-contained flats (3 x 2 bed & 2 x 3 bed) with the erection of a first floor extension.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan the Area Planning Manager referred to concerns expressed with the loss of the Yoga Centre (D2) and clarified that the Unitary Development Plan (UDP) and the newly adopted Core Strategy did not contain policies that protected D2 uses. He added that whilst the contribution of the Yoga Centre seemed to be well known to the community, owing to the identified need for residential units, it would be difficult to resist the proposal on use grounds.

Mr Kieran Rafferty the applicant's agent spoke only to point out that the address of the site was incorrect.

Members agreed that delegated authority be granted to the Head of Area Planning to effect the necessary correction.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to correct the address and to agree the exact terms thereof on advice from the Director of Legal and Procurement.

***Note: Councillor Adeyeye declared a personal interest in the application in that his daughter attended the centre. He therefore left the meeting room and did not take part in the discussion and voting on this application.***

**9. 758 & 760, Harrow Road, London, NW10 (Ref. 10/3088)**

PROPOSAL: Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses (amendments and Deed of Variation to planning permission 06/3514).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 8, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan informed members that on the advice of the Director of Legal and Procurement, should permission be granted it should be subject to the completion of a new s106 agreement as opposed to a Deed of Variation. The new s106 agreement would encompass all of those Heads of Terms for both the current and previous applications, as set out under the heading "S106 DETAILS" in the main report. He therefore amended the description and condition 8 as set out in the tabled supplementary report. The Area Planning Manager added that due to the proximity of the site the Royal Borough of Kensington and Chelsea were consulted but they raised no objections to the application. He continued that the Council's Highways Engineer and the Environmental Health Officer had no objections to the scheme and that the concerns raised by the Landscape Design Team would be satisfied through suitably worded conditions on landscape requirement.

Mr Piers Warne, an agent objecting on behalf of the adjoining premises (Regent Public House) claimed that by failing to provide adequate measures on noise attenuation the proposed development could cause unreasonable noise transmission to his client's premises. He clarified that the new owner could apply for a premises licence with hours of operation of up to 2:00am which could adversely impact on the public house in terms of noise and parking problems. In requesting members to defer the application, Mr Warne suggested the installation of the following as additional conditions; triple glazing, extra sound attenuation system and air-conditioning.

Mr George Vas Dekys the applicant's agent stated that the application had been revised following an extensive consultation with interested parties and negotiations with officers to arrive at an acceptable scheme. He added that financial contributions under a Section 106 legal agreement had been recommended to

compensate for any likely loss of amenities. He also drew members' attention to other conditions requiring insulation which would address concerns on noise.

DECISION: Planning permission granted subject to conditions as amended in condition 8, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**10. 103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London, NW6 (Ref. 10/3072)**

PROPOSAL: Erection of a single storey front extension, ground and first floor side extension, infill of existing first floor walkway and terraces to create additional commercial floor space, creation of a green roof and associated landscaping to front forecourt area.

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 13, 16 and 20, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Steve Weeks, Head of Area Planning submitted the following responses to issues raised at the site visit. In respect of the side extension he stated that the development would maintain a distance of 3.7m between the flank wall and the kerb edge which would exceed the width of the footpath on the opposite side of Brondesbury Road. He continued that the proposal had been inspected by the Crime Prevention Design Officers who concluded that as the area would be clearly visible from a number of properties, it would not give rise to criminal or anti-social behaviour. He however suggested that an additional condition could be imposed to ensure that this was achieved.

In response to Councillor Arnold's enquiry about installing street lighting columns similar to those installed in South Kilburn, Steve Weeks reported that the Council's Transportation Unit had confirmed that it would be possible to negotiate the inclusion of this type of street lighting under the provisions made for public realm improvements as part of the s106 legal agreement. However, in response to a query from Cllr Powney, he recognised that there may be limitations on the appropriate specification. He drew members' attention to condition 13 as amended and as set out in the supplementary report, which sought to address concerns about access between the existing residential units and the roof of the proposed development and further amendments to conditions 16 and 20.

Margaret Stoll in objecting to the proposed development stated that the gates to the rear of the property were not necessary and that access other than the usual route was not desired. She raised issues about security and questions about the closing times of the gates, the market and enquired about steps that were being taken to prevent graffiti. Margaret Stoll also requested the replacement of the

trees that had been removed as a result of the development and the erection of a community notice board.

**In accordance with the provisions of the Planning Code of Practice,** Councillor Arnold a ward member stated that she had been approached by local residents and Kilburn Business Community. Although supporting the application Councillor Arnold emphasised the need for members to take on board concerns expressed by the local residents' association in respect of access, lighting, trees and community notice board.

Mr Michael George the applicant's agent stated that the current application would improve and enhance the regeneration of the market making it attractive to future retailers. He added that the proposal would improve visual amenity with the provision of six trees and four seats on the forecourt, improve security by ensuring that the gates were locked by 5.30pm except for emergency access.

During debate, Councillor Cummins enquired whether it would be possible to add a condition that would prohibit stall holders from over-spilling to the walkways and pavement areas.

In response to the issues raised Steve Weeks stated that the request for anti graffiti measures would be covered when the details of materials were submitted and that the community notice board could be installed using community provision funds under the Section 106 legal agreement. In respect of anti-social behaviour and the gates, he recommended additional conditions including details of the gates and the times of closure to allow the issues raised to be assessed.

**DECISION:** Planning permission granted subject to conditions as amended in condition 13, 16 and 20, additional conditions on measures to prevent anti social behaviour in blind spot behind extension, community notice board to keep the spaces between market stalls clear and details of gates and access, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**11. 1 Fernbank Avenue, Wembley, HA0 2TT (Ref. 11/0181)**

**PROPOSAL:** Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse.

**RECOMMENDATION:** Grant planning permission subject to conditions and informatives.

In response to concerns raised by Councillor Daly and residents about noise, noise insulation and fire regulations, the Area Planning Manager Neil McClellan informed members that the Council's building control officer had confirmed that all additions to the property complied with the relevant standards including insulation standards. He also confirmed that the applicant had been advised by way of informatives that the compliance period of the enforcement notice had expired and

therefore works on the alterations should commence as a matter of urgency in order to avoid any direct action being authorised under delegated powers.

DECISION: Planning permission granted subject to conditions and informatives.

***Note: Councillor Daly declared a personal interest that she had received representations from an objector. Councillor Daly left the meeting room and did not take part in the voting on the application.***

## **12. Dexion House, Empire Way, Wembley, HA9 0EF (Ref. 11/0142)**

PROPOSAL: Demolition of the existing building and erection of a building ranging in height from 9 - 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661 bed spaces) with associated common-room space (Use Class: sui generis); 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping.

RECOMMENDATION:

- (a) Grant Consent, subject to conditions as amended in conditions 2, 7, 8, 13, 19, 22, the deletion of condition 20, the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement; but
- (b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 22/04/11, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission; and
- (c) if the application is refused or withdrawn for the reason in (b) above to delegate authority to the Head of Area Planning or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied.

With reference to the tabled supplementary report, Neil McClellan (Area Planning Manager) informed the Committee that officers had assessed the Travel Plan submitted as a requirement of the Section 106 legal agreement and were satisfied that on balance the development would not result in a detrimental impact on the highway network subject to further details. He continued that with only 5 disabled parking spaces provided on site, the traffic impact of the development would not be high. In respect of the query over the number of parking spaces proposed, he confirmed that the figure had been revised from 6 to 5 as a response to the



Highway Engineer's comments. Neil McClellan clarified that the scale and height of the proposed development, had not significantly altered in scale from the scheme previously approved on site.

In addressing the concerns regarding noise and odour, he informed the Committee that the Council's Environmental Health Officers (EHO) had considered noise nuisance and odour potential and found that, the proposal, as revised, would not cause harm to local amenities. He added that the EHO had supported the high level ventilation required under condition 26 as being sufficient to address the impact of the retail A2/A3/A5 uses. In reiterating the recommendation for approval, the Area Planning Manager drew members' attention to a number of amendments as set out in the supplementary report.

Mr David Morris the applicant's agent started by saying that the scheme had been revised following a thorough pre-application and post-application discussion which had resulted in a robust scheme. He stated that a Travel Plan which had been submitted as part of the Section 106 legal agreement would be further developed at the detail stage to ensure that student arrivals and exits did not conflict with major events at Wembley National Stadium and complied with accessibility policy.

In reference to the concern by The Stadium that condition 19 was inadequate to address noise levels, Mr Morris stated that that condition was considered acceptable for the previous application on site, for permanent residential accommodation and therefore could be considered acceptable for student accommodation. He then drew members' attention to the regenerative benefits of the scheme stating that it would offer leisure facilities with no capital cost to the Council and that the retail uses proposed would enhance the vitality of the area in consonant with the Wembley Master Plan.

In response to a question by Councillor Long about ventilation, Mr Morris stated that additional designs on ventilation would be submitted at the detail stage, adding that heat generated by the swimming pool would be used as part of the energy strategy for the site. In response to Councillor Powney's query about the 1% of the accommodation that would be constructed as wheel chair access accommodation, the agent responded that the 1% level stated in condition 13 would be in excess of requirements.

**In accordance with the provisions of the Planning Code of Practice,** Councillor Butt ward member stated that he had been approached by the agent. In expressing his support for the application, Councillor Butt stated that in addition to complying with parking standards and conditions, the development would be sited in an area with excellent transport links. He continued that the transport impact of the development and the concerns expressed by Wembley National Stadium would be addressed through the Travel Plan. Councillor Butt added that the provision of leisure facilities including the swimming pool for use by local schools would yield added benefits for the Borough in general and, Tokyngton ward in particular.

Members discussed the application during which Councillor Powney reiterated his queries about the disability/wheel chair access for the scheme. The Head of Area Planning drew members' attention to condition 13 which sought to address that

concern. In approving the application subject to conditions as amended and as recommended, members agreed that the level wheelchair accessible units provided upfront be set for 2% and delegated to the Head of Area Planning to determine the exact details.

**DECISION:**

(a) Planning consent granted, subject to conditions as amended in conditions 2, 7, 8, 13, 19, 22, the deletion of condition 20, and an amendment to condition 13 setting the level wheelchair accessible units provided upfront to 2%, the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement; but

(b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 22/04/11, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission; and

(c) if the application is refused or withdrawn for the reason in (b) above to delegate authority to the Head of Area Planning or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied.

**13. Chequers, Managers Flat and Store, 149 Ealing Road, (Ref. 11/0137)**

**PROPOSAL:** Minor material amendment to planning permission 09/3013 granted 06/04/10 for *the Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bedroom, nineteen 2-bedroom and ten 3-bedroom units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear and subject to a Deed of Agreement dated 6th April 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.* The amendment is for:

- The insertion of 2 obscured glazed windows within eastern elevation facing 2 Stanley Avenue.

**RECOMMENDATION:** Grant consent subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan, the Area Planning Manager informed the Committee that planning permission reference 09/3013 remains extant, and that the current application merely proposed the insertion of two obscured glazed windows within eastern elevation facing 2 Stanley Avenue. He added that on balance it was considered

that the proposed amendments can be treated as an acceptable material minor amendment to the drawings approved through planning consent reference 09/3013.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

#### **14. Any Other Urgent Business**

The Head of Area Planning reminded members that the next meeting would take place on Thursday 12 May 2011 at 7:00pm. The site visit would take place on Tuesday 3 May 2011 at 2:30pm followed by a presentation on Wednesday 4 May 2011 at 5:30pm at Brent House, High Road, Wembley.

The meeting ended at 8:40pm

RS PATEL  
Chair

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**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 3  
**Case No.** 11/0156

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**RECEIVED:** 21 January, 2011

**WARD:** Queensbury

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

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

**PROPOSAL:** Extension to time limit of planning permission 08/1427 dated 13/08/2008 for demolition of existing commercial units and erection of 3 x four-storey blocks and 1 x five-storey block, comprising 120 self-contained flats, 1,823m<sup>2</sup> of commercial floorspace (Use Class B1) and 5 live/work units, with 86 car-parking spaces, bicycle and bin storage and associated landscaping (accompanied by Design and Access Statement, Energy Assessment, Noise Assessment, Flood Risk Assessment, Arboricultural Report, Transportation Assessment and Planning Statement)

**APPLICANT:** BS Pension Fund Trustee Limited

**CONTACT:** Turley Associates

**PLAN NO'S:**  
See condition 7

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## RECOMMENDATION

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

## SECTION 106 DETAILS

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

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

Material Start and post construction validation of this.

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

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

## **EXISTING**

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

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

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

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

## **PROPOSAL**

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

A summary of the key aspects of the development:

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

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

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

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

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

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

## **HISTORY**

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

## **POLICY CONSIDERATIONS**

### ***National***

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

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

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

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

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

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

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

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

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

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

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

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

*Greater Flexibility for Planning Permissions (2010)*

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

## **Regional**

*London Plan (2008)*

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

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

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

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

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

Objective 5: To improve London’s accessibility;

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

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

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

*Housing – Supplementary Planning Guidance (2005)*

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



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

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

*Sustainable Design and Construction – Supplementary Planning Guidance (2006)*

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

The seven objectives are as follows:

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

*Industrial Capacity SPG (March 2008)*

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

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

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

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

**Local**

*Core Strategy 2010*

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

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

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

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

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

*Brent Unitary Development Plan 2004.*

#### *The Built Environment*

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

#### *Environmental Protection*

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

#### *Housing*

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

#### *Transport*

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

#### *Brent Supplementary Planning Guidance*

##### *SPG4 – “Design Statements” adopted 2004*

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

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

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

*SPG 18 “Employment Development” Adopted October 2001*

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

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

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

*SPG21 – “Affordable Housing” draft consultation (2003)*

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

*SPD “Section 106 planning obligations” October 2007*

Provision for a standard charge for planning obligation contributions.

**Other Council documents**

*URS Corporation Employment Land Study (February 2009)*

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

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

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

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

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

## **SUSTAINABILITY ASSESSMENT**

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

## **CONSULTATION**

### ***Local***

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

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

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

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

The original report can be viewed here:

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

### ***External***

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

#### *Thames Water*

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

#### *London Borough of Harrow*

No response has been received to date.

#### *Environment Agency*

**PENDING**

### ***Internal***

#### *Policy*

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

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

#### *Transportation*

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

#### *Housing*

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

#### *Urban Design*

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

#### *Landscaping*

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

### **REMARKS**

#### **1. Introduction**

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

#### **2. Background**

##### *2.1 Why is development stalled?*

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

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

##### *2.2 Government response*

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

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

### 2.3 Procedural matters

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

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

### 2.4 How Brent should approach such applications

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

## 3. Policy changes since 13 August 2008

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

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

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

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

### 3.1 National policy changes

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

#### 3.1.1 PPS4

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

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

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

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

### *3.1.2 PPS25*

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

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

### *3.1.3 Summary of national policy changes*

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

### *3.2 Regional policy changes*

No changes.

### *3.3 Local policy changes*

#### *3.3.1 Brent Core Strategy*

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

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

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

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

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



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

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

### ***3.3.3 URS Corporation Employment Land Study (February 2009)***

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

### ***3.3.4 Summary of local policy changes***

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

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

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

## ***5. Changes to the scheme***

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

## ***6. Changes to the planning permission***

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

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

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

## ***7. Objections***

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

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

## **8. Conclusion**

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

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

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

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

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

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

## **CONDITIONS/REASONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Such a scheme shall also indicate:-

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

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

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

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

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

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

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

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

The details in particular relate to:

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

Reason: To ensure a satisfactory form of development.

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

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

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

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

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

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

Reason: In the interest of the environment.

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

Reason: In the interests of local amenity.

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

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

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

Planning Authority.

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

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

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

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

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

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

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

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

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



## Planning Committee Map

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

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**Committee Report  
Planning Committee on 12 May, 2011**

**Item No.** 4  
**Case No.** 11/0444

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**RECEIVED:** 24 February, 2011

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Westly Court 1-17 & 112 Walm Lane, London, NW2

**PROPOSAL:** Extension to time limit of planning application 07/3806 dated 08/05/2011, for demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

**APPLICANT:** Moyvale Properties Ltd

**CONTACT:** Brooks Murray Architect

**PLAN NO'S:**  
See Condition 2

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## RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Contribution towards Affordable Housing of **£20,000** due on Material Start and index-linked from the date of committee for the previous application;
- (c) Contribution of **£57,000** due on Material Start and index-linked from the date of committee of the previous application, to be used for improvements to education, sustainable transport, sports and open space in the local area;
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved;
- (e) A detailed 'Sustainability Implementation Strategy' shall be submitted for Council approval, at Reserved Matters stage or 4 months prior to site commencement. This shall demonstrate

how the development will achieve a BREEAM "Very Good" rating, and how the indicated Brent Checklist measures (Energy, Water, Materials, De/Construction & Pollution) will be implemented within the scheme;

- (f) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments;
- (g) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a "Very Good" rating on EcoHomes and/or BREEAM assessments;
- (h) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented;
- (i) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the applicant shall either:
  - propose acceptable measures to remedy the omission; or, if this is not feasible,
  - propose acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough;
- (j) Join and adhere to the Considerate Contractors scheme;
- (k) a permit-free agreement for the 14 proposed new dwelling units, removing the right of future occupiers of these units to on-street parking permits in the area.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 13 May 2011.

### **EXISTING**

Detached two-storey building, with later single-storey addition, situated on the east side of Walm Lane, approximately 20 metres from its junction with Dartmouth Road. The property is located within but on the boundary of the Mapesbury Conservation Area.

### **PROPOSAL**

Extension to time limit of planning application 07/3806 dated 08/05/2011, for demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

### **HISTORY**

The following applications are relevant to this application for extension of time limit:

07/3806 - Demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended- granted 08/05/08

08/1660 - Conservation area consent for demolition of 2-storey building at 112 Walm Lane- granted 24/07/08

## **POLICY CONSIDERATIONS**

### **National**

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

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

#### *Planning Policy Statement 3 (PPS3): Housing (2006)*

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

#### *Planning Policy Statement 5 (PPS5)*

PPS5 replaces former Planning Policy Guidance Notes 15 (Planning and the Historic Environment, published in September 1994) and 16 (Archaeology and Planning, published in November 1990). PPS5 is also supported by guidance prepared by English Heritage and explains how councils and developers can apply the new policies. The PPS states that Government's overarching aim is that "the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations."

#### *Greater Flexibility for Planning Permissions (2009)*

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

### **Regional**

#### *London Plan (consolidated with alterations since 2004)*

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

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

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

and the proportion of wheelchair or easily adaptable units.

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

#### *Housing – Supplementary Planning Guidance (2005)*

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

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

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

#### *Sustainable Design and Construction – Supplementary Planning Guidance (2006)*

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

The seven objectives are as follows:

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

## **Local**

### *Brent Unitary Development Plan 2004*

Set out below is a summary of the key policies within the adopted Brent UDP 2004 which are directly relevant to the determination of the application. The policies prior to adoption were subject to an Equalities Impact Assessment.

#### *Strategy*

STR 1–4 (prioritising locations and land uses to achieve sustainable development)

STR 5 & 6 (reducing the need to travel)

STR 11–17 (protecting and enhancing the environment)

STR 19 & 20 (meeting housing needs)

#### *The Built Environment*

BE 2 (townscape; local context and character)

BE 3 (urban structure; space and movement)  
BE 4 (access for disabled people)  
BE 5 (urban clarity and safety)  
BE 6 – 7 (public realm; landscape design and streetscape)  
BE 9, (which requires developments to be of high architectural quality)  
BE 12 (sustainable design principles)  
BE 25 (development within Conservation areas).

#### *Environmental Protection*

EP 2 (noise and vibration)  
EP 3 (local air quality management)  
EP 6 (contaminated land)  
EP 10 (protection of surface water)  
EP 15 (infrastructure).

#### *Housing*

H 4 (off-site affordable housing)  
H 8 (dwelling mix)  
H 10 (housing on brownfield sites)  
H 12 (residential quality)  
H 29 (accessible housing).

#### *Transport*

TRN 1 (transport assessment)  
TRN 2 (public transport integration)  
TRN 3 (environmental impact of traffic)  
TRN 4 (measures to make transport impact acceptable)  
TRN 10 (walkable environments)  
TRN 11 (the London Cycle Network)  
TRN 12–13 (road safety)  
TRN 16 (the London Road Network)  
TRN 22–25, 28 (parking)  
TRN 34 (servicing)  
TRN 35 (transport access for disabled people).

#### *Town Centres and Shopping*

SH 1 (network of town centres)  
SH 3 (major town centres and district centres)  
SH 19 (rear servicing)

#### *Open Space, Sport and Recreation*

OS 18 (play areas for children)

#### *Waste*

W8 (construction/demolition/commercial waste)  
W9 (construction/movement of spoil)

#### *Core Strategy - Proposed Submission DPD June 2009*

Declared sound by Inspector following Examination in Public (EIP) in April 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs

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

CP 1 (spatial development strategy)  
CP 2 (population and housing growth)  
CP17(protecting the suburban character of Brent)  
CP 19 (Brent strategic climate mitigation and adaptation measures)

### *Brent Supplementary Planning Guidance*

#### *SPG4 – “Design Statements” adopted 2004*

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

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

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

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

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

#### *SPD “Section 106 planning obligations” October 2007*

Provision for a standard charge for planning obligation contributions.

## **SUSTAINABILITY ASSESSMENT**

TP6 checklists have been assessed based on information supplied by the applicant. The scheme scores 36.5%. The applicant has been advised that a minimum of 50% is the required sustainability score. Accordingly, ensuring that this together with Code of Sustainable Homes level 3 is achieved forms part of the S.106 agreement.

## **CONSULTATION**

A total of 31 adjoining owner/occupiers were consulted regarding the application. A site notice was also displayed adjacent to the site and the application publicised in the local press.

One objection has been received from a resident of Westly Court on the following grounds:

1. Change in policy in relation to building on gardens;
2. Loss of light, privacy and security;
3. Loss of parking exacerbated by additional flats at 112.
4. The previous application was granted on the basis that the amenity area for Westly Court will be improved;
5. The applicants had previously stated a landscaping condition as part of the planning permission for four additional flats on Westly Court (LPA ref 03/3781 and 05/1506) had not been complied with as they wanted to do all the works together.

6. The owners of 112 Walm have allowed the property to fall into disrepair over the past 25 years after having been refused permission to demolish it in 1989. The property has since been occupied as a residential property.

*Officer Comments:*

1. This is addressed in the main *Remarks* section of this report.
2. Loss of light, privacy and security were all considerations when determining the original application. The policies in relation to these have not changed there has been no significant change to the surrounding site context. The impact was previously assessed and considered acceptable.
3. Loss of parking and increased pressure on parking were also considerations when the application was granted in 2008. The proposed scheme is to be permit free, removing the rights of prospective residents to obtain a parking permit for the local CPZ and involves a contribution towards sustainable modes of transport. This would again be a requirement of this permission.
4. The improvements to the landscaping for both 112 Walm Lane and Westly Court were a consideration of the previous application. As there are no alterations to the approved plans these works will be undertaken as part of any approval. Any past non-compliance with conditions would not be reason to refuse this application.
5. Landscaping improvements were proposed as part of the application. It was considered that the combined landscaping arrangements would provide a more usable space for residents of both Westly Court and 112 Walm Lane and as such it will provide an improved setting for the rear of both buildings.
6. The application in 1989 was withdrawn and was not refused. The building was considered to have no specific architectural merit and not to make a measurable contribution to the streetscene. Conservation Area Consent was granted in 2008 to allow the demolition of the building.

## **REMARKS**

### *Introduction*

This application is for extension of the time limit on the original permission granted on 30/05/2008. As discussed below, the development proposed in this application for extension has by definition been judged to be acceptable in principle by members. The issues discussed in the original reports will not be discussed in this report unless the relevant policies have changed.

### *Background*

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

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

### *Government response*

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

### *Procedural matters*

The process is referred to as ‘extension’ for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes (see below).

Communities and Local Government stresses that, although this is not a rubber-stamp exercise, “development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date” (2009: 7-8).

### *How Brent should approach such applications*

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs LPAs how to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a “positive and constructive approach” towards those applications which improve the prospect of sustainable development being taken forward quickly (2009: 7). The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) “which may have changed *significantly* since the original grant of permission” (2009: 8, authors emphasis).

### *Policy changes since 12 June 2005*

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

| <i>Level</i> | <i>Document</i>  | <i>Adopted?</i>              | <i>Changed since 30 May 2008?</i>   |
|--------------|--|------------------------------|---|
| Brent        | Unitary Development Plan 2004  | 2004                         | A number of policies have been replaced by Core Strategy policies                     |
|              | Supplementary Planning Guidance  | Various, none after May 2008 | No  |
|              | Supplementary Planning Document - s106                                 | October 2007                 | No.   |
|              | Local Development Framework  | Emerging                     | Yes   |
|              | Core Strategy  | Adopted July 2010            | Yes   |
| Regional     | London Plan (consolidated with alterations since 2004)                 | February 2008                | No,   |
|              | London Plan 2009 (draft)   | Emerging                     | Yes, currently undergoing Examination In Public                                       |
| National     | Planning Policy Statement 1 (PPS1): Delivering Sustainable Development | January 2005                 | Yes, supplement to PPS1, entitled Planning and Climate Change published December 2007 |



|  |  |                              |  |
|--|--|------------------------------|--|
|  | Planning Policy Statement 3 (PPS3):<br>Housing   | Updated<br>September<br>2010 | Yes, the definition of previously developed land no longer includes private garden space |
|  | Planning Policy Statement 5 (PPS5):<br>Planning for the Historic Environment: It sets out the Governments policies on the conservation of the historic environment | December<br>2009             | Yes replaces PPG15 and PPG 16  |

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

#### *National Planning Policy Changes*

There have been alterations to PPS3 and the adoption of PPS5 since the previous approval.

#### *PPS3*

Until June of this year, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land, albeit with the caveat that "there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed." (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land as follows:

#### *Previously-developed land (often referred to as brownfield land)*

'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. (PPS3, 9 June 2010: p26)

Local Planning Authorities and the Planning Inspectorate were directed by the Chief Planner (Steve Quatermain, CLG) to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010). The Chief Planner also wrote that the Government was seeking to decentralise planning “*by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and ‘garden grabbing’.*” (15 June 2010).

Your officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, your officers judge that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.” (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June of this year.

The land does involve the redevelopment of some garden space however it also involves significant landscaping improvements for the neighbouring site at Westly Court. The proposed development does result in a small loss of gardens space at the rear and directly next to the property however the provision of additional garden space particularly around Westly Court offsets the loss of garden space. It is noted that Policy CP17 may not be considered directly applicable however the overall emphasis is to preserve the character of Brent. The previous application assessed the proposed building in view of the site context and in view of the conservation area designation. The development was considered acceptable and it is not considered that this change in PPS3 would now result in refusal of the application.

#### *PPS5*

In order to achieve the aim of conservation, local planning authority should seek to identify and assess the significance of any element of the historic environment that may be affected by the relevant proposal. Decisions should be based on the nature, extent and level of that significance, which should in turn, be investigated to a degree proportionate to the importance of the heritage asset.

Significance is defined as the particular nature of the heritage asset and the value that it holds for this and future generations. In PPS5, if a heritage asset has special significance to the community which has not been fully understood from the usual consultation process, the local planning authority can undertake further consultation with the community.

When considering the quality of the existing building in assessing the approved application, it was said to have no specific architectural merit and not to make a measurable contribution to the streetscene. It is not considered that there is any reason as to why this position has changed and therefore the building to be lost is not considered to have such a significance that its demolition would have a detrimental impact on the character and appearance of the Mapesbury Conservation Area. The replacement building is of a design and scale that preserves the character and appearance of the property within the streetscene as previously determined by the Planning Committee

#### *Regional policy changes*

##### London Plan (consolidated with alterations since 2004)

The most recent changes to the London Plan were adopted in February 2008. This document was a full material consideration at the time of the original application.

### Draft London Plan 2009

The draft London Plan is currently undergoing Examination In Public which is scheduled to be concluded in October 2010. The draft plan includes policy 3.5 relating to the quality and design of housing developments. this states:

*"The design of all new dwellings should take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', meet the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process"*

As this is draft policy and has not yet been adopted, limited weight is applied when assessing the extension of time limit to this application. However an assessment of the proposed accommodation has been made in relation to the draft internal space standards set out in Table 3.3 of the Mayor's draft London Plan. Given that the units are all in compliance with Council guidelines for minimum floor areas and the number that are marginally below the GLA draft standards is small, the proposal is considered to be acceptable. The applicant has not stated the number of persons for each unit which is a requirement of the draft guidance however, if each unit is assessed on the basis that they will provide the minimum number of persons per bedroom, the remainder of the units would comply with this table. Notwithstanding this it should be noted that the policy is only at draft stage it is not considered to carry sufficient weight to warrant refusing permission for the extension of time.

### *Local policy changes*

#### Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2008. The Core Strategy was adopted in July 2010. This concludes that the Strategy is sound subject to a number of recommended changes. This increases the weight to be given to the Core Strategy policies; those of particular significance CP17 relating to the protection of the suburban character of Brent. The relevance and implications of this are discussed above and are not considered to alter the recommendation.

### *Changes to the scheme*

No changes to the scheme considered and approved by Members at Planning Committee in May 2008 are proposed.

### *Alterations to conditions and section 106*

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

1. Update 'Summary reasons for approval'
2. Add condition listing approved plans

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

### *Substantial physical changes to the area since 12 May 2005*

There have been no substantial physical changes in the local area since the previous refusal.

### *Conclusion*

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which

would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

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

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance 17& 3

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Design and Regeneration: in terms of guiding new development and extensions

## **CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

737-101, 102, 103, 201 rev B, 301 rev A, 302 rev A, 303 rev A 304 revB, 305 revB, 401 rev C, 402 rev D, 403 rev C, 404 revB,

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

- (3) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no windows or glazed doors (other than any shown on the approved plan) shall be constructed in the walls of the building and those shown on the approved plan shall

remain fixed and opaque to 1.8m above finished floor level..

Reason: In the interests of the privacy of adjoining occupiers.

- (4) Accessible parking spaces as indicated on the approved plans shall be provided prior to the occupation of the premises/commencement of the use and shall be maintained thereafter.

Reason: To ensure satisfactory accessibility for future occupants.

- (5) Accessible parking bays hereby approved shall measure a minimum width of 3 metres and shall be clearly marked prior to the occupation of the building's use hereby approved.

Reason: To ensure satisfactory accessibility for future occupants.

- (6) In order to ensure that the premises are accessible to people with disabilities or people with buggies, the entrance doors shall have a minimum width of 900mm and a maximum threshold level of 25mm.

Reason: To ensure that the premises are accessible to all those people who can be expected to use it, in accordance with policy H26 of the adopted Unitary Development Plan.

- (7) Adequate noise insulation shall be provided to walls and/or floors between units in separate occupation in accordance with the Local Planning Authority's preferred design standards, or to such other alternative specifications as may be submitted to and approved by the Local Planning Authority, and the insulation shall be installed prior to occupation of the units hereby approved.

Reason: In the interests of neighbouring occupiers.

- (8) The applicant shall employ measures to mitigate against the impacts of dust and fine particles generated by the operation. This should include:

(a) damping-down during demolition and construction, particularly in dry weather conditions;

(b) minimising the drop height of materials by using chutes to discharge material and damping-down the skips/spoil tips, as material is discharged;

(c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible;

(d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation;

(e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area;

(f) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- (9) Details of materials for all external work, i.e. bricks, aluminium sections, fenestration, roofing materials and means of enclosure, including samples and/or colours, shall be submitted to and approved in writing by the Local Planning Authority before

construction work is commenced.

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

- (10) A detailed scheme for suitable and sufficient lighting shall be submitted and approved in writing by the Local Planning Authority prior to construction works commencing on site, indicating lighting to be appropriately baffled where necessary to avoid glare so as to ensure adequate safety and convenience on roads, footpaths and other pedestrian and vehicular routes within the site.

Reason: To ensure avoidance of light pollution and in the interests of safety, amenity and convenience

- (11) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure a proper standard of separation, and in the interest of the amenity of the area.

- (12) Notwithstanding details submitted within the application, prior to commencement of construction works on-site, a detailed scheme of landscaping, showing the size density and number of trees, shrubs and plants, means of enclosure and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved ,and any trees or shrubs which, within 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development and that the proposed development enhances the visual amenity of the locality and to provide suitable tree planting.

- (13) Details of means for marking out and providing the car-parking spaces, the pedestrian path and forecourt area including samples of proposed paving materials and any other approved hard landscaping materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works. All parking spaces (including cycle bays) and footways shall be constructed and permanently marked out prior to first occupation of any of the units hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking, servicing and access, in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (14) Details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment shall be submitted to and approved in writing by the Local planning Authority before any demolition/construction work commences on site, and such protection shall be installed and retained, as approved, throughout the period of the work.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (15) Details of the provision of a minimum of 15 secure cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the spaces as approved shall be retained thereafter.

Reason: To ensure satisfactory facilities for cyclists.

- (16) Prior to the commencement of the development (hereby permitted):

(a) a site investigation shall be carried out by an appropriate person to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. No building works may commence on site until a remediation strategy has been submitted and approved by the Local Planning Authority, and

(b) a verification report shall be provided to the LPA by a competent person, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

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

- (17) Notwithstanding the plans hereby submitted, access to the rear at ground floor level through the gate between the proposed building and the existing Westley Court should be maintained at all times in order that the amenity space is accessible to all existing and future occupants of the Westly Court and the future occupants of the proposed development. Accordingly further details shall be provided and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the details as approved shall be retained thereafter.

Reason: To ensure that access to amenity space for all existing and future occupants is maintained

- (18) Notwithstanding the plans hereby submitted, in order that there does not exist any overlooking through windows of Westly Court from the proposed adjacent terraces and or balconies on the 4th floor level, further details shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the details as approved shall be retained thereafter.

Reason: To ensure that access to amenity space for all existing and future occupants is maintained

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229

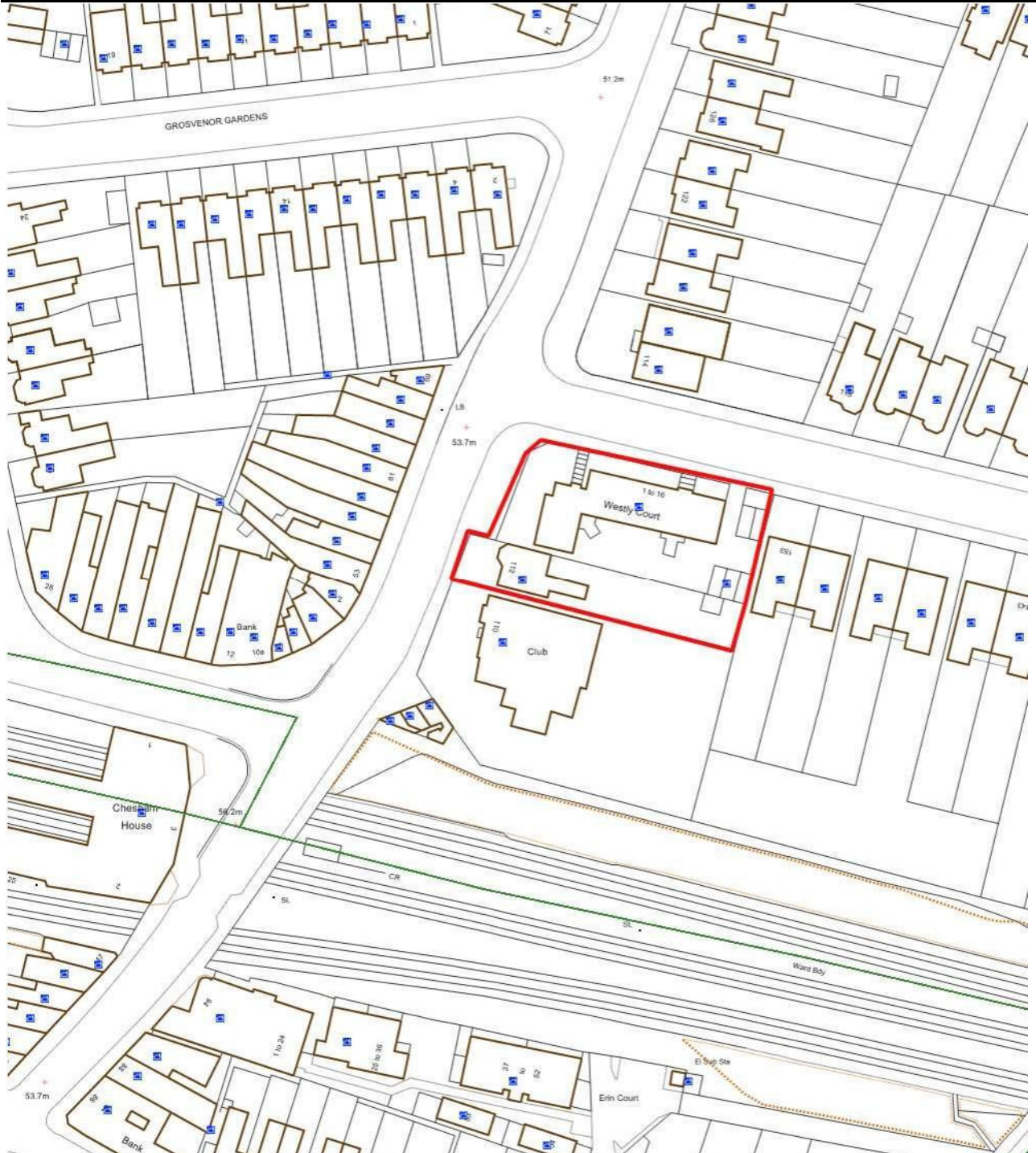




## Planning Committee Map

Site address: Westly Court 1-17 & 112 Walm Lane, London, NW2

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This map is indicative only.

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**Committee Report  
Planning Committee on 12 May, 2011**

**Item No.** 5  
**Case No.** 11/0425

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**RECEIVED:** 17 February, 2011

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** First Floor Function Room, Finbars - The Zone, 332-336 Neasden Lane, London, NW10 0AD

**PROPOSAL:** Conversion of first floor function room into two no. 1-bedroom flats and one studio flat with external alterations including new windows on rear and flank elevations and external lighting to building and refuse facilities and cycle parking in the rear service yard (as per revised plans on 4th April 2011).

**APPLICANT:** McGowan Group

**CONTACT:** DLA Town Planning Ltd

**PLAN NO'S:**  
Refer to Condition 2

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £9,000 (£3,000 per additional bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

All contributions due on Material Start and index-linked from the date of decision.

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

## **EXISTING**

The application site comprises a mid terraced three storey building with accommodation in the roof space on Neasden Lane. It comprises a public house/nightclub on the ground floor.

The site is located within the Primary Shopping Frontage of Neasden Town Centre. It is not located within a conservation area nor is it a listed building.

## **PROPOSAL**

Conversion of first floor function room into two no. 1-bedroom flats and one studio flat with external alterations including new windows on rear and flank elevations and external lighting to building and refuse facilities and cycle parking in the rear service yard (as per revised plans on 4th April 2011).

## **HISTORY**

**10/2691:** Full Planning Permission sought for conversion of first floor function room into 5 studio flats and 1 x one bedroom flat with alterations to the rear access stairs and external alterations including new windows on rear and flank elevations and external lighting to building and refuse facilities in rear service yard.  
- Refused, 08/12/2010.

**10/1375:** Full Planning Permission sought for conversion of first-floor function room into 4 studio flats, 1 one-bedroom flat and 1 two-bedroom flat (Use Class C3) with associated works, including insertion of additional windows and doors - Refused, 26/07/2010.

**09/1438:** Full Planning Permission sought for demolition and rebuilding of rear extension to accommodate stairway to cellar of premises, including retention of 5 no. condenser units, and associated works to rear external stairway- Granted, 27/08/2009.

**07/3090:** Full Planning Permission sought for single-storey extension and works to form beer garden to the rear of pubic house.- Dismissed on Appeal, 14/10/2008.

**05/1804:** Full Planning Permission sought for 3 storey extension to rear of existing ground floor public house building to accommodate 2 first floor studio flats, 1 second floor two bedroom flat and 1 third floor two bedroom flat, 1 dormer window at front, 2 dormer windows at sides and 3 dormer windows at rear of proposed building - Dismissed on Appeal, 28/03/2006.

**02/2621:** Full Planning Permission sought for change of use from hostel to 4 self-contained maisonettes- Granted, 17/01/2003.

**01/1166:** Full Planning Permission sought for erection of a second floor extension to provide a 2-bed flat ancillary to the public house- Refused, 02/07/2001

**95/1132:** Full Planning Permission sought for erection of steel stairway at rear with new walkway and landing - Granted, 05/09/1995.

**94/1566:** Full Planning Permission sought for retention of three dormer windows on the third floor to rear elevation of maisonettes and alterations to front elevation at first and second-floor levels - Granted 15/02/1995.

**94/0203:** Full Planning Permission sought for installation of new shop front and internal alterations to public house - Granted, 29/03/1994.

**93/1203:** Full Planning Permission sought for erection of first floor rear extension to provide function room and third floor to provide three self contained maisonettes - Granted, 02/02/1994.

**90/0041:** Full Planning Permission sought for change of use from building society to A3 and installation of new shop front - Granted, 20/06/1990.

**84/1762:** Full Planning Permission sought for change of use from retail to public house and erection of additional storeys to provide three self contained maisonettes- Granted, 19/12/1984.

## **POLICY CONSIDERATIONS**

### **Brent's Core Strategy 2010**

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP21: A balanced Housing Stock

### **Brent's UDP 2004**

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE9: Architectural Quality

EP2: Noise & Vibration

H12: Residential Quality - Layout Considerations

H18: The Quality of Flat Conversions

H19: Flat Conversions - Access & Parking

H20: Flats over and adjoining buildings in shopping centres

TRN3: Environmental Impact on Traffic

TRN11: The London Cycle Network

TRN22: Parking Standards - Non Residential Developments

TRN23: Parking Standards - Residential Developments

### **Supplementary Planning Guidance**

Supplementary Planning Guidance 17 – “Design guide for new development”

Supplementary Planning Document: "S106: Planning Obligations"

## **CONSULTATION**

**Consultation Period: 01/03/2011 - 22/03/2011**

### **Public Consultation**

30 neighbours consulted - four letters of objection received raising the following points:

- Properties to the rear already experiencing lack of light from the existing extensions to the premises.
- Loss of privacy to gardens of the properties at the rear.
- Already problems with noise and beer bottles thrown into gardens of properties to the rear. This application will worsen the situation.
- Light from the development will cause light pollution to the properties at the rear.
- Pub has a beer garden at the back of the premises resulting in disturbance to nearby residential properties.
- Parking on service road restrict this access for larger vehicles such as emergency vehicles and refuse lorries, and for for vehicles servicing the rear of the premises on Neasden Lane and the garages for the properties on Chartley Avenue. Larger vehicles driving down the access road

- have damaged rear boundary fences of the properties on Chartley Avenue.
- No parking spaces available for the new flats.
- Pay and display bays in Neasden Town Centre has resulted in visitors parking on nearby residential road, thus leaving limited parking for the residents.
- High population has an effect on the character of the area, resulting in crime.
- Existing drainage insufficient and cannot cope with increased population.
- Increase refuse will add to problem of rats in the area.

### Internal Consultation

**Transportation** - Proposal can be supported on transportation ground subject to bicycle parking being provided in a store to prevent theft and protect them from the weather.

**Environmental Health** - No objections in principle as the pub use has ceased. Recommended that the development is designed and constructed in accordance with Approved Document E - Resistance to the Passage of Sound, 1st July 2003.

## **REMARKS**

### **Background**

There is an extensive planning history for the site as detailed above. The site originally contained a single storey retail unit but has since been extended and converted to a public house with a function room on the first floor, and residential units on the second and third floors (within the roof space). Details of which are set out in the planning history.

It was observed during the officer site visit as part of this application that the ground floor was no longer in use as a public house. It contains a retail unit and ancillary storage for the retail unit. There is no planning record for this change of use, however, planning permission is not required to change the use of a building from use class A4 (public house) to use class A1 (retail unit).

The first floor which is the subject of this application is no longer in use as a function room. It has been laid out as 5 residential units which do not have the benefit of planning permission. This application seeks to regularise the residential use and reduce the number of units to three flats (two no. 1-bedroom flats and one studio flat). The matter has also been passed onto the enforcement team for further investigation.

The second and third floor (within the roof space) has planning permission for 4 no. 2 bedroom maisonettes. It was observed during the site visit that these floors contain 6 no. one-bedroom self contained flats. It is unclear when these works were undertaken, and the matter is being investigated by the enforcement team.

### **Relevant Planning History**

There have been two recent applications to convert the first floor function room into 5 self contained flats. The most recent application (LPA Ref: 10/2691) was refused for the following reasons:

*1. The proposed flats do not provide an acceptable quality of residential accommodation, by reason of the poor level of outlook provided for units 3 to 6, windows to habitable rooms positioned on the side boundary, the failure to demonstrate that there will be no detrimental impact in terms of noise and disturbance from the ground floor nightclub/public house and associated building equipment, and the lack of external amenity space. The proposal is therefore contrary to policies BE5, BE9, EP2 and H12 of Brent's Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance 17 "Design Guide for New Development".*

2. The proposed development, by reason of the access decks and staircases located next to habitable room of both existing and proposed units, would have a detrimental impact upon the amenities of existing and proposed residents as a result of loss of privacy, noise and disturbance. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004.

3. The proposed development will result in an increased demand for residential parking which can not be accommodated on site. As such, it is likely to result in additional demand for on-street parking around the site in a heavily parked area which cannot be readily and safely accommodated to the detriment of the free and safe flow of traffic. This would be contrary to policies TRN3, TRN22, TRN23, TRN24, PS7, PS9, PS14 and PS15 of Brent's adopted Unitary Development Plan 2004.

4. The proposed development will intensify the use of the existing rear service yard which is already limited in size by reason of the requirement to provide six cycle spaces in a secure cycle store and increased refuse storage requirements as a result of the new units. The applicant has failed to demonstrate that the additional requirements can be accommodated within the existing service yard without compromising existing servicing arrangements and leading to unsafe and inconvenient access for the residential units. This would be contrary to policies BE5, BE9, EP2 and H12 of Brent's Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance 17 "Design Guide for New Development".

5. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space or making other contributions to improve the environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, H1, and BE7 of Brent's adopted Unitary Development Plan 2004.

This application seeks to address the previous reasons for refusal.

### **Proposal**

This application seeks planning permission to convert the first floor function room into two no. 1-bedroom flats and one studio flat with external alterations including new windows on rear and flank elevations. The application also involves external lighting to building and refuse facilities and cycle parking in the rear service yard. The merits of the scheme are discussed below:

#### **Quality of accommodation**

##### *Internal Floor Space*

Two no. one-bedroom flats and a studio flat are proposed within the first floor of the application premises, which formally contained the function room of the public house. The internal floor area of each unit significantly exceeds the Council's guidance as set out in SPG17. The internal floor area for each unit is listed below:

Unit 1 (Studio Flat) - 61.5sqm  
Unit 2 (one bedroom) - 80sqm  
Unit 3 (one bedroom) - 70sqm

##### *Levels of outlook*

The level of outlook for units 2 and 3 is considered acceptable. The main habitable space for unit 1 is restricted in a northerly direction. The size of the windows on the northern elevation provides limited outlook and limited light to this habitable space. As these windows can not be enlarged due to the proximity to the rear gardens of the properties on Chartley Avenue, roof lights are proposed

within the flat roof to provide additional light for unit 1. To prevent overlooking from the residential units on the second and third floors, it is recommended that these roof lights are obscured glazed to ensure an adequate level of privacy to unit 1.

### *External amenity space*

No external amenity space is proposed for the units. SPG17 requires 20sqm per unit. Given that the proposal is to convert part of an existing building, it is unlikely that the scheme can provide any usable external amenity space. However, the internal floor space of the units exceed the minimum standards and assist in offsetting the lack of external amenity space.

### *Noise and Disturbance to the new units*

The previous application raised concerns with noise and disturbance for the proposed occupiers as a result of the public house use on the ground floor, and access decks and stairs next to the windows of one of the units. Reference was also made to AC units directly below habitable room windows.

As the public house use has now ceased and replaced with a retail unit, the level of noise and disturbance will be significantly reduced. Officers in Environmental Health have advised that previous concerns were mainly related to noise nuisance from the public house on the ground floor, and that as the ground floor is now in retail use, a more acceptable quality of residential accommodation can be achieved. They advise that the details of the sound insulation between the ground and first floors submitted with the application are acceptable. As sound insulation is controlled through building regulations, it is recommended that an informative is attached to any forthcoming planning consent requiring the flats to be designed and constructed in accordance with Approved Document E - Resistance to the Passage of Sound, 1st July 2003.

It was noted on site that there are a number of AC units and two fans on the roof of the former function room. Whilst these will be located outside the common hallway and hallway for unit 3, the windows that serve the living/dining area for unit 3 are in close proximity. It is therefore recommended that a condition is secured for the total sound level of air conditioning units and the fan lights when in full operation to assess the impact upon residential amenity, and if such levels are found to be unacceptable, mitigation measures or the removal/repositioning of the equipment should be carried out.

### Impact upon adjoining occupiers

Access to the flats is served via the existing residential access at the rear of the premises off the service yard. The access will not pass by habitable room windows, and thus is not considered to have an adverse impact upon the amenities of the proposed flats or the existing residential units on the upper floors.

### *Flat No. 330A Neasden Lane*

To restrict overlooking and disturbance to the occupiers of Flat 330a Neasden Lane, the Juliet Balcony for Unit 3 has been replaced with a fixed obscured glazed panel. This will allow additional light to this space without compromising the amenities of No. 330a Neasden Lane.

### *Properties to the rear on Chartley Avenue*

To the rear of the application site are residential properties located on Chartley Avenue. There are existing windows at first floor level where unit 1 is proposed. It is considered that the sense of overlooking will be no worse than the current situation, and on balance the relationship from these windows to Chartley Avenue is not considered sufficiently harmful to warrant a reason for refusal.



Residents in Chartley Avenue have raised concerns with a loss of light to their properties and rear gardens from the existing development. This application does not propose any additional extensions, any loss of light that these properties experience will be no worse than existing.

It is considered that the level of noise and disturbance that the residents of Chartley Avenue will experience is less than the former situation with the premises in use as a public house and function room.

This application proposes a number of exterior security lights with a dusk to dawn setting. To minimise the impact of the security lights upon the amenities of surrounding residential properties, it is recommended that further details of the security lighting is secured, including their design and light spillage.

### Transportation considerations

#### *Parking Provision - Residential*

The site is located within a good area of public transport accessibility (PTAL 4). Parking standards are set out in PS14 of Brents UDP 2004. As the site is located within a town centre and within an area of good public transport accessibility, reduced parking standards are applicable. The assessment has been based on the worst case scenario including the six flats on the third floor and roof space and three flats which are the subject of this application. As referred to earlier on in this report, the six flats do not have the benefit of planning permission and this matter is being investigated by officers in the enforcement team to establish they are immune from enforcement action.

Overall, including the existing flats (which allow for a maximum of 4.2 car parking spaces based on 6 units), the maximum allowance for the residential units on site is 6.3 spaces. Policy H20 of Brent's UDP 2004 applies a flexible approach to conversion of accommodation above shops, as long as the proposal does not involve excessive extensions or result in unsatisfactory standards of accommodation. In accordance with PPG3, a more flexible approach is adopted "with regard to densities, car parking, amenity space and overlooking" (para 41). In this case, given that the units within the former function room significantly exceed minimum internal floor space standards and no extensions to the building are required to meet the Council's space standards, Policy H20 is applicable. The site is in an area where there is good public transport accessibility and the proposed residential use is likely to have less impact on the on-street parking in the surrounding area than the use as a function room, which could attract large numbers of people. As such, whilst some on-site parking would be desirable, it is not considered that the impact of the development on the on-street parking in the surrounding area would be so significant to warrant refusal.

#### *Parking Provision and Servicing for the retail unit*

No off street parking was available for patrons of the public house. The retail unit does not attract a higher parking allowance than the public house, and thus the impact on demand for parking is considered to be no worse than the former situation. Furthermore, on street parking is available on Neasden Lane in the form of bay and display bays. As detailed above, the change of use to retail does not require planning permission and as such, any improvement to the servicing is welcomed.

The service yard will be cleared to provide a dedicated servicing bay for a transit sized vehicle, meeting the servicing requirements for the retail unit.

#### *Cycle Parking and Refuse Storage*

A bicycle store is proposed to accommodate six cycle parking spaces. This exceeds the cycle parking standards for the new units, which require three spaces. The bikes are stored in a semi

vertical manner with a roof and side cover. Whilst additional cycle parking spaces are welcomed, in this case given the limited size of the rear service yard and the need for it to also accommodate refuse storage facilities, it is recommended that the number of cycle parking spaces are reduced to 3 spaces within a smaller cycle shelter.

With regards to waste and recycling storage requirements, the proposal will result in 7 residential units (4 existing 2-bedroom maisonettes and 3 proposed units). Brent's guidance on "Waste and Recycling Storage and Collection Guidance for Residential Properties" requires 120l per household for residual waste, 60l per bedroom for dry recycling waste and 23l per household for organic waste. For the scheme as proposed, this will require two 1100l bins (one for residual waste and one for dry recyclable waste) and one 240l bin for organic waste, which is ample waste storage capacity. The layout of the rear service yard as shown on the plans does not provide sufficient amount of waste and recycling storage capacity. However, there is sufficient room within the rear service yard, and it is therefore recommended that further details are secured by condition.

### **Response to objections raised**

Objections have been received during the consultation period, raising a number of concerns. The following objections have not been addressed within the Remarks section of the committee report and are discussed below:

- *Already problems with noise and beer bottles thrown into gardens of properties to the rear. This application will worsen the situation.*

The premises is no longer in use as a public house. The problems associated with the public house, i.e. noise and beer bottles being thrown into neighbouring gardens, should no longer exist. The retail and residential uses should improve the living environments for surrounding occupants.

- *Parking on service road restrict this access for larger vehicles such as emergency vehicles and refuse lorries, and for vehicles servicing the rear of the premises on Neasden Lane and the garages for the properties on Chartley Avenue. Larger vehicles driving down the access road have damaged rear boundary fences of the properties on Chartley Avenue.*

Parking is restricted on the service road with the presence of a yellow line. This application proposes a service bay within the rear service yard to accommodate a transit sized vehicle, so that it does not block the service road. The application is not for the use of the ground floor as a retail unit however the application will include a designated service bay which will improve the existing situation.

- *Pay and display bays in Neasden Town Centre has resulted in visitors parking on nearby residential road, thus leaving limited parking for the residents.*

The parking demand for the retail unit is no greater than the former public house and function room. Furthermore, it is likely that parking demand as the retail unit is likely to attractive shoppers already using the centre or living locally whereby they would walk to the town centre rather than travel by car.

- *High population has an effect on the character of the area, resulting in crime.*

The proposal is not considered to have an adverse impact upon the character of the area in terms of the amenities of surrounding occupants, parking demands or waste demands. There is no justification that crime levels will rise as a result of the proposal.

- Existing drainage insufficient and cannot cope with increased population.

Drainage is a matter dealt with by building regulations rather than a planning consideration. As such this matter cannot be considered as part of this application.

### **Conclusions**

The change of use of the former function room to residential is considered acceptable by improving the living environment for surrounding occupants as a result of less noise and disturbance. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010  
Brent's UDP 2004  
Supplementary Planning Guidance 17 – "Design guide for new development"  
Supplementary Planning Document: "S106: Planning Obligations"

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

### **CONDITIONS/REASONS:**

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

11/206 101  
11/206 102 Rev A

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

(3) The rooflights in the flat roof of the former function room for unit 1 shall be glazed with obscure glass and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To provide a satisfactory level of amenity for future occupants.

(4) The panel to the living/dining room for unit 3 located on the flank wall facing No. 330A Neasden Lane shall be glazed with obscure glass and on-opening and shall be so

maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (5) There shall be no subdivision of the residential units hereby approved without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider the merits of intensification of residential use within the site in the interests of the amenities of existing and future occupants.

- (6) Refuse and cycle

- (7) Prior to occupation of the residential units hereby approved, further details of the total sound level of the air conditioning units and fans located on the roof of the former function room when in full operation shall be submitted to and approved in writing by the Local Planning Authority. If such levels are found to be unacceptable, mitigation measures and/or the removal/repositioning of the air conditioning units and fans shall be carried out in accordance with details agreed by the Local Planning Authority and thereafter maintained unless the prior written consent of the Local Planning Authority is obtained. No further equipment shall be installed on the roof at first floor level without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of residential occupants.

- (8) Prior to the occupation of the residential units hereby approved, further details of the external security lighting, including light spillage plans and lux levels shall be submitted to and approved in writing by the Local Planning Authority, and therefore maintained in accordance with the approved details, unless the prior written approval of the Local Planning Authority is obtained.

Reason: In the interests of the amenities of surrounding residential properties.

- (9) A revised service yard layout shall be submitted and approved in writing by the Local Planning Authority within three months of the date of this permission. Such details shall include:

- (a) bicycle parking for three bicycles in a secure and weather proof cycle storage facility
- (b) two 1100l bins (one for residual waste and one for dry recyclable waste)
- (c) one 240l bins for organic waste
- (d) commercial waste bins and wire cage for cardboard
- (e) transit sized service bay

The service yard layout as approved shall be constructed and permanently marked out prior to first occupation of any of the units approved, and thereafter maintained in accordance with the approved details unless the prior written approval of the Local Planning Authority is obtained.

Reason: In the interests of the amenities of the locality.

**INFORMATIVES:**

- (1) The applicant is advised that the proposed flats and rooms for residential purposes shall be designed and constructed in accordance with Approved Document E - Resistance to the Passage of Sound, 1st July 2003.
- (2) The applicant is advised that this application does not relate to the flats on the second and third floors or any alterations to the shop front on the ground floor or advertisements.

**REFERENCE DOCUMENTS:**

Four letters of objection

Brent's Core Strategy 2010

Brent's UDP 2004

Supplementary Planning Guidance 17 – "Design guide for new development"

Supplementary Planning Document: "S106: Planning Obligations"

Waste and Recycling Storage and Collection Guidance for Residential Properties

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



# Planning Committee Map

Site address: First Floor Function Room, Finbars - The Zone, 332-336 Neasden Lane, London, NW10 0AD

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This map is indicative only.

**Committee Report  
Planning Committee on 12 May, 2011**

**Item No.** 6  
**Case No.** 10/3262

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**RECEIVED:** 11 February, 2011

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** Kingsland Hotel, Kingsbury Circle, London, NW9 9RR

**PROPOSAL:** Demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage.

**APPLICANT:** Jayhems Ltd

**CONTACT:** Shepherad Epstein Hunter

**PLAN NO'S:**  
Refer to condition 2

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £1,000 per additional bedroom, due on material start and, index-linked from the date of committee for Training, Sustainable Transportation, Open Space & Sports and environmental improvements in the local area.
- (c) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM Excellent, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (d) Provide an on-site CHP to meet the base heat demand (hot water) and on site PV panels, unless it is technically unfeasible then to provide 20% of the site's carbon emissions supplied from onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

- (e) Travel Plan (incorporating coach management arrangements) with targets to be based on a suitable baseline survey of the existing hotel within 3 months of signing the agreement;
- (f) Prior to Practical Completion enter into a s278/s35 requiring the provision of a 4m radius kerb to the proposed access on The Mall
- (g) Join and adhere to the Considerate Constructors scheme

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 13 May 2011.

## **EXISTING**

The application site comprises a three storey building with accommodation in the roof space on Kingsbury Circle between The Mall and Kenton Road. It was originally built as an office building but has since been converted to a hotel in 1997. The site is not located within a conservation area nor is it a listed building. Kenton Road is a London Distributor Road and The Mall is a Local Distributor Road.

There is a mixture of uses within the vicinity of the site. These include three storey residential developments along Kenton Road, The Mall and Fryent Way. On the opposite side of Kingsbury Circle is Kingsbury Road which contains the primary and secondary shopping frontages of Kingsbury District Centre. These buildings are two and three storeys in height, comprising retail and other town centre uses at ground floor and predominantly residential use on the upper floors. Directly opposite the application site is Azure Court, a five storey development, which contains Tescos at ground floor and residential flats above. Planning permission was granted for this development in February 2006 (LPA Ref: 05/1204). The opposite side of Kenton Road falls within the ownership of the London Borough of Harrow. It comprises three storey terraced buildings and close to the roundabout a two storey flat roof supermarket.

## **PROPOSAL**

Demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage.

## **HISTORY**

### Relevant planning history

**99/0040:** Full Planning Permission sought for installation of rear dormer windows - Granted, 10/05/1999.

**99/0027:** Details pursuant to condition 7 (landscape) of full planning permission ref: 97/1215 - Granted, 22/02/1999.

**98/2062:** Details pursuant to condition 9 (dormer windows) of full planning permission ref: 97/1215 - Granted, 07/12/1998.

**97/1215:** Full Planning Permission sought for change of use of existing premises into a hotel, installation of 4 rear dormer windows and 2 velux windows, provision of 19 car parking spaces - Granted, 11/11/1997.

**17896A 2532:** Full Planning Permission sought for office block - Granted, 15/12/1951.



## **POLICY CONSIDERATIONS**

### The London Plan - Consolidated with Alterations since 2004

3D.7: Visitor Accommodation and Facilities  
4A.2: Mitigating Climate Change  
4A.4: Energy Assessment  
4A.5: Provision of Heating and Cooling Networks  
4A.6: Decentralised Energy - Heating, Cooling and Power  
4A.7: Renewable Energy  
4A.9: Adaption to Climate Change

### Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP19: Brent Strategic Climate Mitigation and Adaption Measures

### Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape - Local Context & Character  
BE5: Urban Clarity & Safety  
BE6: Public Realm - Landscape Design  
BE9: Architectural Quality  
BE12: Sustainable Design Principles  
BE20: Advertisements on Buildings  
EP2: Noise & Vibration  
EP3: Local Air Quality Management  
TRN1: Transport Assessment  
TRN4: Measures to Make Transport Impact Acceptable  
TRN14: Highway Design  
TRN22: Parking Standards - Non Residential Developments  
TRN30: Coaches and Taxis  
TEA6: Large-Scale Hotel Development

### Supplementary Planning Guidance

SPG17: Design Guide for New Development

## **SUSTAINABILITY ASSESSMENT**

### Reduction in carbon emissions and onsite renewables

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaption. Details of the measures proposed to reduce carbon emissions and consideration of onsite renewables are set out in the "Sustainable Design and Renewable Energy Report".

A number of options for onsite renewable energy measures have been considered, and the use of Combined Heat and Power (CHP) and Solar Thermal Panels have been identified as suitable options for the development, achieving a reduction of 25% in carbon emissions. The sustainability officer has reviewed the submitted information and has queried the reduction in carbon emissions.

They advise that there is no indication of the type of fuel used by the CHP, it is therefore assumed that the proposed CHP is powered by gas which is not renewable. This would leave only 4.15% energy met by renewables through the use of solar thermal which is far lower than 20% requirement. They go on to say that solar thermal panels are not generally considered to be compatible with CHP as there will be waste heat during summer months. PV Panels are a more compatible technology with CHP.

In light of the above, it is recommended that the Section 106 Agreement secures details of the CHP including size and fuel used to be submitted. To ensure that the CHP is sufficient, it should be sized to meet the base heat demand (hot water). In addition PV solar panels should be used rather than solar thermal panels. If the CHP fails to be delivered, a revised Energy demand & Renewable assessment ensuring a 20% of the site's carbon emissions are supplied from renewables on site. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

#### Breem Pre-Assessment

Policy CP19 requires the development to achieve a rating of BREEAM "Excellent". A BREEAM pre-assessment report has been prepared which indicates that the scheme will achieve an "Excellent" rating. It is recommended that on completion of the development, an independent review shall be submitted on the scheme as built, verifying achievement of an "Excellent" rating, with compensation should it not be delivered. This should be secured as part of the Section 106 Heads of Terms.

#### Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 51.5%. Officers have reviewed the checklist and have a score of 24% which falls short of the required 50%. The discrepancies in the scores is larger due to a lack of evidence being submitted with the checklist. It is therefore recommended that as part of the Section 106 Heads of Terms, a revised Sustainability Checklist be submitted ensuring a minimum score of 50%, with compensation should it not be delivered.

#### Other Matters

In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.

#### **CONSULTATION**

**Consultation Period: 22/02/2011 - 15/03/2011**

**Site Notice Displayed: 24/02/2011 - 17/03/2011**

#### Public Consultation

242 neighbours consulted - two letters of objection and one comment received during the consultation period raising the following points:

- Height of the building should be no greater than that of nearby Azure Court, which in itself is significantly higher than all nearby buildings.
- Residential area will become more commercial
- Road will be busier
- Problems with parking spaces
- More noise pollution
- Increased disturbance at night due to tourist customer creating a nuisance

- Drop in residential property values
- Area will become more like a public place compared to a private residential place
- Plans do not show car and coach parking for 114 bedrooms

### External Consultation

#### **Kenton Ward Councillors**

A letter of objection has been received from the Kenton Ward Councillors raising the following points:

- Proposal represents a gross over-development of the site
- The development would be completed out of character with the rest of the street
- There is insufficient parking for a development of this size and would result in increased traffic congestion in an already busy area

### Internal Consultation

**Sustainability Officer** - A number of recommendations have been made in response to the Energy Demand & Renewables Assessment submitted with the application. This recommendations can be secured as part of the Section 106 Agreement for the proposal and are discussed in further detail within the Section 106 Heads of Terms and Sustainability section of this report.

**Transportation** - Proposal can be supported on transportation ground subject to the Section 106 Agreement securing (i) a financial contribution of £50,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; (ii) a Travel Plan (incorporating coach management arrangements) with targets to be based upon surveys carried out on the existing hotel within 3 months of the signing of the agreement; and (iii) amendments to the proposed site access to provide 4m kerb radii

**Landscape Design** - No objections raised in principle. Recommends that in the even that planning permission is granted, a condition should be included to secure full details of a landscape scheme together with tree planting along the frontage.

**Environmental Health** - Recommended that conditions in relation to noise are included in any forthcoming planning consent to protect the amenity of neighbouring residents and the occupants of the hotel. As the site is within an Air Quality Management Area details of a Construction Method Statement and Air Quality Impact Assessment are recommended to be conditioned.

**Urban Design Officer** - Initial comments received from the Urban Design Officer raised concerns that the design of the building would not enable support to be given to a building of this height. Revisions to the scheme were made in response to these concerns - see Remarks Section for further details. The Urban Design Officer has advised that the amendments made to the scheme assist in reducing the perceived scale, and that the revised scheme is broadly acceptable from an urban design perspective.

## **REMARKS**

### **Principal of Development**

Policy TEA6 permits a large scale hotel where the site is located within a town centre or edge of centre subject to the proposal not having an unacceptable traffic impact and complying with the Council's policy on taxi and coach parking; not having a significant adverse impact upon the residential amenity or character of the area; and not resulting in the loss of land or accommodation that can best be used, with or without adaption, for permanent residential purposes.

The site is located on the edge of Kingsbury District Centre. As the site already contains a 28

bedroom hotel, the principle of a hotel use is already established on the site. Therefore, a larger 92 bedroom hotel is acceptable subject to it not having an unacceptable traffic impact and complying with the Council's policy on taxi and coach parking; not having a significant adverse impact upon the residential amenity or character of the area. These aspects are discussed in further detail below:

### **Design, massing and scale**

The existing hotel is three storeys in height with rear dormer windows to accommodate additional bedrooms within the roof space. In terms of the relationship with the adjoining properties, the existing building is up to 1.2m higher than the neighbouring residential blocks on The Mall and Kenton Road, which are also three storeys in height. The hotel has a footprint of approx. 245sqm and has a total floor area of 780sqm. It is sited at an angle within the plot, set in from the western boundary by approx. 1.6m at its closest point, the front boundary (fronting Kingsbury Circle) by 7.5m at its closest point and the southern boundary by approx. 12m at its closest point. An established landscape area is provided along the frontage.

The proposed hotel building is to be six storeys in height with a basement (overall height 19.5m) and has a floor area of 3341sqm. In the vicinity of the site there are a variety of buildings of differing scale and design. Of particular relevance is Azure Court on the opposite side of Kingsbury Circle (this building contains the Tesco store at ground floor), which is five storeys in height. The proposed hotel building would be the tallest building in the immediate locality, however, whilst the proposed building is an additional storey in height when compared to Azure Court, it is only approx. 0.5 higher overall due to the different floor to ceiling heights for the respective uses. Given the context of the site, it is considered that the principle of a taller building can be supported subject to being an appropriate design and having an acceptable relationship with the neighbouring properties.

The building has been designed to relate to the form of the smaller buildings by incorporating two brick panels that are intended reflect the elevations of the residential blocks on The Mall and Kenton Road. The fourth and fifth storey is proposed to be set in at both sides to take account of the height of the adjacent buildings; the proposed building will be four storeys next to the residential properties on The Mall and no higher than the ridge of the roof of the residential properties on Kenton Road . The sixth storey is proposed to be set in at both the sides and set back from the front elevation to reduce the overall bulk and prominence of the top storey. The footprint of the building will follow the line of the site, providing a curved front facade, allowing space for some landscaping; the building is aligned with the adjacent building lines on The Mall and Kenton Road.

Initial comments received from the Urban Design Officer raised concerns that the design of the building would not enable support to be given to a building of this height. Revisions to the scheme have since been made incorporating the following comments:

- Redesign the two upper floors so that they are articulated into three elements “reducing their scale” (two wings and central section). The plans have been revised to include the central element in coloured panels up to the fifth floor, and the wings in brick work (fourth floor) and glazed (fifth floor). The roofline has also been articulated to break up the skyline
- Provide an expressed joint line between the third and fourth floors
- Use of facing brick for the fourth floor so that it heavier in appearance. The brick work will be patterned to differentiate it from the floors below. This will assist in reflecting the scale of the neighbouring buildings
- Fifth floor to be lighter in appearance incorporating more glazing with oversailing eaves
- Provide a more pronounced entrance to the hotel through the use of a canopy

Your officer in Urban Design has reviewed the amended plans and has advised that the amendments assist in reducing the perceived scale of the building, and that the revised scheme is

broadly acceptable from an urban design perspective.

Whilst it is acknowledged that the proposed building will exceed the height of other buildings in the locality, on balance, it is considered that this prominent site can support a taller building. It is considered that the building is of an appropriate design, taking account of the surrounding context with a elements of the adjoining buildings reflected in the elevational treatment.

### **Impact on neighbours**

To the west and south of the site lies the three storey residential blocks of flats on Kenton Road and The Mall. The residential blocks on Kenton Road are separated from the development by a footpath that provides access from Kenton Road to both the entrances of these residential blocks and a vehicular access road that runs parallel with Kenton Road from The Mall to Preston Hill. The residential block on The Mall is separated from the development by the vehicular access road that runs parallel with Kenton Road from The Mall to Preston Hill.

#### *Overbearing appearance and outlook*

Due to the unusual relationship of the building with the neighbouring properties, the proposal does not directly face the rear habitable room windows of the surrounding residential properties or adjoin private amenity/garden areas, and thus the guidance as outlined in SPG17 is not directly applicable. However, your officers consider that the principles of SPG17 should be considered to assist in the assessment of the impact on the amenities of surrounding neighbouring properties. The applicant has demonstrated in the Design and Access Statement that the height of the main body of the development is within a line drawn at 45 degrees measured from the amenity space of the properties in Kenton Road. This amenity space is informal and not private, fronting onto the access road and is more of a landscaped space. The measurement is taken where the development faces directly onto the amenity area. However, as the building is curved within the plot, not all of the building would meet the 45 degree guidance. Your officers are of the view that given that the development is at an oblique angle in relation to the amenity space and only the angled part would not fully comply with the guidance, the impact is not considered, on balance, to be so significant as to warrant a reason for refusal.

The development is separated from the private amenity space of the properties on The Mall by the vehicular access road. Whilst part of the development fails the 45 degree angle when measured from this amenity space, given the visual separation provided by the access road and compliance with 2:1 guideline (again not directly applicable but a useful too), it is considered that the development would not harm the amenity of neighbouring properties to an unacceptable degree. In addition, due to the orientation, there will be no significant loss of sunlighting as a result of the development impacting on the useability of the amenity space.

The oblique angle, projection of the development from the rear habitable room windows of the flats within The Mall and Kenton Road, and curved angle of the building, allows for an acceptable level of outlook to be maintained for the occupants of adjoining residential properties.

#### *Daylight and Sunlight*

A Daylight and Sunlight Assessment has been submitted. This concludes that the affect of the development upon the daylight to habitable rooms in adjacent properties will be negligible.

Sunlight to the habitable rooms for the residential blocks on Kenton Road and The Mall will not be significantly affected by the development. The report does identify that sunlight to the front windows of the property in Kingsbury Circle will be affected, however this is largely because these habitable room windows face in a northerly direction, and already receive limited sunlight. These rooms would already fail guidance levels and any further reduction would also fail, though it is not considered the reduction would be to an unacceptable degree. As such, this is not considered so

significant to warrant refusal.

Whilst it is noted that the landscaped area in between the residential blocks on Kenton Road and the vehicular access road will experience a reduction in the amount of sunlight received, this will only be for a limited part of the day (early morning). As referred to above, due to the orientation, there will be no significant loss of sunlighting as a result of the development impacting on the usability of the amenity space for the residential blocks on The Mall.

### *Noise*

The applicants have submitted an Environmental Noise Assessment which outlines the noise emission levels that would need to be met by plant and services at the hotel to be likely to not cause a nuisance to neighbouring properties. Your officers in Environmental Health have reviewed this document and recommend that a condition is secured as part of any forthcoming planning consent to require the cumulative noise level from any plant, together with any associated ducting, be no more than 40 dB Laeq between 07.00 and 23.00 and no more than 34 dB Laeq between 23.00 and 07.00, measured at 1m distance from the nearest noise sensitive facade. This is to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason for noise nuisance from plant and machinery.

### **Transportation**

The site has moderate access to public transport (PTAL 3), with Kingsbury Underground Station and five bus services within 640 metres (8 minutes walk). On street parking around the site frontage is prohibited at all times. Unrestricted parking is available on The Mall, and on street parking is also available along Kenton Road to the west outside of peak hours. These roads are generally well parked during the day, due to the amount of commercial activity in the area, but less so at night.

The existing hotel has a car park and service yard at the rear of the site, providing 15 to 20 car parking spaces. The car park is accessed via a 4.8m wide crossover with 2.5m kerb radii from The Mall. A rising barrier is located at the highway boundary. The new hotel will provide seven car parking spaces (including 4 disabled bays) at the rear of the site. These spaces will be made available to disabled hotel guests and staff. No general parking will be provided for the guests. Access will still be provided from The Mall, but via a widened 5.5m crossover and driveway with 450mm margins through a 4.5m high archway through the building. A rising barrier is retained at the highway boundary. Pedestrian access remains a footpath across a landscaped area to the front of the building.

The scale of this proposal is such that careful consideration must be given to the local transport network. Therefore in accordance with policy TRN1 the applicants have provided a Transport Statement. The findings of this report are discussed in further detail below.

### *Car and coach parking*

Car parking allowances for hotel uses are set out in standard PS11 of the UDP. This permits up to one car parking space per five bedrooms, plus one space per five staff, giving a total maximum allowance of 21 spaces. Seven parking spaces (including four disabled bays) are proposed for this development. These will be for use by disabled guests and staff members of the hotel. No general guest parking is proposed and guests will be notified at the time of booking that no parking is available on site. Your officers in transportation have considered that shortfall and the likely impact of overspill parking from the site, and have advised that there is generally on-street parking spaces available along The Mall and Kenton Road in the evenings and pay and display parking along Kingsbury Road, which can together safely accommodate overspill parking from the site without the need for guests to park in nearby residential streets. Nevertheless, to assist with any problems that may arise, your officers in transportation recommend that a financial contribution secured as

part of the Section 106 Agreement could be used towards enhanced parking controls in the area.

Parking standard PS11 also required a coach parking space to be provided for the hotel as it contains more than 50 bedrooms. Given the constrained nature of this site, it is not practical to provide a permanently marked coach parking space. It is therefore proposed to cordon off spaces within the rear car park whenever a coach is pre-booked, which would allow the coach to enter and turn within the site, before parking along the driveway, which has sufficient width to allow cars to pass a parked coach. As a large coach party would occupy a large proportion of the hotel rooms, this system should not cause too much disruption to other guests. It is therefore recommended that as part of the Travel Plan for the site, details of the management arrangements for the coaches including the use of a concierge service whereby guests will be required to leave their vehicle keys with hotel staff to allow the cars to be manoeuvred so that the area can be made available in advance of the coach arriving, is recommended to be secured as part of the Section 106 Agreement for the site.

### *Servicing*

Standard PS21 as set out in the UDP requires hotels to be serviced by 8m rigid vehicles. This size of vehicle can enter and turn within the site without any parking spaces needing to be taken out, thus satisfying servicing requirements.

### *Bicycles*

There is no particular standard for bicycle parking, but the proposed provision of a secure store of eight bicycles is welcomed, providing one staff for every two staff.

### *Alterations to access on The Mall*

The driveway and crossover are to be retained in their current position, accessed off The Mall, but slightly widened to accommodate service vehicles and coaches. In addition to increasing the width of the crossover to 5.5m, your officers in transportation have requested that the existing kerb radii will also need to be increased to at least 4m. It is recommended that these alterations are secured as part of the Section 106 Agreement.

### *Impact of the proposal upon the local transport network*

The applicants have submitted a Transport Statement to accompany the application. As discussed above, the proposed hotel will not provide any general parking for hotel guests. Management arrangements will be secured as part of the Section 106 Agreement and guests will be notified at the time of booking that no on-site parking is available. Officers in Transportation have advised that any overspill parking can be safely accommodated on the surrounding streets without needing to park in the residential roads.

The Transport Statement has considered the likely number of trips generated by the proposal hotel in the morning and evening peak hours, based on comparisons with data held for other hotels across London with similar levels of public transport accessibility (PTALs). This estimated trips by all modes totalling 18 arrivals/44 departures in the morning peak (8-9am) and 31 arrivals/22 departures in the evening peak hour (5-6pm), of which 5 arrivals/8 departures in the am peak and 10 arrivals/4 departures in the pm peak would be by car. The traffic figures represent less than 1% of the existing flow on the adjacent roads, and your officers in transportation have advised that this is not considered to be significant enough to warrant any further junction capacity assessment in the area. Similarly, the impact on local bus and rail services is not considered to be significant. However, the development will add to pedestrian movements in the vicinity of the site and there is a need to improve crossing facilities on the Fryent Way arm of Kingsbury Circle roundabout (i.e. replacing the zebra crossing with a pelican crossing), thereby improving safety between the site and Kingsbury Underground station. A financial contribution towards this is therefore sought. This

will be secured as part of the Section 106 Agreement.

In addition, as the proposed hotel exceeds the threshold set out in TfL's Guidance for Workplace Travel Plans of 50 bedrooms, a full Travel Plan is required to be produced. This is recommended to be secured through the Section 106 Agreement, with a requirement to undertake a baseline survey of the existing hotel within three months of the signing of the agreement and to submit and approval a full Travel Plan prior to occupation of the development.

### **Landscaping**

A landscaped area will be provided in front of the hotel incorporating a pedestrian pathway to the entrance. A landscape strip is also provided along the rear boundary with a new boundary wall. A green/brown roof proposed. Your officers in the landscape team raise no objections in principle to the landscape proposal. They have however requested that tree planting should be proposed within the frontage and a living roof implemented on the roof. SUDS should be incorporated. It is recommended that these details are secured as part of the landscape condition for the scheme which will also include full details of soft and hard landscaping, boundary treatments, bin and bicycle stores and any lighting.

### **Other matters**

#### *Noise*

Your officers in Environment Health recommend that a condition is secured to protect the amenity of the occupants of the hotel to be designed in accordance with BS8223:1999 'Sound insulation and noise reduction for buildings - Code of Practice'.

#### *Air Quality*

The proposed development is within an Air Quality Management Area, so extra care needs to be taken during the demolition and construction phases to prevent dust emissions. Such measures will be secured as part of the Construction Method Statement which forms part of the Section 106 Agreement.

No Air Quality Assessment has been undertaken to demonstrate that the development is unlikely to have a significant impact on local air quality, or what mitigation measures would be needed to ensure this. In particular the impact of the proposed CHP unit should be modelled. Your officers in Environmental Health therefore recommend that a condition is secured for an air quality impact assessment to be submitted prior to commencement of the development.

### **Response to objections raised**

Objections have been received during the consultation period, raising a number of concerns. The following objection has not been addressed within the Remarks section of the committee report and is discussed below:

- *Drop in residential property values*

This is not a planning consideration and therefore can not be considered as part of the assessment of this application.

### **Conclusions**

In conclusion, it is considered that this site can support a large scale hotel as it is located on the edge of Kingsbury District Centre. The report has considered the traffic impact of the proposal and the impact on the amenity of surrounding residential properties, whereby it is not considered to



cause significant harm. It is considered that the scale and design of the building is appropriate for this prominent site that respects the character of the area.

Approval is accordingly recommended subject to the completion of a satisfactory Section 106 Agreement.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

The London Plan - Consolidated with Alterations since 2004  
Brent's Core Strategy 2010  
Brent's UDP 2004  
SPG17: Design Guide for New Development

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities  
Transport: in terms of sustainability, safety and servicing needs  
Design and Regeneration: in terms of guiding new development and Extensions

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

10059 001 Rev A; 002 Rev A; 003 Rev A; 004 Rev A; 005 Rev A; 010 Rev C; 011 Rev C; 012 Rev C; 018 Rev A; 020 Rev C; 021 Rev C; 023 Rev C;

Report on The Availability of Natural Daylighting for the Kingsland Hotel Site prepared by Calford Seaden LLP  
Kingsland Hotel Environmental Noise Assessment prepared by WSP Acoustics  
Transport Assessment prepared by Peter Brett Associates LLP  
Sustainable Design and Renewable Energy Report Prepared by Vector Design Building Services Consultants  
BREEAM Pre-Assessment Prepared by Vector Design Building Services Consultants  
Design and Access Statement prepared by Shephard Epstein Hunter  
Supplementary Design Report 2 prepared by Shephard Epstein Hunter dated 19th April 2011

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

- (3) All of the parking spaces proposed in the rear car park, as shown on drawing no: 011 Rev C, shall be constructed and permanently marked out prior to first occupation of hotel hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, other than for coach parking, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) The proposed cycle parking facilities and refuse storage facilities shall be provided in accordance with the details as shown in drawing no: 011 Rev B prior to the first occupation of the proposed hotel, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists.

- (5) Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (6) Details of materials for all external work, including samples, and details of the entrance canopy shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works for the proposed hotel shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) areas of hard landscape works including details of location, materials and finishes. These shall have a permeable construction;
- (ii) details of proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions;

- (iii) details of all planting including location, species, size, density and number including tree planting incorporated for the frontage;
- (iv) The location of and details of any external lighting, including details of light spillage
- (v) details of the living roof to be implemented on the roof including a cross section showing the depth of the soil and details of all planting including location, species, size, density and number
- (vi) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (8) Further details of the proposed signage, including details of location, materials, design and illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The signage shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

- (9) The cumulative noise level from any plant, together with any associated ducting, shall be no more than 40 dB Laeq between 07.00 and 23.00 and no more than 34dB Laeq between 23.00 and 07.00, as measured at 1m from the nearest noise sensitive facade. A test shall be carried out prior to any works commencing on site to show above criterion shall be met and the results submitted and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (10) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

Living rooms - 40dB (day: T=16 hours 07.00 - 23.00)

Bedrooms - 35dB (night T= 8 hours 23.00 - 07.00) LAmax 45dB (night 23.00 - 07.00)

A test shall be carried out prior to the discharge of this condition to show that the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excessive noise from environmental and transportation sources.

- (11) Prior to commencement of any works on site, an air quality impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The air quality assessment shall be conducted in accordance with an agreed methodology, taking into account the cumulative effect of all development in the area and details of all mitigation measures, and thereafter implemented in accordance with such approved details.

Reason: To safeguard future and current residents from poor air quality.

**INFORMATIVES:**

- (1) It is important that the workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Environmental Health must be notified immediately. Tel: 020 8937 5252. Fax: 020 8937 5150.  
Email:env.health@brent.gov.uk

**REFERENCE DOCUMENTS:**

The London Plan - Consolidated with Alterations since 2004  
Brent's Core Strategy 2010  
Brent's UDP 2004  
SPG17: Design Guide for New Development  
Letters of objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



### Planning Committee Map

Site address: Kingsland Hotel, Kingsbury Circle, London, NW9 9RR

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This map is indicative only.

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**RECEIVED:** 18 February, 2011

**WARD:** Queensbury

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 3 Burnt Oak Broadway, Edgware, HA8 5LD

**PROPOSAL:** Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m<sup>2</sup> of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received)

**APPLICANT:** Finilon Limited

**CONTACT:** PAD Consultancy Ltd

**PLAN NO'S:**  
See Condition 2

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

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

- a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance;
- b) Provision of 36% Affordable Housing;
- c) A contribution of £411.600, (£3k/£2.4k per additional private/AH bedroom), index linked from the date of Committee for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start;
- d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered;
- e) Provide at least 20% of the site's carbon emissions through onsite renewable generation, which has no detrimental effect on local Air Quality;

- f) Join and adhere to the Considerate Contractors scheme;
- g) A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation;
- h) To notify “Brent In2 Work” of all job vacancies, including those during construction and operation of the building, with a target of employing 1:10 local people in construction and 1:100 in the retail;
- i) Prior to Occupation sign and agree a Section 278 Highway works, including but not limited to the provision of 11 new trees on Burnt Oak Broadway and repaving and drop of bay at the front and repaving and provision of the rear access road to adoptable standard and offer to the Council for adoption at no costs.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement by 13 May 2011.

## **EXISTING**

The application site is located on the southwest side of Burnt Oak Broadway with a site frontage of approximately 74 metres. The area of the site is 2740 sq.m. The site is currently occupied by a three storey building with a large scale retail facility at ground floor level (most recently Allied Carpets), although this has remained vacant parking at first floor level and ancillary office space at second floor level. There is an approximate drop of 2 metres in ground level across the site from north to south.

## **PROPOSAL**

The application proposes the demolition of the existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m<sup>2</sup> of commercial floorspace (Use Class A1 and A2), with 82 parking spaces, first floor rear communal roof terrace and associated landscaping.

## **HISTORY**

**10/1088** - Extension to time limit of application 05/0380 dated 12/05/05 for demolition of existing building and replacement with a 5- and part 6-storey building to provide a mixed-use development including basement car-parking, retail at ground and mezzanine levels, and 73 flats in 2 separate blocks and subject to a Deed of Agreement dated 12th May 2005 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted 17/08/2010

**05/0380** - Full planning permission sought for Demolition of existing building and replacement with a 5 and part 6 storey building to provide mixed use development including basement car parking retail at ground and mezzanine levels and 73 flats in 2 separate blocks - Granted 12/05/2005.

## **POLICY CONSIDERATIONS**

### **National**

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

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



planning approach; and community involvement in planning.

*Planning Policy Statement 3 (PPS3): Housing (2006)*

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

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

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

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

## **Regional**

*London Plan (consolidated with alterations since 2004)*

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

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

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

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

*Housing – Supplementary Planning Guidance (2005)*

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

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

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

*Sustainable Design and Construction – Supplementary Planning Guidance (2006)*

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

The seven objectives are as follows:

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

## **Local**

*Brent Unitary Development Plan 2004*

Set out below is a summary of the key policies within the adopted Brent UDP 2004 which are directly relevant to the determination of the application. The policies prior to adoption were subject to an Equalities Impact Assessment.

*Strategy*

STR 1–4 (prioritising locations and land uses to achieve sustainable development)

STR 5 & 6 (reducing the need to travel)

STR 11–17 (protecting and enhancing the environment)

STR 19 & 20 (meeting housing needs)

STR 37–38 (meeting community needs)

*The Built Environment*

BE 1 (which requires the submission of an Urban Design Statement)

BE 2 (townscape; local context and character)

BE 3 (urban structure; space and movement)

BE 4 (access for disabled people)

BE 5 (urban clarity and safety)

BE 6 – 7 (public realm; landscape design and streetscape)

BE 9, (which requires developments to be of high architectural quality)

BE 11 (intensive and mixed-use developments)

BE 12 (sustainable design principles)

*Environmental Protection*

EP 2 (noise and vibration)  
EP 3 (local air quality management)  
EP 6 (contaminated land)  
EP 10 (protection of surface water)  
EP 15 (infrastructure).

*Housing*

H 4 (off-site affordable housing)  
H 8 (dwelling mix)  
H 10 (housing on brownfield sites)  
H 12 (residential quality)  
H 29 (accessible housing).

*Transport*

TRN 1 (transport assessment)  
TRN 2 (public transport integration)  
TRN 3 (environmental impact of traffic)  
TRN 4 (measures to make transport impact acceptable)  
TRN 10 (walkable environments)  
TRN 11 (the London Cycle Network)  
TRN 12–13 (road safety)  
TRN 16 (the London Road Network)  
TRN 22–25, 28 (parking)  
TRN 34 (servicing)  
TRN 35 (transport access for disabled people).

*Town Centres and Shopping*

SH 1 (network of town centres)  
SH 3 (major town centres and district centres)  
SH 19 (rear servicing)

*Open Space, Sport and Recreation*

OS 18 (play areas for children)

*Waste*

W8 (construction/demolition/commercial waste)  
W9 (construction/movement of spoil)

*Core Strategy 2010*

CP 1 (spatial development strategy)  
CP 2 (population and housing growth)  
CP4 (North-west London co-ordination corridor)  
CP 5 (Placemaking)  
CP 6 (Design & density in place shaping)  
CP 11 (Burnt Oak/Colindale Growth Area)  
CP 16 (town centres and the sequential approach to development)  
CP 19 (Brent strategic climate mitigation and adaptation measures)

*Site Specific Allocations*

*Brent Supplementary Planning Guidance*

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

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

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

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

*SPD “Section 106 planning obligations” October 2007*

Provision for a standard charge for planning obligation contributions.

## **SUSTAINABILITY ASSESSMENT**

The applicants have submitted a sustainability checklist with a score of 46%, a BREEAM Retail Design Stage Assessment, an Energy Strategy Report and a Code for Sustainable Homes Pre-assessment, these reports have been prepared by Price and Myers Consulting Engineers.

The Energy Strategy Report concludes that further reductions in CO<sub>2</sub> emissions, following the use of passive design measures, can be achieved through the use of a combination of CHP system, photovoltaic panels and air source heat pump. The off-setting of 25% of the projected CO<sub>2</sub> consumption levels is a requirement of Code Level 4 for Sustainable Homes. Through the section 106.

The sustainability checklist score of 46% is considered to be fairly positive. Further points can be achieved and a clause will be included in the legal agreement requiring the submission of a further checklist with a score of 51% or more.

The Code for Sustainable Homes Pre-Assessment demonstrates that the proposed development will meet Code Level 4 and that all mandatory requirements will be met. This is in accordance with Core Strategy Policy CP 19 which requires that all major proposals within growth areas should achieve a minimum rating of Code Level 4. This will be ensured through a section 106 clause.

The BREEAM report states that the commercial floor space will meet the very good BREEAM rating. Given that the area of space commercial space proposed below the 1000sqm major case threshold a very good BREEAM rating is considered to be acceptable. Again this will be ensured through the section 106 agreement.

Another requirement of Policy CP 19 for Growth Areas is that as the proposed use is a sensitive use within an Air Quality Management Area (AQMA), an Air Quality Assessment is required. This report has been prepared by Hilson Moran who found that the proposed development:

- Will result in the introduction of new sensitive receptors into an AQMA
- Will not lead to a breach of an EU limit Value at a sensitive receptor
- Will not require a new AQMA to be declared
- Will not interfere significantly with or prevent the implementation of actions of a Local Authority's Air Quality Action Plan.

The Council's Environmental Health Team have confirmed that this report has been undertaken in

an acceptable manner and that the development is unlikely to have a significant impact on local air quality.

## **CONSULTATION**

A total of 95 neighbouring residents, ward councillors and QARA group of residents associations were consulted regarding the application. A site notice was displayed adjacent to the site and the application was publicised in the local press.

### **Local Residents**

2 objections have been received from local residents. One from Limesdale Gardens and one from Montrose Avenue which is in Barnet. They have objected on the following grounds:

- Overlooking of neighbouring gardens;
- No leaflets delivered on Montrose Avenue through Community Consultation exercise;
- Impact on parking;
- Lack of local infrastructure, schools, GP surgeries etc to support development;
- More people and more cars will result in more crime;
- Building not in keeping with the character of the area.

#### *Officer Comment:*

In relation to the consultation exercise there is no statutory requirement for developers to undertake pre-application consultation however it is recommended. The applicants have confirmed that they did undertake a pre-application consultation exercise which is detailed in the Statement of Community Involvement. This states that 500 leaflets were delivered to the nearest residential properties (although it does not specify exactly which addresses they were sent to) and an exhibition was also staged at the Church on Montrose Avenue. Notwithstanding this, the Council has undertaken its own consultation in accordance with statutory requirements, providing an opportunity for comment.

Other matters are considered in the *Remarks* section of the report.

### **Internal Consultation**

#### **Environmental Health**

No objections to the proposed development subject to conditions relating to insulation, site contamination and remediation and air quality management.

#### **Housing**

The scheme proposes 36% affordable housing, which is below the London Plan policy 3A.9 and Local Development Framework Core Strategy policy CP2 targets of 50% affordable housing on sites with the capacity for ten or more homes. The applicant has submitted a GLA Three Dragons Toolkit to justify this lower than policy level of affordable housing in accordance with London Plan policy 3A.10. No Registered Social Landlord has been taken on to provide the affordable element of the proposed development although it has been put out to tender. The toolkit will have to be updated to take into account the bids for the affordable housing, while further clarification regarding the build costs and the valuation of the commercial has been submitted. Additional comments from the Council's Housing Officer in relation to this will be reported to the Committee in a supplementary report.

The tenure and unit size mix of the affordable housing is considered acceptable in this case, with the former in line with the 70:30 rent: intermediate guidance under London Plan policy 3A.9, and the latter providing a mix of unit sizes to meet a range of housing needs.

#### **Landscape Design**

The landscape scheme in general is reasonably well-considered and details sufficient. Further details of the management and maintenance of the landscape features will be required.

### **Planning Policy**

No objections to the proposal subject to section 106 clause requiring the submission of a sustainability checklist with a score of 51% or more.

### **Transportation**

No objections subject to an amended Section 106 Agreement to secure:-

- (i) a financial contribution towards non-car access/highway safety improvements and/or parking controls in the area;
- (ii) a Travel Plan, incorporating a Car Park Management and Delivery and Servicing Plans;
- (iii) an agreement under Section 38 of the Highways Act 1980 to reconstruct the service road to the rear of the site to an adoptable standard and thereafter offer it to Brent Council for adoption as highway maintainable at the public expense and to provide sufficient resources to facilitate the reconstruction of the length of rear service road to the rear of 1 Burnt Oak Broadway to adoptable standards under the Private Street Works code of the Highways Act 1980 (with a view to future adoption under S.228 of the Highways Act 1980);and
- (iv) an agreement under S38/S278 of the Highways Act 1980 to repave the footway to the front of the site (incl. the provision of eight bicycle spaces) and to construct a shared surface loading bay in accordance with further details to be submitted and approved by the Local Planning and Highway Authorities;

together with a condition requiring amendments to the rear car park to provide:-

- (a) 300mm margins along either side of the entrances;
- (b) a minimum headroom of 2.6m to areas requiring access for high-top conversion vehicles and transit sized delivery vans (2.1m where only standard car access is required);
- (c) at least four transit sized loading bays;
- (d) provision of a refuse storage area alongside the entrance to the upper car park level,

and an informative advising the applicant to obtain a licence for the oversailing of the building over the public footway to the front of the site.

*Officer Comment:* These matters have been incorporated into the relevant section 106 heads of terms and conditions.

### **Urban Design**

Urban Design have no objections to the proposed development. The team have been involved in the design discussions at an early stage and are satisfied that the building is of an appropriate design, scale and massing. It is considered that this proposal represents an improvement on previous application on this site. As this development affects the setting of a listed building (the adjacent Mecca Bingo building is Grade II listed) the Council will expect the high quality of materials to be used. Full details of the materials are required prior to works commencing to ensure that the building will have an appropriate finish.

### **External Consultation**

#### **Barnet Council**

No objection to the proposal

#### **Environment Agency**

No objection to the proposal subject to a condition being attached to ensure that the piling for the foundations does not penetrate the London Clay and contaminate the principal chalk aquifer.

*Officer Comment:* The appropriate condition will be imposed.

## **TFL**

TFL have made the following comments:

- Concern regarding the potential use of the groundfloor as single food retail outlet;
- Over provision of parking without visitor parking or car club spaces;
- 20% of parking spaces should have electric docking points;
- A Travel Plan should be provided;
- Recommends that the proposed loading bay on the A5 should only operate outside the current northbound bus lane operational hours;
- TfL requests that a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) should be submitted for local highway authority approval prior to construction work commences on site. It must be noted that loading/unload of construction materials should be avoid to take place on A5 Burnt Oak Broadway during the peak hours; as it would cause obstruction to the northbound bus lane and bus services which runs pass the frontage of the site;
- The footway and carriageway on A5 Burnt Oak Broadway must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrian, or obstruct the flow of traffic on the TLRN.

*Officer Comment:* The provision of 20% of the parking bays with electric docking points is not a planning requirement set out in policy and is not considered to be a reasonable requirement by condition. The other matters are considered in the *Remarks* section of the report.

## **REMARKS**

### ***Alterations from previous approval:***

The proposed development has been altered from the application that was renewed in 2010, in the following ways:

- The number of flats has been increased from 73 to 76;
- The housing mix has changed from 33x one bed; 34x 2-bed and 6x 3-bed units to 23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units;
- The area of retail floor space has been reduced from 2100sqm to 965 sqm. The retail space will also be sub-divided into smaller retail units instead of one large unit;
- The number of parking spaces has been increased from 74 to 75 parking spaces;
- The massing of the building has been re-positioned so that it is situated further away from the rear boundaries with the neighbouring properties on Limesdale Gardens;
- A larger area of communal amenity space is provided in the form of a roof terrace.

The proposals have been amended further during the planning process. This includes the following:

- A change in the finished material from render to brick;
- Reducing the projection of the rear balconies so that they are not inset balconies rather than projecting.

### ***Principle***

The Burnt Oak/Colindale area is identified in the Council's Core Strategy (adopted 2010) as a growth area. Policy CP11 in the Core Strategy sets out the general approach to development in the area. It states that new economic activity will be created in the form of ground floor commercial frontage. New connections will be created in the form of improved access to local stations and the creation of effective interchanges with new buses. 14.65 hectares of land is promoted for at least

2,500 new homes to 2026, supported by infrastructure developments.

This site has a Site Specific Allocation which identifies the site as being suitable for mixed use including residential and retail. In addition, the principle of a mixed use residential and retail development has been accepted by the previous permission which was renewed in 2010 and as such considered acceptable subject to detailed policy considerations.

## ***Design***

### Scale massing and bulk

The scale, massing and bulk of the proposal is an important consideration given the location of the site on Burnt Oak Broadway, a main thoroughfare through the Borough. The site is next to the recently completed mixed use residential development at the Theoco site to the north and to the south the Grade II listed Mecca Bingo Building. To the rear of the site are the more sensitive residential gardens of the dwellinghouses on Limesdale Gardens.

The proposed building will have 7 storeys with the upper storey being recessed from the main front and rear elevations. The proposed building is one more storey high than the existing permission however the upper storey will not be clearly visible from the street scene as it is set behind a parapet wall. In contrast to the previous permission, the massing of the proposed building is concentrated towards the Edgware Road frontage so that the structure is no more than 2 storeys high adjacent to the more sensitive residential gardens of the properties on Limesdale Gardens. The main rear wall of the residential block is set 24m from the rear boundary with the gardens of Limesdale Gardens, which are themselves 20m in length.

The building will provide a strong defined frontage when viewed from Burnt Oak Broadway. It is important that the detailing of the building and landscaping is provided along the frontage. To provide a well articulated facade, a combination of light materials, deep window reveals and inset balconies and soft landscaping in the form of trees and shrubs are being used. The proposed building is given a vertical emphasis by the strong forward projecting balconies and winter gardens on the front elevation and the recessed balconies on the rear. Two prominent front entrances are provided for the residential accommodation fronting onto Burnt Oak Broadway.

The proposal fully complies with SPG 17 in terms of the 30 degree and 45 degree sight lines in relation to neighbouring residential properties and gardens. It is one storey higher than the existing planning permission however this additional recessed storey is considered acceptable as the main mass of the building is set significantly further away from the neighbouring rear gardens than the previously approved scheme. Therefore it is considered to have an acceptable visual impact from the neighbouring residential gardens.

The proposed building fronts onto a local distributor road which forms part of the primary shopping frontage of Burnt Oak Town Centre. The neighbouring buildings are prominent buildings. The Theoco building to the north is a 6 storey mixed use residential block similar in scale to that proposed. The proposed building is set up to the boundary with this building on the ground floor level while on the upper floors there is a distance of 10m between the proposed buildings. The elevation facing the Mecca bingo is set 17m from the flank wall of the bingo hall but only 1m from the boundary with the site. This flank is given definition through the introduction of ground floor windows and two projecting walls. It is considered that the proposed development will not have a detrimental impact on the setting of the Grade II listed building.

Overall the scale, massing and design of the proposal is considered to be appropriate in the area and has an acceptable relationship with the adjoining properties.

### Density



The proposed development has a density of 650 habitable rooms per hectare. This is in keeping with the urban context and town centre location and is similar to the density of the approved scheme.. The site has a PTAL of 4 with a tube station within 600m of the site. This density level is well within the density matrix set out in the London Plan and SPG 17.

### Materials

The proposed building will be finished in brick. This will be the predominant feature of the building therefore the quality of the brick will be very important to the appearance of the building. The brick finish will relate well to the neighbouring Grade II listed bingo hall. The proposed recessed balconies will have clear glass parapets with powder coated aluminium frames. The flank wall vertical features and the upper storey will be of dark polymer coated sheet re-constituted timber. Full details of materials will be sought by condition prior to works commencing. High quality powder coated aluminium copings will be used to finish the parapet wall.

The proposed building is considered to be of a design and appearance that is in keeping with the sites urban context while being of a scale and massing that respects the neighbouring properties.

### ***Amenity***

The closest neighbouring residential dwellings are those located on Limesdale Gardens. The rear walls of these dwellinghouses are within 20m of rear boundary with the servicing road. The proposed development should be considered in relation to the existing scheme. The previously approved development had first floor rear balconies within 10m of the rear gardens, the second floor balconies are 12m, the third floor balconies are 14m and the fourth floor balconies are 18m from the rear boundary. In contrast to this the proposed development has a consistent rear wall with balconies set over 20m from the rear gardens of the neighbouring properties. The proposed upper floor balconies are set far enough away to ensure that overlooking of neighbouring gardens will be limited.

The communal roof garden is at the first floor level to the rear of the main building above the car park. A landscape buffer will be planted along the rear boundary to ensure that the visual impact of the building from the gardens is softened and so that there is no opportunity for overlooking. In comparison to the previously approved scheme the proposed development would significantly reduce overlooking of the neighbouring rear gardens.

Suitable screen planting will also be provided between the private amenity space of the first floor flats and the communal amenity space. This will be supplemented by a boundary fence to ensure that the flats adjacent to the amenity space have an adequate level of privacy.

A daylight and sunlight study has been prepared by Hilson and Moran. This demonstrates that each of the flats which are either east or west facing or dual aspect will have adequate daylight and sunlight levels in accordance with BRE guidelines. It also sets out that there will not be a detrimental loss of daylight or sunlight to the neighbouring residential properties on Limesdale Gardens and within the Theoco development. There are sole habitable room windows to bedrooms on the flank wall of the Theoco development facing south towards the 3 Burnt Oak Broadway. To ensure that there is not a detrimental impact on the flats affected the building has been designed to step away from the boundary so that some outlook is maintained.

It is considered that the proposed development will not have a significant impact on the amenity of neighbouring residents. The development has been well designed with a good level of natural surveillance to improve the feeling of safety in the area. Further details will be required regarding securing measures to be provided in the basement car park to protect future occupiers.

### ***Residential Quality.***

The proposed flats will all comply with the requirements of the Mayors SPG on housing in terms of minimum floor areas and window sizes. The proposed unit areas are all above the Council's minimum floor area. Whist most of the units are dual aspect those that are not are either east

facing or west facing as such each unit will have direct sunlight at some point each day. Each unit will have access to a private balcony or roof terrace and all units will have access to the communal space.

SPG 17 requires the provision of approximately 20sqm of amenity space per flat. Applying this standard there is a requirement for 1520sqm of amenity space for this scheme. Each unit has access to a private balcony or roof terrace however when calculating the amount of spaces that fall below the 20sqm provision there is a shortfall of 740sqm. This deficit is more than made up for by the provision of 952 sqm of communal amenity space on the rear first floor deck. This provision of amenity space is considered to be a significant improvement on that of the previously approved development in terms of size and quality. The proposed accommodation is considered to be of an acceptable size and quality.

### ***Housing***

36% of the development in unit numbers will be affordable. A toolkit has been submitted to justify the below 50% provision.

### ***Landscape Design***

A large communal amenity space is provided on a podium deck to the rear of the building while each unit has a balcony, winter garden or roof terrace. This represents an improvement in terms of area and quality of landscaping. This space will include a children's playspace which is in line with the London Plan requirements. This space will be well overlooked by the upper floor flats and will provide a safe and secure space for children to play in.

There is an area of soft landscaping on the first floor deck between the flank wall of the proposed building and the boundary with the Theoco site. This space will be for visual amenity purposes only as it is not considered to be usable for general amenity purposes given the low level of informal surveillance and overlooking and the restricted levels of sunlight due to the heights of the building on both sides.

There is a buffer zone along the rear boundary of the amenity space. This will have a depth that varies between 1m at the narrowest point to 5m at the widest. The plant species for this space are heavy shrubs and small trees which will ensure that residents using the space cannot access the rear boundary. On the rear boundary there will be a small parapet wall and steel trellis frame above with a timber rail. This will also be planted with a climber to soften the appearance of the rear wall from the Limesdale Gardens rear gardens.

A contribution towards on-street tree-planting on Burnt Oak Broadway is also proposed as part of the proposed development. Additional alterations will be made to the public realm in front of the building. These will be in accordance with the Landscape Design Scheme for the Burnt Oak Broadway frontage. This will result in an improvement to the public realm within the Burnt Oak growth area.

The level of quality of the amenity space both general and visual will also be affected by the choice of plant species, the use of high quality hard materials and a robust site maintenance programme. Full details of the plant types have been provided with the application and the Council's Landscape Design Team are satisfied with the details shown. Further details and samples of the hard materials and maintenance scheme will be sought by condition.

### ***Highways***

A transport statement prepared by TTP consulting has been submitted to support the proposal. A total of 75 parking spaces are proposed in a groundfloor and mezzanine level car park at the rear of the site. This is accessed from the rear service road which runs from Stag Lane along the rear of the properties on Burnt Oak Broadway. During the process of this application the number of spaces has been reduced by 7 from 82 to 75 to accommodate additional servicing bays and larger refuse and recycling areas. These alterations have been agreed with the Council's Highways

Engineer.

The level of parking is in accordance with Council parking standards and there will be a small proportion of this available for customers visiting the retail units. The applicant has also agreed to a condition requiring the submission of a Car Park Management Plan prior to the occupation of the first unit. This will set out how the parking spaces will be allocated between the residential and retail uses, with the majority of the spaces being allocated for prospective residents.

The retail units will be serviced by 4 transit sized service bays within the car park and a full-sized servicing/loading bay on Burnt Oak Broadway. The level of servicing provision is considered to be acceptable. 84 cycle parking spaces are proposed in a secure location next to the car park.

The ground floor will provide small retail units with 6 separate shops facing onto Burnt Oak Broadway. TfL are concerned that a 975sqm food retail outlet here could have a significant detrimental impact on local highway safety. It is not considered necessary to impose a restrictive condition to ensure the shops remain as separate units as the proposed layout does not lend itself for use as a single unit; the two cores providing access to the residential divide the commercial component into 3 separate evenly sized areas which are further subdivided to create 6 commercial units. Notwithstanding this the proposal will result in total retail net area of 780sqm.

The loading bay on the front of the site is considered to be acceptable however this bay should only be used outside the hours of the operational north bound bus lane on Burnt Oak Broadway. A condition will be attached to this effect. Furthermore the existing retail floor space and the previously approved space are both double the size of the proposed in terms of floor area. In addition to this 4 transit sized loading bays will also be provided in the rear car parking area.

The proposed development is considered to provide an appropriate level of parking and servicing to serve the development.

### **Conclusion**

The proposed demolition of the existing redundant carpet warehouse and erection of a mixed-use residential scheme with 76 flats and 975 sqm of commercial floor space is in keeping with the relevant policies and design guidelines as set out above. As such it is recommended for approval subject to the signing of section 106 legal agreement and the conditions set out below.

### **RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent's Unitary Development Plan 2004  
PPG3 Housing and PPG4 Industrial and Commercial Development Central  
Government Guidance  
Council's Supplementary Planning Guidance SPG17  
BPG1 and BPG3 Mayor's Best Practice Guide

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment

opportunities

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Design and Regeneration: in terms of guiding new development

#### **CONDITIONS/REASONS:**

- (1) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls and fences indicating materials and heights;
- (b) screen planting along the rear boundary of the first floor residential units;
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits aonf the frontage
- (f) details of the childrens play space
- (g) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (2) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

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

- (3) The development hereby permitted shall be carried out in accordance with the following approved drawings:

PL1RevA

PL2RevA

PL3RevB

PL4RevA

PL5RevA

PL6RevA

PL001; PL002; PL003;  
PL004 RevA  
PL005 RevA  
PL006 RevA  
PL007 RevA  
PL008 RevA  
PL009 RevA  
PL010 RevA  
PL011 RevA  
PL012 RevA  
PL020 RevA  
PL021 RevA  
PL022 RevA  
PL023 RevA  
PL024;  
PL101 Rev02  
PL102 Rev04  
PL150  
PL401  
PL500

#### Design and Access Statement

Transport Statement by Finilion Ltd dated February 2011

Three Dragons Toolkit by Kim Snagster Associates Ltd dated 21 February 2011

Daylight and Sunlight Assessment by Price Myers dated 17 February 2011

Energy Strategy Report by Price Myers Engineers dated 17 February 2011

BREEAM Retail 2008 Design Stage Assessment by Price Myers dated January 2011

Air Quality Assessment by Hilson Moran dated 15 February 2011

Code for Sustainable Homes Pre Assessment by Price Myers 14 February 2011.

Noise Survey Report by Hilson Moran 16 February 2011

Statement of Community Involvement

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

- (4) During demolition and/or construction works on site:-
- (a) the operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
  - (b) vehicular access to the adjoining and opposite premises shall not be impeded
  - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
  - (c) no waste or other material shall be burnt on the application site;
  - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
  - (e) a barrier shall be constructed around the site, to be erected prior to demolition
  - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
  - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
  - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
  - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
  - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (5) The car parking spaces shown on the approved plans shall be retained at all times. The eight disabled car parking spaces shall be marked as being available for use by disabled drivers only and be of a minimum width of 3.6m to ensure that they are accessible. In addition, a detailed car parking scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. This shall show the separation of the affordable and private housing spaces in compliance with the Council's parking standards and shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the future occupiers of the development.

- (6) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Deep piling, foundations or basements could penetrate the London Clay, which protects the Chalk principal aquifer. Therefore details on maximum depth and the techniques used to assess the risk to groundwater in the deep aquifer are required to ensure the proposal complies with PPS 23.

- (7) The proposed full size servicing bay shall only be used for loading and unloading of goods and shall only be used outside the hours of operation of the north bound bus lane on Burnt Oak Broadway.

Reason: To ensure that vehicles waiting or being loaded or unloaded do not interfere with the free passage of vehicles or pedestrians along the public highway.

- (8) Notwithstanding the details of materials indicated in revised plan no.2263/P/o21A prior to the commencement of development full details of materials for all external work, i.e. bricks, fenestration and roofing materials, including samples, shall be submitted to and approved by the Local Planning Authority with the works carried out in accordance with the approved details

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

- (9) Before any building works commence on the site, a scheme providing for the insulation and ventilation of the proposed building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (10) Details of the provision of a minimum of 76 secure cycle parking spaces for prospective residents and eight publicly accessible spaces along the site frontage for the commercial unit, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the

development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) The demolition/ building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site, in accordance with details of such facilities to be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and no work shall take place at any time at the said facilities are not present or are otherwise incapable of use.

Reason: To ensure that the construction of the proposed development does not prejudice the conditions of safety and cleanliness along the neighbouring highway.

- (12) No development shall commence on site until the a programme of archaeological work has been secured in accordance with a written scheme of investigation approved by the Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority in accordance with the approved scheme.

Reason: To ensure the redevelopment of the site does not prejudice archaeological remains

- (13) No works which result in the discharge of foul or surface water from the site shall be commenced until sufficient capacity is available within the local system. The approved details shall be fully implemented.

Reason; To ensure that the foul and surface water discharge from the site shall not be prejudicial to the existing sewerage system.

- (14) Further details shall be submitted to the local planning authority for approval prior to the commencement of development which shall consist of:

- (i) The gradient and access arrangements of the basement ramp;
- (ii) Security measures for the underground car parking area;
- (iii) CCTV measures overlooking the rear service road to provide safety and security;
- (iv) the location of the 8 cycle spaces required to service the retail component of the development to the front of the site.
- (v) The provision 300mm margins along either side of the entrances;
- (vi) a minimum headroom of 2.6m to areas requiring access for high-top conversion vehicles and transit sized delivery vans (2.1m where only standard car access is required)

The details as approved in writing by the local planning authority shall be fully implemented.

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

- (15) Prior to the commencement of development on site the applicant shall undertake at his own expense an impact study to the satisfaction of Thames Water on the existing sewage infrastructure.

Reason: To determine the magnitude of any new or additional capacity required to satisfactorily service the approved scheme

- (16) Details of the proposed Combined Heat and Power unit shall be submitted to the Local Planning Authority for approval prior to installation. Details shall include, as a minimum: Location, height and diameter of the outlet stack, expected hours of operation and output rate of NOx gasses.

Reason: To ensure that local air quality is not significantly worsened by the development.

- (17) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out in full accordance with the details approved in the Construction Method Statement.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (18) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (19) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

#### **INFORMATIVES:**

- (1) The applicant's attention is drawn to the need to comply with (among other regulations) the requirements of the following legislation:
- (i) Control of Pollution Act 1974
  - (iii) Environmental Protection Act 1990



(iii) London Local Authorities Act 1990

- (2) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810:1979) and Part M of the Building Regulations 2004. Consideration should also be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as those of wheelchair users.
- (3) Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.
- (4) In order to ensure adequate fireproofing of the building, the applicant is advised to contact the Fire Prevention Officer of the London Fire Brigade, Fire Prevention Branch, Fire Station, 500 Pinner Road, Pinner, Middlesex, HA5 5EW.
- (5) The applicant's attention is drawn to the requirements of the Control of Pollution Act 1974, Section 13, and is advised that adequate storage facilities for refuse must be provided.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



## Planning Committee Map

Site address: 3 Burnt Oak Broadway, Edgware, HA8 5LD

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**Committee Report  
Planning Committee on 12 May, 2011**

**Item No.** 8  
**Case No.** 11/0266

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**RECEIVED:** 3 February, 2011

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 171-173, 171A, 173A, 175 & 175A Church Lane, London, NW9 8JS

**PROPOSAL:** Erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x 2-bedroom flats and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x 2-bedroom self-contained flats, provision of 8 car parking space and cycle parking (revised description).

**APPLICANT:** Trust House Securities LTD

**CONTACT:** Whymark & Moulton

**PLAN NO'S:**  
Refer to Condition 2

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## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **SECTION 106 DETAILS**

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

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £48,000 (£3,000 per additional bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) a S38/S278 Agreement to undertake works along the Merley Court frontage of the site to widen the road to accommodate four car parking spaces and a footway behind which will be adopted by the local highway authority.

All contributions are due on Material Start and index-linked from the date of decision.

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

## **EXISTING**

The application site comprises a parade of shops on Church Lane, including the Co-op supermarket, Co-op Funeralcare, Co-op Pharmacy and Wishing Well public house. Part of the parade comprises two additional storeys which contain 3no. three bedroom residential maisonettes. To the rear of the site is the service yard for the commercial units which is accessed off Merley Court. To the north and west of the site are residential properties in Merley Court and three storey blocks of flats known as Mallard Court on Church Lane. To the south of the site is a parade of shops with residential above.

The site is located within a local centre. It is not sited within or adjoining a conservation area nor is it a listed building.

## **PROPOSAL**

Erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x two-bedroom flats and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x two-bedroom self-contained flats, provision of 8 car parking spaces, service bay, refuse storage and cycle parking.

## **HISTORY**

A number of planning applications and advertisement consent applications have been submitted for new shop fronts and signage.

Relevant planning history is provided below:

**10/1161:** Full Planning Permission sought for erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x 3-bedroom maisonettes and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x 2-bedroom self-contained flats, and installation of first-floor and second-floor window to Flat 171A - Withdrawn, 17/08/2010.

**H5125 3610:** Full Planning Permission sought for erection of single storey side extension to existing shop - Granted, 24/06/1977.

**E5713 7747:** Full Planning Permission sought for extension to shop and erection of two maisonettes over - Granted, 02/10/1974.

## **POLICY CONSIDERATIONS**

### **Brent's Core Strategy 2010**

**CP21: A Balanced Housing Stock** - New residential development should provide an appropriate range and mix of self contained accommodation types and sizes.

### **Brent's UDP 2004**

**BE2: Townscape: Local Context & Character** - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

**BE5: Urban Clarity & Safety** - Development should be designed to be understandable to users, free from physical hazards and to reduce the opportunities for crime, incorporating the aims of

'Secured by Design' and 'Designing Out Crime' concepts, including consideration of informal surveillance of public and semi private areas around buildings is maximised through the positioning of fenestration, entrances and other forms of overlooking. Entrances should be overlooked by development, provided with good lighting and are visible from the street.

**BE9: Architectural Quality** - Extensions and alterations to existing buildings shall be designed to:-  
(a) be of a scale, massing and height that is appropriate to their setting, civic function and/or Townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

**BE33: Tree Preservation Orders** - The Council will continue to make tree preservation orders to protect trees of high amenity value, particularly where trees are at risk of development.

**H20: Flats Over and Adjoining Buildings in Shopping Centres** - A more flexible approach towards development standards will be applied, but should still result in a satisfactory standard of accommodation. All flats should be accessed independently from the shop unit.

**TRN11: The London Cycle Network** - Developments should comply with the plan's minimum cycle parking standards (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

**TRN23: Parking Standards - Residential Developments** - Residential Developments should not provide more parking than the levels as listed in standard PS14 and PS16.

**SH19: Rear Servicing** - Rear servicing facilities by use of vehicles of retail and service outlets shall be retained and where necessary improved.

### **Supplementary Planning Guidance**

SPG17 Design Guide for New Development

### **Supplementary Planning Document**

S106: Planning Obligations

## **CONSULTATION**

Consultation Period: 14/02/2011 - 07/03/2011

### **Public Consultation**

107 neighbours consulted - representations have been received from three local residents and also from the Co-op. A summary of the comments received from local residents is provided below:

- When the land was excavated to built foundation for the shops, water filled up in the hole. There has been flooding within th Co-op pharmacy and there is a water mark on the building.
- Gas pipe in front of the shop
- Cramped space around the flats
- Additional noise and disturbance as a result of the new units
- Loss of light and privacy for the existing occupiers for 171 – 175 Church Lane, Merley Court

- and Mallard Way
- Lack of parking in the area
- Increased traffic will affect the safety of pedestrians
- No “green” amenity space for the flats
- Trees within Merley Court and Mallard Court that have been damaged have not been replaced
- Poor living conditions for new units above the Wishing Well public house
- New building will block signal to satellite dishes

The comments provided from the co-op are provided below:

They do not raise objections in principle to the scheme, however they are concerned with the impact of the development upon their servicing arrangements. They raise the following points:

- Delivery vehicles for the Co-op food store currently park on Merley Court and wheel cage down into the servicing yard. They are concerned about the location of the on-street parking spaces and whether this would interfere with food delivery vehicles
- They are concerned that the stacker system and barriers to protect it will compromise the servicing operations for both the Co-op pharmacy and funeralcare which both use the service yard
- They also point out that Co-op has a right of way across the whole of the servicing area.

#### Internal Consultation

**Landscape Team** - Advised that the development can proceed with little or no impact on the adjacent Cappadocian Maple (TPO tree) and early mature Black Poplar situated to the rear of the site.

**Transportation** - Proposal can be supported on Transportation ground subject to a Section 106 Agreement securing the following:

(i) a financial contribution of £8,000 towards non-car access/highway safety improvement and/or parking controls in the vicinity of the site and

(ii) a S38/S278 Agreement to undertake works along the Merley Court frontage of the site to widen the road to accommodate four car parking spaces and a 2m wide footway behind which will be adopted by the local highway authority.

They also requested the following amendments which have been addressed within the revised plans:

- (i) all doors and gates along the Merley Court frontage to not open outwards onto the pavement
- (ii) provision of an additional publicly accessible bicycle parking space on the Merley Court site frontage
- (iii) widening of the marked loading bay area within the rear service yard

**Environmental Health** - No objections raised in principle. Requested conditions are secured to minimise potential noise nuisance for the new flats and surrounding occupants.

#### **REMARKS**

##### Introduction

The site currently comprises four retail premises fronting Church Lane service road, comprising respectively a grocery store (620sqm), an undertakers' office (200sqm), a public house (165sqm)

and a chemist (125sqm). 3no. three-bedroom maisonettes are located above the grocery store and undertakers' office. A shared service yard is located to the rear of the site, accessed off Merley Court.

### **Previous application**

A recent application to provide 2 x three bedroom maisonettes above the public house/pharmacy and 6 x two bedroom flats above the rear of the grocery store (LPA Ref: 10/1161) was withdrawn by the applicants. Officer recommendation for this application was to refuse consent. Officer concerns related to the following issues:

- Excessive height and proximity of the two storey extension above the public house and pharmacy in relation to the communal garden of Mallard Court resulting in a loss of light and outlook and an overbearing appearance to the detriment of the amenities of the occupants of Mallard Court.
- Proximity of the two storey extension above the public house and pharmacy in relation to the Norway Maple tree located within the communal garden of Mallard Court which is protected under a TPO resulting in significant damage to the crown of this tree.
- In the absence of a Full Tree Protection Statement in accordance with BS5837: 2005, the siting of the car stacker system and associated excavation works involved in its construction, is likely to cause harm to the Black Poplar located to the rear of the site.
- Recessed entrances of flats 2, 3, 5 and 6 provide limited natural surveillance, fail to incorporate the aims and objectives of both "Secured by Design" and "Designing-Out Crime" concepts.
- Increased demand for parking which cannot be fully accommodated on site, resulting in additional demand for on-street parking around the site in a heavily parked area which cannot be readily and safely accommodated to the detriment of the free and safe flow of traffic.
- Car parking stacker system likely to result in insufficient space for transit sized and larger vehicles for the commercial units to be able to turn around within the site, to enter and leave the site in a forward gear.
- Insufficient provision of refuse storage for residential and commercial units, secure cycle storage and a disabled parking bay

This application seeks to address the above concerns.

### **Site Layout and Access**

The proposed scheme involves two elements, one being an extension of the existing two storey maisonettes above the ground floor shops facing Church Lane and an additional two storey element facing Merley Court. The existing maisonettes are accessed from Merley Court. Both the existing maisonettes and new units will be accessed from Merley Court via a new entrance lobby. The existing maisonettes will continue to be accessed via the existing walkway at first floor level. The new flats that form part of an extension to the existing maisonettes will be accessed via a shared communal space adjacent to the amenity space for the existing flats. It is proposed to formalise the amenity space for the existing flats to provide dedicated private amenity space.

Flats 1 and 4 of the new addition fronting Merley Court will be accessed off the shared communal space close to the main entrance. The other flats (Nos. 2, 3, 5 and 6) are accessed by one entrance between flats 2 and 3. In response to concerns previously raised by officers, the screened private areas for these flats have been reduced in depth and the window to the living

rooms of flats 2 and 3 allow for natural surveillance to this entrance point.

### **Design Scale and Massing**

The extension of the existing maisonettes fronting Church Lane will replicate the design and detailing of the existing building, proposed at 2 storeys in height with a pitched gable ended roof. It is however slightly lower than the ridge of the existing extension. This is to allow for a distinction between the two extensions to prevent awkward appearance when constructed. The design is considered acceptable and is in keeping with the general character of the area.

The two additional storeys fronting Merley Court reflect the design and height of existing development in the area including the existing maisonettes and building on the opposite side of Merley Court. The fenestration and detailing provides visual interest on the Merley Court frontage which currently comprises the flat roof of the single storey Co-op building. Sliding panels are proposed for the entrances to the refuse storage facilities. It is recommended that further details of the design of the sliding panels are secured through a condition as they will be a prominent feature in the streetscene.

### **Residential Quality for Future Residents**

#### *Unit sizes and mix*

This application proposes an additional 8 units in the form of 8no. two bedroom self contained flats. The mix of units is broadly considered acceptable for the site complying with the objectives of policy CP21 of Brent's Core Strategy given the current provision of 3 x three bedroom maisonettes.

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats, the Council's current standards seek the following flat sizes as a minimum:

- 2-bedroom (3-person) flat - 55 square metres.
- 2-bedroom (4-person) flat – 65 square metres.

An assessment of the current scheme indicates that all flats are in excess of 60sqm, exceeding the minimum standards for a 2 bedroom (3 person) flat.

The flats are suitably stacked in relation to one another.

#### *Outlook and light*

All of the units have dual aspect. Outlook is considered acceptable from the windows of all of the proposed units. All units will be provided with sufficient levels of light.

#### *External amenity space*

SPG17 requires 50sqm of external amenity space for family housing and 20sqm of external amenity space for other units.

It should be noted that the existing maisonettes do not have any private external amenity space and given their location above shops there is limited room to provide external amenity space. This application is proposing to provide screened private amenity space outside each of the existing maisonettes and the proposed first floor flats (Flats 1, 2,3, 7 and 8). The amenity space ranges from approx.17.6sqm to 18.4sqm. Whilst the amenity space areas will not contain soft landscaping and its usability is limited, consideration has to be given to Policy SH20 which requires a more flexible approach to development standards for flats above shops. Given that the standard of accommodation is reasonable and that a Section 106 contribution is sought to enhance open space within the area, the quality and quantity of the amenity space proposed is considered



acceptable.

### **Impact on neighbouring residents**

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties. Two such considerations are the 30-degree line from the nearest rear habitable-room window of adjoining existing residential development, measured from a height of 2.0m above floor level. The other consideration is the 45-degree line from the adjoining private garden/amenity space taken at the garden edge, measured from a height of 2.0m.

The scheme sits within a line drawn at 30 degrees from the nearest rear habitable room windows of Nos. 41 to 44 Merley Court (located to the rear of the site). Whilst it fails a 30 degree line when measured from Nos 1 to 6 Mallard Court, this is only when measured from a certain angle and does not affect the principle direction of outlook from this habitable room window which is in a south easterly direction. The new block fronting Merley Court also sits within the 30 degree line when measured from the habitable rooms on the rear elevation of the existing maisonettes (Nos. 171A to 175A Church Lane).

The two storey extension fronting Church Lane has been set in from the boundary with the communal external amenity space of Mallard Court. This is in response to concerns previous raised by officers as the previous scheme previous failed 45 degree line measured from the edge of this communal amenity space. It now sits within 45 degree line, and thus is not considered to appear excessive in scale or overbearing, when viewed from the communal amenity space for Mallard Court. When measured from the private amenity space for the existing maisonettes, the new block fronting Merley Court also sits within the 45 degree line. In terms of the relationship with Nos. 41 to 44 Merley Court, the eaves of the two storey extension fronting Merley Court fails 45 degree guidance. However, this is a small element of the scheme, and overall it is not considered to have an adverse impact upon the amenities of these occupants when in their rear garden by appearing overbearing.

#### *Outlook*

Outlook for the residential properties on Merley Court and Mallard Court is not considered to be affected by this proposal.

Outlook from the kitchen and second floor bedroom for the maisonettes at No. 171A Church Lane will be affected by the new block fronting Merley Court. This is due to the new block being located at a distance of 8.8m from the existing maisonette. To offset this impact, the plans originally proposed a flank wall window of No. 171A Church Lane at both the first and second floor to allow for dual aspect for the kitchen and bedroom. However, the agent has since advised that due to ownership rights and the tenancy agreement, it may not be possible to provide these windows. It is considered that whilst it would have been preferable to have these windows on the flank wall, the level of outlook from the kitchen and second floor bedroom window is not considered to be significantly affected as to warrant a reason for refusal. This maisonette will still have dual aspect and outlook to the side at an oblique angle. In addition, outlook for the first floor rear habitable room windows is already affected by the boundary wall of the walkway which is located at a distance of 6.5m from these windows. Outlook for the maisonette at No. 173A Church Lane, will be partly affected but views will still be allowed on a north westerly direction from the kitchen and second floor bedroom.

The two storey extension fronting Church Lane will project rearward of the rear building line of the existing maisonettes. The depth of the rear projection has been limited to 3.4m to meet the 2:1 guidance when measured from the nearest habitable room windows at No. 175A Church Lane, complying with SPG5.

### *Privacy*

Privacy standards for residential development are: 10m separation between habitable windows on the rear flank of the development and the rear boundary; and 20m distance between habitable rooms which face each other.

A distance of 20m is maintained between directly facing habitable room windows and a distance of 10m or more is maintained between habitable room windows and the site boundary. As such, the proposal is not considered to result in a loss of privacy or overlooking into the rear gardens or rear windows of adjoining properties.

Whilst it is noted that flank wall windows are proposed on the flank wall of the new blocks, as they are to non habitable rooms, it is recommended that a condition is secured for them to be obscured glazed.

### *Stacker System*

The car stacker system is to be located within the rear service yard along the boundary with the amenity space of Mallard Court and an open space between Nos. 39 to 40 and 41 to 42 Merley Court. As the car stacking system has potential to cause a noise nuisance to the proposed development and surrounding properties, officers in Environmental Health have recommended that a condition is secured to submit a report to demonstrate that the noise due to the staking system at the nearest noise sensitive facade shall be at least 10dB below the measured background level.

### **Highway Considerations**

The subject site is located in an area with moderate access to public transport (PTAL). On street parking along Church Lane service road is limited to a maximum stay of one hour between 8am and 6.30pm Mondays to Saturdays. On-street parking in Merley Court is unrestricted, but due to its narrow width means footway parking is commonplace, which is not authorised.

### *Car parking requirements*

The application proposes eight car parking spaces (one for each of the new residential units) within the rear service yard, provided through the use of a double stacker system containing six spaces and two further car parking spaces in the yard. One of the car parking spaces is incorporated into a wider loading bay, which will be allocated for residential parking during the evenings and for loading for the commercial units during the daytime.

Car park allowances for the existing and proposed floorspace within the site is set out in standards PS7, PS9 and PS14 of the adopted UDP 2004. As the site does not have good access to public transport services and is not located within a CPZ, full residential allowances apply. The existing commercial units would be permitted up to six spaces (three for the grocery store and one each for the other units), whilst the three existing flats would be permitted up to 4.8 spaces, given a total of 10.8 spaces. The addition of eight further units would increase the maximum allowance by 10.4 spaces to 20.4 spaces. There is currently no off street parking for the existing flats.

Whilst the eight car parking spaces within the rear service yard would meet the parking standards required for the additional eight units, consideration also needs to be given to possible overspill parking upon the adjoining highways. To address this concern, this application proposes to widen Merley Court by about 1.5m for a distance of 33m along the site frontage to provide half-width parking bay with a 2m footway behind. The works will be secured through the use of a S38/S278 Agreement as part of the S106 Legal Agreement. This will have the advantage of allowing cars to park on both sides of the street without having to park on and obstruct the footway as occurs as present. The proposed works to the highway will create four additional legal on-street parking spaces which is considered sufficient to mitigate the impact of the additional parking that would be likely to be generated in the area as a result of the proposal, with sufficient on and off street parking thereby proposed to satisfy the likely total demand from the existing and proposed units.

### *Disabled Parking*

The inclusion of a new disabled parking space within the new lay-by will allow Standard PS15 to be satisfied for the overall site. As it is proposed on the public highway, it will need to be subject to a Traffic Regulation Order (which will be at the discretion of the Highway & Transport Delivery Unity) and will be available for general use amongst all visitors to the area that hold Blue Badges, rather than being specifically allocated to this site.

### *Bicycle Parking*

Standard PS16 requires the provision of at least one secure bicycle parking space per residential unit. Six bicycle parking spaces is proposed within a store accessed from the lobby. In addition three publicly accessible bicycle parking spaces are proposed on the Merley Court frontage. This will meet standards and provide some space for the retail units.

### *Servicing*

A loading bay is to be marked out in the service yard to accommodate two transit sized vehicles. Tracking has been provided to demonstrate that transit sized vehicles can turn around within the site. Due to the limited space available within the service yard, one of the transit sized spaces on Mondays to Fridays will be available for the commercial units during the day (8.00am to 6.00pm) and as a residential parking bay during the evening (6.00pm to 8.00am). On Saturdays, Sundays and Bank Holidays it will be in use for the residential unit. The other servicing bay will remain in permanent use for the commercial units.

For larger vehicles (rigid lorries for the grocery store and brewery drays for the public house), it is acknowledged that the restricted width of the access and the junction onto Merley Court means that access into the rear service yard is currently very difficult at present and therefore front servicing or parking on Merley Court is more likely and will remain the case in the future. This proposal will not make the situation any worse. Intermediate sized vehicles (8m box vans etc) would still be able to reverse into the site from Merley Court.

The proposed development formalises the existing parking on Merley Court, ensuring that adequate space on-street is provided for servicing. In addition, the footpath adjacent to the parking spaces will be adopted and provide a clear route for trolley deliveries to the rear of the units. As such, whilst the existing servicing arrangements are not ideal, due to the limited space available on site, there is little scope to provide a more acceptable solution. There may be scope in the future for the on street parking spaces to be made available for servicing during set times, however, this would be subject to a Traffic Management Order and cannot be considered as part of this application.

### *Refuse arrangements*

The lobby entrance extension fronting Merley Court will contain bin stores for the existing and proposed units. The storage space available is considered sufficient to accommodate the bin store requirements as set out in Waste and Recycling Storage and Collection Guide for Residential Properties.

### **Landscaping**

No landscaping is proposed within the site boundary and due to the nature of the site, the opportunity for landscaping is limited. However, as discussed above, a communal external amenity space and dedicated private external amenity spaces areas will be provided for the residential units on the roof of the ground floor. It is recommended that details of edging treatments to restrict overlooking to neighbouring properties and any soft landscaping that can be incorporated within this area is conditioned.

There is a *Acer Platanoides* "Norway Maple" tree sited within the communal gardens of Mallard Court. Due to the high amenity value of this tree, a Tree Protection Order has been put on this tree. Officer's raised concerns during the course of the previous application with the proximity of the two storey extension fronting Church Lane in relation to the crown of this tree. As part of this application, the two storey extension is set in further away from the crown of the tree and an Arboricultural Report has been submitted to assess the impact of the extension upon the Norway Maple. It concludes that the size of the tree will need to be managed in the future by careful pruning. The Council's Tree Officer has advised that the development can proceed with little or no impact to the adjacent Norway Maple. It is therefore recommended that details of the pruning works that are to be carried out to this tree is conditioned and approved in writing by the Local Planning Authority prior to any works commencing on the pruning of this tree.

It is also noted that there is an young Black poplar situated in the rear garden of the properties on Merley Court. The proposed car stacking system is located in close proximity to this tree, and will require excavation to a depth of approximately two metres which may encroach on the poplar's root protection area. However, officers can advise that the adjacent boundary wall may well have intercepted and deflected much of the tree's root system and the subsequent loss of any tree roots that have found their way into the development site would have minimum impact on this relatively vigorous tree.

### **Noise Impact**

The proposed development places two units (fronting Church Lane) directly above the public house and the other units will be within close proximity to the air conditioning units for the shops. To minimise potential noise nuisance for the proposed residential units, it is recommended that a condition is secured for a noise assessment to be submitted for the site and proposed development. The assessment should take into consideration ambient noise levels at different times of the day and propose any measures necessary to achieve ambient noise levels for the building.

### **Response to objections raised**

Objections have been received during the consultation period, raising a number of concerns. The following objections have not been addressed within the Remarks section of the committee report and are discussed below:

- *When the land was excavated to built foundation for the shops, water filled up in the hole. There has been flooding within th Co-op pharmacy and there is a water mark on the building.*

The site is located within a low flood risk area. As such the application does not need to be supported by a Flood Risk Assessment. As the residential units are at first and second floor levels, it is not considered that they will lead to additional flooding as the foundations are already in place. Any structural issues with regards to the stability of the existing commercial units and maisonettes are a matter that needs to be considered by a structural engineer or as part of the Building Regulations.

- *Gas pipe in front of the shop*

A notifiable pipe line is not located within proximity to the application site. As such, the Local Planning Authority is not required to consult the Health and Safety Executive on this application. Nevertheless, during the course of the building works, the applicants are required to comply with health and safety legislation.

- *New building will block signal to satellite dishes*

The development is of a similar height to existing developments within the vicinity of the site. It is therefore considered that the impact of the development upon satellite signals is limited. However,

if satellite dish signals are affected consideration could be given to redirecting the dishes or providing a communal satellite dish for the blocks of flats.

### **Conclusion**

In conclusion the proposed development is considered acceptable in terms of its density, design and layout, its scale, mass and location, dwelling mix, and in the quality of residential accommodation proposed. The proposal meets the Council's parking and servicing standards and the applicants have agreed to a section 106 agreement providing a range of benefits.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010  
Brent's UDP 2004  
SPG17 "Design Guide for New Development"  
S106: "Planning Obligations"

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

### **CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

09/087 - 01; 02; 03; 04 Rev C; 05 Rev D; 06 Rev C; 07 Rev C; and 08 Rev D

Arboricultural Report prepared by Suffolk Tree Service Ltd  
Design and Access Statement prepared by Whymark Moulton  
Access and Parking Statement Report prepared by Richard Jackson

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

- (3) All of the parking spaces and loading bay area proposed in the rear car park, as shown on the approved plans shall be constructed and permanently marked out prior to first occupation of proposed residential units hereby approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory development which contributes to the visual

amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) Further details of the design of the cycle stands both within the extended building and on the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site. The approved cycle stands shall be fully implemented prior to first occupation of the proposed residential units hereby approved and thereafter permanently retained.

Reason: To provide adequate facilities for cyclists.

- (5) The flexible space within the rear service yard as shown on the approved plans shall be used for the commercial units only between the hours of 08.00am to 18.00pm on Mondays to Fridays and at all other times including bank holidays be used as a residential parking space.

Reason: To allow the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (6) The windows in the flank wall of the building as extended facing Mallard Court and facing Nos. 171A to 175A Church Lane shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (7) No windows or glazed doors other than any shown in the approved plans shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (8) Notwithstanding the submitted plans otherwise approved further details of the following shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site. The work shall be carried out in accordance with the approved details.

(a) details of materials for all external work, including samples

(b) details of the sliding doors for the refuse storage areas

(c) details of the east and west elevation of the new block fronting Merley Court at a scale of 1:100

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

- (9) Prior to commencement of any works on site, details of the pruning works required to the crown of the Cappadocian Maple (Norway Maple) located within the amenity space of Mallard Court, shall be submitted to and approved in writing by the Local

Planning Authority. The works shall thereafter be carried out fully in accordance with such approved details.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

- (10) Prior to the commencement of the use of the car stacking system the operator shall provide a report to demonstrate that the noise due to the stacking system at the nearest noise sensitive facade shall be at least 10 dB below the measured background level. The method of assessment shall be carried out in accordance with the main requirements of BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

Reason: To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery.

- (11) Prior to commencement of works on site, a noise assessment shall be conducted for the site (including the public house, rear service yard and air conditioning units) and the proposed development and submitted to and approved in writing by the Local Planning Authority. The assessment shall take into consideration ambient noise levels at different times of the day and propose any measures to achieve the following internal ambient noise levels in accordance with BS8233:199 'Sound insulation and noise reduction for buildings - Code of Practice':

Living Rooms: 30 - 40dB (day: T=16 hours 07.00 - 23.00)

Bedrooms: 30 - 35 dB (night: T=8 hours 23.00 - 07.00) L<sub>max</sub> 45dB (night 23.00 - 07.00)

The development shall be completed in accordance with the recommendations and any proposed measures as identified within the noise assessment.

Reason: To obtain required sound insulation and prevent noise nuisance.

- (12) Notwithstanding the submitted plans otherwise approved, further details of the communal amenity space including planting (location, species, and numbers), treatment of the edgings of the building and division of the private external amenity areas (including details of height and materials of screen shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units hereby approved. The works shall thereafter be carried out fully in accordance with such approved details.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

- (13) Notwithstanding the submitted plans otherwise approved, further details of the car staker system including details of its design, operation, construction, height and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out fully in accordance with such approved details.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

- (14) Notwithstanding the submitted plans otherwise approved, further details of the refuse storage for the residential units (including details of storage for residual waste, dry recycling and organics) and the commercial units shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out fully in accordance with such approved details prior to the first occupation of the units hereby approved.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Core Strategy 2010

Brent's UDP 2004

SPG17 "Design Guide for New Development"

S106: "Planning Obligations"

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337





## Planning Committee Map

Site address: 171-173, 171A, 173A, 175 & 175A Church Lane, London, NW9 8JS

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**Committee Report  
Planning Committee on 12 May, 2011**

**Item No. 9**  
**Case No. 11/0230**

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**RECEIVED:** 31 January, 2011

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 2 Donnington Road, Harrow, HA3 0NA

**PROPOSAL:** Erection of a single storey side and rear extension incorporating roof extensions to bungalow to facilitate loft conversion and associated alterations (amended plans received 5 April 2011).

**APPLICANT:** Mr S Malak

**CONTACT:** Derek Lofty & Associates LLP

**PLAN NO'S:**  
See condition 2.

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## **RECOMMENDATION**

Grant Consent

## **EXISTING**

The application site contains a detached bungalow located on Donnington Road. The southern flank of the site is adjacent to the rear gardens of 51-41 Ebrington Road. The surrounding uses are residential. The site does not contain a listed building and is not located within a Conservation Area.

## **PROPOSAL**

The application is for a single storey side and rear extension with hipped roof to facilitate a loft conversion and associated alterations including insertion of roof light in southern flank roof slope and the enlargement of the first floor window in rear elevation.

The application previously included a side dormer window but this has now been omitted from the plans.

## **HISTORY**

No relevant planning history for the site.

## **POLICY CONSIDERATIONS**

### **Adopted Brent Unitary Development Plan 2004 (UDP)**

**BE2:** Local Context & Character - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

**BE7:** Streetscape - Within residential areas, proposals resulting in the excessive infilling of space between buildings and between buildings and the road, excessive hardsurfacing and parking on

the front driveway and loss of boundary treatments of character common to the street should be resisted.

**BE9:** Architectural Quality - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting.

**TRN23:** Parking Standards - Residential developments - This policy sets out recommended off-street parking provisions for proposals involving residential development.

### **Supplementary Planning Guidance 5 - "Altering & Extending Your Home".**

This guidance compliments and expands upon the above policies as well as others within the adopted UDP with regards to alterations and extensions to dwellinghouses within the Borough. It provides design guidance which sets out to ensure that proposals respect the scale and character of the existing dwelling and wider character within the streetscene, whilst protecting the amenities of neighbouring residential occupants.

### **CONSULTATION**

Public consultation was undertaken between 10/02/2011 - 03/03/2011. 11 neighbouring properties were consulted and 4 letters of objection were initially received outlining the following objections:

- loss of privacy/overlooking to home and garden;
- eyesore.

One of the objectors stated that their comments would be withdrawn if the proposed side dormer window is replaced with a roof light. Revisions have been received which remove the dormer window and replace it with a roof light therefore it is considered that the aforementioned objection has been removed.

In addition, all those who objected to the proposal were sent a copy of the revised plans which omitted the dormer window, requesting confirmation as to whether their objection was addressed by the revisions. One email was received on 07/04/2011 stating that, on the basis of the revisions made, they were happy to remove their objection. As such, 2 objections to the proposal still remain and raise the following objections

- loss of privacy/overlooking to home and garden.

This is addressed in the *Remarks* section of the report.

### **REMARKS**

#### Existing/context

The area comprises a mix of properties including detached bungalows and two storey semi detached properties. The application property is a detached bungalow and has a 4.8 metre deep side garage set-back 5.9 metres back from the main front wall of the property. The neighbouring property at 4 Donnington Road is a two storey semi detached house.

A large dual pitched garage structure has been erected at the end of the garden of 51 Ebrington Road, adjacent to the site boundary (facing Donnington Road). No planning permission exists for this structure although it may have been built prior to the amendments to the General Permitted Development Order in October 2008; there are aerial photos of the structure completed in January 2009. The Council's enforcement team have been notified regarding the existence of this structure. Notwithstanding this, the building is outside of the application site and does not have implications regarding the acceptability of the application proposal.

## Amended plans

For clarification, the original submitted proposal was for a single storey side to rear extension including roof alterations and the erection of a side dormer window. Following concerns raised by residents and the Council, revised plans were received on 5 April 2011 which removed the side dormer and replaced it with a roof light. Design alterations were also made to the side extension which reduced its bulk and scale.

## Proposal

The proposal involves demolition of the existing side garage and erection of a single storey side extension to the bungalow. The proposal, as revised, would result in the existing layout of the property being re-configured with the existing kitchen at the front being moved into the proposed side extension. It would also facilitate access into the loft space to create a room in the roof and proposes the insertion of a roof light in the southern flank roof slope and enlargement of the first floor window in the rear elevation. The front of the extension would include a newly positioned entrance to the property which is currently positioned on the side elevation.

## **Design**

The proposed side extension, as revised, is 2.5 metres in width and set-back 0.4 metres from the main front wall of the bungalow. A side hipped roof is proposed with a set-down of 0.5 metres from the ridge of the original roof which is considered sufficient to ensure that the extension is subservient in appearance to the roof of the original property.

The external face of the extension is indicated to be rendered to match the existing white render of the bungalow whilst the plans also indicate that the pitch and tiles of the extension shall match those within the existing roof. External materials can be conditioned to match the existing dwelling.

The proposal would involve alterations to the rear of the original property including enlargement of the rear first floor window. This would not be considered to have a detrimental impact on the character of the dwelling and would not be visible from the street scene.

In terms of design, the proposed extension is considered to respect the character and scale of the original dwelling and is in compliance with the guidance as set out in Supplementary Planning Guidance 5 - "Altering & Extending Your Home" (SPG 5).

## **Impact on neighbouring amenity**

The side to rear element of the extension would project 3 metres beyond the rear wall of the original dwelling. Given its size and position in relation to no. 4 Donnington Road, there would be no significant impact on the outlook of this property; the side wall of the extension would be positioned approximately 8 metres from the side boundary shared with the No. 4.

The side extension would be set-off the boundary shared with Nos. 47, 49 and 51 Ebrington Road by 0.2 metres. Properties along this section of Ebrington Road benefit from sizeable rear gardens approximately 25-30 metres in length. It is considered that given the size of these rear gardens and the hipped design of the proposed roof, the extension is will not visually overbearing in appearance when viewed from the rear gardens and rear windows of the above properties.

The removal of the previously proposed side dormer shall ensure that there is no overlooking. A side roof light has been proposed in its place which is obscure glazed non-opening. The enlarged window in the rear elevation will replace an existing smaller window. Whilst the upper floor does not currently provide living accommodation, it is not considered the perception of overlooking will be significantly increased given that there is an existing smaller window. In addition, the

neighbouring property is two storey all gardens experience some overlooking from neighbouring properties.

### **Parking and landscaping**

The proposal would involve the removal of the existing side garage structure. The internal dimensions of this structure are shown on the submitted plans to be 1.95 metres width x 4.08 metres depth. These dimensions are not large enough to accommodate the parking of a modern vehicle, which require dimensions of 2.4 metres width x 4.8 metres depth. Therefore the proposal does not result in the loss of any off-street parking space.

1 off-street parking space is currently available within the front driveway and would be retained. The front garden of the property comprises approximately 50% soft landscaping. The proposal does not indicate that any additional bedrooms will added to the current two bedrooms in the property. However, it is acknowledged that the loft could be used as an additional bedroom which would increase the maximum parking allowance to 1.6 parking spaces as per policy TRN23 (PS14). As Donnington Road is not heavily parked, any additional parking required above the off-street parking space provided could be accommodated on-street.

Your officer suggests a condition is attached requiring the retention of the front boundary wall and front driveway layout unless written permission is given from the Council to alter it, in order to retain the levels of visual amenity in the locality.

### **Conclusion**

The revised proposal for a single storey side to rear extension and associated alterations to the property are considered to respect the design, scale and character of the dwelling and wider street scene without having an unacceptable impact upon the amenities of neighbouring occupants in terms of loss of outlook, access to natural light, visual amenities or privacy. It is considered to comply with policies BE2, BE7, BE9 and TRN23 of the adopted UDP 2004 and SPG 5. Your officer therefore recommends approval of the proposal.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

### **CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

5541-100 Rev. B

5541-100 Rev. F

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (4) The roof light hereby approved shall be obscure glazed and fixed shut. No further windows or roof lights other than those shown in the plans hereby approved shall be inserted into the side wall or roof of the extension without the benefit of full planning permission.

Reason: In the interest of protecting the amenities of neighbouring occupants.

- (5) The existing area of soft landscaping within the front garden and front boundary wall shall be retained as existing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests the visual amenities of the locality.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

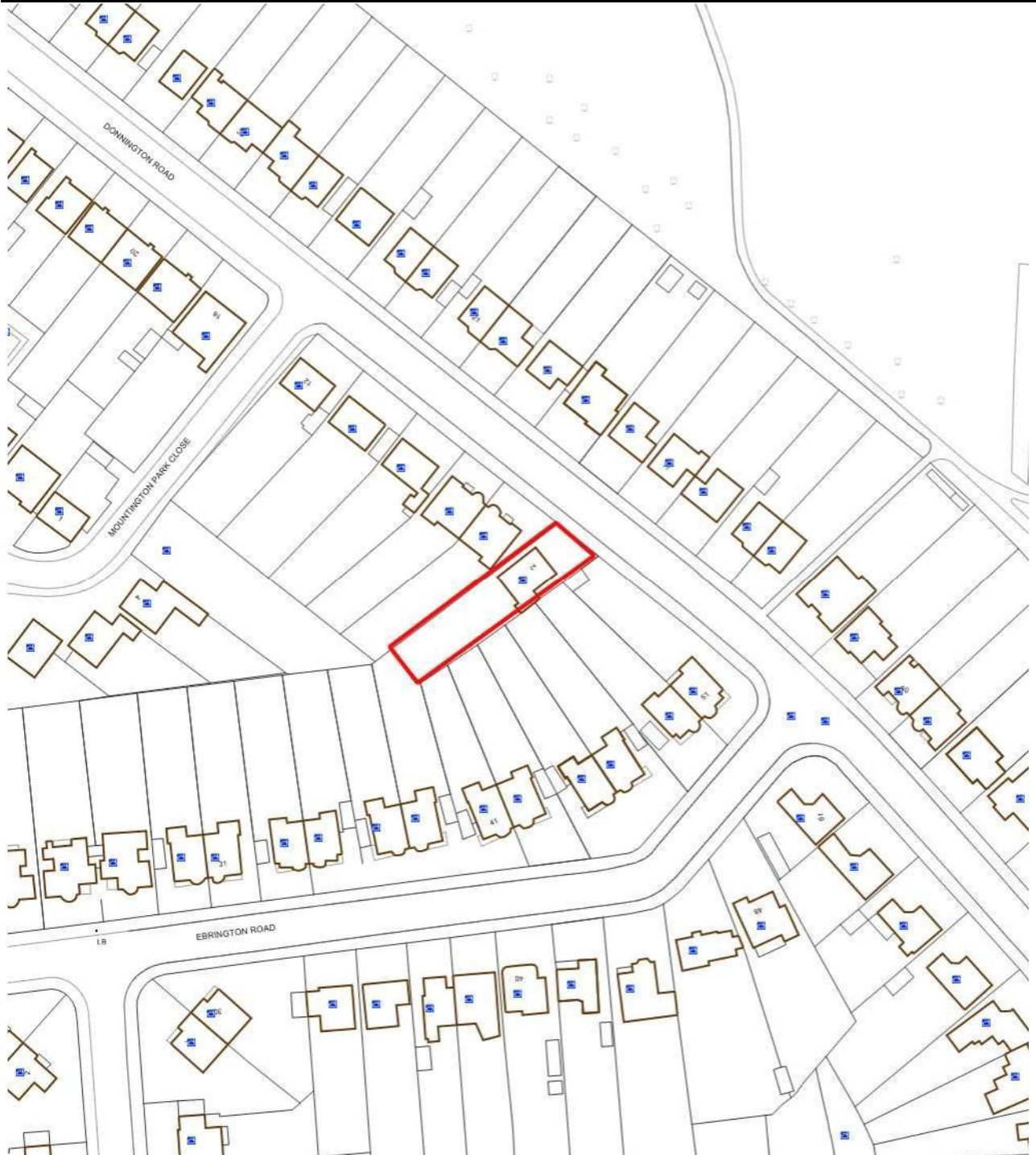
Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232



## Planning Committee Map

Site address: 2 Donnington Road, Harrow, HA3 0NA

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**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 10  
**Case No.** 11/0992

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**RECEIVED:** 18 April, 2011

**WARD:** Fryent

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

**PROPOSAL:** Discharge of condition 13 (MUGA Management and Maintenance Plan) and condition 24 (Surface Water Drainage Strategy) of full planning permission 10/2994 dated 04/02/11 for permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

**APPLICANT:** London Borough of Brent

**CONTACT:** NTR Planning

**PLAN NO'S:**

Multi-Use Games Area (MUGA) Works Management and Maintenance Plan; Surface Water Drainage Strategy

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**RECOMMENDATION**

Approval

**EXISTING**

This site is located in the south-eastern corner of the Kingsbury High School Annexe campus, which is primarily accessed via Bacon Lane (north) (a local residential access road); Bacon Lane forms the western boundary of the Roe Green Village Conservation Area. A further lightly used access is available directly onto Stag Lane (a local distributor road).

The decant site is located between the existing school building and the rear of residential units on Stubbs Close and currently forms part of the playing fields for the school. The land is currently grassed and flat, marked with sports pitches in the summer. Some trees are present on and around the site near the boundaries. Due to the open nature of the south-western boundary, this part of the playing fields contribute to the open nature of Roe Green Park itself, which lies beyond that boundary.

At present, parking provision is limited to about 43 spaces (mainly unmarked) to the front and south-eastern sides of the main Kingsbury High School building, with further informal parking tending to occur on grass verges around the site. A further 80 or so spaces are located at the Princes Avenue campus

On-street parking in the surrounding area is generally unrestricted and tends to be lightly parked, although the narrowness of roads to the north means parking space in those streets is limited

Public transport access to the site is moderate (PTAL 2), with six bus services within 640 metres (8 minutes' walk).

## **PROPOSAL**

Discharge of condition 13 (MUGA Management and Maintenance Plan) and condition 24 (Surface Water Drainage Strategy) of full planning permission 10/2994 dated 04/02/11

## **HISTORY**

Members considered planning application 10/2994 on 04/02/11 and granted planning permission for:

Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

A number of conditions, including pre-commencement conditions, were attached to the application.

## **POLICY CONSIDERATIONS**

*Brent Unitary Development Plan 2004*

Within the 2004 UDP the following chapters are considered to be the most pertinent to the application.

*Built Environment*

*Environmental Protection*

*Transport*

*Community Facilities*

## **CONSULTATION**

Sport England and the Environment Agency were consulted on 20/04/10.

No comments have been received. The consultation period will expire on 11/05/10 and members will be updated in a supplementary report.

No local residents were formally consulted, as per statutory requirements and standard practice for details pursuant applications.

Nonetheless, one local resident has objected, on the following grounds:

- Traffic along Bacon Lane
- Impact on Roe Green Conservation Village
- Impact on wildlife

This details pursuant application concerns the management and maintenance of the MUGA in legacy mode and the surface water drainage strategy and as such there would no material impact on those items mentioned by the objector.

## **REMARKS**

### ***Introduction***

Whilst it is unusual to put details pursuant applications to the committee, if two or more objections are received then the Brent Council constitution requires it. Since there is no statutory requirement to consult local residents on details pursuant applications and, as in this case, they often relate to technical matters which do not materially change the scheme, it is rare that they are put to Members for their consideration. It is also not normal practice to complete the committee report without the consultation period having ended.

In this case your officers are of the opinion that there are special extenuating circumstances which mean such a course of action is necessary.

In order for the project to redevelop the former Grove Park and Hay Lane schools to commence works in the summer holidays, the temporary decant accommodation will need to be completed in time to allow the pupils to use the buildings in the new academic year. The timetable is such that there is a pressing need to satisfy these conditions before the end of May, to allow works to start on site at Kingsbury High School.

If local objections are received before this case can be determined by officers, it would require the case to be sent to the later committee on 7 June. This would prevent works commencing on site and would have a corresponding impact on the programme of the development of the main school. As such, the decision has been taken to include this application on the current committee agenda in case a further objection is received prior to determination.

If the start date is delayed by even a matter of days then this will have an impact on the completion date. If the decant building is not ready for the start of term then 150 of the borough's most vulnerable children will not have a school to go to; the impact of this is significant and officers of the Regeneration and Major Projects department are currently exploring the available options and have concluded that home schooling, using alternative premises or extending the holiday further all have unacceptable consequences for the children and their parents. In addition there would be significant costs for the Council (for example home schooling 150 children has been estimated at £30,000.00 per week for tuition fees alone).

Your officers have balanced the admittedly low risk of a further objection with the very detrimental impact any delay would have on the development programme and judged the correct course of action is to present this case to Members for their consideration, even though it will rely on the contents of a supplementary report. As this case is a details pursuant application, the content of the supplementary report will be brief, indicating whether or not Sport England and the Environment Agency confirm support of the submitted information.

### ***Conditions***

#### ***Condition 13 - MUGA Maintenance Plan***

*Prior to the use of the 'Phase 2' works, a Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority in consultation with Sport England, which shall include details of a scheme for a period of 20 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and management responsibilities, a maintenance schedule and a mechanism for review. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of the use of the 'Phase 2' works.*

*Reason: to ensure that new facilities are capable of being managed and*

*maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Para 14).*

Sport England were consulted on 20/04/11 and their comments will be reported in a supplementary report.

The Management and Maintenance strategy and contains information to address the requirements of the condition.

#### *Condition 24 - Surface water drainage strategy*

*Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

*The scheme shall also include details of how:*

- (i) greenfield run off rates will be achieved on site*
- (ii) the scheme shall be maintained and managed after completion*

*Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.*

The Environment Agency were consulted on 20/04/11 and their comments will be reported in a supplementary report.

The Surface Water Drainage Strategy outlines the ground conditions as scoped by a ground investigation and confirms the geology comprises made ground over London clay. The use of living roofs, basins & ponds, permeable surfaces & filter drains are ruled out due to the ground conditions and as such a tanked system is proposed, to provide attenuation of

The minutes of the committee meeting on 2 February, where the main scheme was considered, members agreed that an additional condition relating to sustainable drainage to require exploration of re-use of water from drainage tanks should be included. This is covered in condition 23 and details will be supplied separately.

#### **Conclusion**

Subject to confirmation from Sport England and the Environment Agency, the details are recommended for approval.

#### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Central Government Guidance PPG17, PPS25

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

**CONDITIONS/REASONS:**

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

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



## Planning Committee Map

Site address: Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

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**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 11  
**Case No.** 11/0961

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**RECEIVED:** 13 April, 2011

**WARD:** Fryent

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

**PROPOSAL:** Details pursuant to condition 14 (Access) and 15 (construction Method Statement), of full application reference 10/2994 dated 4 February 2011 for: Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

**APPLICANT:** London Borough of Brent

**CONTACT:** NTR Planning

**PLAN NO'S:**

610970/S/501 Rev A; 610970/S/530 Rev A; TP000-02A; TP000-03A; TP000-04A; 610970/Decant Access Road/SK01 28.3.11 (B 5.4.11); 610970/Decant Access Road/SK03 Rev A; Construction Method Statement

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**RECOMMENDATION**

Approval

**EXISTING**

This site is located in the south-eastern corner of the Kingsbury High School Annexe campus, which is primarily accessed via Bacon Lane (north) (a local residential access road); Bacon Lane forms the western boundary of the Roe Green Village Conservation Area. A further lightly used access is available directly onto Stag Lane (a local distributor road).

The decant site is located between the existing school building and the rear of residential units on Stubbs Close and currently forms part of the playing fields for the school. The land is currently grassed and flat, marked with sports pitches in the summer. Some trees are present on and around the site near the boundaries. Due to the open nature of the south-western boundary, this part of the playing fields contribute to the open nature of Roe Green Park itself, which lies beyond that boundary.

At present, parking provision is limited to about 43 spaces (mainly unmarked) to the front and south-eastern sides of the main Kingsbury High School building, with further informal parking tending to occur on grass verges around the site. A further 80 or so spaces are located at the Princes Avenue campus

On-street parking in the surrounding area is generally unrestricted and tends to be lightly parked, although the narrowness of roads to the north means parking space in those streets is limited

Public transport access to the site is moderate (PTAL 2), with six bus services within 640 metres (8 minutes' walk).

## **PROPOSAL**

Details pursuant to condition 14 (Access) and 15 (construction Method Statement), of full application reference 10/2994 dated 4 February 2011

## **HISTORY**

Members considered planning application 10/2994 on 04/02/11 and granted planning permission for:

Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

A number of conditions, including pre-commencement conditions, were attached to the application.

## **POLICY CONSIDERATIONS**

*Brent Unitary Development Plan 2004*

Within the 2004 UDP the following chapters are considered to be the most pertinent to the application.

*Built Environment*

*Environmental Protection*

*Transport*

## **CONSULTATION**

Ward Councillors, Transportation, Landscape and Environmental Health were consulted on 18/04/11. The consultation period will expire on 09/05/10 and members will be updated in a supplementary report.

## **REMARKS**

### ***1. Introduction***

Whilst it is unusual to put details pursuant applications to the committee, if two or more objections are received then the Brent Council constitution requires it. Since there is no statutory requirement to consult local residents on details pursuant applications as they do not materially change the scheme, it is rare that they are put to Members for their consideration. It is also not normal practice to complete the committee report without the consultation period having ended.

In this case your officers are of the opinion that there are special extenuating circumstances which mean such a course of action is necessary.



In order for the project to redevelop the former Grove Park and Hay Lane schools to commence works in the summer holidays, the temporary decant accommodation will need to be completed in time to allow the pupils to use the buildings in the new academic year. The timetable is such that there is a pressing need to satisfy these conditions before the end of May, to allow works to start on site at Kingsbury High School.

If local objections are received before this case can be determined by officers it would require the case to be sent to the later committee on 7 June. This would prevent works commencing on site and would have a corresponding impact on the programme of the development of the main school. As such, the decision has been taken to include this application on the current committee agenda in case objections are received prior to determination.

If the start date is delayed then this will have an impact on the completion date. If the decant building is not ready for the start of term then 150 of the borough's children with special education needs, will not have a school to go to; the impact of this is significant and officers of the Regeneration and Major Projects department are currently exploring the available options and have concluded that home schooling, using alternative premises or extending the holiday further all have unacceptable consequences for the children and their parents. In addition there would be significant costs for the Council (for example home schooling 150 children has been estimated at £30,000.00 per week for tuition fees alone).

Your officers have balanced the risk of receiving objections to this details pursuant application with the very detrimental impact this would have on the developed programme and the families who rely on the school and judged the correct course of action is to present this case to Members for their consideration, even though it will rely in part on the contents of a supplementary report. As this case is a details pursuant application the content of the supplementary report will be brief, indicating whether or not the Tree, Transportation and Environmental Health officers confirm support for the submitted information.

## ***2. Members' and residents' concerns at committee***

At the committee meeting on 4 February, Councillor J Moher, ward member, stated that he had been approached by members of Kingsbury Charities. Councillor J Moher stated that as the proposal would involve the re-routing of several mini-buses through Bacon Lane it would constitute a major traffic hazard with consequences for pedestrian safety. He felt that the transport impact of the proposed development had not been properly assessed and urged members to defer the application until the concerns expressed had been addressed and a full construction method statement had been submitted and approved.

This echoed other objections raised by local residents about the scheme and particularly the traffic impact.

## ***3. Post-application community involvement***

In response to those objections the Committee report included conditions relating to the details of construction and temporary access in recognition of the need to try and limit the short term impact of the development on residents and local stakeholders. Members agreed to Councillor J Moher's request that further post-application discussions be had with the local community on the issue of traffic.

Brent Council's Regeneration and Major Projects department has undergone a series of meetings with residents including (Roe Green RA, Stubbs Close RA, Parish Council of Holy Innocents Church/Nursery and Bacon Lane Residents) in order to develop the detail of the following documents which will be submitted to the LPA to discharge the relevant planning conditions:

- (i) **Details of Temporary Road** (App No. 10/2994, Condition 14) to be in place and approved by the LPA prior to works starting on site (May 2011)
- (ii) **Construction Method Statement** (App No. 10/2994 Condition 15) To be in place and approved by the LPA prior to works starting on site (May 2011)
- (iii) **Decant School Travel Plan** (App No. 10/2994 Condition 16) To be in place and approved by the LPA prior to commencement of the use of the building (September 2011)
- (iv) **Kingsbury School Travel Plan** (App No. 10/2994 Condition 17) (September 2013)

This application concerns the construction method statement (condition 15) and the details of the temporary access road over Roe Green (condition 14).

This application does not concern the movements or routing of minibuses and other school traffic. This is covered by conditions 16 & 17 (Decant School Travel Plan & Kingsbury School Travel Plan).

Meetings with residents were held on the following dates: Thursday 2 March 2011, 3pm Holy Innocents Church Hall, Bacon Lane; Tuesday 8 March 2011, 6.30pm Holy Innocents Church Hall, Bacon Lane; and Monday 4 April 2011, 3pm Bacon Lane

Some of matters discussed are included under each condition, see below.

#### **4. Condition 18 – Construction Method Statement**

*No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*

- (i) development phasing and hours of operation;*
- (ii) approved construction vehicles route to and from the site and limitations on the size of vehicles and their loads;*
- (iii) management of deliveries and other construction vehicles to ensure these avoid peak school times;*
- (iv) provide a physical presence (e.g. Banksman or similar) when vehicles negotiate the egress route over Roe Green;*
- (v) measures to ensure construction traffic does not back-up or wait on Bacon Lane (South);*
- (vi) vehicles entering the site can be accommodated before any vehicle intending to depart is released;*
- (vii) a contingency for the event that a vehicle's arrival or departure coincides with an emergency vehicle;*
- (viii) the parking of vehicles of site operatives and visitors;*
- (ix) loading and unloading of plant and materials;*
- (x) storage of plant and materials used in constructing the development;*
- (xi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- (xii) wheel washing facilities to be used at all times;*
- (xiii) a schedule of road cleaning to ensure the public highway remains free from dust and mud;*
- (xiv) measures to control the emission of dust and dirt during construction; and*
- (xv) a scheme for recycling/disposing of waste resulting from demolition and construction works*

*Reason: In the interests of the environment and residential amenity.*

The purpose of the Construction Method Statement is to outline restrictions to the Contractor in

terms of hours of operation, deliveries, traffic management, contingencies in the event of an emergency, etc in order to ensure that there is minimal impact on third parties and adjoining owners for the duration of the construction works.

At the time of awarding planning permission for the temporary accommodation for TVS residents were very concerned about the impact of the construction of the temporary accommodation on the surrounding streets and in particular Bacon Lane (South).

Bacon Lane South is a public highway circa 3.7m wide which joins Roe Green (road) at its southern end. To the south of the road is Roe Green Park and to the north the road provides access to Holy Innocents Hall, a community hall, which contains a nursery during the week days, and also residential houses on Stubbs Close.

A first draft of the Construction Method Statement was issued to residents on 23 February 2011 and a subsequent meeting was held on 2 March 2011 to discuss this document. Residents in Stubbs Close were represented by Julia Day who also represents the interests of the Holy Innocents Hall, Rev Clive Morten attended and also Doreen Childs who represented the nursery. Residents from Roe Green RA attended this meeting as well.

The document was developed with comments from residents, LBB Health and Safety Officer and the projects own CDM C. A subsequent and update document was issued on 4 April 2011 along with a summary of the changes made.

#### *4.1 Transportation officer's comments*

The Council's Transportation Officer has no objections to the discharge of these conditions.

#### *4.2 Environmental health officer's comments*

These will follow in a supplementary report to members and will be focussed on parts (i), (xi), and (xiv).

#### *4.3 Tree protection officer's comments*

These will follow in a supplementary report to members and will be focussed on parts (viii) and (x).

#### *4.4 Summary*

This will follow in a supplementary report to members.

### **5. Condition 14 – Access Road**

*No development shall take place until further details of the temporary access roadway and footpath through Roe Green Park have been submitted to and in approved in writing by the local planning authority in consultation with officers of the Highway & Transport Delivery and Parks services and the Council's Tree Officer. The approved details shall be implemented in full and the roadway and footpath retained until the conclusion of 'Phase 1' of the works hereby approved.*

*Reason: to provide a suitable safe access route which does not damage retained trees*

The detail of the temporary road design has been developed over the past two-and-a-half months since the application was approved on 4 February.

The proposals include two phases, a construction phase design and a permanent works detail. For the duration of the construction of the decant building the pedestrian footpath and carriage way will

be separated by a double layer of barriers, a layer of concrete traffic barriers (or similar) on the carriage way side and also a 2.4m solid ply hoarding. Once the decant building is complete a raised pavement will be constructed separated from the carriageway by bollards.

### *5.1 Transportation officer input*

Brent Highways were instructed by Regeneration and Major Projects officers to design the temporary road linking Bacon Lane South to the decant site within Roe Green, Robert Francis (Traffic Engineer) carried out the work in close consultation with Peter Boddy (Traffic Team Leader). The advantage of this approach was that the emerging detail has been discussed with John Fletcher (Team Leader – Development Control), Danny Walker (Senior Project Engineer), Malcolm Edmunds (Area Manager for John Billam and Roe Green, Parks) and Lawrence Usherwood (Tree Protection Officer).

The temporary road was discussed in the context of the traffic management proposals for the The Village School (TVS) travel plan at a meeting on the 9th March 2011 with John Fletcher, Nisha Malhoutra (Transport Services Manager), other officers from Brent Transport as well as the project teams transport consultant, education consultant and representatives from TVS and Kingsbury High School (KHS).

A preliminary design for the temporary road was presented to Shaun Faulkner (Head of Service, Parks) by Richard Barrett on 22nd March 2011 and the detail of this was discussed at a meeting with Malcolm Edmunds on 23rd March 2011.

The final road design was discussed and agreed in principle at a meeting with John Fletcher, Julia Day (resident representing Stubbs Close and Holy Innocents Hall) and Cllr Jim Moher in a meeting on 4 April 2011 on site.

All officers previously involved were sent a copy of this design by e-mail on 4th April 2011; no further comments have been received.

Officers from Regeneration and Major Projects undertook consultation with residents and local stakeholders to progress the detail of the temporary road and other items relating to the decant scheme.

### *5.2 Tree officer's comments*

A detailed tree root radar survey was commissioned and carried out by Sharon Hosegood of DF Clark Arboricultural Consultants. Results from the tree root survey showed that there were no major roots within the upper 1000mm of soil, most probably the result of massive excavation during the original building of the school. Therefore, the tree officer is now satisfied that the proposed access road can be implemented provided all works are carried out to the specified design (cross sectional drawings supplied), in accordance with the AMS (still to be submitted as condition 8).

Drawing No. TP000-02A highlights the closeness of the temporary road and path to two parks trees. It is likely in hindsight even with a good Tree Protection Plan and Arboricultural Method Statement that both trees especially the larger Pear will suffer detrimental affects resulting from some root loss and unavoidable compaction. Therefore, it is vital that we secure replacement planting in the near vicinity (covered in condition 9 still to be submitted).

### **Conclusion**

The submitted material has been prepared in close consultation with relevant Council officers and with the involvement of local residents. Although there are outstanding matters within the construction method statement which require further details and comments from consultees, due to the very pressing need to commence works on site, your officers request Members consider this

application with a recommendation for approval, subject to confirmation from Transportation, Environmental Health and Tree officers.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

- (1) The proposed development is in general accordance with policies contained in the:-  
Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

## **CONDITIONS/REASONS:**

## **INFORMATIVES:**

None Specified

## **REFERENCE DOCUMENTS:**

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



## Planning Committee Map

Site address: Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

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**Committee Report  
Planning Committee on 12 May, 2011**

**Item No.** 12  
**Case No.** 11/0347

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**RECEIVED:** 8 February, 2011

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 139 Kilburn High Road, London, NW6 7HR

**PROPOSAL:** Advertisement Consent for the display of three internally illuminated fascia signs, one internally illuminated projecting box sign and one ornate projecting sign

**APPLICANT:** HARVEY & THOMPSON LIMITED

**CONTACT:** R S Designs

**PLAN NO'S:**  
260-1012-004

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**RECOMMENDATION**

Approval

**EXISTING**

The subject site, located on the south-eastern corner of the junction between Kilburn High Road and Glengall Road, is occupied by a four-storey building consisting of a retail unit (Use Class A1) on the ground floor with residential accommodation above. The ground floor retail unit is the subject of the current application. The site is located within the designated Primary Shopping Frontage for Kilburn Town Centre.

**PROPOSAL**

See above

**HISTORY**

This application for advertisement consent has been submitted with a concurrent planning application (11/0346) for the installation of a new shopfront and roller shutter to the property. This application also appears on the current Committee agenda.

A recent planning application (10/2533) for the change of use of the unit from charity shop (Use Class A1) to financial services (Use Class A2) was refused by the Council on 9th December 2010. The application was refused for the following reason:-

*"The proposed use of the premises to provide financial services (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage lessening its attractiveness to shoppers thus causing harm to the vitality and*

*viability of Kilburn Town Centre contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"*

This refusal followed another planning application (10/0370) for a change of use from retail (Use Class A1) to betting shop (Use Class A2), installation of new shop front and relocation of entrance doors to front and side elevations and removal of existing rear entrance to premises. This application was refused on 26th April 2010 for the following reason:-

*"The proposed use of the premises as a betting shop (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage and would fail to enhance the range of services that is already provided causing harm to the vitality of Kilburn Town Centre and lessen its attractiveness to shoppers contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"*

Prior to the above applications, there have been a number of other planning applications on the site although these are not considered to be of particular relevance to the determination of the current application.

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context & Character  
BE9 Architectural Quality  
SH21 Shopfront Design

### **Supplementary Planning Guidance 7:- Shopfronts & Shopsigns**

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

Consultation letters, dated 21st February 2011, were sent to 12 neighbouring owner/occupiers. Three letters of objection were received in response. The concerns of the objectors relate to the occupation of the unit by H&T pawnbrokers, in terms of encouraging criminal and/or anti-social behaviour and the impact of the over provision of such uses on the retail function of Kilburn High Road. These concerns are addressed in the "Remarks" section of the report for planning application 11/0346 which also appears on this agenda.

Given the close proximity of the site to the Borough boundary, the London Borough of Camden have been consulted. They have confirmed that they have no comments to make on the application.

## **REMARKS**

The proposal seek advertisement consent for the display of a fascia signs, a projecting box sign and an ornate sign in connection with the occupation of the premises by H&T Pawnbrokers. As Members will be aware, application for Advertisement Consent should only be considered in terms of the impact on amenity and highway safety. The use of the premises, which does not form part of the current application, is discussed in the "Remarks" section of the Committee report for planning application 11/0346 which also appears on this agenda.

The subject premises is located on the corner of a junction and therefore it has three elevations. The proposal would involve the installation of three internally illuminated fascia signs, one to each elevation, to provide a continuous display around the shop unit. The fascia signs would be constructed from powder coated aluminium trays cut to allow projecting perspex letters through



which will be internally illuminated. The levels of illumination created by each of the signs is not expected to exceed 150 candela's which is significantly below the maximum level of 1500 candela's, recommended in SPG7.

A single projecting box sign, 900mm by 600mm, would be installed to the edge of the main fascia sign, facing Kilburn High Road. The area of this box sign (0.54m<sup>2</sup>) would be below the maximum area of 1.5m<sup>2</sup> suggested in SPG7. It is considered that given the modest nature of the projecting box sign that this would be unlikely to cause any significant harm to the amenity of neighbouring occupiers or the appearance of the streetscene. A single projecting ornate sign, in the style of the traditional pawnbrokers symbol, would be attached to the fascia fronting Glengall Road. Again, it is unlikely that this sign would cause any significant harm to the amenity of neighbouring occupiers or the appearance of the streetscene.

Given the limited size and luminance of the proposed signs it is not considered that the signs would cause any significant highway safety issues.

Overall, it is considered that the proposed sign would have an appropriate appearance within the shopping parade along Kilburn High Road and that, subject to the standard conditions controlling adverts, that consent should be granted.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 7 - Shopfronts & Shopsigns

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

Built Environment: in terms of the protection and enhancement of the environment  
Transport: in terms of sustainability, safety and servicing needs

## **CONDITIONS/REASONS:**

(1) This permission is granted subject to the requirements of Regulation 14(7)(b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which states that every grant of express consent shall operate for a period of five years from the date of consent and is subject to the following standard conditions stipulated in Schedule 2 to the said Regulations:-

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).

(iii) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.

(iv) No advertisement shall be sited or displayed so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(v) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(vi) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

(vii) Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Following the expiration of the period of five years, to which this permission relates, the advertisement(s) and all fixtures and fittings associated with it (them) shall be removed.

Reason: To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Supplementary Planning Guidance 7:- Shopfronts & Shopsigns  
Three letters of objection

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



## Planning Committee Map

Site address: 139 Kilburn High Road, London, NW6 7HR

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## Committee Report Planning Committee on 12 May, 2011

Item No. 13  
Case No. 11/0346

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**RECEIVED:** 8 February, 2011

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 139 Kilburn High Road, London, NW6 7HR

**PROPOSAL:** Installation of replacement shopfront and roller shutter

**APPLICANT:** HARVEY & THOMPSON LIMITED

**CONTACT:** R S Designs

**PLAN NO'S:**  
See condition 2

---

### RECOMMENDATION

Approval

### EXISTING

The subject site, located on the south-eastern corner of the junction between Kilburn High Road and Glengall Road, is occupied by a four-storey building consisting of a retail unit (Use Class A1) on the ground floor with residential accommodation above. The ground floor retail unit is the subject of the current application. The site is located within the designated Primary Shopping Frontage for Kilburn Town Centre.

### PROPOSAL

See above

### HISTORY

This planning application has been submitted with a concurrent application (11/0347) for Advertisement Consent to install new shop signs to the property. This application also appears on the current Committee agenda.

A recent planning application (10/2533) for the change of use of the unit from charity shop (Use Class A1) to financial services (Use Class A2) was refused by the Council on 9th December 2010. The application was refused for the following reason:-

*"The proposed use of the premises to provide financial services (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage lessening its attractiveness to shoppers thus causing harm to the vitality and viability of Kilburn Town Centre contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"*

This refusal followed another planning application (10/0370) for a change of use from retail (Use Class A1) to betting shop (Use Class A2), installation of new shop front and relocation of entrance doors to front and side elevations and removal of existing rear entrance to premises. This application was refused on 26th April 2010 for the following reason:-

*"The proposed use of the premises as a betting shop (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the both the locality and wider Primary Shopping Frontage and would fail to enhance the range of services that is already provided causing harm to the vitality of Kilburn Town Centre and lessen its attractiveness to shoppers contrary to policy SH6 and SH7 of the London Borough of Brent Unitary Development Plan 2004"*

Prior to the above applications, there have been a number of other planning applications on the site although these are not considered to be of particular relevance to the determination of the current application.

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context & Character  
BE9 Architectural Quality  
SH21 Shopfront Design

### **Supplementary Planning Guidance 7:- Shopfronts & Shopsigns**

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

Consultation letters, dated 21st February 2011, were sent to 12 neighbouring owner/occupiers. Three letters of objection were received in response. The concerns of the objectors relate to the occupation of the unit by H&T pawnbrokers, in terms of encouraging criminal and/or anti-social behaviour and the impact of the over provision of such uses on the retail function of Kilburn High Road. These concerns are addressed in the "Remarks" section of the report.

Given the close proximity of the site to the Borough boundary, the London Borough of Camden have been consulted. They have confirmed that they have no comments to make on the application.

## **REMARKS**

### **CONSIDERATION OF OBJECTIONS**

For the avoidance of doubt, the current planning application seeks permission for the installation of a new shopfront and roller shutter to the ground floor unit. The application does not seek planning permission for a change of use of the existing unit and should planning permission be granted for the development applied for then the lawful use of the unit would continue to fall within Use Class A1 (retail).

The concerns of the objectors primarily relate to the occupation of the unit by H&T Pawnbrokers. The objectors are concerned that the current application is being used to circumvent planning control in allowing a pawnbroker use to occupy a retail unit. The objectors refer to recent planning applications on the site which were refused for a bookmakers and a cheque cashing centre which are detailed in the "History" section of this report.

The Land Use Gazetteer, which provides a comprehensive guide to land uses and their use classes, sets out that a Pawnbrokers premises will fall within Use Class A2 unless the use also involves retail sales of goods and/or services appropriate to a shopping area to visiting members of the public in which case the use will fall within Use Class A1. Officers have queried the precise nature of the proposed use of the premises with H&T Pawnbrokers who have responded by stating that a substantial element of their business involves the retail sales to visiting members of the public. This statement has been accompanied by supporting evidence where other branches of H&T Pawnbrokers have been found to fall within Use Class A1 in other locations by other Local Authorities. Having reviewed this evidence, it is the view of Officers that should H&T Pawnbrokers operate within the subject unit in a similar fashion to these other branches then it is likely that a change of use will not occur. However, should it transpire that, in the view of the Planning Service, the use of the premises has changed unlawfully then the Council' would be able to use its Enforcement powers to address the breach. As discussed above, granting planning permission for the current proposal would not constitute permission for a change of use and therefore would not affect the Council's ability to enforce any future planning breach in terms of the use of the premises.

## **SHOPFRONT & ROLLER SHUTTER**

The proposed development would involve the replacement of the existing shopfront to the shop unit. As the premises are located on a corner, in addition to the main shopfront facing Kilburn High road, there is also a return frontage along Glengall Road. The proposed replacement shopfront will be generally constructed using a powder-coated aluminium frame above a tiled stall-riser, approximately 350mm in height. The frame would provide a mullion that would divide the main shop window fronting Kilburn High road whilst the other elevations would contain a single glazed panel. A lobby area would be created inside the main public entrance.

The proposal would also involve the replacement of the existing roller shutter to the shop. The existing shutter is housed in an external enclosure and has a solid appearance. The proposed shutter would also be housed in an external enclosure. The shutter and enclosure would be colour coded to match the shopfront and shop signs (the subject of a separate application). The proposed shutter would be perforated to give a visibility of between 33-37% through it whilst maintaining security.

Overall, the proposed shop front and shutter would be of a simple and appropriate design that would complement the character of the wider shopping parade, improving the overall appearance of the existing unit. As such, approval is recommended.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 7:- Shopfronts & Shopsigns

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

Built Environment: in terms of the protection and enhancement of the environment

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing:-

- 260-1012-004

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Supplementary Planning Guidance 7:- Shop fronts & Shop signs  
Three letters of objection

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231





## Planning Committee Map

Site address: 139 Kilburn High Road, London, NW6 7HR

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## Committee Report Planning Committee on 12 May, 2011

Item No. 14  
Case No. 11/0349

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**RECEIVED:** 11 February, 2011

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 271-273 Kilburn High Road, London, NW6 7JR

**PROPOSAL:** Change of use from shop (Use Class A1) to restaurant (Use Class A3), with erection of extract duct to rear and new shopfront with additional door

**APPLICANT:** Mr Harry Rahamin

**CONTACT:** Bale House CAD Ltd

**PLAN NO'S:**  
See condition 2

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### RECOMMENDATION

Approval

### EXISTING

The subject site is the ground floor of a 3-storey mid terrace building on the western side of Kilburn High Road, NW6. The unit was last lawfully in use as A1 but has been converted to A3, the site is within the secondary shopping frontage of Kilburn Town Centre.

### PROPOSAL

Change of use from shop (Use Class A1) to restaurant (Use Class A3), with erection of extract duct to rear and new shopfront with additional door

### HISTORY

E/10/0293 Enforcement Notice issued

Change of use of the premises from a shop (Use Class A1) to a restaurant/bakery (Use Class A3) and the erection of a rear decking to the premises.

Direct action has been taken by the Council's enforcement officers removing the external decking from the rear of the premises.

E/09/0171 Enforcement Notice issued

The erection of a first floor rear extension/canopy structure and extractor duct to the premises.

### POLICY CONSIDERATIONS

#### UDP 2004

**SH7** Change of use from retail to non-retail  
**SH9** Secondary shopping frontages

|             |   |
|-------------|---|
| <b>SH10</b> | Food and Drink (A3) Uses                |
| <b>SH11</b> | Conditions for A3 uses                  |
| <b>PS20</b> | Food and drink (use class A3) servicing |

## Supplementary Planning Guidance 7: Shop fronts & Shop Signs

### CONSULTATION

Neighbouring occupiers were consulted on 3rd March 2011 objections have been received making the following comments:

- The unit was converted to a restaurant/cafe with disregard for the process of planning permission.
- Guests of the cafe park their cars blocking the gate to 275 Kilburn High Road creating nuisance for pushchairs and pedestrians and also have to be asked to move them so residents can use the driveway.
- An outdoor part of the restaurant was built without permission demonstrating the owners disregard for planning or other rules.
- Food smells could reach neighbouring balconies and flats - there are 2 other restaurants close by (Tricycle and Cassecarria) and on certain days the smell is bad.
- During building works rubbish and furniture was dumped on the pavement or burned in the back garden.
- The tables to the front are on the public footpath without permission and block the pavement for wheelchair users.
- Parties are held at night with loud music and shouting outside.
- Ducting was erected and blew down in high winds onto neighbouring roofs, it was returned to the manager but has not been reinstalled.
- The restaurant is often open past midnight and some functions have been held till 3/4am - complaints have been made to environmental health.
- Uncertain of the relationship between the unit and the flats above.
- The manager and some customers can be aggressive and unwilling to discuss problems.

### Internal

**Environmental Health:** Complaints have been received about noise since January 2010 including loud music from the restaurant and shouting from the decked area.

There should be a restriction on opening hours.

Sound insulation should be demonstrated as music and entertainment is proposed.

Complaints included barbeque smoke and noise from the rear.

No indication of the provision of an area for smokers.

A cowl should not be used on the duct as it can impede airflow.

The applicant will need to demonstrate that the noise from the extraction system and any associated ducting shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises.

**Highways:** The use would be able to be serviced by a transit sized vehicle like an A1 unit and the parking standards are the same (1 space for up to 400sqm). There is no off-street parking or servicing available.

### REMARKS

#### Principle

As described above the site was previously in use as a shop (A1) and was converted over a year ago to A3 without seeking planning permission so the current application is retrospective. The site is within the secondary shopping frontage of Kilburn Town Centre.

Policy SH9 of Brent's UDP 2004 states that non-retail uses which provide a service to visiting members of the general public will be permitted in secondary frontages and A3 is considered to fit

into this category. The site is within a mixed stretch of the shopping frontage including various A1 uses as well as another A3 unit and the Tricycle cinema/theatre so the location is not dominated by A3 uses.

It is therefore considered, subject to appropriate conditions, that the change of use is acceptable in principle.

### **Other issues**

Officers appreciate that the use of the unit has caused disturbance for neighbouring occupiers. This is not due to the A3 use itself but the way in which the unit has been used, including the use of the rear garden, hours of use, parking etc. These issues need to be controlled by condition.

#### *Use of rear garden*

The enforcement history relates to the use of the external space to the rear where decking was installed and the reports to environmental health also relate to noise produced from the use of this space. A design and access statement has been submitted stating that the rear garden will not be publicly accessed, the layout of the unit with the kitchen across the rear should not lend itself to access by customers. The rear of the unit will only be used by staff for breaks, music will not be played outside. A condition is recommended in relation to this.

Comments were also made about the use of the roof of the rear extension and noise from this. The unit above the restaurant is registered as a residential maisonette and does not form part of this application but in any event it does not benefit from permission for any structures on the flat roof to support the use of it as a roof terrace.

#### *Hours of opening*

The proposed hours are 0700-2400 Monday to Saturday and 0700-2300 Sunday and Bank Holidays. The complaints received have been in relation to functions continuing into the night, a condition stating the allowed hours of opening must be adhered to and should prevent any disturbance to neighbours. But as stated above, the potential for any disturbance should already be minimal as the use of the rear garden will be controlled, but guests may leave in noisy groups from the front and therefore opening hours later than 2400 would not be appropriate.

#### *Music*

It is stated that there will be no music in the rear garden. The agent was asked to consider internal noise insulation of the unit but instead has stated that the only music played would be 'quiet background music'. Having discussed this with environmental health officers a condition is recommended requiring that no music or amplified sound be audible at the nearest noise sensitive premises and an acoustic consultant should produce a report to show the development will comply with this.

#### *Functions*

The activities which are thought to have caused most nuisance are when the unit has been used for parties/functions. All conditions discussed above which are recommended to prevent the use impacting adversely on neighbouring occupiers would also be applicable to any private functions at the unit.

#### *Parking*

Parking and servicing standards for A3 are generally the same as A1 which was the previous use of the unit meaning no highways objection arises from the change of use.

However, objections from neighbours include comments about the parking practices of guests of the restaurant blocking the footway and the vehicular entrance to the adjacent flats. On-street parking controls and enforcement are the relevant form of control over this and should prevent unsafe parking on Kilburn High Road but in addition the design and access statement has been

amended to include confirmation that the management of the restaurant will actively discourage this nuisance parking including a sign in the unit.

#### *Extractor duct*

The extractor duct is modest in size and its position in relation to residential windows is considered to be acceptable. Conditions are recommended requiring the further submission of noise information to ensure that any noise produced by the duct is 10 dB(A) or more below the existing noise level at the closest noise sensitive premises. Details also need to include anti-vibration mountings for the duct in the interest of neighbouring amenity.

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

#### **CONDITIONS/REASONS:**

(1) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

P-179-01

P-179-02

P-179-03

Design and Access Statement

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

(2) There shall be no public use of the space to the rear of the building and the A3 use shall be contained internally within the ground floor unit, no cooking activities shall take place in the rear garden and there shall be no staff use of the garden beyond the stated opening hours of condition number 3 and the rear doors shall be made self-closing to prevent a breakout of noise.

Reason: In the interest of neighbouring amenity.

(3) The premises shall not be used except between the hours of:-

0700 hours and 2400 hours Mondays to Saturdays

0800 hours and 2300 hours on Sundays and Bank Holidays and at no other time without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) No music or any other amplified sound shall be played on the site which is audible at any boundary outside the curtilage of the premises, a report shall be produced by an acoustic consultant to demonstrate this and shall be submitted to and approved in writing by the LPA.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) Details shall be submitted to demonstrate that the noise level from the plant and ducting shall be 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises, these details shall be submitted to and approved in writing by the LPA before installation. The extract ventilation fan, together with any associated ducting, shall be installed accordingly and with anti vibration mounts etc. so as to prevent the transmission of noise and vibration into any neighbouring premises.

Reason: To safeguard the amenities of the adjoining occupiers.

**INFORMATIVES:**

- (1) The applicant is advised that, as per the design and access statement, a sign should be put up within the unit advising customers arriving by car that they must park in accordance with parking controls on the road and not block vehicular or pedestrian access.
- (2) The applicant is advised that the development hereby approved should be fully implemented within 4 months of the date of permission including the submission and approval of information required by condition and the implementation of these details.

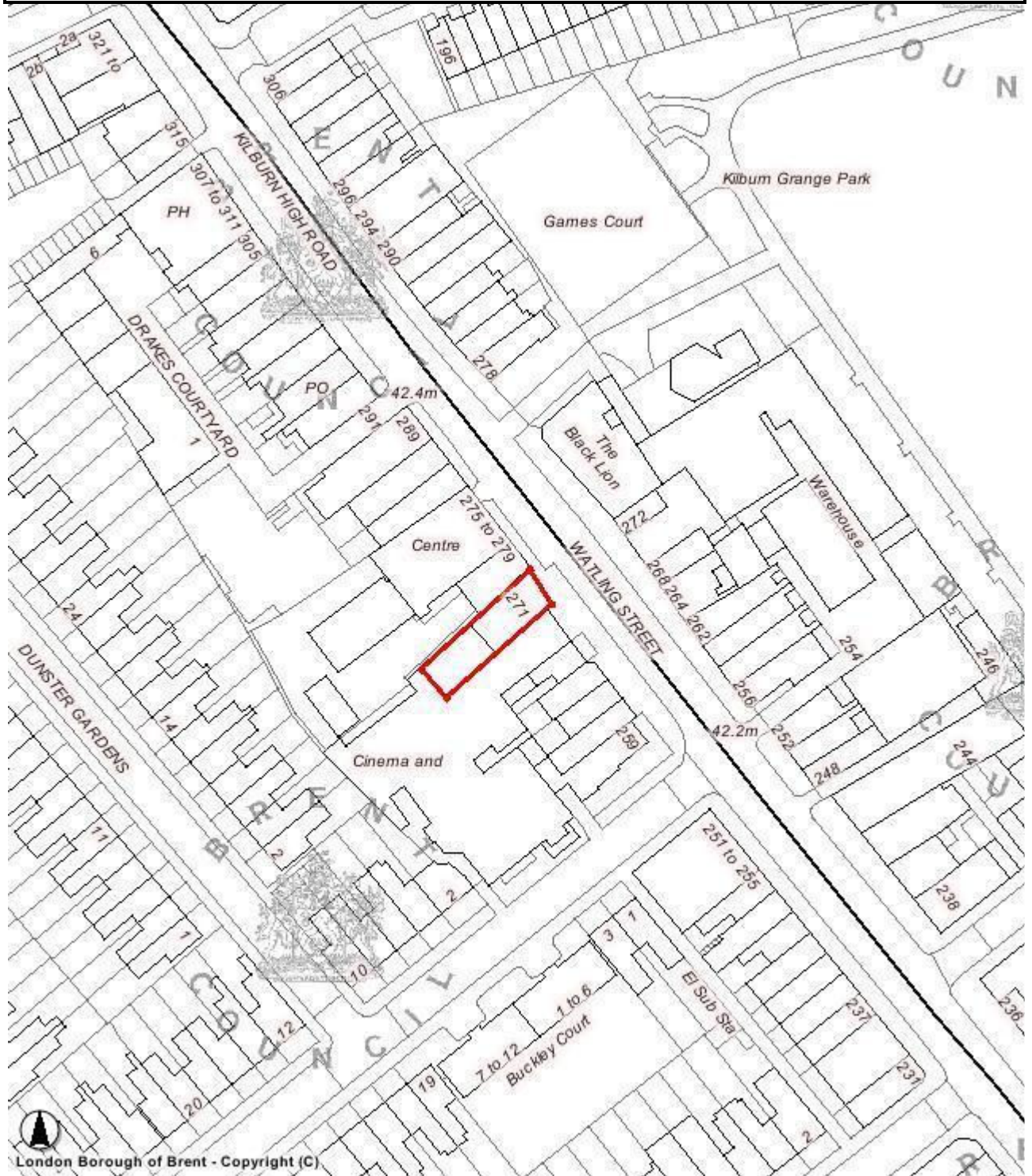
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



# Planning Committee Map

Site address: 271-273 Kilburn High Road, London, NW6 7JR

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**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 15  
**Case No.** 11/0371

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**RECEIVED:** 15 February, 2011

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 1-10 inc Wood House, Albert Road, 1-16 inc Bond House, Rupert Road, 1-8 inc Hicks Bolton House, Denmark Road & 1-2 Denmark Road, NW6

**PROPOSAL:** Demolition of Bond House, Hicks Bolton House, 1-2 Denmark Road and Wood House and redevelopment to provide 64 affordable residential units (13x one-bedroom, 26x two bedroom, 17x three-bedroom and 8x. four-bedroom) and one retail unit (Use Class A1) within 3, 4, 5 and 6 storey buildings with private and communal amenity space, play space, on street parking, landscaping, a public open space and temporary open space. The development will involve the stopping up and realignment of Rupert Road and Denmark Road and the phased connection of Rupert Road to Carlton Vale.

**APPLICANT:** London Borough of Brent.

**CONTACT:** Rick Mather Architects

**PLAN NO'S:**  
See condition 2

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## **RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement

## **SECTION 106 DETAILS**

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 100% Affordable Housing
- £200,000, as a contribution towards the provision of children's play and landscaping and the new open space on the site of Wood House, or otherwise used in the South Kilburn area for the improvement of open space, index-linked from the date of Committee,
- £80,000 (£1250 x 64 units) to be used for Sustainability measures and provide renewable energy measures including connections to a Decentralised Energy Network, or other off-site

renewable energy generation.

- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Tree survey upon Material Start, 4:1 trees replacement prior to Occupation for any reduction in the number of Trees.
- Join and adhere to the Considerate Contractors scheme.
- Prior to occupation, submit, gain approval for and adhere to a Travel Plan.
- To notify “Brent In2 Work” of all job vacancies, including those during construction
- To sign up Registered Social Landlords to the measures in the local employment/ training scheme.
- Section 278 Highway works, including but not limited to the relaying of the road adjoin the new blocks and the pedestrian area around William Saville and William Dunbar
- Allow future connection of the site to any Decentralised Heat / Energy Network.

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

## **EXISTING**

The subject site, located within the South Kilburn Regeneration Area, includes Wood House, Bond House and Hicks Bolton House. The site also includes land around these existing developments encompassing the communal gardens to Thames Court, Rupert Road and the western end of Denmark Road, the single-storey shop building at 1-2 Denmark Road, parking areas and open/amenity spaces. The site has an irregular footprint and an area of 1.04ha.

Bond House, Hicks Bolton House and Wood House are all similar four-storey rectangular residential blocks. Bond House comprises of 16 residential units, Hick Bolton House of 8 residential units and Wood House 10 residential units.

Towards the north, the site extends around Thames Court, a five storey residential development containing 20 units, which was completed in 2005. Thames Court was, in part, constructed, to provide demonstration homes for the South Kilburn Regeneration Area. Beyond Thames Court, on the opposite side of Albert Road, construction is currently under way on South Kilburn Regeneration site 11A, formerly occupied by Marshall House, to provide two residential blocks of between 4 and 11-storeys in height to provide 153 residential units.

Towards the south of the site lies the three-storey converted public house which is now occupied as the Kosovo Islamic Centre. The Kilburn Baptist Church also lies towards the south of the site, which is a locally listed building.

Towards the west of the site lies William Saville House and William Dunbar House, two 14-storey high-rise residential blocks. Towards the east there are also a number of high and low rise residential blocks including Crone Court, Zangwill House and Winterleys.

## **PROPOSAL**

The proposed development would generally involve the demolition of three existing residential buildings, Wood House, Bond House and Hicks Bolton House; as well as the single-storey shop units at 1-2 Denmark Road, in order to allow the construction of a new five/six-storey residential building, comprising of 23 affordable units, on the site of Hicks Bolton House, and the erection of a five-storey L-shaped block, comprising of 41 affordable units, on the site of Bond House. The L-shaped block on Bond House would adjoin the existing block, Thames Court, enclosing the space currently occupied by the communal gardens to Thames Court, which would be re-landscaped to provide a new communal courtyard garden for residents of both Thames Court and the new block.

Following demolition of the buildings, the Wood House site would be landscaped to provide a public open space, including a children's play area. The northern end of the Wood House site has been considered, amongst others, as a potential site for the South Kilburn Decentralised Energy Centre and, as such, its use as public open space is described as temporary for the purposes of the current application. However, the southern side of the public open space is designated for permanent open space use.

The proposals would involve the realignment and opening up of Rupert Road through to Carlton Vale.

## **HISTORY**

Planning permission (03/1486) was approved for the installation of replacement windows to Wood House in July 2003. There have otherwise been no other planning applications on the site.

## **POLICY CONSIDERATIONS**

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent adopted LDF Core Strategy 2010
- London Borough of Brent Unitary Development Plan 2004 (saved policies)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- Supplementary Planning Document:- s106 Planning Obligations
- The Masterplan for the Regeneration of South Kilburn (2004)
- The London Plan (Consolidated with Alterations since 2004)

### **London Borough of Brent adopted LDF Core Strategy 2010**

Within the adopted LDF Core Strategy the following policies are considered to be the most pertinent to the application.

#### **CP1 Spatial Development Strategy**

Brent's Spatial Development Strategy is to concentrate housing growth in well located areas that provide opportunities for growth, creating a sustainable quality environment that will have positive economic impacts on deprived neighbourhoods that may surround them. The policy identifies the Council's five Growth Areas which includes South Kilburn.

#### **CP2 Population & Housing Growth**

Defines the minimum housing targets required to meet the expected population growth and housing demand within the Borough. 85% of housing growth is expected to be provided within Growth Areas, including 2400 new homes in South Kilburn by 2026.

**CP5 Placemaking**

Sets out the placemaking objectives that should be considered for major proposals within Growth Areas.

**CP6 Design & Density in Placeshaping**

Sets out the factors that will be taken into account in determining density and requiring good design

**CP9 South Kilburn Growth Area**

Provides the spatial strategy for the South Kilburn area including specific details of the aims and objectives for the transformation of the area.

**CP14 Public Transport Improvements**

Promotes improvements to orbital public transport routes which link the strategic centres in North West London and the Growth Areas

**CP15 Infrastructure to Support Development**

The council has set out, in an Infrastructure and Investment Framework, the infrastructure requirements necessary to support new development in the growth areas. Appropriate contributions will be sought to ensure that the necessary infrastructure to support development is provided.

**CP18 Protection and Enhancement of Open Space, Sports and Biodiversity**

Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. This will include improvements to existing open spaces in South Kilburn.

**CP19 Brent Strategic Climate Mitigation and Adaptation Measures**

All development should contribute towards achieving sustainable development, including climate change mitigation and adaptation.

**CP21 A Balanced Housing Stock**

The Plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs

**London Borough of Brent Unitary Development Plan 2004**

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

**BE1** Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

**BE2** Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

**BE3** Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects

the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.

- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE12 Proposals should embody sustainable design principles, taking account of sustainable design, sustainable construction and pollution control
- BE17 Building service equipment should be located to be visually inconspicuous
- BE24 The special character of buildings on the local list will be protected and enhanced
- BE25 Development proposals affect the setting or views into or out of a Conservation Area shall pay special attention to the preservation or enhancement of the character and appearance of the area.
- EP2 Noise & vibration
- EP3 Local air quality management
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.
- TRN3 Environmental Impact of Traffic
- TRN4 Set out measures to make transport impacts acceptable
- TRN10 Walkable Environments
- TRN11 The London Cycle Network

TRN13 Traffic Calming

TRN14 Highway Design

TRN15 Forming an Access to a Road

TRN23 Parking Standards – Residential Developments

TRN34 Servicing in New Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

### **A Masterplan for the Regeneration of South Kilburn – Adopted July 2004**

South Kilburn New Deal for Communities (SKNDC) and the Council originally agreed a Masterplan for South Kilburn. The Masterplan proposals were intended to change South Kilburn from a monolithic housing estate back into four high quality neighbourhoods each with their own character and facilities:

- where people are proud to live, learn and work;
- which are safe, free from crime and the fear of crime; and
- which are sustainable and meet the needs of its diverse communities.

The Masterplan proposed 2,953 new homes for South Kilburn, 1534 of which would be replacement and 1,419 new private homes. All applications, including those for new residential units, should be determined in accordance with this Masterplan which sets out criteria for development which regard to sustainability, building heights, space standards, quality of architecture, amenity space and management.

As indicated above, the SPD essentially revolved around building over 1500 for sale units in order to cross subsidise the provision of over 1400 affordable homes. Members may be aware that the Council's chosen consortium was not able to deliver the comprehensive redevelopment package, given that Government offered only about half the financial support that was required in order to get the scheme underway. In response to this, the Council is now trying to complete the first phase of the development on its own by developing individual sites within South Kilburn. This should allow enough units to decant other parts of the South Kilburn estate and make them ready for demolition and rebuild. The application site is a key part of that process.

The Masterplan is currently being reviewed in the light of the changed circumstances in South Kilburn and the Council is working with the selected Masterplanners to seek to bring it forward.

### **SUSTAINABILITY ASSESSMENT SUSTAINABILITY CHECKLIST**

The application is a Major Case proposing in excess of 10 residential units and consequently reference needs to be had to the Council's SPG19. As such, the applicant has completed the Council's Sustainability Checklist which, following review by the Council's Sustainability Officer, achieves a score of 52%. The proposal therefore exceeds the Council's required score of 50% and the development would be likely to achieve a 'Very Positive' rating. The sustainability checklist score should be secured by way of a s106 legal agreement to ensure that the development would

realise the predicted sustainability benefits of the proposal.

## CODE FOR SUSTAINABLE HOMES

The applicant has supplied a Code For Sustainable Homes (CSH) pre-assessment that indicates the proposed development will achieve a score of 62.71% at the time it is constructed. If achieved in practice, this pre-assessment score exceeds the threshold score of 57% required to achieve level 3 of the CSH. However, as the site is within a growth area the Council would normally expect developments to reach code level 4. It is intended that the proposed development would eventually connect to the proposed combined heat and power network (CHP) for the South Kilburn Area which would result in the proposed development achieving level 4 of the CSH. However, options for the development of CHP within the South Kilburn Area are still under consideration and if the CHP did not go ahead then the applicant would need to provide alternative measures including sufficient on-site renewable energy to increase the CSH rating to level 4 and meet London Plan renewables target. This matter should be secured through a suitably worded s106 agreement.

## ENVIRONMENTAL IMPACT ASSESSMENT

The Council has produced a Screening Opinion to determine whether the proposed development of the site would require an Environmental Impact Assessment (EIA) before development consent can be given. An EIA is usually required where development is likely to have a significant effect on the environment. The Council has considered whether the development is of more than local importance, in an environmentally sensitive or vulnerable location, or whether it produces complex or hazardous environmental effects. The conclusion of a Screening Opinion is that the scheme does not warrant EIA. The Council also has to consider the cumulative impacts of both built and approved development and therefore the four other schemes currently under construction within the South Kilburn Area have been considered within the Council's assessment of the need for an EIA. Even with these and other approved and built schemes the Council is still of the opinion that the application site (with other proposed development) is not so significant as to warrant an EIA. The Council intends to bring forward further development within the South Kilburn area but these potential developments are not certain as they rely on sites like the application site being approved and developed so that they can act as a catalyst for enabling future developments. Future schemes also rely on favourable housing market conditions and Homes and Communities Agency (HCA) grant assistance. As and when future site or sites come forward the Council will reassess the cumulative impacts and determine whether they are significant enough to then trigger the requirement of an EIA.

## DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. However, given the extent of the development it is important to ensure that adequate measures are put in place to prevent the occurrence of flash flooding as a result of insufficient capacity to deal with surface water run off. The proposed development meets the threshold which would require the undertaking of a Flood Risk Assessment (FRA) which has been submitted by the applicant.

The London Plan requires that developments reduce surface water runoff by 50%. As discussed in the "CONSULTATION" section of this report the submitted FRA has been inspected by the Environment Agency (EA) and has been found to be lacking in technical detail. A revised FRA has been prepared and submitted to the EA for consideration and the outcome of the process will be reported to Members in a Supplementary Report.

## **CONSULTATION PUBLIC CONSULTATION**

Consultation letters, dated 28th February 2011, were sent to Ward Councillors and 536 local residents. The proposals were also advertised as being "Of Public Interest" by means of site notices, put on display from the 4th March 2011, and a press notice published on the 3rd March 2011. A hard copy of the planning application was placed in the Community Resource Centre on Albert Road, adjacent to the subject site, and its availability was advertised in the consultation letters

In response to this consultation process, 2 letters of objection I have been received. The concerns of the objectors have been summarised below.

- Concerns that sharing the communal garden between residents of Thames Court and the proposed development will give rise to anti-social behaviour and noise disturbance.
- The proposed development would have an adverse impact on the views and light of residents.
- Concerns regarding the impact that higher residential densities would have on the area, including crime, car-parking.
- Concerns regarding the demolition of the existing shops

## **INTERNAL CONSULTATION**

### **TRANSPORTATION UNIT**

No transportation objections subject to the imposition of suggested conditions and s106 terms.

### **LANDSCAPE DESIGN TEAM**

No objection to the planning application subject to conditions requiring the submission of further details of landscaping proposals for the site.

### **TREE PROTECTION OFFICER**

No objection to the proposals subject to condition securing tree protection works and securing replacement tree planting at a ratio of 4:1.

### **ENVIRONMENTAL HEALTH**

No objection to the proposal subject to conditions relating to air quality, noise and contaminated land.

### **URBAN DESIGN TEAM**

No objection raised to the proposals subject to conditions securing details of external materials

### **SUSTAINABILITY OFFICER**

No objection to the application (see detailed assessment above)

### **STREETCARE**

No objection to the application.

## **STANDARD CONSULTEES**

### **THAMES WATER**

No objection to the planning application subject to informatives.

### **ENVIRONMENT AGENCY**

The Environment Agency have objected to the application on the basis that the original Flood Risk Assessment, submitted as part of the application, fails to supply sufficient technical information to demonstrate that the development would provide satisfactory measures to deal with the drainage of surface water from the site. In response, the applicant has updated the submitted Flood Risk Assessment in order to address the concerns raised. A copy of the updated Flood Risk Assessment has been submitted to the Environment Agency for their comments but as yet no



formal response has been received. Members will be updated on this issue in a Supplementary Report.

METROPOLITAN POLICE  
No response received.

## **APPLICANT CONSULTATION EVENTS**

A Statement of Community Involvement has been submitted as part of the application which provides details of public consultation events that have organised by the applicants in developing the proposals. These events included three New Homes public exhibitions, held at strategic stages throughout the design programme, which were open to all residents affected by the development and a Residents Design Group which involved a series of workshops where residents were invited to learn more about and explore the emerging designs.

The Residents Design Group workshops were held on the 12th August, 16th September and the 11th November 2010 between 6-8pm and were attended by between 11 and 23 residents at each session. New Homes Exhibitions were held on 29th July, 30th September and the 25th November 2010 between 2-7pm, and were attended by between 20-60 residents at each event. All of the events were held at the Salvation Army in Chichester Road and were advertised by flyer drops to between 1000 and 2000 homes and in the Connect SK magazine which is distributed to approximately 3000 households in the South Kilburn Area.

Informal on-site meetings have been held between Thames Court residents, the applicant and the project architects. Subsequently, Officers from the Council's Major Projects Team did arrange a formal meeting with tenants of Thames Court to discuss the proposals. However, unfortunately no residents attended the meeting.

## **REMARKS**

### **APPLICATION BACKGROUND**

Members will be aware of the on-going objective on behalf of the Council to regenerate the South Kilburn Estate. An update is provided below, by way of background.

Having already secured planning permission on five sites, work is currently under way on four of those sites to provide 362 new dwellings within the South Kilburn Regeneration Area, 73% of which will be affordable (266 dwellings) units. Members may recall that at the previous Planning Committee meeting, held on the 6th April 2011, planning permission (10/3247) was approved for the fifth South Kilburn site involving the development of 144 dwellings on the site of Cambridge Court, Wells Court and Ely Court. As well as enabling the Council to decant existing residents, this development included a substantial element of market housing (70%) which will subsidise the proposal now under consideration to provide 64 affordable units on the Bond/Hicks Bolton/Wood House site. The current proposal is also an important component of the decant process which will enable further sites, including Bronte and Fielding Houses, to be brought forward for redevelopment.

### **BOND HOUSE/HICKS BOLTON HOUSE/WOOD HOUSE**

The subject site forms an important part of the regeneration of the 'Urban Quarter' as set out in the South Kilburn SPD. The proposals contained in the SPD set out the principle of redeveloping Bond House and Hicks Bolton House to provide additional housing. The form of the proposed residential blocks is in general accordance with the SPD although the footprint of the block on the Hicks Bolton House site has been reduced as it has not been possible to procure the Kosovo Community Centre. The reconnection of Rupert Road to Carlton Vale and the provision of open space on the Wood House site are compliant with the SPD.

Residents of Thames Court were informed of the wider masterplan/SPD proposals for the redevelopment of Bond House at the time of occupancy.

## HOUSING ISSUES

### AFFORDABLE HOUSING

The proposed development would involve the demolition of 34 existing units and the erection of 64 dwellings, a net gain of 30 dwellings. The existing units to be demolished consist of 28 social rented properties and 6 that have been bought out by leaseholders. The proposed development would involve the creation of 64 affordable units resulting in a net increase of 36 affordable units across the site.

The London Plan normally seeks to achieve a minimum of 50% affordable housing on sites of this nature unless it can be demonstrated that it would be unviable to do so. The scheme, in isolation, would provide 100% affordable housing which would exceed the London Plan target. As discussed above, the current scheme is closely linked, in terms of programming and funding, with the recent approval on the Cambridge/Wells/Ely Court site which was approved with only 30% of the units affordable. Considering the proposals together, the current scheme would increase the overall proportion of affordable housing across the two sites to 51.4% in accordance with the London Plan.

The affordable dwellings will be 100% social rented as the decanting needs of the existing tenants within the South Kilburn area outweigh the demand for intermediate housing.

### UNIT MIX

The proposed development would consist of the following unit mix.

| UNIT SIZE    | BOND HOUSE | HICKS BOLTON HOUSE | WHOLE SITE |
|--------------|------------|--------------------|------------|
| 1-bedroom    | 7          | 6                  | 13 (20.3%) |
| 2-bedroom    | 16         | 10                 | 26 (40.6%) |
| 3-bedroom    | 10         | 7                  | 17 (26.6%) |
| 4-bedroom    | 8          | 0                  | 8 (12.5%)  |
| <b>TOTAL</b> | <b>41</b>  | <b>23</b>          | <b>64</b>  |

These units would be provided both in the form of single level flats and duplex maisonettes. The proposal is considered to respond to Brent's wider housing needs, including the desire for larger family sized units. as set out in policy CP21 of the Core Strategy. 39.1% of all new dwellings (25 in total) will have 3 bedrooms or more.

### UNIT SIZE

Members will be aware that the original South Kilburn SPD sought larger flat sizes in order to compensate for the proposed higher overall densities in the area. The internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the Council's own SPG17 "Design Guide for New Development". The table below compares the typical unit sizes within the proposed development in comparison to the standards set out in the SPD and SPG17.

| Property Size    | Proposal (m <sup>2</sup> ) | South Kilburn SPD (m <sup>2</sup> ) | SPG17 (m <sup>2</sup> )    |
|------------------|----------------------------|-------------------------------------|----------------------------|
| 1-bed            | 52                         | 53                                  | 45                         |
| 2-bed (3 person) | 77                         | 80                                  | 55                         |
| 2-bed (4 person) | 77                         | 80                                  | 65/75<br>(flat/maisonette) |

|       |     |     |                            |
|-------|-----|-----|----------------------------|
| 3-bed | 103 | 98  | 80/82<br>(flat/maisonette) |
| 4-bed | 120 | 120 | 105                        |

The proposed units would generally exceed the minimum standards set out in SPG17 although not all units would exceed the standards set out in the SPD. This issue relates to the smaller one and two-bedroom units whilst all family (3+ bedroom) units will be SPD compliant. Whilst acknowledging this marginal failure to comply with the standards originally set out in the SPD, it is considered that this shortfall should not result in the failure of the scheme as a whole. Full compliance with SPG17 has been achieved and majority of the proposed units fully realise the aspirations of the SPD. As such, being mindful of the financial realities of the scheme, it is considered that a degree of flexibility should be adopted when assessing the internal unit sizes and that the units sizes proposed would, on balance, be sufficient to ensure a satisfactory standard of accommodation for potential occupiers.

#### ACCESSIBILITY

All of the proposed units will be constructed to be Lifetime Homes compliant. The Hicks Bolton Block will include 7 two-bedroom units that have been designed to be wheelchair accessible, or easily adaptable. This equates to 11% of the units within the scheme ensuring that the development exceed the London Plan target that at least 10% of housing should be designed to be wheelchair accessible.

#### URBAN DESIGN

The area surrounding the subject site is predominantly characterised by housing blocks of varying heights and forms many of which have become rather run down and are lacking in architectural quality. Work has commenced on a new development (site 11A) along Albert Road which the Council expect will lead the way in the transformation of the surrounding area. Architecturally, the West Kilburn Baptist Church, located to the south of the site, is considered to be the most notable building within the surrounding area, acknowledged by its inclusion on the Council local list.

#### LAYOUT & ACCESS

As discussed, the layout and orientation of the buildings is as envisaged within the South Kilburn SPD. The buildings sit conventionally and comfortably within the spaces and surrounding street pattern. The block on Bond house will adjoin the existing development at Thames Court creating a three sided courtyard around the communal garden which is to be improved as part of the development. The general layout of the proposed development will appropriately define spaces as being private, semi-private and communal and overall will improve the legibility of the area. The reconnection of Rupert Road to Carlton Vale and formation of footpaths across the Wood House open space will improve access to, and encourage movement through, the site. Access to the residential blocks are clear with entrances clearly legible from the street frontages.

#### SCALE & MASSING

The overall, scale of the building on the Bond House site has been designed to complement that of the existing development at Thames Court. The proposed block would be five-storeys in height which would not exceed the height of Thames Court which is 5/6-storeys in height. This block would also step down to three storeys along the south edge in order to ensure a satisfactory relationship with William Saville House.

The building on the site of Hicks Bolton House has a less direct relationship with the surrounding buildings and would be generally five storeys in height, with a partial sixth storey towards the north-east corner of the building, close to the junction between Rupert Road and Denmark Road. The scale of the proposed building would complement that of the proposed building on the Bond House site and the surrounding area in general.

## ELEVATIONAL DESIGN

The street facing elevations to the blocks will have simple and unobtrusive appearance with a regular rhythm introduced through openings and balconies. The elevations would relate well to the more recent development at Thames Court, in terms of their contemporary appearance, although the main difference would be the use of brick as the main facing material. It is imperative that the facing bricks used are of the highest quality to ensure that the elevations are a success and this should be secured through condition as would be all other external materials. A ground floor shop unit is proposed on the north-eastern corner of the building on the Bond House site and it is recommended that further details of the shopfront appearance should be conditioned should permission be approved.

## SECURED BY DESIGN

South Kilburn is currently a high crime area and therefore regard for the principles of Secured by Design are of particular importance. The applicant has considered this during the design process ensuring that the development would make a positive contribution towards reducing crime in the surrounding area. The buildings have been designed with regard maintaining adequate sight lines and natural surveillance. Communal entrances will be secured with access controls and sufficient lighting will be maintained throughout the development.

## OPEN SPACE

The current proposal includes an extensive landscape strategy for the site. In addition to private amenity spaces this would include the provision of a new communal garden to the building on Hick Bolton House, the formation of a new shared communal garden using land from the existing communal gardens to Thames Court and Bond House, and the formation of a new public open space on the Wood House site.

## AMENITY SPACE

All of the proposed units would have some form of private amenity space. This would be provided through either a private garden, balcony or terrace. In total this private amenity space would cover an area of 1038m<sup>2</sup>, equivalent to an average of 16.2m<sup>2</sup> per unit. All units would also have access to a dedicated semi-private communal garden. Future occupants of the Hick Bolton site would have a new dedicated communal garden with an area of 378m<sup>2</sup>, whilst the existing communal garden to Thames Court, with an area of 640m<sup>2</sup>, would be improved, enlarged and re-landscaped to provide a new joint communal garden, with an area of 846m<sup>2</sup>, for both occupiers of Thames Court and the Bond House site. Each of the above communal gardens would include the provision of a play area for young children (0-4 years). The existing private gardens to ground floor units of Thames Court would be unaffected by the proposals.

Whilst, it is acknowledged that residents of Thames Court will no longer have sole occupancy over the communal garden to the rear of their block, it is considered that, on balance, given the enlargement of the area and the improvements to the landscaping quality of the garden, that residents of Thames Court will still enjoy a sufficient standard of amenity.

## WOOD HOUSE OPEN SPACE

The amenity provision for the site is further enhanced through the establishment of a new public open space on the site of Wood House. Although this open space would be available for use by the general public it is likely that it would primarily be used by occupiers of nearby residential blocks. The open space would have an area of 1891m<sup>2</sup> and would provide a mix of informal open areas, tree planting, a new play area for 5-11 year olds and new pedestrian routes along established desire lines. A s106 contribution of £200,000 would be sought as part of any planning

permission which can be used to provide the initial funding to create this open space. The maintenance of this new public open-space is still to be formally agreed but it is envisaged that this is likely to be undertaken by either the developing Housing Association or Brent Housing Partnership.

## TREES

The proposed development will require the removal of 32 trees throughout the site which is obviously unfortunate. However, the planting of replacement trees will be an integral part of the proposed development, and the wider regeneration of South Kilburn, and it is envisaged that in total for every tree removed that four replacements will be planted and this should be secured by way of a s106 legal agreement. The proposed tree planting would be spread across the subject site. 2 trees would be retained on site and the Council's Tree Protection Officer has recommended that conditions securing tree protection works are imposed on any permission.. It is considered that, on balance, the level of tree planting proposed would provide adequate compensation for the loss of the existing trees on the site.

## RESIDENTIAL AMENITY

There are a number of residential properties within the area surrounding the subject site. However, given their proximity and orientation in relation to the proposed blocks, it is considered that the properties most likely to be affected by the direct physical impact the proposal, in terms of residential amenity, include units within Thames Court, William Saville House and the development on site 11A, which is currently under construction. It is also important to consider, in terms of residential amenity, the arrangement of each block and their physical relationship to one another.

## DAYLIGHT/SUNLIGHT

The applicant has provided a daylight and sunlight assessment report which examines both daylight/sunlight levels to the proposed development and the impact of the proposed development on daylight/sunlight levels to neighbouring occupiers. The assessment methodology for daylight and sunlight is based on the Building Research Establishment (BRE) guidelines on "Site Layout Planning for Daylight & Sunlight" which are summarised as follows.

- If the Vertical Sky Component (VSC) at the centre of a window is 27% or greater than the window is likely to enjoy adequate daylight.
- If the VSC is less than 27% but the overall reduction in VSC from its previous level is less than 20% then it is also considered that adequate daylighting would occur.
- If VSC is less than 27% and the reduction in VSC from the previous level is greater than 20% then a more detailed assessment of the Average Daylight Factor (ADF) within the affected rooms is required to ascertain whether adequate daylighting will be achieved. If any adequate ADF is not achieved then rooms will appear dull to occupiers.
- South facing windows should achieve a Annual Probable Sunlight Hours (APSH) of 25% during summer months and 5% in the winter to achieve acceptable levels of sunlighting. North facing windows do not receive direct sunlight and are therefore not assessed
- If the recommended APSH are not achieved when measured directly from the affected window then provided the standard is met within 4m (measured sideways) from the window then the affected room will still appear to be reasonably sunlit.

In terms of the developments on the site of Bond House and Hicks Bolton House, the report concludes that the proposed development would result, hypothetically, in only two proposed ground floor windows within the development on site 11A having a VSC less than 27% and a comparative daylight reduction of more than 20%. However, as explained above the ADF of the rooms served by the affected windows has been assessed and has been found to comply with BRE standards. The report also concludes that developments on the Bond House and Hicks

Bolton sites would meet BRE standards and would not have an adverse impact on the sunlight to any of the neighbouring habitable room windows.

## PRIVACY & OUTLOOK

As discussed above, the development on Bond House, when combined with Thames Court will take the form of a three sided courtyard. In terms of the internal (courtyard) elevations, windows to the rear of the eastern wing would have a direct, unobstructed, outlook across the courtyard garden. The distance between the rear of Thames Court (northern wing) and the rear of the southern wing would generally be in the order of 30m, although even at the narrowest point this separation would be 26m, in excess of the minimum distance of 20m required to maintain reasonable privacy set out in SPG17. In terms of the outer (street facing) elevations, the distances are generally defined by the width of the roads, as suggested in SPG17. Most outward facing windows to the development on Bond House would be a considerable distance from the nearest residential development, with the exception of those windows which would face the development on Hicks Bolton across Denmark Road at a distance of 17m.

The western elevation of the southern wing would partially face the eastern elevation of William Saville House at a distance of approximately 11m for the first three-storeys and a distance of 17m above this. However, there are no habitable room windows within this elevation of the proposed development that would directly face William Saville House and therefore no loss of privacy would occur.

In terms of the development on Hicks Bolton House, other than its relationship with the development on Bond House, described above, the proposed building would be located well in excess of 20m from all other residential buildings.

Overall, it is considered that the proposed development would provide adequate privacy and outlook for both future and neighbouring occupiers.

## NOISE & VIBRATION

The applicants have submitted an Acoustic Report as part of the current planning application which aims to assess the likely impacts of noise and vibration both on occupiers of the proposed development and on the surrounding area. The assessments use various means of acoustic modelling to provide a summary of the likely impacts. These reports and their results have been inspected by the Council's Environmental Health Unit and it is considered that it is unlikely that the development would result in any significant increase in instances of unacceptable noise disturbance. However, conditions are recommended to ensure that expected levels are achieved.

In terms of construction works, it is acknowledged that a temporary increase in noise and vibration is often an inevitable consequence of any significant building work. However, it is important that these impacts are mitigated to ensure that any disturbance is kept to a minimum. As such, it is considered that any permission should be subject to the submission of and compliance with a Construction Method Statement to be secured by way of condition. It is also recommended that permission should be subject to a s106 requirement to join and adhere to the Considerate Contractors scheme.

## AIR QUALITY

The subject site is within an Air Quality Management Area (AQMA) and therefore Air Quality reports have been submitted as part of the application. However, due to a lack of clarity in terms of future proposals to implement a Decentralised Energy Centre to serve the South Kilburn Area it is not possible to fully assess the likely impact on air quality. It is recommended that a further assessment of air quality, so far as it relates to energy, should be secured as part of the s106 requirements for renewable energy. This will allow the matter to be reviewed and addressed at a

later date when the issue is clearer.

## **TRANSPORTATION**

### **CAR PARKING**

The subject site is located within Controlled Parking Zone "KC", operational between 8.30am and 6.30pm on week days. The site is also located within an area which has good public transport accessibility (PTAL 4) and therefore reduced maximum parking standards of 0.7 spaces per 1/2 bedroom unit and 1.2 spaces per 3+ bedroom unit would apply.

At present there are 3 on-site parking bays available for residents of Wood House but there is no on-site parking provision for residents of Bond House or Hicks Bolton House who must rely upon the on-street provision along Rupert Road, Albert Road and Denmark Road. Over-night surveys suggest that these spaces are approximately 55-60% parked at night.

The proposed development would not involve the provision of any off-street parking and future residents would continue to make use of the on-street provision within the locality. The highway works associated with the proposed development would result in a slight increase in on-street parking provision to approximately 46 spaces. Existing car-ownerships levels within the South Kilburn area currently are at around 0.5 cars per house and 0.44 cars per flat. On this basis, it is likely that the proposed development would generate a regular demand for approximately 32 spaces. As such, the on-street provision is considered sufficient to accommodate the likely demand generated by the proposed development, including any over spill generated by visitors.

6 wide on-street bays will be provided with suitable wheelchair accessible parking. Initially these spaces will be marked for general usage although as required they can later be dedicated to blue badge holders only.

### **HIGHWAY WORKS & TRAFFIC FLOWS**

The proposed development would involve alterations to the existing road layout within the site, including the realignment, widening and opening up of Rupert Road, the realignment of Denmark Road and the formation of a new turning head at the end of Denmark Road. All new areas of public highway (the widened areas of Rupert Road and Denmark Road adjoining the new area of open space, the turning head at the end of Denmark Road and the extension of Rupert Road southwards) will need to be constructed and adopted as publicly maintainable highway through an agreement under Section 38 of the Highways Act 1980, whilst all resurfacing works in the existing highway will need to be undertaken under S278. The Council's Transportation Unit have confirmed that speed control measures would also need to be incorporated into the amended road layout.

With regard to the reconnection of Rupert Road southwards to Carlton Vale, this is shown with a sharp kink/chicane, which is acceptable and can act as a traffic calming feature. The junction with Carlton Vale would initially be designed as a left-in/left-out junction, to be enforced through provision of a central traffic island. Tracking diagrams have been provided to show service vehicles could still negotiate this junction and the Malvern Road junction opposite. The reason for this restriction on turning movements is to minimise conflict with the Malvern Road junction opposite, but in the longer term, it is anticipated that the Malvern Road junction will be closed to traffic, thus opening the way for an all-movements junction at Rupert Road.

A Transport Assessment has been submitted which considers likely trip generation from a development of this size, based upon comparisons with trips generated by other mixed housing developments across London, with these journeys then being broken down by mode of travel using Census data.

This exercise produced total estimated journeys of 52 trips in the morning peak hour and 57 trips in

the evening peak hour to and from the redeveloped site (n.b. the net impact of the scheme is approximately half of these levels, given that there are 34 flats already located on the site). Resultant vehicular trips totalled 4 arrivals/10 departures in the am peak and 9 arrivals/7 departures in the pm peak hour. These vehicular movements were then added in their entirety to the existing flows at the junction of Albert Road and Salusbury Road, with the resulting flows being tested against the capacity of the junction using industry standard software. This showed that even if all of the above traffic from the site were to travel westwards through this junction, it would continue to operate with plenty of spare capacity.

The proposed new junction at Rupert Road/Carlton Vale was also tested, with all development traffic routed through the junction to provide a worse case scenario and this junction was also shown to operate with plenty of spare capacity. As such, there are no concerns over the traffic impact of the proposal.

## TRAVEL PLAN

The applicant has submitted a Travel Plan as part of the current planning application which seeks to promote the use of sustainable methods of transportation by potential occupiers of the proposed development. The Travel Plan has been assessed by the Council's Transportation Unit using TfL's ATTrBuTE program and has scored a pass. The Council's Transportation Unit have also suggested that the Travel Plan originally submitted could be further improved through the inclusion of additional detail of measures for the funding and promotion of car clubs within the vicinity of the site. In response the submitted Travel Plan has been updated to address the points raised. It is recommended that the Travel Plan and its exact terms are agreed by way of a s106 legal agreement.

## SERVICING

A refuse and recycling strategy has been submitted for both elements of the development which have been prepared in accordance with Brent Council's Waste Planning Policy and 'Waste and Recycling Storage and Collection Guidance (2010). Refuse/recycling stores would be located close to either established roads which would allow convenient access for Brent's Waste Collection contractors. The amended turning head at the end of Denmark Road would improve access for refuse and emergency vehicles.

No dedicated off-street servicing bay would be provided for the proposed retail unit. Service vehicles (likely to be transit sized vans) would therefore have no alternative but to stop close to the junction of Rupert Road and Albert Road to unload. The Council's Transportation Unit have stated that although not ideal, given the quiet nature of these adjoining streets, some limited on-street servicing for this relatively small unit would be deemed acceptable.

## CYCLE STORAGE

Cycle parking will be provided at a ratio of approximately one space per unit which would satisfy the Council's normal standard. Two public stands are required for customers of the proposed retail unit and these should be secured by condition.

## CONSIDERATION OF OBJECTIONS

The concerns of the objectors have generally been addressed within the main body of the report. In terms of concerns raised regarding the loss of two existing shop units on Denmark Road, it should be noted that the proposed development would include the provision of a new retail unit with approximately 75m<sup>2</sup> of additional floorspace. Although this retail floorspace is indicated as a single unit there would be no planning restriction to sub-divided the space into two units should the demand arise.



## **S106 AGREEMENT & CONCLUSION**

The development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement (or other agreement) controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As the site is currently Council owned, the Council has more control over the matters set down in the proposed Heads of Terms than it otherwise would and will be able to ensure that the agreement is adhered to. The precise details over what will go into the agreement in terms of mitigating the impact of development on local infrastructure and services is set down at the head of this report.

The principle of the redevelopment of the site for housing is considered to be acceptable in policy terms. The proposed development is considered to provide good quality affordable housing in a highly accessible location embodying the ethos of sustainable development. The site is one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area and it can play a key role in instigating the regeneration of the former NDC area. The application proposal, including the open space and highway improvements, is considered to set an appropriate standard of design which is expected within the South Kilburn area.

The proposals are considered to accord with the policies set out within Brent's LDF Core Strategy 2010, UDP 2004, South Kilburn SPD and revised Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

London Borough of Brent adopted LDF Core Strategy 2010  
London Borough of Brent Unitary Development Plan 2004 (saved policies)  
Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).  
Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"  
Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"  
Supplementary Planning Document:- s106 Planning Obligations  
The Masterplan for the Regeneration of South Kilburn (2004)  
The London Plan (Consolidated with Alterations since 2004)  
Central Government Guidance

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs

## CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:-

### Drawings

10000 PL1 10010 PL1 10011 PL1  
10012 PL1 10021 PL1 10022 PL1  
11200 PL1 11201 PL1 11202 PL1  
11204 PL1 12000 PL1 12001 PL1  
12002 PL1 12003 PL1 12004 PL1  
12005 PL1 12006 PL1 12050 PL1  
12051 PL1 12150 PL1 12151 PL1  
545 12200 P3                      545 12201 P3  
545 12202 P3                      545 12230 P3  
545 12204 P3

### Documents

Acoustic Report  
Code For Sustainable Homes Ecological Assessment  
Code For Sustainable Homes Pre-Assessment  
Daylight & Sunlight Assessment  
Design & Access Statement  
Energy Statement  
Flood Risk Assessment (revised)  
Planning Statement  
Residential Travel Plan (revised)  
Site Investigations - Geoenvironmental Assessment Phase 1  
Site Investigations - Geoenvironmental Assessment Phase 2  
Site Investigations - Unexploded Ordnance and Buried Utilities Report  
Statement of Community Involvement  
Sustainability Statement (revised)  
Transport Assessment  
Tree Survey  
Tree Survey Report

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

- (3) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (4) A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or

construction works on site. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill

- (5) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the site (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) a tree planting plan including species, siting and a detailed maintenance and watering schedule for a period of two years;

(b) proposed walls and fences indicating materials and heights;;

(C) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) existing contours and any proposed alteration to ground levels such as earth mounding;

(e) details of hard landscape works and proposed materials;

(f) details of the proposed arrangements for the maintenance of the landscape works.

(g) details of childrens play areas, including play equipment.

(h) details of street furniture

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (6) An Arboricultural Method Statement, containing details of tree protection works to be undertaken in accordance with BS5837:2005 'Trees in Relation to Construction', in relation to trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or construction works on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure that existing trees are safeguarded where they are to be retained

- (7) An appraisal of Remediation Options required to contain, treat or remove any soil contamination found on the site that poses a potentially unacceptable risk to human health must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Any remediation measures

contained in the approved appraisal shall be carried out in full and a verification report stating that the remediation has been carried out in accordance with the approved appraisal shall be submitted to the Local Planning Authority prior to the occupation of the development.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (8) The approved development shall be constructed to comply with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice'. Prior to occupation of the development the results of a noise test confirming compliance BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that future occupiers do not experience unreasonable noise disturbance.

- (9) Further details of the appearance of the shop front to be installed to the ground floor retail unit shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the retail unit. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

- (10) Details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In order to avoid demand for numerous satellite dishes to be installed on the buildings hereby approved, in the interests of the visual appearance of the development in particular and the locality in general.

- (11) Notwithstanding the approved plans, further details, including the design and siting, of two 'Sheffield' cycle stands, to be installed for public use by customers of the approved retail unit, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The approved details shall be fully implemented prior to occupation of the approved retail unit.

Reason: In the interests of promoting sustainable forms of transport.

#### **INFORMATIVES:**

- (1) The applicant is advised that the provision of any water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of permission.

#### **REFERENCE DOCUMENTS:**

London Borough of Brent adopted LDF Core Strategy 2010  
London Borough of Brent Unitary Development Plan 2004 (saved policies)  
Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).

Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"  
Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"  
Supplementary Planning Document:- s106 Planning Obligations  
The Masterplan for the Regeneration of South Kilburn (2004)  
The London Plan (Consolidated with Alterations since 2004)  
Two letters of objection

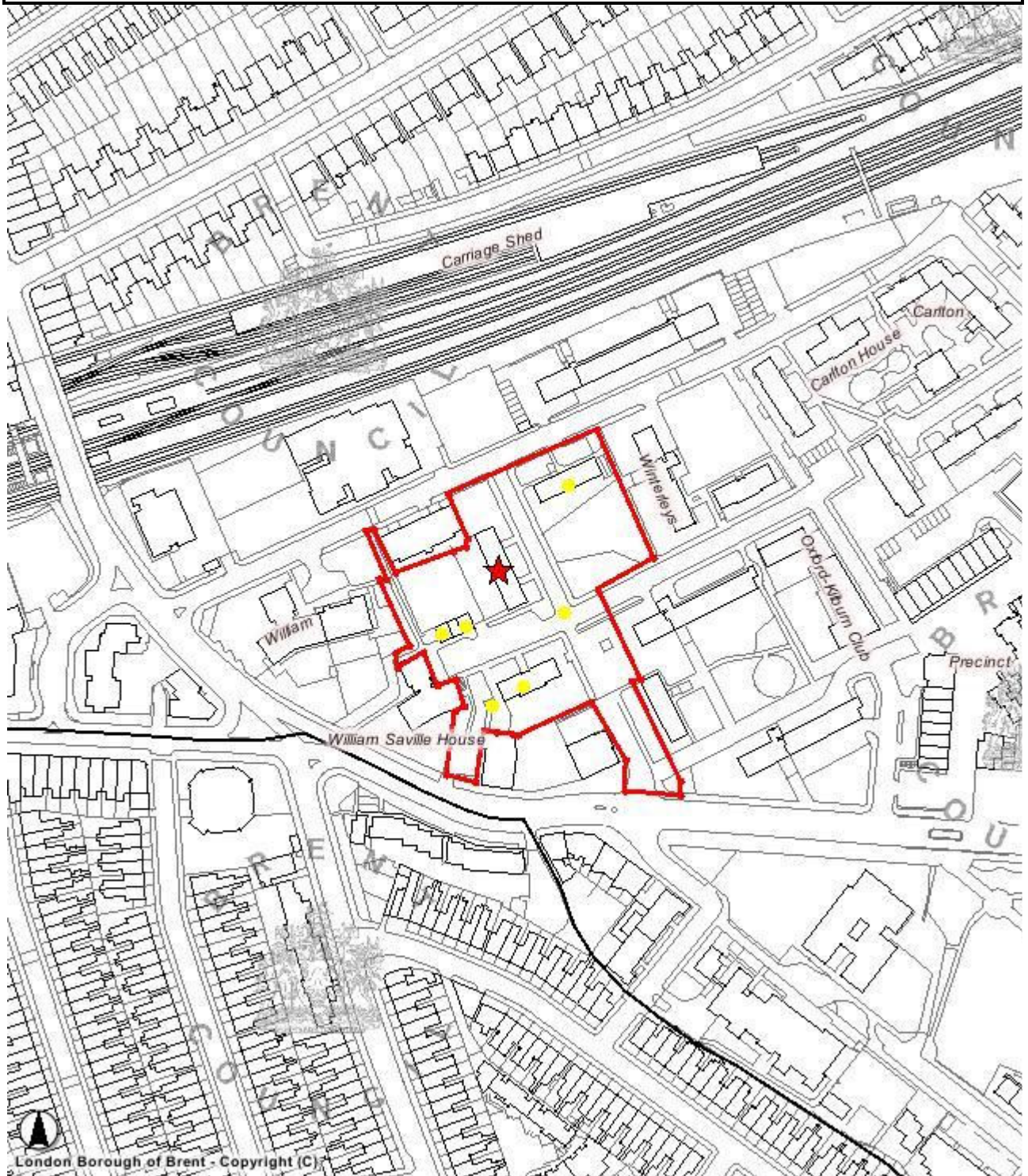
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service,  
Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



## Planning Committee Map

Site address: 1-10 inc Wood House, Albert Road, 1-16 inc Bond House, Rupert Road, 1-8 inc Hicks Bolton House, Denmark Road & 1-2 Denmark Road, NW6

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This map is indicative only.

**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 16  
**Case No.** 11/0535

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**RECEIVED:** 10 March, 2011

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 12 Dudley Road, London, NW6 6JX

**PROPOSAL:** The erection of a rear dormer window with 1 rear and 1 front rooflight to the dwellinghouse

**APPLICANT:** Mr & Mrs LEWIS

**CONTACT:** RAJ.DESIGNS

**PLAN NO'S:**  
Please see condition 2

---

**RECOMMENDATION**

Grant consent

**EXISTING**

The site is occupied by an end of terraced dwelling that is located on Dudley Road. Dudley Road is located within the Queens Park Conservation Area.

**PROPOSAL**

See above

**HISTORY**

None relevant

**POLICY CONSIDERATIONS**

**The London Borough of Brent Unitary Development Plan 2004**

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

**BE2** Townscape:Local Context & Character  
**BE9** Architectural Quality  
**BE25** Development in Conservation Area  
**BE26** Alterations & Extensions to Buildings in Conservation Areas

**Queen's Park Conservation Area Design Guide**

**CONSULTATION**

16 Neighbouring properties were consulted on 11 March 2011. A site notice was placed outside

the property on 30 March 2011. A press notice was issued on 14 March 2011. The Local Authority has received two objections to date. These are summarised as:

- The dormer will be visible from neighbouring properties
- Two front rooflights are not permitted in the Queens Park Conservation area.

## **REMARKS**

### Assessment

Supplementary Planning Guidance 5:- 'Altering and Extending Your Home' requires dormer windows to be no wider than half the width of the original roofplane, however the Queens Park Design Guide requires rear dormers to be two thirds of the roofplane. Dormer windows of this size have become a common feature in Queens Park Conservation Area and are therefore the considered to be acceptable.

To the main rear roofplane a dormer window measuring two thirds (3.4m) of the existing roofplane (5.1m) is proposed. The proposed dormer will be positioned centrally and adequately set up from the eaves and down from the ridge of the roof. Four wooden sash windows are proposed to the face of the dormer with tiles proposed to the remainder of the face and its side elevations. Further details of materials will be secured by condition.

One rear and one front rooflight are proposed. The rooflights (0.6 x0.7m) will be positioned to respect the fenestration below. A condition ensuring both rooflights to be positioned flat with plane of the roof (I.e. of Conservation Area style) will be attached to this permission

The proposals are considered to comply with the guidance contained in the Queens Park Conservation Area Design Guide

### Response to Objections

In terms of responding to the objections from neighbours, officers would state the following:

Members will be aware that it is difficult to argue that the introduction of a dormer in itself results in the loss of neighbouring amenity. There is a 17.5m (approx) gap between the subject building and its rear boundary. Whilst the distance between principle rear elevations (I.e. between 12 Dudley Road and directly adjoining 3 Summerfield Road) is noted to be a minimum of 45m. Experience in granting planning permission for similar developments with similar separation differences (in certain instances less than 45m) has not given rise to loss of amenity. Officers are not of the view any loss of privacy certainly when the existence of numerous windows in all properties is taken into account will occur in granting planning permission.

No openings or balconies are proposed on any flank wall of the dormer or the original properties as such no loss of amenity to rear gardens on Summerfield Avenue is considered to occur.

Dormer windows form a characteristic in Queens Park Conservation Area, therefore the proposal can not be objected to as a matter of principle. The Queens Park Design Guide is clear is requiring such features be sympathetically design so to respect or improve the Conservation Area and not have a detrimental impact on neighbouring amenity. The assessment carried out above demonstrates the proposal to be acceptable in the Conservation Area.

The application has been amended to ensure only one front rooflight is proposed.

### Conclusion

The proposal is considered to comply with policies set out in the Councils Unitary Development Plan 2004, SPG 5 and the Queens Park Design Guide and a recommendation to approve is duly set forward



**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings

RD12 DUDED/LP01 REV A  
RD12 DUDED/LP02 REV A  
RD12 DUDED/LP03 REV A  
RD12 DUDED/LP04 REV B

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

- (3) All proposed rooflights must be in the Conservation Area style, i.e. flush with the roof plane.

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

- (4) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



# Planning Committee Map

Site address: 12 Dudley Road, London, NW6 6JX

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This map is indicative only.

**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 17  
**Case No.** 11/0568

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**RECEIVED:** 4 March, 2011

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 856-858 Harrow Road, Wembley, HA0 2PX

**PROPOSAL:** Retrospective change of use of 2 dwellinghouses (Use Class C3) to place of worship/ community centre (Use Class D1) and ancillary residential use, with the erection of single-storey rear extensions, and erection of outbuilding in rear garden with alterations to the site to regularise the development by:

- removing the rear "store" adjoining the eastern boundary
- removing the parapet walls on top of the rear extensions
- reducing the height of the single storey rear extension to a flat roof with a maximum height of 3m
- removing the middle section of the pitched roof on the detached library building, so that it appears as two buildings
- introducing planting to both sides, front and rear of the outbuilding
- introducing enhanced soft landscaping to the front garden
- introducing secure cycle parking on site
- installation of 6 brick piers within front garden along highway edge

**APPLICANT:** Babul Murad Centre

**CONTACT:** Prestige Homes Ltd

**PLAN NO'S:**  
Please refer to condition 2

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## **RECOMMENDATION**

Grant consent

## **EXISTING**

The site is a pair of two-storey semi-detached houses located on the Harrow Road close to Butler's Green. The neighbouring properties on either side are residential dwellinghouses. The site is not located within a Conservation Area and neither of the buildings are listed. This part of Harrow Road is designated as a Local Distributor Road. The dwellings have been converted to a place of worship/ community centre without planning permission. The applicants applied retrospectively to continue the use in 2007 and 2008. Planning permission was eventually granted on 19/03/08 for the use to be continued and for the erection of extensions and a large outbuilding to provide a library. Unfortunately the extensions and outbuilding that have been constructed significantly exceed what was granted permission.

## **PROPOSAL**

Retrospective change of use of 2 dwellinghouses (Use Class C3) to place of worship/ community centre (Use Class D1) and ancillary residential use, with the erection of single-storey rear extensions, and erection of outbuilding in rear garden with alterations to the site to regularise the development by:

- removing the rear "store" adjoining the eastern boundary
- removing the parapet walls on top of the rear extensions
- reducing the height of the single storey rear extension to a flat roof with a maximum height of 3m
- removing the middle section of the pitched roof on the detached library building, so that it appears as two buildings
- introducing planting to both sides, front and rear of the outbuilding
- introducing enhanced soft landscaping to the front garden
- introducing secure cycle parking on site
- installation of 6 brick piers within front garden along highway edge

## **HISTORY**

### **19/03/08 – 08/1847 – approved subject to conditions**

Retention of change of use to place of worship, community centre (Use Class D1) and ancillary residential use, erection of single-storey rear extension, rear dormer windows and erection of outbuilding in rear garden (as amended and supplemented by Calendar 2008, Design and Access Statement and Travel Plan dated December 2008, and e-mail of 27/11/2008)

### **10/04/08 - 07/2378 – Refused**

Retention of change of use to Islamic and community centre (use class D1) and erection of single storey rear extension, rear dormer window and erection of outbuilding in rear garden

This application was refused at Planning Committee on 09/04/08 for the following reasons:

*1. The proposed change of use of two dwellinghouses into a mosque and community centre and associated extensions and outbuilding, by reason of their close proximity to neighbouring residential dwellings, the lack of an adequate transport management strategy and on-site parking, will have a detrimental impact on the amenities of the neighbouring residents and would give rise to additional parking and congestion on the adjoining highway, prejudicial to the free flow of traffic and to vehicular and pedestrian safety, and contrary to the provisions of policies TRN3, TRN20, TRN 22, CF2, CF4 and CF14 of Brent's Unitary Development Plan 2004.*

*2. The proposed change of use would result in the loss of 2 permanent/potential large family dwellinghouses, for which there is an identified need within the Borough, and as such, the proposal would be contrary to the Council's policy H8 in the adopted Unitary Development Plan 2004.*

*3. The proposed single-storey rear extension, by reason of its excessive depth, would represent a harmful addition to the original dwellings, out of keeping with the character of the existing dwellinghouses by adding significant bulk, and would result in an unduly detrimental impact on the residential amenities of the neighbouring property at No. 854 Harrow Road with regard to outlook and the availability of daylight. This is contrary to policies BE2 and BE9 of Brent's UDP 2004 and Supplementary Planning Guidance 5: "Altering and Extending your Home".*

*4. The proposed dormer window, by reason of its design and size, would add significant bulk to the already extended roof plane, to the detriment of the character of the dwellinghouse, contrary to policies BE2 and BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5.*

*5. The proposed outbuilding in the rear garden area, by reason of its size, design and siting in close proximity to the side and rear boundaries of the property, represents a substantial building that is out of keeping with the character of the area and that also results in the loss of established*

*landscaping to the detriment of the visual amenities of neighbouring occupiers, contrary to policies BE2 and BE9 of the Unitary Development Plan 2004.*

*6. The design of the front garden does not provide a reasonable balance between soft and hard landscaping and as such, is considered to present a significant detriment to the visual amenities of the locality, contrary to policy BE7 of the London Borough of Brent Adopted Unitary Development Plan 2004, and advice contained within Supplementary Planning Guidance 5: "Altering and Extending Your Home".*

**E/05/0266.** Enforcement Investigation opened in relation to the material change of use of dwellinghouses into religious community centre/ place of worship.

No. 856:

**11/12/2006 - 06/2415 - Granted**

Full planning permission sought for the erection of flat roofed single storey side and rear extension, conversion of an existing side garage into habitable room with a window and pitched roof and alterations to the front garden to provide part soft landscaped and part hardstanding area to provide 2 off-street car parking spaces (as amended by revised plans received on 08/12/2006).

## **POLICY CONSIDERATIONS**

### **Brent's Unitary Development Plan**

BE2 – Townscape: Local Context & Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

TRN3 – Environmental Impact of Traffic

TRN11 – The London Cycle Network

TRN20 – London Distributor Roads

TRN22 – Parking Standards Non-residential Developments

TRN34 – Servicing in New Development

TRN35 – Transport Access for disabled people and others with mobility difficulties

CF2 – Location of Small Scale community facilities

CF4 – Community Facilities capable of holding a Function

CF14 – Places of Worship

### **Brent's Core Strategy 2010**

CP16 - Town Centres and the sequential approach to development

CP17 – Protecting and Enhancing Suburban Brent

CP21 – A balanced housing stock

CP23 – Protection of existing and provision of new community and cultural facilities

## **SUSTAINABILITY ASSESSMENT**

n/a

## **CONSULTATION**

19 Neighbouring properties and ward councillors consulted along with the Council's Environmental Health and Transportation Units.

No comments received from third parties

**Environmental Health** – does not object to the application subject to conditions relating to the use of music/ amplified sound, and extraction/ air conditioning units, to ensure that noise levels are acceptable at the nearest noise sensitive premises. General construction hours should also be limited. Hours of operation should be specified, and a method of ensuring the noise mitigation measures are adopted by the centre

### **Transportation –**

- Require conditions for the proposed carriageway layout, a disabled parking space and the requisite number of secure cycle parking stands.
- A well-documented Travel Plan is required for the occupants, staff and visitors of the centre and should be submitted and implemented promoting non-car usage.

### **REMARKS**

This application seeks to regularise works that were undertaken that exceed those approved by Committee in 2008. This application therefore is to consider whether the proposed changes to these unauthorised structures are acceptable. Since 2008 the Core Strategy 2010 has been adopted, and some of Brent's Unitary Development Plan policies have been deleted. The impact of these local policy changes will also be addressed.

The principal considerations are:

- Loss of 2 large family dwellinghouses
- Change of use to religious and community centre (use class D1) in a residential area outside of a Town Centre
- Parking provision and impact of proposed use on local highways and streetscene
- Impact of extensions – as built and as revised - on the residential amenity of neighbouring occupiers.
- Impact of extensions on the character of the original property and local area

### **Relevant history**

Following a refusal in 2007 the applicants worked with Officers in order to address outstanding planning concerns. This was followed in 2008 by a further application 08/1847. Officers sought to resist the revised application for the following reasons. Although the amendments to some extent overcame the visual impacts of the proposed extensions and outbuildings, the fact remained that the proposed alterations to what were originally dwellinghouses, were considered to potentially lead to the future intensification of the religious and community use of the site, resulting in an unacceptable impact on residential amenity, local on-street parking conditions and on the free flow of traffic in the area. This was considered contrary to policies EP2, H22, CF2, CF4 and CF14, TRN3, TRN4 TRN20, TRN22 and TRN34 of Brent's adopted Unitary Development Plan 2004.

In addition the proposal resulted in the loss of 2 large family dwellinghouses, for which there is an identified need within the Borough, and as such the proposal was considered contrary Policy H8 within the Council's adopted Unitary Development Plan. The residential setting of the proposed place of worship and community centre outside of a designated town or local centre is contrary to local planning policies, notably Policies CF2 and CF4, which direct this type of use to more central areas with better transport links. The site is only considered moderately accessible with PTAL3. The applicants have submitted a Travel Plan that seeks to discourage the use of private motor vehicles by visitors to the site, and establishes a monitoring system. However there were no penalty clauses should the desired reduction in vehicle use not occur and in any case the number of vehicle movements generated by the place of worship/ community centre was expected to be significantly higher than generated by the two private dwellinghouses that existed prior to the unauthorised change of use. It was therefore considered that local highway conditions were likely to be detrimentally affected by the change of use.

Nevertheless Members resolved at planning committee to grant consent for the community centre/ place of worship. Therefore planning permission 08/1847 was granted on 19/03/08 subject to conditions. The centre is known as the Babul Murad Centre.

The applicants built single storey rear extensions to the converted houses to a depth and height greater than approved. The outbuilding, for use as a library was also built higher and larger than approved. Some attempts were made to discharge the relevant planning conditions, but none were completely satisfied. Officers have worked with the applicants to resolve the outstanding matters, but despite assurances being made, limited progress has been made to date. The Council has

reviewed its enforcement options in respect of the site, but before a formal enforcement notice was issued, the applicants appointed a new agent who submitted the current application to regularise the site.

### **Principle of change of use**

#### ***Loss of Housing***

The proposal results in the loss of 2 houses. Policy H8 of the Unitary Development Plan 2004 that resisted the loss of dwellinghouses is deleted and has now been replaced by new policy CP21 of the Core Strategy 2010 that requires a balanced housing stock to be maintained in the Borough. Nevertheless Planning Committee has already considered the principle of the loss of 2 residential dwellinghouses and in this particular case considered the loss acceptable. Members have indicated that subject to conditions the use of the site for a community centre and place of worship is acceptable.

The applicants have indicated that they are exploring options of widening their site ownership including buying up adjoining houses, and in the future submitting a comprehensive redevelopment including an entirely new building on the enlarged site. Whilst this is not currently a formal application, Officers would like to bring this to the attention of Members. It should be noted by the applicants that the further loss of family housing, (for which there is a need in the Borough,) would not be acceptable, and would be resisted in this location.

#### ***Impact on neighbouring amenities***

The 2008 planning permission included a condition requiring the submission and approval of a noise mitigation strategy. This restricted the use of amplified sounds/public-address systems inside and outside of the building and required details of the proposed system for ventilating the premises. This was considered necessary in order to comply with policies EP2 and H22 of Brent's Unitary Development Plan. The same Noise Mitigation Strategy has been submitted as part of this application. The Council's Environmental Health officers have considered this and find that the suggestions are satisfactory, namely:

- No amplified sound or speech shall be played outside the premises
- The public address systems shall be used to amplify speech only, and no amplified music shall be played within the premises
- External doors and windows must be kept shut when the public address systems are in use
- External plant shall not be operated outside the hours of 09.00-22.30

The applicants have agreed to operate within these limits for the life time of the use unless the Council agree otherwise (see Condition 10). Following a previous committee resolution the maximum number of people permitted in the Centre at any one time is 100 to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties (see Condition 11).

The uses of all the rooms within the Centre have not been specified. This will be required, and an update will be provided in the supplementary. In addition the applicants have been asked to confirm who will use the living accommodation within the Centre.

#### ***Impact on the local highway network***

The Council's Transportation Unit require the traffic management measures proposed to be set out within a suitably detailed Travel Plan, particularly given the sensitive residential setting of the site and the need to accurately assess the highway impact of the proposed use.

The previously approved Travel Plan, which was an approved document of the 2008 planning permission (08/1847), has been re submitted. This was drawn up in conjunction with the Council's Transport Planner, based upon the people using the Centre at that time and what was expected in the future.

The submitted Travel Plan includes off-site parking at the nearby Sudbury Primary School site and the St Andrews Church Site. These sites will be required for any event when there are more than 40 worshipers attending an event organised by the Babul Murad Centre. The Travel Plan also considers other alternatives should these sites be no-longer available in the future. Visitors to the Centre will be informed of alternative transport options other than arriving at the site by car. This information (including area maps, information and timetables of the public transport services and cycle routes in the local area, and the London Liftshare internet car-sharing scheme,) will be provided at the Centre itself, on its literature, and on the associated Islamic website. The applicants agreed to undertake an I-Trace compliant Travel Survey of the site and submit this data to the prior to January 2009. No data has been submitted to date.

The applicants have confirmed that they will provide a revised Travel Plan that incorporates the findings of an I-Trace survey of the current users of the Babul Murad Centre. It should be remembered that even if an adequate Travel Plan is submitted, this will only reduce the impact of the proposed use on the local highway network: the effects of the use will still occur (see Condition 3).

The proposed amendments to the front of the site has one disabled parking space, an in and out drive way to allow dropping off and picking up and a dedicated cycle parking area for up to 16 bikes.

### **Principle of rear extensions** ***Single storey rear extensions***

The extension to the rear of the building is in places significantly deeper and higher than what was granted planning permission in 2008. The approved extension had a staggered rear build-line which at its deepest projected 7.44 metres from the original rear wall of the building and 4 metres at its shallowest. This extremely deep extension was considered acceptable given the context of what was around it. The neighbouring property at 860 Harrow Road has a large extension while the deeper element of the extension was set far enough from the boundary with the other neighbour at 845 for it not be a problem.

Unfortunately the extension as built projects more than half a metre further into the rear garden than was approved at its deepest point and also extends at this depth across the full width of the building right up to the boundary with 854 Harrow Road. So in relation to the neighboring house at 854 it projects 8 metres further than that properties own rear wall.

As built, a parapet wall has been constructed on both sides of the extension. The total height of the extension on the western boundary when measured from the neighbouring garden level at 860 Harrow Road (which is slightly lower than the application sites level) and including the parapet wall is 3.7m. On the eastern boundary with 854 Harrow Road the extension with parapet has a total height of 3.65m. However only a 2.5m flat roof was previously approved. Even if the parapet is removed the remaining extension would still have a height of up to 3.4 metres, significantly higher than the 2.5m previously approved.

The changes between the extensions as built and the approved drawings are considered harmful to the character of the area, and to the amenities of neighbours. Following discussions between Officers and applicants the applicants have agreed:

1. The parapet walls on both sides of the rear extension will be entirely removed
2. The height of the rear extensions should be reduced down to as close to 3m high as possible and the roof should be flat.
3. The hedge between 854 Harrow Road and the extensions will be planted in accordance with a submitted plan within 3 months of the decision notice and thereafter maintained.



### **Rear dormer windows**

Application 08/18472 approved two separate modest dormers measuring 2m wide by 1.5m high set centrally within the respective roof-planes. The dormers are largely glazed, with a fenestration style that matches that of the original property. This complies with guidelines within SPG5 and Policies BE2 and BE9. Only one rear dormer has been built, much smaller than the ones originally approved. This smaller dormer is considered to comply with SPG5 guidelines and is therefore considered acceptable.

### **Outbuilding**

The outbuilding (library, computer room, study and storage) has not been constructed in accordance with the approved details. The approved building had an eaves height of 2.6m, but has been constructed with eaves 3m high. The overall building height was approved with a pitch of 3.7m, but has been built 3.9m high. This does not take account that the outbuilding is set on a 0.30m concrete plinth when the site's ground-level at this point is already 0.50m higher than the existing ground level of the neighbouring property at 852 Harrow Road and approximately 0.65m higher than properties to the rear fronting Homefield Road. This increase in height increases the outbuilding's height and visual massing and resultant impact on the amenities of neighbouring occupiers.

The outbuilding has been constructed with a roof design that does not reflect the approved roof shape. During the course of the application 08/1847, the design of the outbuilding was amended so that there was a flat roof connecting two pitched roof elements. This was to reduce the building's massing so that it appeared like 2 separate buildings. A narrow indentation has been made to the roof, but the flat section is lacking, and the indentation is only 0.5m wide (the flat section approved under 08/1847 was 1.5m wide.) Furthermore, the approved plan set in the front build-line of the outbuilding, with a 1m deep and 1.5m wide section in line with the flat roof section. This has not been undertaken. This means that the building appears as one, huge structure rather than 2 outbuildings.

The proposed porch position has been altered from the position approved and the windows, (fenestration) design has been altered without the Local Planning Authority's prior approval. There are air conditioning units installed around the building, which have not been approved.

The changes between the building as built and the approved drawings are considered harmful to the character of the area. Following discussions with officers, the applicants have agreed:

4. In order to mitigate against the impact of the enlarged building soft landscaping is considered necessary. The application originally approved hedging to both the sides and rear of the building. Officers consider that since the building has not been built in accordance with the approved details that as well as providing the planting originally agreed to the rear and both side boundaries it is now also important that new shrubs and/ or a hedge be planted in front of the building. This should be shown on a submitted drawing and planted as proposed within 3 months of the decision notice and thereafter maintained, (following the removal of the existing concrete.)
5. The middle section of the pitched roof on the detached library building is to be removed, and replaced with a flat section of roof, so that it appears as two buildings

### **Rear shed**

A large shed has been built behind the Babul Murad Centre building in the recess (towards the eastern boundary fence adjoining the boundary to 854 Harrow Road.) This area was deliberately left clear from structures/ extensions in order to comply with planning policy. The shed has been erected without the benefit of planning permission and is considered unacceptable as it relates poorly to habitable rooms and the garden of the adjoining house. The applicants have confirmed:

6. The shed will be removed within 3 months, concrete taken up and the hedge planted
7. Officers suggest that an informative remind the applicants that no additional structures on

site will be acceptable, even if they are temporary in nature. The outbuilding was approved with a storage room, and this is considered the maximum size acceptable in a residential context.

### **Front Garden Layout**

The applicants have produced a front layout plan to respond to highway and streetscape concerns. The revised layout includes a one-way carriage way driveway, reducing vehicle obstructions to the local highway. The access and egress cross-over widths are both limited to 4.1m, and vehicles will be prevented from bumping up the kerbs outside of the approved cross-overs by the use of brick piers along the site frontage. Any other existing cross-overs that are no-longer required would need to be reinstated. This layout is as a response to the Council's Highway Engineer's feedback and limits hazards to pedestrians and vehicles using the adjoining highway. The layout also incorporates a disabled parking space within the frontage and 8 secure cycle storage racks to enable up to 16 bicycles to be satisfactorily stored on site. This also addresses highway concerns. However, not all of the 6 brick piers have been erected on site, the secure cycle provision has not been provided and a vehicle is regularly parked in the disabled parking bay.

The applicants have discussed this with Officers and confirmed that within 3 months of the decision notice:

8. Eight Sheffield secure cycle stands should be provided
9. Six brick piers shall be erected in the in front garden alongside the pavement

The site frontage should reflect its residential setting and Policy BE7 requires 50% of front gardens to be soft landscaped. Application 08/1847 approved a layout following extensive negotiations between officers and the applicants. The latest revised front layout does not meet the 50% soft landscaping guidelines but represents an improvement on the existing entirely hard landscaped frontage. However, this would only be acceptable if suitable species were planted in the soft landscaped areas in order to ensure that the proposal enhanced the local visual amenities.

The applicants have agreed:

10. Further soft landscaping planting in order to enhance the visual appearance of the front garden will be undertaken within 3 months of the decision notice, incorporating a new tree.
11. Officers have liaised with the Council's Landscape Design team and proposed suggestions of species to the applicants, and a full site planting plan incorporating the front and rear garden is anticipated.

### **Summary**

The applicants have undertaken alterations to the original buildings in excess of what they were granted approval for under previous application 08/1847. Officers consider that the changes are harmful and fail to comply with planning policies. The measures set out in steps 1-11 above are required to remedy this. In addition, further information is anticipated providing:

- An I-Trace compatible survey and revised Travel Plan, with ongoing monitoring and penalties for non-compliance
- A Strategy to ensure proper use of the front garden
- An ongoing Noise Mitigation Strategy to confirm ongoing management measures
- Revised plans demonstrating the uses of all the rooms within the Centre: ground, first floor and loft space within the Centre
- Revised plans demonstrating the approved layout of the outbuilding
- Hours of use of the Centre
- Revised landscaping planting plan for the front and back gardens
- Information on who will use the living accommodation within the Centre

On the basis that the forthcoming information is satisfactory, Officers are prepared to support the application to retain the Babul Murad Centre with amendments, subject to conditions requiring the necessary works be undertaken within 3 months of the approval.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

- (1) The proposed development is in general accordance with policies contained in the:-  
Brent Core Strategy 2010  
Brent Unitary Development Plan 2004  
Brent's Supplementary Planning Guidance 5  
Brent's Supplementary Planning Guidance 17

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Location Plan  
15854 - Topographical survey  
01 - Existing Plan  
1175-1 - Proposed Plan  
1175-2 - Landscaping  
Travel Plan  
Noise Mitigation Strategy Report

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

- (3) The applicants will comply strictly in accordance with the measures set out within the submitted endorsed Travel Plan dated December 2008, unless otherwise agreed in writing by the Local Planning Authority. This includes:

(a) car parking shall be managed on site, so that vehicles only drop-off. The only vehicle parked in the forecourt may be occasionally a disabled person's vehicle

(b) If more than 40 worshippers attend an Event at the Centre will organise the provision off-site parking provision in the local area

(c) single occupancy car journeys will be discouraged

(d) By 12/08/11 the applicants shall provide information on public and sustainable transport methods, including bicycle, rail and bus routes and information on the London Liftshare scheme, with information clearly displayed in reception areas and on the associated Islamic website. This information shall thereafter be maintained

(e) By 12/08/11 the applicants will submit to the Local Planning Authority an

I-trace-compliant Travel Survey, which the applicants have uploaded onto I-Trace.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems.

- (4) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (5) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (6) No additional windows or openings shall be constructed in the north-western and south-eastern elevations of the building, as extended, without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (7) (a) By 12/08/11 the applicants shall undertake all of the approved soft landscaping works shown on approved drawing 1175-2. (Where new plants are being introduced onto areas that are currently concrete, this should be removed in addition to existing hardcore and 300mm top soil should be dug in, which the plants should be planted into, and watered regularly)

(b) Any plants/shrubs/trees required to be planted as a result of this application that are dead/dying/diseased within 5 years of planting shall be replaced with species as approved, unless otherwise agreed in writing by the Local Planning Authority.

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

- (8) The proposed disabled parking space and carriageway driveway shall be permanently retained and used solely for vehicles in connection with 856-858 Harrow Road. The carriageway driveway shall only be used for dropping-off/setting down and shall not be used for longer parking periods unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (9) By 12/08/11 the applicant shall install the following features:  
(a) refuse/recycling bin storage screen  
(b) 8 x secure Sheffield cycle stands in the area shown on approved plan 1175-2  
(c) 6 proposed piers in the positions approved alongside the pavement shown on plan 1175-2

Thereafter these features will be maintained in the positions approved

Reason: In order to maintain local amenity, encourage sustainable transport methods

and to prevent the accumulation of unsightly refuse.

- (10) The applicants shall comply with the measures set out within the Noise Mitigation Strategy at all times. For the avoidance of doubt this includes:

- (a) No amplified sounds/ public-address systems shall be played outside of the building for vocals or music
- (b) Public address systems may only be used inside the main building for the amplification of speech only, and not for music
- (c) External doors and windows must be kept shut when the public address system is in use
- (d) The approved external plant shall not be varied without the prior written approval of the Local Planning Authority and shall only be used within the hours of 09.00 to 22.30

Reason: In order to safeguard local residential amenities and limit potential for noise nuisance.

- (11) No more than 100 people shall be present on the site at the same time unless the Local Planning Authority agrees in writing to an increase.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (12) By 12/08/11 the store to the rear of the building on the eastern boundary shall be entirely removed, concrete for a width of at least 0.75m along the boundary shall be taken up, hardcore removed and 300mm of topsoil dug in for a distance of 7.5m along the boundary, to allow space for the proposed hedge to be planted

Reason: The existing store is unauthorised and projects along the boundary in a position that is considered harmful to the amenities of neighbouring occupiers

- (13) By 12/08/11 the applicant shall undertake the following works to the structures on site in accordance with the approved drawings:

- (a) removing the parapet walls on top of the rear extensions
- (b) reducing the height of the single storey rear extension to a flat roof with a maximum height of 3m
- (c) removing the middle section of the pitched roof on the detached library building, so that it appears as two buildings

Reason: In order to safeguard the amenities of neighbouring occupiers

#### **INFORMATIVES:**

- (1) The applicants are reminded that no additional structures will be acceptable on site, even if they are temporary in nature. The outbuilding was approved with a storage room, and this is considered the maximum size/ footprint for a community centre in a residential area
- (2) The applicants are advised that enlarging the site by buying adjoining residential properties and converting these into an enlarged community centre would be resisted. Family dwellinghouses (for which there is a need in the Borough,) are protected by planning policy.

**REFERENCE DOCUMENTS:**

Brent's Core Strategy 2010

Brent's Unitary Development Plan 2004

Supplementary Planning Guidance (SPG) 5 - Altering and Extending your Home

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

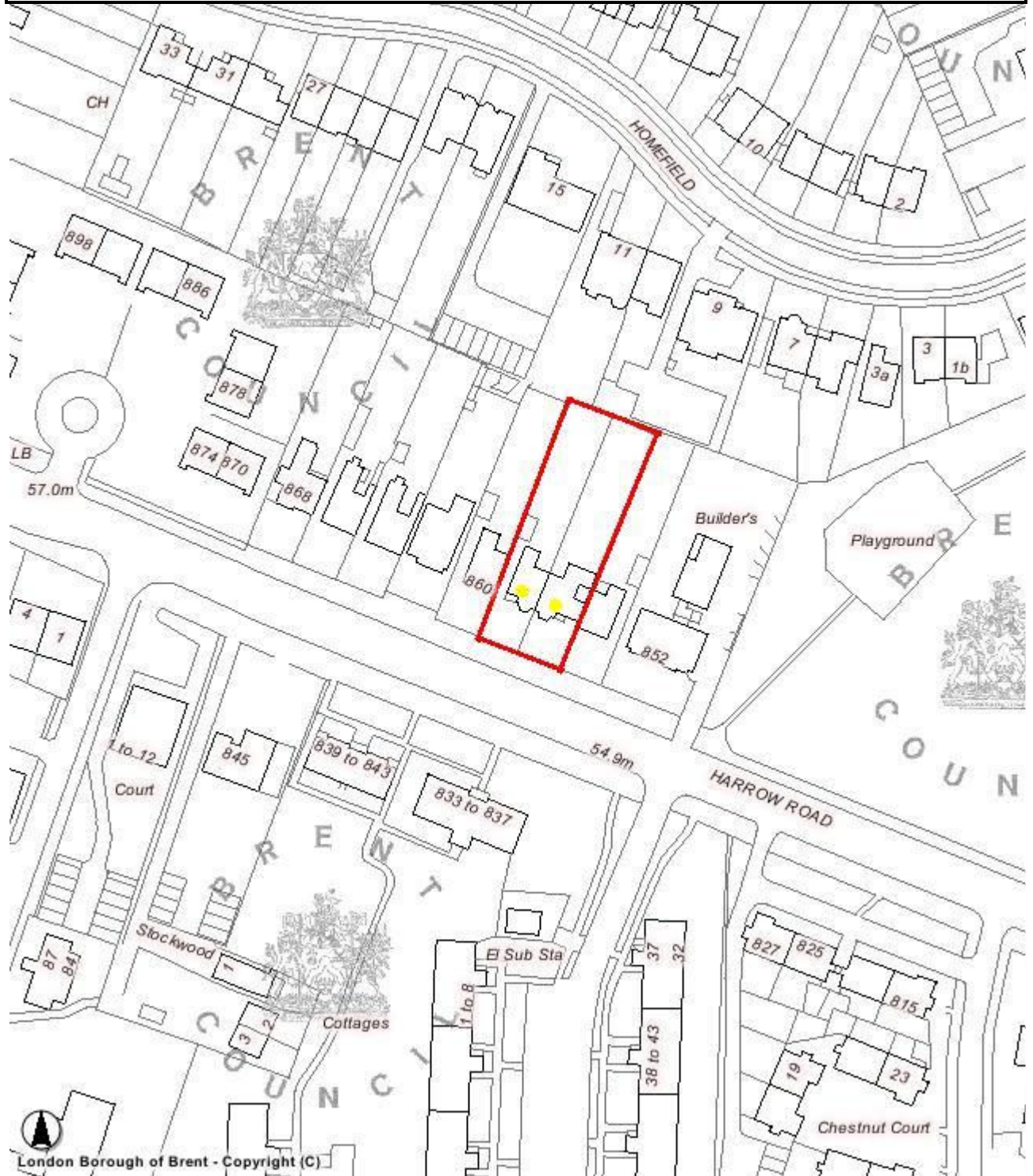
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



# Planning Committee Map

Site address: 856-858 Harrow Road, Wembley, HA0 2PX

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**Committee Report  
Planning Committee on 12 May, 2011**

**Item No.** 18  
**Case No.** 10/3161

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**RECEIVED:** 21 January, 2011

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Unit 10, 253A Ealing Road, Wembley, HA0 1ET

**PROPOSAL:** Change of use from vehicle-repair garage (Use Class B2) to vehicle-repair garage and MOT-testing centre (Use Class Sui Generis)

**APPLICANT:** Mr Sofiane Kireche

**CONTACT:**

**PLAN NO'S:**  
See condition 2

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## **RECOMMENDATION**

Grant consent

## **EXISTING**

The subject site contains a detached, single storey unit accessed via Ealing Road and adjacent to similar buildings all of which fall within use classes B1, B2 and B8. The site in question falls within the B2 use class having originally been granted consent as a spray shop. Access arrangements for the site and neighbouring units are by using a single lane access from Ealing Road which exits onto Carlyon Close.

## **PROPOSAL**

Change of use from vehicle-repair garage (Use Class B2) to vehicle-repair garage and MOT-testing centre (Use Class Sui Generis)

## **HISTORY**

No recent, relevant planning history

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE2** – Townscape: Local Context & Character

**EP2** - Noise and Vibration

**EP4** - Potentially Polluting Development

**H22** - Protection of Residential Amenity

**TRN22** - Parking Standards - Non-residential Developments

## **SUSTAINABILITY ASSESSMENT**

n/a

## CONSULTATION

Standard three week consultation period carried out between 10 February 2011 and 03 March 2011 in which 23 properties were notified. Ward councillors have also been notified of this application.

2 individual letters of objection have been received which raise the following concerns:

- Noise and disturbance from traffic exiting units at 253a Ealing Road seven days a week
- Impact on parking in Carlyon Close
- Increase in pollution

In addition to the 2 individual letters of objection, a petition from the residents of Carlyon Close has been received with 16 signatures including the signatures of the two individual objectors.

## Internal Consultees

**Environmental Health** - Due to the proximity to the canal, details of site drainage are required to ensure any spills or leak of oils and greases do not give rise to contamination issues. Previously the site has been subject to complaints regarding noise. Therefore it is recommended that a condition be attached preventing repairs and servicing from taking place outside of the unit in question.

**Transportation** - No objections subject to a condition requiring the applicants to clear the area adjacent to their building and maintain it in an unobstructed state in the interests of highway safety.

## REMARKS

The proposed change of use will involve mainly internal changes to the premises. The main relevant considerations for this application are the impact to neighbouring residential amenity and the transportation implications of the use.

### *Impact to neighbouring residential amenity*

A number of objections have been received from the residents in Carlyon Close regarding the proposal raising concerns regarding the impact on available on-street parking within this residential street and the impact of traffic generated from the use together with concerns regarding noise and pollution.

The problems with parking and traffic generation arise due to an existing gate being kept open. This is used as an exit point for all of the units along 253a Ealing Road. One of the objectors highlight that this problem has only occurred since the current owners of the land took ownership however research has failed to uncover any planning restrictions which might prevent this gate being used. It may be that there is a legal covenant on the land restricting the use of the gate however this would be a civil matter which would need to be pursued by the residents independently from this planning application.

In terms of this application in particular, the site can currently be used for car repairs. The main consideration in terms of the impact to neighbours is therefore whether the change of use would result in a significant increase in the intensity of activity on the site in a way which would further affect neighbouring residential amenity. Whilst the objections raised are legitimate planning concerns, your officers do not consider the use proposed to be significantly different, in terms of the intensity of the use, from the existing authorised use of the site. Furthermore this application represents an opportunity to control the hours of operation at the site through a condition and restrict any repairs/servicing from taking place outside of the building. Confirmation of the applicant's agreement to these controls will be reported within a supplementary report.

### *Impact on parking*

The change of use to allow an MOT test centre with two spaces for MOT parking is not considered to result in a significant increase in activity on the site. Parking for the business would be contained within the site and is not considered to add additional pressures to the area. A condition is recommended requiring the area outside the site to be kept clear unless used for parking in connection with the above site.

#### *Noise and Pollution*

The proximity to neighbouring properties is noted in terms of potential issues with noise and emissions which could be experienced by neighbouring properties. Whilst the introduction of a new premises in this location would raise concerns regarding residential amenity, within the context of the established use of the site, it is not considered that further harm would arise from the granting of a permission which would facilitate the testing of vehicles for an MOT when compared with the potential harm already experienced by the existing lawful use. In deed as remarked on earlier in this report the granting of this change of use enables the imposition of control's on the unit that don't currently exist. On balance therefore, the proposal is considered acceptable. Conditions are recommended ensuring that any servicing/repairs take place within the building in order to prevent the excessive transfer of noise and pollution and introducing controls over the hours of use.

The potential issue of contamination from the use and the proximity to the canal has been highlighted to the applicant in response to comments from Environmental Health. The applicant's response to this matter will be reported within a supplementary report.

#### *Summary*

With reference to council policies, the proposal is, on balance, considered to be in accordance with policies BE2, EP2, EP4, H22 and TRN22 of Brent's Unitary Development Plan adopted in 2004. It is therefore recommended that planning permission be **granted, subject to conditions**.

#### **REASONS FOR CONDITIONS**

n/a

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Transport: in terms of sustainability, safety and servicing needs

#### **CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Site Plan unnumbered  
11/005  
Location Plan  
r261110/A

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

- (3) Prior to the commencement of the use hereby approved, the parking spaces shown on approved plan numbered 11/005 shall be laid out and thereafter be permanently retained and used solely for parking purposes in connection with the premises hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (4) No repairs, maintenance or washing/servicing of vehicles shall be carried out outside Unit 10.

Reason: To safeguard the amenities of neighbouring residential properties.

- (5) The premises shall not be used except between the hours of:-

0800 hours and 1800 hours, Monday to Friday  
0800 hours and 1200 hours on Saturdays and at no time on Sundays and Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004

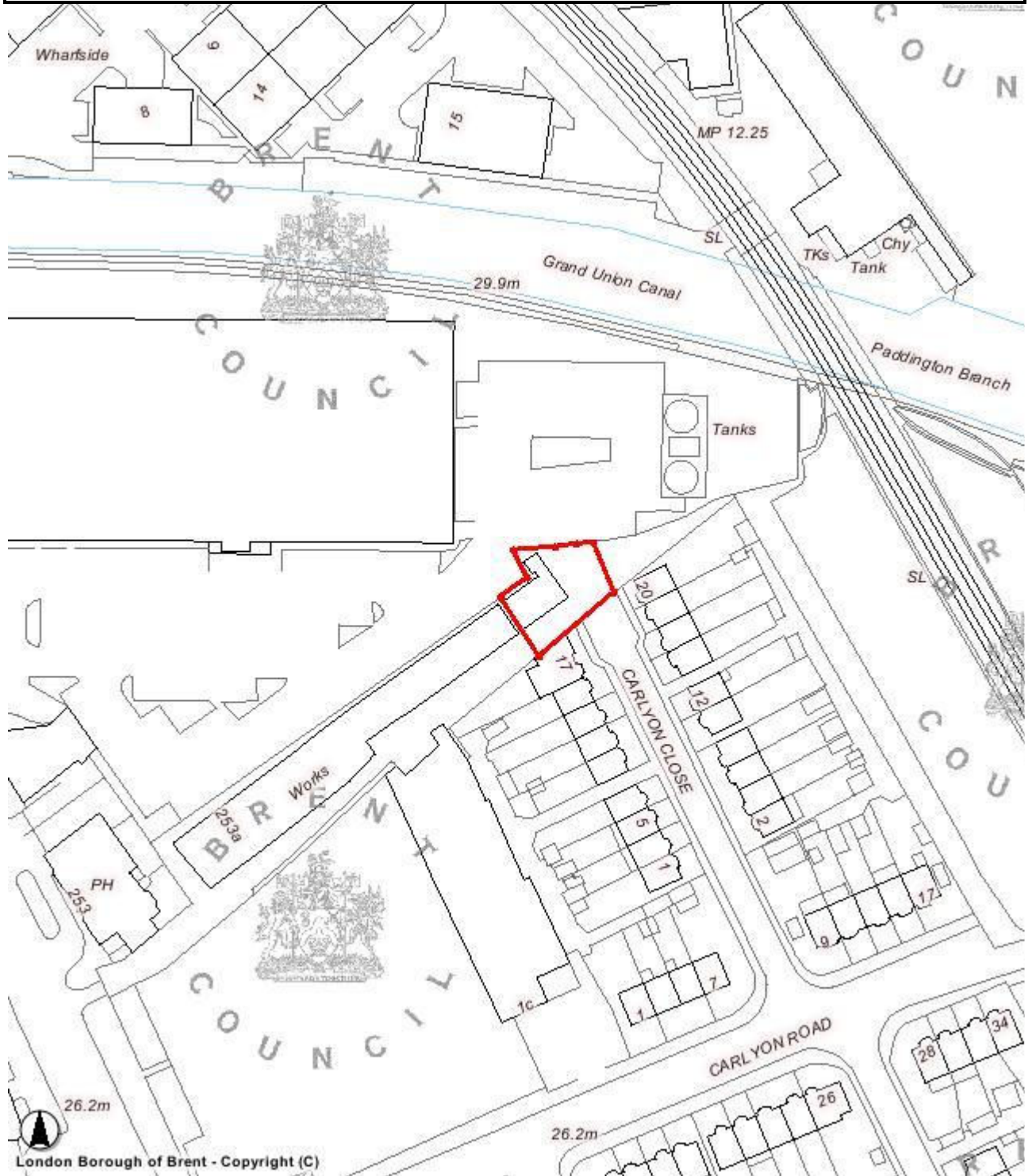
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



# Planning Committee Map

Site address: Unit 10, 253A Ealing Road, Wembley, HA0 1ET

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**Committee Report**  
**Planning Committee on 12 May, 2011**

**Item No.** 19  
**Case No.** 10/3032

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**RECEIVED:** 25 November, 2010

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9

**PROPOSAL:** Outline application, accompanied by an Environmental Impact Assessment, for the demolition of existing buildings and the mixed-use redevelopment of the site to provide up to 160,000m<sup>2</sup> of floorspace (GEA, excluding infrastructure) comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A5): 17,000m<sup>2</sup> to 30,000m<sup>2</sup>
- Business (Use Class B1): up to 25,000m<sup>2</sup>;
- Hotel (Use Class C1): 5,000m<sup>2</sup> to 20,000m<sup>2</sup>;
- Residential dwellings (Use Class C3): 65,000m<sup>2</sup> to 100,000m<sup>2</sup> (815 to 1,300 units);
- Community (Use Class D1): 1,500m<sup>2</sup> to 3,000m<sup>2</sup>;
- Leisure and Entertainment (Use Class D2): up to 5,000m<sup>2</sup>;
- Student accommodation/serviced apartments/apart-hotels (Sui Generis): 7,500m<sup>2</sup> to 25,000m<sup>2</sup>;

and associated infrastructure including footways, roads, parking, cycle parking, servicing, open spaces, landscaping, plant, utilities and works to Olympic Way.

This application was received on 25 November 2010.

**Further information was received on 4 April 2011 in relation to the Environmental Statement that was received previously.**

**APPLICANT:** Quintain Estates and Development PLC

**CONTACT:** Signet Planning Ltd

**PLAN NO'S:**  
Please see condition No. 2

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## **RECOMMENDATION**

To resolve to grant planning permission subject to the referral to the Mayor of London under article 5 of the Town and Country Planning (Mayor of London) Order 2008 and any amendments, revisions, Heads of Terms and/or conditions that the Mayor may choose to amend, add or remove, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the Section 106 Heads of Terms set out within this report and to meet the policies of the Unitary Development Plan, Local Development Framework Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

**SECTION 106 DETAILS**

All payment (unless stated otherwise) are to be index-linked by CPI from the date of committee.

Pay the Council’s reasonable legal and monitoring fees in respect to this agreement.

The Developer will require its contractors to join and adhere to the Considerate Contractors scheme.

**Low Cost Employment Space (LCES)**

A minimum of 750 sq m of Low Cost Employment Space (LCES) physical space will be provided in the first two building plots, a further 750 sq m will be delivered in the next two plots and up to a total of 2,400 sq m GEA will be provided across the scheme subject to Multipliers, for a period of not less than 99 years. The Multipliers table shows the options available to LBB.

| LCES Type                             | Multiplier to be applied to the LCES Obligation | Area per type |
|---------------------------------------|---|---------------|
| £7.50 psf Rent Achieved, Shell & Core | 1   | 2,400 sq m    |
| £7.50 psf Rent Achieved, Fitted Out   | 1.6   | 1,500 sq m    |
| £4.00 psf Rent Achieved, Fitted out   | 2.13  | 1,192 sq m    |
| Nil Rent, Shell and Core              | 2.0   | 1,200 sq m    |
| Nil Rent Fitted Out                   | 2.6   | 923 sq m      |
| Cash Payment in lieu of space         | £818 per sq m                                   | £1,963, 337   |

Or any mixture between the options as agreed with LBB.

A cap of £1.50 per sq ft/yr, CPI linked, on the total of any service charge (including estate charges, block charges, ground rents, management costs etc.) and the provision of 1 WC’s and 1 basin per 750 sq m or part thereof, free of charge to Tenants in an accessible area.

**Community Hall**

Before practical completion of the 5th plot or the first 800 residential units, a minimum of 300 sq m of double height (6m clearance) space will be provided for a period of not less than 99 years for use as a community hall. This will be constructed and handed over to the end user at nil cost and available thereafter at hire costs no more than that of comparable local authority provision.

**Affordable Housing**

10% of total residential floorspace (or equivalent following application of the cascade as set out below) is to be provided as affordable housing, split 60:40 Social Rented : Intermediate. This percentage is subject to a review 12 months following practical completion of the first predominantly residential plot and may provide up to a total of 15% affordable housing should the current private residential value (as set out within the Financial Assessment) increase by more than 5%. The Social Rented units will be provided by habitable room as follows: 12-16% – 1 bed, 29-33% – 2 bed, 54-58%– 3 bed. The Intermediate will be provided by habitable room as follows: 28-32% – 1 bed; 43-47% – 2 bed 24-28% – 3 bed.

The cascade provides up to 6 potential routes to LBB. Base assumption with full grant funding (i.e. the traditional affordable housing model approach:

- Discounted Sale (equivalent of intermediate housing);
- Commuted Sum (payment in lieu);
- Off-site housing;



- A land offer;
- Affordable Market Rent or
- Base assumption with full funding.

The provision may be increased or reduced based on the level of the RSL offer.

### **Toilets**

Upon occupation of 50% of the retail (A1-A5) floorspace on Olympic Way West, to provide and maintain thereafter male, female, and disabled public toilets and baby changing facilities during the opening hours of the main A1 retail outlets, not less than 1 hour either side of the opening hours of the main retail (A1) stores except on event Days when it may close 2 hours before and after an Event.

### **Open Space & Public Realm Enhancements**

Prior to first occupation of either NW06 or NW07, or by the practical completion of the 5th plot, provide the publicly accessible *Square* (minimum of 0.4 hectares, located to the north of the Civic Centre), which will incorporate large areas of soft landscaping as well as hard landscaped space.

Each Pocket will be publicly accessible and delivered before occupation of either of its two adjoining development plots.

### **Olympic Way**

The design for upgrading and enhancing Olympic Way, (Fulton Road in the north to Engineers Way in the south) will be determined as part of an RMA. The Developer will undertake the works. Minimum expenditure of £4,000,000, excluding the cost of the trees, linked to BCIS indexing from the date of planning consent, will be used to upgrade Olympic Way, unless LBB approved a design that is delivered for a lesser sum.

Infrastructure for temporary users on Olympic Way will be provided as part of the upgrade. This will include water and electricity points for use by temporary stall holders or event providers on Olympic Way.

WNSL's access requirements to and along Olympic Way on Event Days will be respected.

The improvements will be triggered once Practical Completion of two of the three plots fronting Olympic Way, NW04 (including temporary structures), NW08, NW11 has occurred and will be undertaken within 12 months of the date of Practical Completion.

### **Trees**

Prior to Occupation of the relevant part, the trees identified by Parameter Plan P08A shall be provided and maintained for a minimum of 3 years and replaced when / where damaged over a 5 year period. The Developer may offset the provision of up to 10% of the total tree planting obligation through contributions of up to £2,500 per tree to Brent Council for the provision of trees on land within 250m of the boundary of the Application Site.

In addition to this, a contribution of £82,500 to Brent Council is secured towards the off-site planting of trees in the vicinity of the site, at a rate of up to £3,500 per tree.

### **Education Contributions & Land Identification**

The Developer will pay to LBB the following amounts towards primary and /or secondary school education provision that may be used by residents of the development, provided within 1km for primary school and 2km for secondary schools of the Application site in the London Borough of LBB.

- Upon Practical Completion of 400+ residential units, £500,000
- Upon Practical Completion of 600+ residential units, £1,000,000
- Upon Practical Completion of 814+ residential units, £1,000,000

An area of land has been identified within the Wembley Masterplan Area in the vicinity of this site for use as a school. The Council will be offered an option on the land for a period of twelve months from the date of any S106 Agreement and subject to suitable environmental surveys. The contributions set out above may be drawn down ahead of time to put towards the purchase of the site if that option is exercised.

### **Sustainability**

All residential units will be constructed to Code for Sustainable Homes Level 4. All fully fitted out, non-residential floor space comprising more than 10 % of plot area is to be constructed to BREEAM Excellent. Where non-residential building are delivered to shell and core for tenant fit out, they will be delivered in state capable of achieving BREEAM Excellent. Low energy lighting will be provided. Adherence to LBB SPG19 checklist for buildings and achieve, very positive rating or equivalent standard and adherence to ICE demolition protocol or equivalent standard. Shortfalls in these provisions should be provided in future phases or offsite within a year of Practical Completion of the block with the shortfall unless otherwise agreed by the Council.

A single CHP energy centre will be provided on site to serve the completed development. This facility must be operational by practical completion of the 780th residential unit, with traditional heat and power facilities being permitted on a temporary basis in the initial buildings until the single CHP plant is delivered. Infrastructure will also be provided for future connection to an off-site district heating system, when available. 3,300 sq m of Photovoltaics, or equivalent carbon reduction measures, will be incorporated on site.

Upon a formal request by LBB, pay a £30,000 contribution towards a study relating to the feasibility of a district side heating system.

### **Training**

- Notify LBB (or other nominated job creation centres / portals) of all job vacancies and forthcoming opportunities, including those during construction of the development.
- Ensure that construction contracts include a requirement to identify employment opportunities, work with LBB and provide a dedicated construction liaison member of staff.
- Advertise supply chain opportunities to local LBB businesses, including a schedule of works and a regular update on arising contracts.
- Target a ratio of 1:5 for construction and 1:10 for end user staff of being Brent Residents.
- Notify LBB as soon as possible of employee requirements of future tenants, occupants, championing the local employment agenda. LBB will then agree bespoke packages with employers/occupiers
- A construction and end user training budget of £20,000 p.a., capped at £200,000, which may be used by the Council towards the costs of occupation of Wembley Works, shall be provided and drawn down by the Council over a period of up to 20 years.

### **Sport, Playspace & Playable Space**

Prior to any occupation submit and gain approval for a Sport and Play Strategy, covering the site wide play provision assuming maximum development which must be implemented thereafter and include:

- Sufficient quantum of space to meet the 10 sq m per child standard;
- On site provision for 0-4 and 5-11 year olds;
- Including doorstep playable space, local playable space and youth space associated with residential blocks;
- On or off site provision within 800m for 11+ years, which may include a facility on the roof of the Multi-Storey Car Park, see below.

Any Reserved Matters Applications (RMAs) for individual plots shall include the relevant space provision to meet the requirements of the above Sport & Play Strategy unless there is a suitable alternative strategy in place that has been approved by LBB.

### **NW10 Multi-Storey Car Park Roof**

A MUGA will be made available for use prior to the commencement of use of the Multi-Storey Car Park (MSCP) and maintained thereafter.

Hours of access shall be limited to daylight hours, and access shall be restricted to residents and occupiers of the development. Organised primary school groups may also be permitted to use the space if agreed between the parties.

Prior to occupation, the Developer must submit a management and operations procedure manual for approval by LBB.

The minimum cost of the cladding system for the Multi-Storey Car Park shall be £1.5m, with the detailed design to be approved at RMA stage.

### **Public Art**

The Developer will deliver up to 3 signature pieces to be provided in the Square, and / or the Pockets for a total budget of £100,000.

Each piece of Public Art will be commissioned and installed in time for the opening of the relevant open space.

Alternatively, if both parties agree the entire budget can be used to enhance the architectural aesthetics of the multi storey car park on NW10 or to enhance the appearance of the Pedway.

### **Travel**

- A residential and workspace Travel Plan, including “Permit Free” options, submitted and approved by LBB will be implemented on the site and reviewed annually for five years for each plot from first occupation of that plot.

- Car Club providing no fewer than 1 car per plot for the first 2 plots and a further 1 car per plot up to a maximum of 8 cars subject to operator demand, will be made available

- Electric charging points will be provided at appropriate locations across the development as set out in the Development Specification. Locations to be agreed at the RMA stage.

- Residents of the NWL will have their rights removed to apply and use on-street parking permits within surrounding CPZs.

- Prior to Practical Completion of the 650th Residential unit a contribution of £450,000 is to be made towards local bus services that service the application area.

- Prior of Occupation of the 950th unit a contribution of £100,000 is to be paid towards accessibility enhancements at Wembley Central Station.

- Prior to Practical Completion of 14,000sq m of retail (A1-A5) floorspace, pay a contribution of £100,000 is to be paid towards the provision of ‘Legible London’ signage in the vicinity of the NW Lands.

- Upon submission of the first residential led reserved matters application on the site a contribution of £100,000 is to be made towards the implementation of a CPZ in the immediate vicinity of the Application Site.

- Prior to practical completion of the fourth building plot a contribution of £75,000 toward the North Circular Road works, unless this has already been called for under the 03/3200 Stage 1 Agreement.

### **Transport**

The internal roads will be privately owned, but always maintained to at least an adoptable standard. The public will be allowed pedestrian and vehicle access as per parameter plan P06 Rev A at nil cost but subject to closure of the roads for maintenance and repair and generally for at least one day every calendar year. Wealdstone Rd will only be allowed to close when the MSCP is closed. Once the roads are completed, access for pedestrians to and from Malcolm & Fulton House, Dexion House, Quality House, Brent Civic Centre and the Olympic Office Site shall be free.

### **Committed Works**

The Developer is to fund and undertake the following junction improvement works themselves;

- Prior to use of the multi-storey car park, to gain approval for and complete the Fulton Road

/Empire Way Junction as per TA Fig 12.2 and such land within the Developer's ownership as is required to deliver this junction will be dedicated as public highway together with the extent of Wealdstone Road to the west of NW09 in order that the left turn from the MSCP can be enforced by the Local Highway Authority as necessary.

- Petrol Station road layout

The developer is to provide funding to LBB, subject to the cost caps listed below, to enable the facilitation of the following junction works;

- Forty Lane / Bridge Road junction – contribution of £300,000

LBB may call for this sum at any point following the commencement of construction of at least 650 residential units or of the multi-storey car park on NW10, and they must demonstrate that LBB approval (committee level or above) has been agreed to proceed with the identified improvements.

The Developer will carry out a study within 3 years of opening the MSCP on NW10 to determine whether traffic light controls at the junction of Wealdstone Road and Empire Way would improve highway capacity in this location. If proved beneficial, such improvements will be implemented by LBB with funding from the Area Wide Contributions described below.

### **Area Wide Contributions**

A contribution of £3.75 million towards transport improvements in the Wembley Growth Area, payable as follows:

- (a) £850,000 payable after April 2012 and not before commencement of development to be applied exclusively for the purposes of the carrying out of the Wembley Triangle Junction improvements (Harrow Road/ High Road/ Wembley Hill Road) by LBB (if they are not otherwise carried out pursuant to the LDA Section 106 Agreement for planning permission 04/0379);
- (b) 25% of the remaining monies payable at any time after April 2014 and subject to the commencement of development, to be applied towards other transport improvements;
- (c) 25% of the remaining monies payable at any time after April 2016 and subject to the commencement of development, to be applied towards other transport improvements; and
- (d) 25% of the remaining monies payable at any time after April 2018 and subject to the commencement of development, to be applied towards other transport improvements
- (e) 25% of the remaining monies payable at any time after April 2020 and subject to the commencement of development, to be applied towards other transport improvements

### **Site Management**

A site wide management and security strategy will be established prior to the first occupation of any part of the development. This will incorporate the use of CCTV, with the network linking into the Stage 1 facility, control management for restricted vehicles, public access through the site, maintenance and lighting.

### **Inclusive Access**

Prior to the submission of any RMA, the Developer will engage and consult with the Brent Access Forum.

### **Anchor Store**

Prior to commencement of development of block NW10, the developer will be required to submit to LBB a Retail Marketing Plan to attract mainstream and high class comparison goods retailers.

The Developer shall provide further information as shall be required to demonstrate application of the Marketing Plan and in any event an evaluation report no later than 01 April 2016 evidencing the outcome of the marketing exercise.

None of the retail floorspace may be occupied as a single unit incorporating more than 2,500 sq m NIA of convenience goods sales floorspace until:

- (a) 01 April 2019; and either:
- (b) Either:
  - i. the permitted retail (A1-A5) sales floorspace at Blocks W05 and W07 in the Stage 1

- Development has been constructed and opened for trading; or
- ii. the permitted amount of retail (A1-A5) floorspace equivalent to that within Blocks W05 and W07 has been constructed and opened for trading, or is capable of trading, at Blocks W05, W06, W07, W08 and W10; and
- (c) The retail (A1-A5) floor space provided at the lower levels of Blocks NW07 and NW08 is open for trade or is practically complete and capable of trade or there is legal commitment to practically deliver the floorspace to a state capable of opening for trade in their permanent state and West Olympic Way is delivered in its permanent state not later than the opening of NW10; and
- (d) The lower levels of Block NW09 and the multi-storey car park on Block NW10 have been constructed and made available for use and occupation; and
- (e) The marketing plan has been operated for at least 18 months.

## **EXISTING**

This application proposes the comprehensive redevelopment of a 5.7 Ha plot of land between Engineers Way, Empire Way, Fulton Road and Olympic Way. The site area includes Olympic Way, but excludes Fulton/Malcolm House, Dexion / Howarine House and Quality Hotel to the west and the Civic Centre site to the South. The latter was formerly owned by Quintain, but was purchased by the Council for the construction of a new 10-storey Council building. The Civic Centre is under construction and due for completion in 2013.

The southern extent of the site is situated opposite the Wembley Arena and Arena Square, an area of privately owned public open space within the Quintain “Stage 1” site area. The Wembley Arena, previously known as The Empire Pool, is a Grade II Listed Building

The Empire Pool is described as follows:

*Designed by Sir E Owen Williams and built in 1934. It has a reinforced concrete frame of 3 hinged arches spanning 240 feet which was the largest concrete span in the world at that time. The pool was 200 feet long and 60 feet wide with a deck for ice skating. The end of the building opens and used to lead to sun-bathing terraces and lawns. The sides have 15 massive concrete buttresses. The ends are gabled with 20 narrow lights of increasing height from the edges to the centre. Used for 1948 Olympic Games.*

The southern elements of the site, surrounding the Civic Centre site, are currently clear whilst the northern element of the site contains the remaining parts of the former “Palace of Industry” building that is now used for warehousing (Use Class B8).

The site is situated within the North West District as identified in the Wembley Masterplan 2009 and it falls within Flood Risk Zone 1 (Low probability of flooding, annual risk less than 1 in 1000).

The site is within the zones of a number of protected Short and Long Distance views to the National Stadium as defined within UDP Policy WEM19 and a views assessment has been undertaken for this application.

The site has good public transport accessibility, with a current PTAL of 5.

The site is located within the Wembley Regeneration Area (Brent UDP), the Wembley Growth Area (Brent LDF Core Strategy), the Wembley Opportunity Area (London Plan) and the North West District of the Wembley Masterplan 2009.

## **PROPOSAL**

### **Overview**

This 5.7 Ha development site has been broken down into 8 plots, prefixed NW then numbered 01, 04 and 06 to 11. There are no plot Numbers NW02, NW03 or NW05, and the Civic Centre site is situated between plots NW01 and NW04.

The application also proposes a significant amount of ancillary improvements and infrastructure, including the construction of a number of roads, a 0.4 Ha park, "pocket" open spaces and a £4 million upgrade of Olympic Way.

The development of the design and layout that has resulted from a lengthy process of pre-application advice from bodies such as the Greater London Authority, CABE and Council Officers as has been set out in the Design and Access Statement.

Whilst all matters are reserved, including layout, scale and access, the plot extents, building extents (i.e. locations of external walls) at lower levels, building extents at upper levels, height ranges of lower and upper levels, access zones to buildings and location of roads/footways have been detailed within the parameter plans. If consent is granted, these plans will constitute "approved" rather than "indicative" drawings.

Levels and building heights have been specified within the parameter plans as precise heights Above Ordnance Datum, with tolerances applied to these figures. However, within this report, they have predominantly been specified as height above ground level or as an approximate storey height. The height above ground level should be treated as approximate as ground levels vary throughout the plots and the site as a whole. The use of storey heights within an outline application is inaccurate but nevertheless an understandable approach to describing the size of buildings in general terms for the purpose of this report. It should be noted that Officers have considered this application on the basis of the specified heights Above Ordnance Datum and the parameter plans should be referred to when considering this report.

The drawings allow some flexibility in the final design and layout of the scheme. For example, the building extents have a +/- 2 m tolerance, which means that the location of the wall may differ from that drawn by a maximum of 2 m. However, minimum distances are specified where the tolerances could result in adverse effects in relation to issues such as residential outlook, footway widths or road widths. Heights have also been submitted as a range rather than a fixed height and a tolerance of 3 m for the provision of plant and a 1 m construction tolerance.

Flexibility has also been incorporated in the proposal regarding the location of uses by detailing proposed uses, delineated between lower and upper floors, on a plot by plot basis.

The submitted detail provides the ability to assess the proposal in terms of form, quality and potential impact whilst the inclusion of tolerances, ranges and lists of uses allows the flexibility to help ensure that the scheme is deliverable. As was evident over the last four years across the United Kingdom, the market may shift over the period of this consent and the failure to include an inherent flexibility in a scheme of this nature is likely to stifle its delivery.

The submitted documentation includes names for the new roads to allow clarity in the discussion of the proposals. However, the formal naming of the roads would not occur until the associated part of the development comes forward.

### **The Plots, Streets and Open Spaces**

As specified above, the heights above ground level in this section are approximate as the ground level varies throughout the site. The storey heights are only specified to provide an indication of building height and Above Ordnance Datum levels and heights are set out in the parameter plans.

### **NW01**

This is the largest of the plots, situated on the corner of Empire and Engineers Way, and approximately 120 m wide and 92 m deep (maximum dimensions). The lower level “podium” is 3 – 6 m above adjoining ground level (due to variations in ground level). The upper levels are split into at least two separate blocks.

The height of the western block, which fronts Empire Way, is 64 m Above Ordnance Datum (AOD) which translates to 24 to 26 m above ground level (approximately 8 storeys).

The height of the eastern block varies between 8 m (approx. 3 storeys) and 49 m (approx. 16 storeys) above ground level.

The two podium level communal amenity spaces are 36 m (maximum, western block) and 25 m (eastern block) wide, and the buildings rise above these spaces by a maximum of 36 m (12-storeys, western) and 21 m (7 storeys, eastern).

The podium is to contain the parking spaces for the block at a rate of 0.5 spaces per flat. These spaces are to be at ground level and above, but “wrapped” by other uses so that they are not externally visible except at the vehicle entrance point situated on the eastern side of the building. Servicing for NW01 would occur from on-street bays within Wealdstone Road and Exhibition Way.

### **NW04**

This plot, situated between the Civic Centre and Olympic Way immediately north of Engineers Way has a high level of prominence due to its location both on Olympic Way and at the end of the “Boulevard” which forms a part of the Stage 1 consent. It measures 45 m x 57 m (max), and is 5.5 m to 10 m high at lower floor level (approximately 1 – 2 commercial storeys) and 48 m – 52.5 m high at upper floor level (approx. 15 – 17 storeys). The maximum height Above Ordnance Datum is 88.5 m<sup>2</sup> (plus tolerances).

No parking is proposed within plot NW04, as this plot is proposed to utilise some of the 200 non-residential parking spaces under the Square. This building is to be serviced from West Olympic Way (and adjoining streets) and from Olympic Way.

This proposal does not propose the removal of the Pedway (i.e. the ramps and raised walkways that lead to the Stadium Concourse from Olympic Way). The removal of the Pedway is an aspiration that is supported by your officers as discussed in the Wembley Masterplan 2009. However, this requires the implementation of alternative access arrangements to the Stadium Concourse and at present, no means of funding this project have been identified. This has been acknowledged in the application in that the eastern element of Plot NW04 may only be delivered following the removal of the Pedway.

### **NW06**

Plot NW06 is directly to the east of Dexion / Howarine House and the Quality Hotel. It is separated from these sites by a new road (Wealdstone Road). To the east of NW06 is the 0.4 Ha park that is proposed as a part of this development.

The proposed building is a maximum of 56 m x 72 m. The height of the lower floors (podium) is 7-8 m above ground level (approx. 2 storeys) whilst the upper floors range in height from 17 m (approx. 5 storeys) to 41 m (approx. 13 storeys) above ground level.

Car parking is to be provided at podium level for residents, accessed from the south. This building will also provide vehicular access to the car parking areas under the Square and under NW07. Servicing will occur from on-street bays within “Wealdstone Road” (to the west of the site).

### **NW07**

This plot is situated between West Olympic Way and the Square and therefore must relate to two very different environments. West Olympic Way is to be the primary shopping street, with the majority of retail units addressing this street. On-street servicing takes place on West Olympic Way and the adjoining streets and the level of footfall is expected to be high. The Square is to provide an area of publicly accessible open space of a quieter and more residential nature.

The plot is approximately 37 m x 72 m, ranging in height from approximately 3.5 m to 19.5 m (approx. 1 to 2 commercial storeys) at lower floor level to 27.5 m to 54.5 m (approximately 17 storeys) above ground level. The lower element is situated at the southern end of the building to reduce the level of overshadowing of the Square.

Car parking is provided within this building, accessed via NW06 and underneath the Square. This building is serviced on-street from West Olympic Way and adjoining streets.

### **NW08**

This 43 m x 83 m plot adjoins Olympic Way. The upper floors of the building are broken into two connected elements through the incorporation of a large “step” in the building. The lower floors are approximately 4.5 to 9 m high (1- to 2-commercial storeys), whilst the upper floors are approximately 49 to 53 m high (approx. 16-17 storeys) above ground level. The maximum height Above Ordnance Datum of this building is 83.5 m (plus tolerances).

As with NW04, no parking is proposed for this plot as it is proposed to utilise some of the 200 non-residential parking spaces that are under the Square. This building is to be serviced via from West Olympic Way (and adjoining streets) and from Olympic Way.

### **NW09**

This plot, which adjoins Plot NW10, is adjacent to Fulton Road. The building is to be physically attached to NW10, with servicing for the Anchor Retail Unit within NW10 to be provided in this plot and accessed via Wealdstone Road to the west. Vehicular access to the Multi-storey car park that is to be situated above plot NW10 is also via Wealdstone Road and through this site. This plot has also been identified as the most appropriate location for the site-wide energy centre, which would contain the Combined Heat and Power Engine.

The plot itself is a maximum of 60 m x 67 m, but irregular in shape. The lower levels are between 6 and 9 m in height (1.5-2 commercial storeys, due to changes in ground level), whilst upper floors range from 21 m to 63 m (7 to 20 storeys) above ground level.

Car parking for NW09 is provided under the Square. As discussed above, servicing for the NW10 anchor retail store is to be provided off-street within NW09. Servicing for other units within NW09 is to be from on-street bay(s) within Wealdstone Road.

### **NW10**

This 67 m x 67 m plot has been designed to allow occupation by a large anchor retail unit with a GEA of 4,500 m<sup>2</sup> per floor at lower levels. This floorspace is additional to the servicing floorspace within NW09 that may be used for ancillary purposes. The upper floors are to contain the 600 space Multi-Storey Car Park that is to serve the development as a whole in the fashion of a town centre car park rather than a car park for an individual store. Amenity and recreational uses for residents of the development are proposed on the roof of the development, such as a Multi-Use Games Area, communal amenity space and/or allotments.

The lower levels may range in height from 8 m to 13.5 m (approximately 2-3 storeys). The maximum height of the upper floors may range from 26 m to 31.5 m above ground level. However, this has been limited to a maximum of 6 storeys of parking (or equivalent if provided as split levels) above the lower floor uses.



Vehicle access to and servicing of this plot is via NW09.

### **NW11**

Plot NW11 is situated at the junction of Olympic Way and Fulton Road and represents a prominent plot for those approaching the site from Wembley Park Station via Olympic Way. The plot is a maximum of 32 m x 52 m, with lower floors approximately 5.5 m to 10 m in height (1- to 2-commercial storeys) and upper floors between 40.5 m to 47.5 m (approx. 13-15 storeys) above ground level. The maximum height of the building Above Ordnance Datum is 80.5 (plus tolerances).

### **The Square**

This application proposes the construction of a publicly accessible but privately owned area of open space situated between the Civic Centre, NW06, NW07, NW09 and NW10. The space will have a minimum size of 0.4 Ha and whilst it is primarily intended to provide an area of open space for residents of the development, it will be accessible by the general public at no cost. It will be predominantly laid out as soft landscaping and will contain a number of small and large trees.

Parking for residents and for commercial uses will be provided under the Square. This will be accessed via a vehicle entrance in NW06, but may be accessed directly from Exhibition Way prior to the completion of NW06. Access to the car park under NW07 will also be via the car park under the Square.

### **The Pockets**

Four "Pocket" spaces are proposed which comprise small areas of open space. The two eastern Pockets (between NW04 and NW08, and between NW08 and NW11) perform both a commercial function (cafe seating) whilst providing usable space for shoppers and residents which include seating and landscaping. The two eastern pockets (between NW01 and NW06 and between NW06 and NW09) provide landscaping and some seating opportunities.

### **The Streets**

A number of new roads of varying nature are proposed to serve the development. Names have been given to these roads solely for the purpose of identification and reference.

### **Wealdstone Road**

This road runs between Fulton Road and Empire Way, along the site boundary adjacent to Fulton/Malcolm House, Dexion/Howarine House and the Quality Hotel. This road comprises carriageway and footways and is predominantly one-way from north to south. It provides access and egress for the Multi-storey "town centre" car park within plot NW10 (accessed via NW09), the servicing area within NW09 and the proposed on-street servicing bays. The exception to the one-way traffic restriction is in relation to servicing vehicles for the internal servicing area within NW09 for which egress is allowed to the north.

### **West Olympic Way**

Situated to the west of and running parallel to Olympic Way is West Olympic Way. This road is a pedestrian only shared surface except during time limited periods in the morning and evening when it is also used for servicing (access and stopping) and for drop-off of mobility impaired (blue badge) users overnight. The servicing periods timed to fall outside of core retail hours of the centre, and the road is one way from north to south when used by vehicles. Access controls will be implemented by the developer to ensure that the access restrictions are effective and enforceable.

### **Exhibition Way**

This road adjoins the western and northern sides of Civic Centre site between Engineers Way and the Square. It is a two way road of standard road design (carriageway and footways), providing access to the car parks within NW01, NW06, NW07 and under the Square (approximately 850 parking spaces). To the south of the square and NW07 the road is of shared surface design and

will have restricted access for limited servicing purposes (including Event Day servicing). Again, access controls will be put in place by the developer.

Vehicular access between Wealdstone Road and Exhibition Way will be possible on Stadium Event Days in the area between NW01 and NW06. This area will be treated as a shared surface and access controls will restrict vehicular access on non Stadium Event Days.

### **Repton Lane**

This road is situated along the southern side of NW09, NW10 and NW11. The area along the northern edge of the park will provide emergency service access only whilst the areas to the east of the park may be used for servicing and mobility

### **Olympic Way**

This application proposes £4 million of improvements to Olympic Way together with some changes to its function. Olympic Way is to be designed as a shared surface, but with managed coach drop-off for hotel uses (if proposed), drop off (but not parking) for blue badge users and time limited servicing (again outside of core retail opening hours). Olympic Way will be designed and laid out having regard to the Stadium's Event Day access requirements. Whilst of shared surface design, the vehicular accessible shared surface areas will be segregated from pedestrian only areas by rows of trees.

### **Levels**

Alterations to the levels of made ground are also proposed within this application as set out within the parameter plans. This has been incorporated into the design of the elements described above.

### **Uses**

This application seeks consent for up to 160,000m<sup>2</sup> of floorspace, calculated as Gross External Area and excluding infrastructure such as plant, servicing and car parking.

The proposed floorspace is to comprise:

- Retail/financial and professional services/food and drink (Use Class A1 to A5): 17,000m<sup>2</sup> to 30,000m<sup>2</sup>
- Business (Use Class B1): up to 25,000m<sup>2</sup>;
- Hotel (Use Class C1): 5,000m<sup>2</sup> to 20,000m<sup>2</sup>;
- Residential dwellings (Use Class C3): 65,000m<sup>2</sup> to 100,000m<sup>2</sup> (815 to 1,300 units);
- Community (Use Class D1): 1,500m<sup>2</sup> to 3,000m<sup>2</sup>;
- Leisure and Entertainment (Use Class D2): up to 5,000m<sup>2</sup>;
- Student accommodation/serviced apartments/apart-hotels (Sui Generis): 7,500m<sup>2</sup> to 25,000m<sup>2</sup>;

The maxima set out above for each use type total 208,000 m<sup>2</sup> rather than 160,000 m<sup>2</sup>. The total floorspace provided (GEA, excl infrastructure) will not exceed 160,000 m<sup>2</sup>. The developer must therefore deliver some of the uses listed above at levels below the maximum stated above to achieve that. This approach allows flexibility in the delivery of the scheme. For example, the developer may not deliver 25,000 m<sup>2</sup> of Business floorspace if they consider there is no market for that floorspace. However, it should be noted that certain elements of floorspace are proposed and have been secured through the Section 106, such as Low Cost Employment Space (Use Class B1) and a Community Hall regardless of the above. These are discussed later in this report. Where minima are specified, the floorspace provision will be at that minimum level or greater.

The final mix of uses will come forward within the Reserved Matters applications. The Environmental Statement and supporting documents for this application have tested the various extremes of the parameters in terms of impact from the possible mixes of floorspace.

The distribution of uses has been set out within the parameter plans, which designate types of use that could be delivered in each plot, with delineation between lower and upper floors. Further

restrictions to the types and locations of uses are contained in the Development Specification and the Section 106 details, such as the location for Residential uses to ground floor level.

The following table summarises the location of uses set out within the Parameter Plans:

|            | Retail / Professional (A1-A2) | Food & drink (A3-A4) | Takeaway (A5) | Business (B1) | Hotel (C1) | Residential dwellings (C3) | Community (D1) | Leisure and Entertainment (D2) | Student Accom / Services Apartments (Sui Generis) | Multi-Storey Car Park |
|------------|-------------------------------|----------------------|---------------|---------------|------------|----------------------------|----------------|--------------------------------|---|-----------------------|
| NW01 Lower | Y                             | Y                    | Y             | Y             | Y          | Y                          | Y              | Y                              |   |                       |
| NW01 Upper |                               |                      |               |               | Y          | Y                          |                | Y                              |   |                       |
| NW04 Lower | Y                             | Y                    | Y             | Y             | Y          |                            |                | Y                              |   |                       |
| NW04 Upper |                               | Y                    |               | Y             | Y          |                            |                | Y                              | Y   |                       |
| NW06 Lower | Y                             | Y                    | Y             | Y             |            | Y                          | Y              | Y                              |   |                       |
| NW06 Upper |                               |                      |               |               |            | Y                          |                |                                |   |                       |
| NW07 Lower | Y                             | Y                    | Y             | Y             |            | Y                          |                |                                |   |                       |
| NW07 Upper |                               |                      |               | Y             |            | Y                          |                |                                | Y   |                       |
| NW08 Lower | Y                             | Y                    | Y             | Y             | Y          |                            |                | Y                              | Y   |                       |
| NW08 Upper |                               | Y                    |               | Y             | Y          | Y                          |                | Y                              | Y   |                       |
| NW09 Lower | Y                             | Y                    | Y             | Y             |            | Y                          | Y              | Y                              |   |                       |
| NW09 Upper |                               |                      |               |               |            | Y                          |                | Y                              | Y   |                       |
| NW10 Lower | Y                             | Y                    | Y             |               |            |                            |                | Y                              |   |                       |
| NW10 Upper |                               |                      |               |               |            |                            | Y              | Y                              |   | Y                     |
| NW11 Lower | Y                             | Y                    | Y             | Y             | Y          |                            |                | Y                              | Y   |                       |
| NW11 Upper |                               | Y                    |               | Y             | Y          | Y                          |                | Y                              | Y   |                       |
|            | A1-A2                         | A3-A4                | A5            | B1            | C1         | C3                         | D1             | D2                             | SG  | MSCP                  |

## Parking

The application proposes residential parking at a rate of 0.5 spaces per unit, a 600 space “town centre” multi-storey car park and a 200 space commercial car park that is to serve the commercial uses (e.g. hotel, business, leisure floorspace etc) on a contract parking basis, but may also be used as a “town centre” car park at peak times. A total of 5 % of the 600 spaces within multi-storey car park will be for blue-badge users, and 2.5 % for parent and child parking. 5 % of the 200 space commercial car park will be for blue badge parking.

Residential cycle parking will be provided at a rate of 1 space per 1- or 2-bed unit and 2 spaces per 3+ bed unit. Non-residential cycle parking will be provided in accordance with the draft London Plan ratios set out in the Development Specification.

## HISTORY

### Direct Site History

#### **The Palace of Arts and Industry Temporary Car Park 05/2353 – Granted 27 April 2006**

This consent has not been triggered and can no longer be implemented as approved, as the Civic Centre site occupies a large part of the site area.

*Use of the land for temporary parking for a period of three years from demolition of the western multi-storey car park associated with the Stage 1 Development Area, the new Wembley Stadium, Wembley Arena and Wembley Sunday Market*

#### **Significant applications on adjoining sites (Committed Development)**

##### **The Quintain “Stage 1” Consent**

**03/3200 – Granted 29 September 2004**

This Outline consent requires the submission of Reserved Matters within 15 years (by 28 September 2019) and the Commencement of works within 2 years of the approval of the last Reserved Matters Application. Works undertaken to date include the re-orientation of the Wembley Arena, the completion of Arena Square and the “Spanish Steps”, the completion of two residential led mixed use blocks (W01 – Forum House and W04 – Quadrant Court) and commencement of works on plot W05 (Hilton Hotel, Student Accommodation and Designer Outlet Retail). Reserved Matters approval has also been granted for plots W03 (food and drink, fitness centre, residential) and W07 (Designer Outlet retail, food and drink, multiplex cinema)

*Outline planning application for:*

*Works for the re-orientation of Wembley Arena*

*Class A1 (Retail) comprising up to 14,200m<sup>2</sup> designer retail outlet, 11,800m<sup>2</sup> sports retailing*

*Class A1/A2 shops/financial and professional services up to 8,000m<sup>2</sup> (including up to 2,000m<sup>2</sup> supermarket)*

*Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail*

*Class A3 (Food and Drink), up to 12,700m<sup>2</sup>*

*Class B1 (a) (b) and (c) Business, up to 63,000m<sup>2</sup>*

*Class C1 (Hotel), up to 25,400m<sup>2</sup>*

*Class C1/Sui Generis (Hotel apartments), up to 26,700m<sup>2</sup>*

*Class C2 (Residential institutions) up to 5,000m<sup>2</sup>*

*Class C3 (dwellings) up to 277,000m<sup>2</sup>, (up to 3,727 dwellings)*

*Student accommodation (Sui Generis), up to 16,600m<sup>2</sup>*

*Class D1 (Non-residential institutions), up to 8,200m<sup>2</sup>*

*Class D2 (Assembly and Leisure), up to 28,500m<sup>2</sup> (including the existing Arena of 13,700m<sup>2</sup>)*

*together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity sub-station, other utility requirements, other parking and servicing, and improvements to Olympic Way;*

*AND;*

*Reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking*

### **The Temporary Multi-Storey Car Park within Stage 1 Plot W10**

**10/1417 – Granted 5 April 2010**

Approval of reserved matters for provision of interim car park with access from South Way, new pedestrian link and service access road between South Way and Royal Route, pursuant to condition 2(i), (ii), (iii), (iv) and (v) of Outline planning application 03/3200.

### **York House Extensions and Change of Use**

**08/0827 – Granted 11 July 2008**

Erection of 2-storey side and single-storey rear extensions with canopy, reconfiguration of existing car park, installation of new vehicle crossover to Stadium Way, removal of existing vehicle crossover to Empire Way, and change of use of the ground floor and first floor to include the provision of 2180m<sup>2</sup> retail (Use Class A1) floorspace and 836m<sup>2</sup> of food and drink (Use Class A3/A4/A5) floorspace, with the restaurant/cafe and some of the retail floor space being sited at ground-floor level to the side of York House and subject to a Deed of Agreement dated 11th July 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

**10/2229 – Granted 2 March 2011**

Proposed non-material minor amendments for the following:-

- External appearance of the building (including fenestration, walls/cladding and louvers);
- Internal layout of the building, including circulation and units;
- Car park layout;
- Landscaping;
- Extent of plant screening;
- Roof treatment;
- Canopies and Brise Soleil;
- Height within certain elevations;
- Lighting;

- Incorporation of tank in car park adjacent to loading bay; of full planning permission 08/0827

**The Brent Council Civic Centre  
09/2450 – Granted 22 March 2010**

Works have commenced on the 10-storey Civic Centre  
*Erection of a part eight-storey and part ten-storey Brent Council Civic Centre building, comprising office space (Use Class B1), community and performance space (Use Class D1 and D2, including library, Registrars Office, Community Hall and Council Chamber), Use Class A1/A2/B1 floorspace at ground floor level, a cafe (Use Class A3), wedding garden and a winter garden area, with provision of 158 car-parking spaces, 250 bicycle-parking spaces and 32 motorcycle-parking spaces in basement, and associated landscaping to site*

**Malcolm/Fulton House – Summit Hotels proposal  
08/2633 – Granted 19 December 2008**

Likely to be a Holiday Inn Express. The buildings have been demolished, but construction works have not commenced.

*Demolition of existing buildings and erection of replacement 7-storey and 11-storey hotel with 262 rooms, ancillary restaurant and 53 basement car-parking spaces*

**Dexion House consent and application**

Initially approved as a residential led scheme with 25 m swimming pool and fitness stations and rooms on the lower floor(s), with entry at Local Authority comparable prices. The Planning Committee resolved to grant consent for a revised consent including student accommodation, the pool, fitness stations and rooms subject to the referral to the Mayor of London and the completion of a Section 106 agreement on 6 April 2011.

**09/2291 – Approved 9 April 2010**

*Demolition of existing building and erection of a building ranging in height from 7 - 15 storeys, consisting of 2,509m<sup>2</sup> basement parking and plant, a parking permit-free proposal for 129 residential flats (37 one-bedroom, 73 two-bedroom, 19 three-bedroom), a 5,837m<sup>2</sup> 125-bedroom hotel (Use Class C1), 1,983m<sup>2</sup> of community swimming-pool and fitness facilities (Use Class D2), and associated landscaping*

**11/0142 – Committee resolution to grant subject to Mayoral Referral and S106**

*Demolition of the existing building and erection of a building ranging in height from 9 - 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661 bed spaces) with associated common-room space (Use Class: sui generis); 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping*

**Shubette House – Hotel and Residential development**

**08/3009 – Granted 14 February 2011**

The Planning Committee resolved to grant consent in June 2009. However, the applicant subsequently went into administration and the Section 106 agreement was not completed until early 2011. Works commenced early 2011.

*Demolition of existing buildings and erection of 4-, 7-, 11- and 20-storey building, incorporating 158 self-contained residential units, hotel (225-bedroom and 12 apart-hotel rooms), business (Use Class B1) and food and drink (Use Class A3/A4) uses, conferencing facilities, roof terraces, courtyard, basement parking, cycle storage and associated landscaping (parking-permit-restricted scheme)*

**POLICY CONSIDERATIONS**

**NATIONAL**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy

## Statement 1

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning Policy Statement 22 – Renewable Energy

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 – Planning and Flood Risk

Draft PPS Planning for a Low Carbon Future in a Changing Climate

## **REGIONAL**

### ***The Mayor of London***

The London Plan consolidated with alterations since 2004

The Draft Replacement London Plan has been subject to its Examination and Public and as such, is a material planning consideration.

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies relevant to this application relate to Housing, Urban Design, Access, Transport, Energy and climate change, Ambient Noise and Air Quality.

Other relevant guidance and policy documents:

- Providing for Children and Young People's Play and Informal Recreation SPG;
- London Housing Strategy;
- Draft Revised Interim Housing SPG;
- Housing SPG EIP draft;
- Housing SPG;
- Accessible London: achieving an inclusive environment SPG;
- Planning and Access for Disabled People;
- The Mayor's Transport Strategy;
- The Mayor's Energy Strategy;
- Mayor's draft Climate Change Mitigation and Adaptation Strategies;
- Mayor's draft Water Strategy;
- Sustainable Design and Construction SPG;
- The Mayor's Ambient Noise Strategy;
- The Mayor's Air Quality Strategy;
- Draft replacement air quality strategy.

The Plan recognises Wembley as an Opportunity Area for leisure related development and the provision of new homes and employment opportunities. It identifies an additional employment capacity of 5,500 jobs and the provision of minimum of 5000 new homes between 2001 and 2026, and specifies the "realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing". The plan specifies that the Mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026. The Draft Replacement London Plan increases these figures to 11,000 jobs and 11,500 homes by 2031.

## **Local**

### **Brent Local Development Framework Core Strategy 2010**

CP 1 Spatial Development Strategy

CP 2 Population and Housing Growth

CP 3 Commercial Regeneration

CP 5 Placemaking

CP 6 Design & Density in Place Shaping

CP 7 Wembley Growth Area  
CP 14 Public Transport Improvements  
CP 15 Infrastructure to Support Development  
CP 16 Town Centres and the Sequential Approach to Development  
CP 18 Protection and Enhancement of Open Space, Sports and Biodiversity  
CP 19 Brent Strategic Climate Mitigation and Adaptation Measures  
CP 21 A Balanced Housing Stock  
CP 23 Protection of existing and provision of new Community and Cultural Facilities

#### **Brent Unitary Development Plan 2004**

##### Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR3-4 (prioritising locations and land-uses to achieve sustainable development), STR5 and 6 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road) STR12-15 (protecting and enhancing the environment), STR25 (meeting employment need), STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

##### Policies

BE1 Urban Design Statements  
BE2 Local Context & Character  
BE3 Urban Structure: Space & Movement  
BE4 Access for disabled people  
BE5 Urban clarity and safety  
BE6 Landscape design  
BE7 Streetscene  
BE8 Lighting and light pollution  
BE9 Architectural Quality  
BE10 High Buildings  
BE11 Intensive and Mixed Use Developments  
BE12 Sustainable design principles  
BE13 Areas of Low Townscape Quality  
BE17 Building Services Equipment  
BE34 Views and Landmarks  
EP2 Noise and Vibration  
EP3 Local air quality management  
EP4 Potentially polluting development  
EP6 Contaminated land  
EP12 Flood protection  
EP15 Infrastructure  
H4 Affordable Off-site Affordable Housing – 'Provision in Lieu'  
H11 Housing on Brownfield sites  
H12 Residential Quality – Layout Consideration  
H13 Residential Density  
H14 Minimum Residential Density

H22 Protection of Residential Amenity  
 TRN1 Transport assessment  
 TRN2 Public transport integration  
 TRN3 Environmental Impact of Traffic  
 TRN4 Measures to make transport impact acceptable  
 TRN9 Bus Priority  
 TRN10 Walkable environments  
 TRN11 The London Cycle Network  
 TRN12 Road safety and traffic management  
 TRN13 Traffic calming  
 TRN14 Highway design  
 TRN15 Forming an access to a road  
 TRN16 The London Road Network  
 TRN17 Restrictions on New Roads  
 TRN22 Parking Standards – non-residential developments  
 TRN23 Parking Standards – Residential developments  
 TRN24 On-street parking  
 TRN25 Parking in Town Centres  
 TRN28 Restrictions on off-street public parking and contract parking  
 TRN30 Coaches and Taxis  
 TRN31 Design and Land Take of Car Parks  
 TRN34 Servicing in new developments  
 TRN35 Transport access for disabled people & others with mobility difficulties  
 Appendix TRN2 Parking and Servicing Standards  
 EMP2 Small and medium sized enterprises  
 EMP3 Childcare facilities in Employment Developments  
 EMP9 Development of Local Employment Sites  
 EMP10 The Environmental Impact of Employment Development  
 EMP14 Design of Business Developments  
 EMP20 Creative Industry Proposals  
 SH2 Major Town Centres  
 SH10 Food and Drink (A3) Uses  
 SH11 Conditions for A3 Uses  
 SH19 Rear servicing  
 TEA1 Location of large-scale Tourist, Visitor and ACE uses  
 TEA2 Location of small-scale Tourist, Visitor and ACE uses  
 TEA4 Public Art  
 TEA6 Large Scale Hotel Development  
 TEA7 Small Scale Hotel Development  
 OS18 Children’s Play Areas  
 OS19 Location of Indoor Sports Facilities  
 CF1 Location of Large Scale Community Facilities  
 CF2 Location of Small Scale Community Facilities  
 CF4 Community Facilities Capable of Holding Functions  
 CF6 School Places  
 CF7 New Schools  
 CF8 School Extensions  
 CF11 Day Nurseries  
 CF13 Primary Health Care / GP Surgeries  
 CF14 Places of Worship  
 WEM2 Pedestrian Route/Promenade  
 WEM4 Residential Development within the Wembley Regeneration Area  
 WEM5 Relocation of Existing Businesses  
 WEM7 Access to development – the National Stadium Policy Area  
 WEM9 Comprehensive Development – The National Stadium Policy Area  
 WEM11 On-street parking controls for Wembley



WEM12 Short stay car parking in the Wembley Regeneration Area  
WEM16 Urban design quality – Wembley Regeneration Area  
WEM17 The public realm – Wembley Regeneration Area  
WEM18 Design of Buildings Along Olympic Way  
WEM19 Views of the Stadium  
WEM22 Libraries in Wembley  
WEM27 Opportunity sites at the Junction of Olympic Way and Engineers Way

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road  
SPG4 Design Statements  
SPG12 Access for disabled people  
SPG13 Layout standards for access roads  
SPG17 Design Guide for New Development  
SPG19 Sustainable design, construction and pollution control  
Draft SPG21 Affordable Housing  
SPD Section 106 Planning Obligations  
Draft Wembley Link SPD

### **Destination Wembley – A framework for development (2003) Supplementary Planning Guidance**

- This guidance set out the Council's key principles regarding the redevelopment of Wembley: A comprehensive approach which properly addresses the setting of the stadium, producing a development where all the different elements relate well together.
- An accessible part of town, which offers a choice of routes into and through the area that are easy to grasp.
- A high quality development with comfortable public streets and civic spaces lined by modern, exciting buildings. A rich mix of uses combining leisure, retail, entertainment and other commercial uses to create an active, interesting and attractive urban environment throughout the year.
- One of the most accessible locations in the capital because of improvements to the existing rail and underground stations and the highway infrastructure with improved links to the North Circular.
- A well integrated and connected place which links into the High Road and surrounding community, allowing people to move safely and easily through the area.
- A development which promotes sustainability through adopting best practice.
- An engaged community that benefits from the new jobs, new services and facilities for local people stemming from the physical, economic and social regeneration of the area.

### **Wembley Masterplan 2009**

The Council adopted a revised version of the Wembley Masterplan in 2009, which superseded the 2004 Masterplan. The subject site falls within the North West and Olympic Way districts, cited within the Masterplan as the "new heart of the Borough, focused around a new 21st century Civic Centre". Key principles for the North West district include:

- A new signature Civic Centre that reflects in its challenging architecture the aspirations and ambition of the Council.
- A public square of sufficient size to reflect its public function and provide formal landscape setting appropriate to the scale and role of the new Civic Centre.
- A bustling new pedestrian shopping street with an intimate and enclosed character.
- Improvements to the landscape quality on Empire Way and a gradual and comfortable change in building scale.

Core objectives for the Olympic Way District include:

- The view of Wembley Stadium and its arch from Wembley Park Station and down Olympic Way is a valuable piece of urban theatre, and the council will insist that the careful design and scaling of buildings flanking Olympic Way help preserve the predominance of the arch;

- A series of intimate external ‘rooms’ flanking the processional route should create a more human scale, whilst maintaining the perception of a space that is concurrent with the national and international significance of this destination;
- The standard of landscape and urban design on Olympic Way should be exceptional, reflecting the standards set by the stadium. Design innovation should be underpinned by the highest standards of detailing, materials and specimen quality.

The Masterplan specifies:

- The general pattern of development across this district could reduce gradually in scale from east to west and from south to north, from the new Civic Centre on the corner of the Boulevard and Engineers Way at 10 storeys, down to and along Empire way predominantly at 4-6 storeys.
- Buildings fronting Olympic Way between Fulton Road and Engineers Way, with the buildings set at least 40 m back from the centre of Olympic Way at upper floor level and maximum heights of 70 m Above Ordnance Datum.
- The indicative location for the retail street, as set out in the Masterplan, is in the approximate position of West Olympic Way.

Other Council Publications

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council’s Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent’s Wembley.

## **SUSTAINABILITY ASSESSMENT**

This application was accompanied by an Sustainability Strategy and Energy Statement which formed Supporting Reports for this application. These documents were supplemented by an “Energy Strategy Addendum” which formed part of the submission of additional information.

### **Energy**

The submitted Energy Statement set out the proposals in relation to the London Plan Climate Change Policies, including the “Be Lean”, “Be Clean”, “Be Green” energy hierarchy which promotes using less energy, decentralised energy and on-site renewable energy sources. This hierarchy is retained in the Draft Revised London Plan. However, its structure is altered allowing the “Be Green” measures to be limited or omitted if overall targets for CO2 reduction are met.

The submitted strategy confirms that a number of key energy efficient measures will be incorporated to achieve Part L 2010 and maximise the CO2 reduction associated with the “Be lean” measures, which include (but are not restricted to) u values and levels of air tightness that go beyond the requirements of the Building Regulations 2010, low energy lighting, exceedance of water consumption targets and measure to limit surface water runoff, high energy HVAC (Heating, Ventilation and Air Conditioning) plant including high efficiency chillers.

The proposals then consider the feasibility of Combined Heat and Power (CHP) or Combined Cooling Heat and Power (CCHP). The initial strategy proposed the use of a Site Wide heat network powered by up to 3 CHP energy centres. However, the GLA sought the provision of a single energy centre due to the associated improvements to electricity generation efficiency levels. The applicants subsequently revised their proposals, clarifying that a single energy centre will be delivered. This amendment was reflected in the Stage 1 response from the Greater London Authority. This energy centre will be located in building NW09 which includes the tallest building in the scheme and thus provides the best opportunities for high level venting of exhaust flue(s).

The energy centre would be a minimum of 320 m<sup>2</sup> in size and the network would be powered by a gas fired CHP engine with a minimum output of 400 kWe. It would be provided prior to completion

of the 780<sup>th</sup> residential unit and would allow future connection to a district heating system. The site-wide system would be connected to all buildings and the trigger is based on the requirements of BREEAM / CSH.

The minimum size of the system is considered sufficient to meet the domestic hot water demands of the development together with a proportion of space heating requirements. This would be supplemented by high efficiency gas boilers to meet peak loads.

The selected system would not incorporate cooling. However, the applicant has clarified that cooling would be achieved through high efficiency Heating, Ventilation and Air Conditioning (HVAC) plant, and passive measures such as building orientation, solar shading and high performance glazing, green roofs the use of thermal mass and natural ventilation.

With regard to on-site renewables, the applicant has considered the feasibility of wind, ground source heating and cooling, biomass heating and biomass CHP, biogas heating, fuel cells, solar water heating and photovoltaics (PV). These options have been ranked in terms of cost and potential carbon abatement, and whilst the capital cost of roof mounted PV is high, it is a suitable technology for high density urban environments and complements sitewide CHP based heat networks. A total of 3,300 m<sup>2</sup> of photovoltaic cells is proposed.

The Be Clean measures (site-wide CHP) have been estimated to result in a 12 % reduction in Regulated CO<sub>2</sub> whilst a 7 % reduction is achieved through the use of the proposed on-site renewables (PV). This translates to a 4 % and 2 % reduction in Total regulated and unregulated CO<sub>2</sub>. The GLA has specified in their Stage 1 response that this level of CO<sub>2</sub> reduction is considered acceptable and your officers concur with this view.

### **Sustainability Strategy**

This application is accompanied by a Sustainability Strategy. This differs from the more focused Energy Statement/Strategy as it holistically examines the wider issues relating to the Environmental and Social sustainability of the scheme, This includes issues relating to energy efficiency, transport, climate change, air quality, materials, construction, waste, water consumption, flooding, ecology, social sustainability and safety and comfort within the environment. Many of these matters are also discussed in detail within other submitted reports and elsewhere within this Committee Report.

Your officers typically require the submission of a TP6 Sustainability Checklist with all Major applications. However, in this instance, it has been agreed that this information can be adequately provided, avoiding the need for duplication, through the submission of information regarding the achievement of the BREEAM Excellent and Code for Sustainable Homes (CSH) Level 4 standards. This information has already been supplemented by additional detail within the Outline application that is not considered within the BRE assessments, such as the potential community and economic town centre impacts.

The commitments relating to energy efficiency have already been discussed within this report. The strategy highlights the very good access to public transport, the reduction in the need to travel due to the mixed use nature of the scheme and the commitment to Travel Plans. Car parking is provided at reduced levels and will include electric charging point whilst cycle storage is provided to London Plan and BREEAM / CSH standards.

Surface water runoff is reduced to Greenfield runoff rates through measures which include the inclusion of green/brown roofs, permeable paving and other SUDS measures. Measures to reduce water use have been incorporated whilst the heat island effect will be mitigated through measures including the green/brown roofs, soft landscaping and light coloured building surfaces. A number of measures will be incorporated to address solar gain. Rainwater harvesting will be implemented for landscaping irrigation.

With regard to materials, the application commits to measures such as:

- Low embodied energy materials;
- Use of the WRAP toolkit for recycled content;
- Local sourcing;
- Targets for the use of secondary, recycled and reclaimed content;
- 80% of timber from FSC sources;
- And the Site Waste Management Plan.

Construction impacts will be minimised through the use of the ICE Demolition Protocol, compliance with the London Best Practice Guide and the Considerate Constructors Scheme, the submitted Construction Management Strategy and consultation with the Brent Environmental Health Officers. The proposal specifies the provision of suitable waste, composting and recycling facilities to meet CSH Level 4 and BREEAM Excellent.

With regard to Social Sustainability, the strategy highlights the achievement of Lifetime Homes standards (all residential units) and 10 % of dwellings wheelchair accessible (or easily adaptable), a range of unit sizes and tenures, the provision of non-technical home user guide and high quality children's play space.

Commitments are made to the principles of "Secured by Design", levels of noise insulation for homes, wind conditions and levels of light. Ecology and biodiversity is promoted through measures including the soft landscaping proposals and the provision of bird boxes.

The submitted Code for Sustainable Homes and BREEAM pre-assessments set out the ways by which the development can achieve CSH Level 4 and BREEAM "Excellent". The pre-assessments achieve scores of 57.88 for CSH and 72.43 for BREEAM, which exceed the minimum levels required for CSH Level 4 (54.1) and "Excellent" (70%).

In order to benchmark the proposed measures, your officers have compared the proposals to an equivalent score using the TP6 Sustainability Checklist. It is considered that the proposal would achieve a score of 57 % ("Very Positive") which is above the minimum level of 50 %. The proposed Sustainability Measures are considered to be acceptable.

## **CONSULTATION**

### **Statutory (application) consultation process**

- 1,701 letters were sent to adjoining and nearby properties on 7 December 2010.
- Following the receipt of additional information, 1,702 letters were sent to adjoining and nearby properties on 5 April 2011.
- The application was advertised in the local press on 16 December 2010 and then on 7 April 2011.
- Site notices were erected on 5 January 2011 and 1 April 2011.

Given the number of Bank Holidays at the end of April and start of May, the consultation period will run to 26 April for Site Notices, 28 April for letters and 5 May for the Press Notice. Any comments received after this report has been finalised will be discussed in the Supplementary Report to the Committee.

### **Letters from nearby Residents and Occupiers**

Two letters were received in response to this consultation process citing the following issues:

- Letter 1: The proposal seems an unbalanced allotment between residential dwellings, community and leisure entertainment. There are quite a few residential dwellings being constructed near Wembley and it would be better to reduce the residential space and increase community and leisure/entertainment.

- Letter 2: Rather than constructing another soulless concrete structure, it would be preferable to choose an alternative such as:
  - Electricity, water, sewage and refuse facilities and a Traveller Site;
  - A cemetery for local residents;
  - A railway station;
  - A Holocaust memorial
  - An Observatory;

## **Internal Consultees**

### **Environmental Health:**

**Contaminated Land:** The proposed methodology for the site investigation is sound, and the standard condition regarding a site investigation, remediation report and completion certificate is recommended if planning permission is granted.

**Air Quality:** The air quality assessment undertaken is robust and addresses all potential impacts. I would ask that the applicant provide details of the CHP plant once they confirm the plant specification. Where the final install differs significantly from that stated (for example change in fuel type), the applicant may need to re-assess the potential local air quality impacts of this source on receptors. We would advise the applicant to provide EH with this information as soon it becomes available.

**Noise:** Environmental Health are satisfied with the conclusions drawn in the submission but raise 2 points for clarification:

1. We would typically require external plant to achieve 10dB below background in order to avoid cumulative noise impacts or background creep. In Section 12.6.6 they only intend to achieve 5dB. Could you verify whether this is in line with previous agreements. If it is not then we would expect the 10dB target to be implemented.
2. They have not specified how noise during deliveries would be tackled and, although they consider this to be local, minor adverse, consideration of potential mitigation would be required.

**Health, Safety and Licensing:** HSL do not object but wish to provide information regarding Safety at Sports Grounds and Entertainment Licensing:

- The section of Olympic Way between Engineers Way and Fulton Road is vital to the safe access and egress to the Stadium and Arena on event days. The route should be maintained accessible and safe for use throughout the demolition and construction stages. Any building material or rubble should be kept segregated and not accessible to the pedestrian route/areas.
- Any proposed buildings or structures should not impeded the existing walkway unless an acceptable equivalently spaced pedestrian route can be provided.

**Landscape Design:** The current proposals for tree planting are a bit vague and sparse. Comments have been made regarding the associated issues and a sketch tree planning strategy was put forward to give an indication of the number and locations of trees that are likely to be considered acceptable.

Recommendations included:

- An increased number of trees, and trees within all streets.
- Olympic Way trees planted at a smaller size (20-25cm girth), but at 15 m intervals.
- Use of landscape/trees to delineate servicing routes on shared surfaces.
- The avoidance of clusters of trees in small spaces.
- A recommended specification for tree pits.
- The grouping of services to facilitate tree planting.
- All trees should have a minimum of 2-3 year maintenance contract.
- The selection of trees should be revisited.
- Section 106 contributions towards tree planting may be acceptable for some locations, but

- not to avoid the planting of trees.
- A comprehensive strategy is required for the public realm.

#### **StreetCare (Waste):**

- Either option detailed in the “Operational Waste Strategy” is acceptable.
- StreetCare’s preferred option is the ‘Pneumatic Waste Collection System’ i.e. Envac, which is already in operation on the Wembley Stage 1 development.
- The addition of commercial waste to the Envac system is a matter that will require detailed discussion before planning permission is granted. We would request that the applicant provides further detail to that given in 6.3 of the ‘Operational Waste Strategy’. Specifically in relation to 6.3.2 and how the costs for commercial waste would be re-charged.
- A meeting with the applicant to clarify the issues (including commercial waste) will be required, before planning permission is granted.

**Transportation:** The Transportation comments and recommendations have been incorporated into the remarks section of this report due to the detailed nature of those comments.

#### **External Consultees**

##### **Local Authorities Responses**

- **London Borough of Barnet:** Acknowledged receipt of the consultation letter. No formal comments have been received.
- **London Borough of Camden:** No objection
- **Ealing Council:** No objection.
- **London Borough of Hammersmith and Fulham:** No objection.
- **Harrow Council:** No objection.
- **City of Westminster:** The City Council do not wish to comment on this application.

##### **English Heritage**

English Heritage does not wish to comment in detail, but offer general observations. The proposal involves the demolition of the de-listed former Palace of Industry building and proposes development adjacent to the Grade II listed Wembley Arena. The information that accompanies the application does not appear to take into account PPS5 which includes policies relating to development adjacent to Listed Buildings.

##### **Environment Agency**

The Environment Agency do not object to the proposal, but consider that planning permission should only be granted if it is subject to the conditions listed in their response. These conditions have been attached.

##### **NHS Brent**

A letter was received from the NHS/PCT querying the number of units and residents, the type of student accommodation and serviced apartments and the number of students, the timescales for occupation and the postal address, noting that they will be better able assess the impact on health services and plan accordingly with this information. They also specified that they wish that consideration is given to requesting a contribution towards the provision of a health facility or the extension of an existing facility. A response was sent to the NHS. However, no further responses have been received from the NHS.

##### **Natural England**

Initial comments:

Natural England do not object to the proposals. The site is within an Area of Deficiency for Access to Nature and Natural England are pleased that this is recognised in the Environmental Statement. The proposed provision of open spaces with “soft/green” landscaping together with brown/green roofs is welcomed and encouraged.

Comments following re-consultation:

Natural England has no comments to make. However, they expect the LPA to assess and consider the possible impacts when assessing the proposals, including:

- Protected species if the Council is aware or is made aware of any protected or BAP species on site.
- Opportunities for Biodiversity enhancements, such as the incorporation of features like bird boxes or bat roosts.

### **Sport England**

Sport England have responded in a non-statutory capacity, and have assessed the proposal in light of Sport England's Land Use Planning Policy Statement Planning Policies for Sports. Sport England highlight PPG17, the Brent 2008 Sports Facilities Strategy and the LDF Core Strategy. Additional local residential and commercial demand may stress local sports and recreational facilities, and the applicant must address any requirement for additional capacity either within the proposed development or through contributions to existing local sports infrastructure. Sport England do not object to the proposal provided the applicant is compelled by any permission to address sports facilities and that identified needs are clearly attenuated by an S106.

### **Thames Water**

Thames Water initially commented that they are unable to determine the waste water infrastructure needs of the application and they recommended a condition regarding details of drainage. Thames Water have clarified that there currently is insufficient capacity in their waste water network to serve this development. They are undertaking a detailed investigation into the infrastructural requirements. However, it is not possible to produce an effective drainage strategy until this study is completed and the infrastructural needs and delivery mechanisms are identified.

The planning agents for the applicant have queried the need for such a condition, and Thames Water have provided the following response:

*In relation to the proposed development, Thames Water are concerned about the capacity of the existing local drainage network and its ability to serve the development as opposed to treatment capacity at the Sewage Treatment Works (STW) which the agent refers to.*

*Thames Water are required by our regulator to ensure that customers' money is spent as effectively and as efficiently as possible. As such Thames Water seeks to ensure infrastructure is brought online in tandem with new development. If infrastructure is built without certainty of a development being brought forward, its phasing or likely occupation, that infrastructure may as a result be underutilised - an inefficient and ineffective delivery method.*

*Thames Water are funding and undertaking a local drainage infrastructure study to understand the impact of this and other proposed developments on the local drainage network. This will dictate the level of infrastructure required to serve the developments. Thames Water are requesting that the development is not commenced until the study is completed to ensure any impacts can be fully mitigated to avoid detrimental environmental effects to existing and future customers. This is in line with PPS23 on Planning & Pollution.*

As this is a material planning consideration, planning precedence has been established on a national basis for the need for such a condition and your officers do not have the technical expertise or access to sufficient information regarding the Thames Water network, your officers have attached the condition that has been recommended by Thames Water.

### **The Mayor of London – Greater London Authority, Stage 1 comments**

#### *Strategic Issues:*

The proposed land uses are broadly acceptable in this location in the Wembley Opportunity Area. However, the application does raise a number of specific strategic planning policy concerns that will need to be addressed in more detail including; affordable housing, residential space standards,

density, design and access, transport, energy, air quality and noise issues.

*Recommendation:*

That Brent Council be advised that while the application is broadly acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 119 of their report; but that the possible remedies set out in paragraph 121 of this report could address these deficiencies.

*Conclusions (paragraphs 119-121 of the Stage 1 Report):*

London Plan policies on land use, housing, urban design, access, transport, energy and climate change, air quality and noise are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- Housing: The proposed level of affordable housing and tenure split has not yet been satisfactorily justified. page 18
- Housing design: The applicant has not committed to designing the new residential units to meet the new housing space standards in the draft replacement London Plan.
- Design: Further information on the design of the multi-storey car park, the heights of the buildings along Olympic Way, the quantum and type of play space.
- Access: No commitment has been provided as to the level wheelchair accessible student and hotel accommodation.
- Transport: Further information on a number of transport measures is still required, with regards capacity impacts, bus stops, pedestrian and cycle works and parking.
- Energy and climate change: Further detail on a number of aspects of the proposed energy strategy is required; the contribution to help implement the wider district heating system, the proposed energy efficiency measures, the trigger point for implementing the combined heat and power plant, the location and size of the combined heat and power plant, cooling requirements, and securing the proposed level of photovoltaic panels.
- Noise: Ensuring residential building envelopes are built to a sufficiently high standard to avoid noise impacts from events at Wembley Stadium.

On balance, the application does not comply with the London Plan.

The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- Housing: The proposed level of affordable housing and tenure split has not yet been satisfactorily justified. This information must be provided to the GLA as soon as possible. The results of the independent appraisal must also be made available to the GLA. This information is necessary to inform the final level of affordable housing and the tenure split. The applicants have also calculated the Residential Density of the scheme using the methodology set out by the GLA. The proposal falls within, but toward the upper end of the London Plan density matrix.
- Housing design: The applicant has not committed to designing the new residential units to meet the new housing space standards in the draft replacement London Plan. In addition, the applicant should include further detail in the development specification as how the proposed single person dwellings (studios) would achieve an exemplar design standard.
- Design: Further information on the design of the multi-storey car park, the heights of the buildings along Olympic Way, the quantum and type of play space.
- Access: The applicant should commit to providing a level wheelchair accessible student and hotel accommodation.
- Transport: Additional information on car and coach parking, and electric vehicle charging infrastructure is necessary. The contribution to provide 'Legible London' posts and to fund the works identified in the PERS audit will be necessary. Funding towards capacity improvements on local bus services and the agreement on provision of bus shelters and upgrades to meet accessible bus stop guidelines is required and contributions to improvements at Wembley Central Station.
- Energy and climate change: The applicant should provide further detail on a number of



aspects of the proposed energy strategy is required; the contribution to help implement the wider district heating system, the proposed energy efficiency measures, the trigger point for implementing the combined heat and power plant, the location and size of the combined heat and power plant, cooling requirements, and securing the proposed level of photovoltaic panels. The Council should also secure planning conditions ensuring the installation of the green roofs and sustainable urban drainage techniques.

- **Noise:** The applicant should commit to ensuring that the residential building envelopes are built to a sufficiently high standard to avoid noise impacts from events at Wembley Stadium.

### **Wembley National Stadium Limited**

WNSL welcomes proposals to improve and regenerate lands around the National Stadium, however, they must also seek to ensure that proper commercial use of the National Stadium is not impeded by issues such as access and noise.

**Olympic Way Pedway:** The Pedway forms part of the main pedestrian access to the Stadium. Elements of the Pedway are in the application site area and the footprint of Plot NW04 extends into the footprint of the Pedway. This is acknowledged within Chapter 5 of the ES which specifies that that this plot can only be constructed in full following the removal of the Pedway and the existing Pedway will be removed in full to facilitate the construction of Plot NW04. WNSL are concerned that the approval of this application will grant consent for the removal of the Pedway without addressing the impact of this or proposing alternatives. WNSL also note that they have a right of way of the Pedway and Olympic Way.

**Olympic Way:** WNSL welcome the improvement to Olympic Way and consider the illustrative material to be interesting. Given the importance of Olympic Way as a major access route to the Stadium, WNSL consider that the parameter plans and in particular, the Proposed Circulation Plan is insufficiently detailed for approval. WNSL specify that the plan needs to detail the location of the 20 m wide corridor to allow the Police and others to comment and to ensure that the appropriate corridor width is ultimately provided and retained. The plans must specify that there will be no planting or street furniture within this area. Design guidelines need to be submitted for approval specifying parameters for the type of hard and soft landscaping on Olympic Way and the frontages.

**Noise:** WNSL welcome the comments within the application that the requirements of Conditions 12 and 13 of the Stage 1 consent can be achieved. WNSL consider that these conditions should be replicated for this consent if granted, with the additional requirement that it should apply to student accommodation and hotels.

**Construction / Phasing:** Due to their siting, the construction associated with plots NW04, NW08 and NW11 have the potential to disrupt the operation of the Stadium unless carefully controlled and managed. WNSL would accordingly expect to see conditions of similar effect to conditions 33 to 45 of the Stage 1 planning consent, and these should make specific reference to the operations of the Stadium, particularly on Event Days. The developer would need to be required to work closely with WNSL and the Police.

**Design and Massing:** The proposed heights of the buildings lining Olympic Way will restrict views of the Stadium, particularly key views looking South along Olympic Way with the consequence that the Stadium is less distinctive and less of a focal point. In WNSL's view, the proposed development is not appropriately scaled and there should be more of a set back at upper levels. Design guidelines should also be included for approval to ensure design of the highest quality is achieved.

**Access / Transport / Servicing:** The Transport Assessment highlights that a number of junctions will be over capacity with the proposed development and in particular, the junction of Empire Way and Fulton Road. The TA proposes mitigation measures to improve this junction. WNSL consider that these works should be tied to the first phase of development and required to be in

place and operational by completion of the first phase.

The TA also highlights an increase in driver delay due to an increase in traffic using the Empire Way – Engineers Way junction. WNSL consider that the need for mitigation measure should be kept under review, and further assessments in relation to this junction should be undertaken in relation to each new phase, with mitigation measures required if the position worsens.

WNSL consider that the Framework Travel Plan is very generic and makes no mention of the National Stadium on either Event Days or otherwise. Any travel plan for the area needs to include bespoke measures for Event Days such as notification of residents and occupiers of the dates of Events and related road closures, encouraging public transport use and reduced car use/parking on Event Days, prevention of the use of visitor car parking on Event Days.

The Proposed Access Plan details “building and service entrances” being capable of being located on any point of plots NW04, NW08 and NW11. This is too broad and should be better defined. This also conflicts with the TA which specifies that servicing will be undertaken via loading areas of Olympic Way and West Olympic Way. The ES specifies that no parking will be provided in these plots but also specifies that it will be provided in the eastern elevation, and car access is detailed on the Access Plan. These conflicts need to be clarified.

WNSL consider that a Servicing Management Plan is required through condition or Section 106 obligation, containing in particular detail of management of servicing on Event Days. The ES also refers to the traffic management controls that can be put in place around the Stadium on Event Days. WNSL would like confirmation that amendments to the road closure powers are not being sought.

## **REMARKS**

### **Introduction and structure of this report**

The supporting material submitted with this application comprises an Environmental Statement with Non-technical Summary, Design and Access Statement, Supporting Reports, Application Summary, Application (Parameter) Plans, Illustrative Materials. This material was supplemented by further information submitted in April 2011 which amended elements of the Environmental Statement, Supporting Reports and Application Plans. The various elements of these reports have been separated into discrete issues and discussed within this report.

This application has been submitted in Outline, with all matters reserved. Despite being an Outline application, the key parameters of the scheme are proposed to be established within the Parameter Plans, and Development Specification. These are also proposed to be added to within the Section 106 Heads of Terms. These documents define the scheme and allow the evaluation of the proposals for the purpose of the Environmental Impact Assessment and the likely significant environmental effects of the development.

This report will discuss the physical parameters and nature of the scheme before going on to consider the technical analyses that have been submitted to support the proposals. Given the complex nature of the proposals and extent of supporting information, this report will summarise and discuss the primary issues, with the full detail available in the submission documents.

The structure of this report is as follows:

- Introduction and structure of this report
- Scale, Massing and Layout
  - Environment and context
    - The Multi-Storey Car Park
    - Setting of the Grade II Listed Wembley Arena

- Views, including protected views
    - Olympic Way
    - Other view – short and long distance protected views to the Stadium and other views to the development
- Landscaping – Public Areas
- Residential Accommodation (Use Class C3)
  - Unit Mix – Tenure, Size and the Affordable Housing Cascade
    - The level of Affordable Housing
    - The Affordable Housing Cascade
    - Size mix of units
    - Residential Quality – Minimum floorspace
    - Residential Quality – External Amenity Space
    - Play, Recreation and Sports
    - Residential Quality – Accessible Housing
    - Residential Quality – Daylight and Sunlight
    - Residential Quality – Outlook and Privacy
    - Residential Quality – Noise and vibration
    - Residential Density
- Education
- Retail, financial and professional services and food and drink floorspace (Use Class A1 to A5)
- Business (Use Class B1), including Low Cost Employment Space (LCES)
  - Low Cost Employment Space (LCES)
- Community floorspace (Use Class D1)
  - Healthcare
- Hotel (Use Class C1), Student accommodation / serviced apartments / apart-hotels (Sui Generis) and Leisure and Entertainment (Use Class D2)
  - Student Accommodation
  - Noise in relation to Hotel and Student Uses
- Comments received regarding the mix of uses
- Transportation and Movement
  - Transport Assessment
  - Highway Assessment
  - Parking
  - Public Transport
  - Pedestrians and Cyclists
  - Access and Circulation
  - Olympic Way and Event Day Strategy
  - Travel Plan Framework
  - Servicing and Deliveries
  - Transport Infrastructure Contribution
  - Recommendations from Transportation
- Daylight and Sunlight - Impact on nearby dwellings
  - Daylight
  - Sunlight
  - Dexion / Howarine House
- Microclimate – Wind Environment
- Air Quality
- Groundwater, Soils and Contamination
- Water Resources and Flood Risk
  - Flood Risk
  - Waste Water
- Demolition and Construction
- Archaeology

- Ecology and Nature Conservation
- Utilities
- Operational Waste Strategy
- Site Waste Management Plan
- Statement of Community Involvement (SCI)
- Alternatives
- Cumulative Effects
- GLA Stage 1 Comments
- Other matters raised by Wembley National Stadium Limited
- Summary and Conclusions

### **Scale, Massing and Layout**

This section of the report discusses the massing and layout of the proposal.

#### ***Environment and context***

The Wembley Masterplan 2009 set provided guidance regarding the scale and form of development in this area, highlighting the importance of a transition between the existing suburban housing and the high densities and urban forms of buildings and spaces envisaged within the Wembley Regeneration Area.

The Masterplan provided the following guidance:

*The strategy for the massing of the Masterplan area is to preserve the imposing presence of the new stadium, whilst successfully integrating the new development area with adjacent residential uses, stitching the urban fabric together to create a seamless transition between residential suburbia and a new higher density urban landscape. The scale of development will also respond to development that already has permission such as Quintain's Stage 1 lands, whilst enabling a different character to develop.*

*In order to achieve this, smaller scale buildings and a tighter urban grain could be developed on the periphery of the Masterplan area, towards Empire Way at the west and Empire & Danes Courts to the north east. At the core of the area could be a series of larger scale developments that reflect the commercial, hotel and civic uses and, further east, a transition to lower buildings with wider plot depths signifies the predominance of industrial development.*

The proposal represents a high density mixed use urban redevelopment proposal. The scale and massing of the proposal differs from the Quintain Stage 1 scheme which has seen the delivery of perimeter blocks with relatively uniform roof heights. The North West Land proposals includes significant variation in the heights of buildings, resulting in many elements of buildings that are lower than those approved within Stage 1, together with a greater number of taller elements.

Plot sizes are typically smaller than the larger Stage 1 buildings, with the exception of plots NW01 and NW09-NW10, the latter comprising two plots that may read as one due to their interconnected nature. The applicant has sought to address this by breaking NW01 into two blocks above the low podium level, with each block differing in form and design. NW09 and NW10 are proposed as three separate elements at upper floor level.

The Wembley Masterplan 2009 provided an indication of the heights that will be considered acceptable within the Masterplan area, including the North West Lands site. Heights generally rose from 4-6 storeys adjoining Empire Way to 7-10 storeys adjacent to Olympic Way. Some localised "accents" in height were suggested, such as the corner of Empire Way and Engineers Way (7-10 storeys), and toward the northern side of the NW01 plot but set back from Empire Way (7-10 storeys).

Many of the building heights proposed are greater than those set out with the Wembley Masterplan 2009. However, schemes must be considered on their individual merit and consideration must be given to the indicative nature of the heights within the Masterplan, the quality of environment that

results from the proposed scheme (in terms of scale, layout and massing), and to precedent established by other consents.

The application site adjoins two sites that were recently granted planning permission for redevelopment, namely the Civic Centre and Dexion House sites.

The Civic Centre, which is currently under construction, is to be 44.5 m high (above ground level, 81.5 m high AOD) whilst the building is approximately 91 m wide by 69 m deep.

In relation to the Dexion House site, planning permission was granted for a 15-storey residential building with pool and leisure centre at ground floor level in April 2010, whilst the Planning Committee resolved to grant consent on 6 April 2011 for revised scheme comprising Student Accommodation with a pool/leisure centre at ground floor level. The revised building is set 2.2 m from the boundary between the Dexion House site and the Quintain North West Lands site, and reaches a maximum height of 18-storey or approximately 52.4 m above ground level (or 87.8 m AOD).

As discussed above, the Wembley Masterplan 2009 promoted a tighter urban grain along Empire Way. The inclusion of a physical separation between the eastern and western blocks at upper levels helps to achieve this, and this approach is reliant on a strong visual contrast between blocks. The width of the block fronting Empire Way (69 m) is significant, and greater than others, such as that approved within the Dexion House scheme. However, your officers consider that this can be addressed through the inclusion of significant physical and visual articulation of the building, such as steps or breaks in the facade, materials and/or balconies/oriels or other projections. This principle of articulation is applicable to most if not all of the facades and buildings within the application site, and such detail can be secured within the subsequent Reserved Matters application as sufficient flexibility has been incorporated into the Parameter Plans and Development Specification.

Streets are relatively narrow at ground floor level given the scale of adjoining buildings. For example, By Design (CABE and DETR) suggests that roads with adjoining buildings that reach 5-6 storeys in height should have a width of 27-36 m. However, a number of techniques have been used to provide a greater sense of openness, including:

- Setting the upper floors of the building back (e.g. buildings adjoining West Olympic Way);
- Providing breaks in the upper floors of the buildings (e.g. NW01, NW06 adjacent to Dexion House, north west facade of NW09);
- Providing “Pockets” of open space to provide separation (e.g. between NW01 and NW06, between NW06 and NW09);
- Designing the shape, orientation and layout of plots to minimise the length of the street with opposing tall buildings (e.g. between most plots, and between plots and adjoining buildings such as Dexion House and the Quality Hotel).

Activity within building facades at ground floor level also helps to establish a human scale for large urban buildings. The proposals within this application demonstrate a more considered approach to the establishment of active uses where historically commercial uses have often been incorporated but failures in the letting process result in the prevalence of boarded up shop units in areas of lower footfall. Whilst Olympic Way and West Olympic Way will have a town centre character, the incorporation of other uses at ground floor level will help to provide activity and “life” to the remainder of the streets. This includes the provision of residential units to ground floor level surrounding the park and fronting Exhibition Way, and the inclusion of “Low Cost Employment Space” (discussed later in this report) and community floorspace on Wealdstone Road, Empire Way and/or Engineers Way.

### ***The Multi-Storey Car Park (MSCP)***

This application proposes a Multi-Storey car park above the 8 m – 13.5 m high retail unit(s) within Plot NW10. The height of the car parking element may be between 18 m and 23.5 m, but is

restricted to a maximum of 6 storeys with a maximum clearance height of 2.6 m within each floor and in practice is likely to be 18 m.

Nevertheless, the MSCP is a large structure within an elevated position which is to be clad rather than wrapped in other uses. Therefore, the quality of the cladding system is vital to the success of the building, and the development as a whole. The visual prominence and potential impacts of the MSCP are exacerbated by the potential location of residential units within adjoining blocks. These units or rooms within units may have sole aspects that are as close as 15 m from the external facade of the car park and as such, a low quality or inappropriate external car park treatment could result in very poor standards of accommodation for future residents.

The final design will be the subject to a Reserved Matters Application. However, some indicative details have been provided regarding the treatment of the external facade using a Moiré effect double skin perforated metal with larger “holes” in the outer skin and lighting systems to provide visual interest. The submitted details do not provide full working details of the systems or samples of the materials, and your officers consider that an approach such as this is contingent on very high quality materials, as some examples of the use of the Moiré effect in such situations are less successful than others. To provide a commitment to the quality of the treatment, the developer has committed to a minimum spend level on the facade (excluding the cost of the structure of the building) of £1.5 million.

Your officers consider the proposals to be acceptable in Outline with this commitment to minimum spend, and are comfortable that this matter can be dealt with at Reserved Matters stages.

#### ***Setting of the Grade II Listed Wembley Arena***

Elements of the proposed development are in proximity to the Wembley Arena, a Grade II Listed Building. Plot NW01 and Exhibition Way are situated on the opposite (northern) side of Engineers Way from the Arena, and both the Arena and the proposed development are visible in some of the submitted views, including Short Distance View 5 (UDP Policy WEM19).

Section 66 of the Listed Buildings Act 1990 requires authorities, in granting planning permission which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

The submitted assessment Townscape, Visual and Heritage Assessment sets out the proposals in relation to PPS 5, which in this instance relates to any potential impacts on the setting of the Wembley Arena, a Grade II Listed Building. The potential impacts have been assessed visually and within the report. The assessment sets out that visibility of the development in key views in relation to the Arena does not automatically lead to the conclusion that the proposals would harm its setting. It specifies that the development would enhance and leave unharmed this heritage asset, with the proposal carefully conceived for its specific site and that any potential harm should be balanced by its capacity to enhance the Regeneration Area urbanistically and to provide the potential for much needed high quality accommodation in a well considered environment.

Your officers considered the setting of the Wembley Arena when developing the indicative massing models for the Wembley Masterplan 2009. It was acknowledged that some views to the Wembley Arena will be reduced with the redevelopment of the surrounding land, such as the development of land now referred to as Plot NW01. However, this development represents a significant improvement to the character of the area given the current state of the land. Furthermore, the redevelopment of this land is likely to be required to ensure the levels of development set out within the Masterplan 2009, the LDF Core Strategy and the London Plan. It is accordingly considered that the views that have been assessed allow the appropriate consideration of the relationship between the proposed development and the Wembley Arena, and any potential impacts on its setting. Your officers concur with the findings of the Townscape, Visual and Heritage Assessment, and consider that the proposed development will not have an adverse impact on the setting of this Grade II Listed Building providing the quality of the final design and

materials (to be determined at Reserved Matters and conditions approval stages) are sufficient.

English Heritage specified that they wish to make general observations rather than commenting in detail. They noted the adjacency to the Grade II listed Wembley Arena, and specified that the information that accompanies the application does not appear to take into account PPS5 which includes policies relating to development adjacent to Listed Buildings.

Whilst the Planning Statement does not reference PPS5 in detail, it does discuss the setting of this Listed Building and refers to Chapter 7 of the Environmental Statement. Your officers consider that Chapter 7 adequately considers the potential impacts on the Listed building in relation to PPS5. It is assumed the English Heritage were not aware of this element of the Environmental Statement. Nevertheless, the comments from English Heritage were general observations rather than detailed comments, and they did not object to this proposal.

### ***Views, including protected views***

The submitted Townscape, Visual and Heritage Statement evaluates a number of protected and other views to the development and to the National Stadium.

#### Olympic Way

Olympic Way is arguably the most prominent road in the Borough due to its role in establishing the setting of the National Stadium, signalling and celebrating the importance of the form and function of the stadium upon arrival at Wembley Park Station.

Policy WEM18 of the UDP 2004 sets out that *Olympic Way will be improved as the main vista to the Stadium and development along it should not detract from views of the Stadium as a focal point or the setting of listed buildings.* The pre-amble to this policy sets out that it acts as a *processional way with its dramatic visual termination by the Stadium.*

Policy WEM19 establishes the Protected View from Wembley Park Station. The adopted Wembley Masterplan 2009 highlights the importance of both this view and the processional route along Olympic Way.

The Masterplan sets out a design code for the sites adjoining Olympic Way between Fulton Road and Engineers Way, where the upper elements of the buildings are set 40 m from the centre of Olympic Way and the maximum height of buildings is 70 m AOD. Whilst this design coding represents guidance rather than policy, it provides clarity regarding the level of impact on the views to the stadium along the Olympic Way processional route that was considered to be acceptable.

Building NW04 and the southern element of NW08 are set at least 40 m from this point. However, NW11 and the northern element of NW08 are not. With regard to heights, all of the buildings are greater than the 70 m AOD height set out within The Wembley Masterplan SPD. When taking into account the tolerances for plant and construction set out within the Parameter Plans, the maximum heights possible for each building fronting Olympic Way on the North West Lands site is 84.5 m AOD for NW11, 91.5 m AOD for NW08 and 92.5 m AOD for NW04.

The submitted documents set out and discuss the impacts on the views to the Stadium from the protected and other viewpoints, including those along Olympic Way. These visually demonstrate the level of impact by detailing the proposals with Verified Views (where appropriate) and provide a discussion and analysis of those images.

With regard to the protected view from Wembley Park Station, the submission demonstrates that the proposals will reduce the amount of area between the Stadium roof and arch that is visible at present and when compared to the levels that would be achieved through the Wembley Masterplan SPD, but provide some degree of balance to the view when viewed in conjunction with the committed development (Shubette House, the College of North West London and the Quintain Stage 1 scheme, the latter of which does not project above the roof from this viewpoint).

When considering the views along the Olympic Way Processional Route, it is clear that the proposal would result in a reduction in the view to the Stadium along Olympic Way from the levels that would be achieved through the Wembley Masterplan Design Coding. However, the level of impact on the views to the arch and the space between the roof and arch reduces as one walks towards the stadium from the station and your officers consider that the proportion of arch and space that is visible maintains an acceptable level of prominence for the National Stadium.

Your officers have considered the potential impact of a similar form and height of development on the Olympic Office Centre site (directly to the east of Olympic Way). Whilst this has not been proposed and is not in the ownership of the applicant, the North West Lands proposals would serve as a precedent for this and as such, one should be mindful of any consequences. Your officers consider that the cumulative impact of such a development (i.e. mirroring the Quintain North West Lands scheme) would also be acceptable, maintaining an acceptable level of impact on the views to the Stadium. However, it is considered that any further impact on the views to the Stadium is likely to be significantly detrimental to the prominence of the Stadium (such as buildings that are higher or further forward than those currently proposed within this application and those that have already been consented along Olympic Way).

#### Other Views – Short and Long Distance Protected Views to the Stadium and other views to the development

The submitted assessment demonstrates that the proposals will not have an adverse effect on the remaining protected short distance views to the Stadium (Policy WEM19 of the Unitary Development Plan), whilst the proposals in general will have a beneficial effect on the views evaluated for this application. Similarly, the proposals will not have an adverse effect on the protected Long Distance Views to the stadium (also WEM19 of the Unitary Development Plan).

#### Landscaping – Public Areas

The landscaping proposals initially included indicative details regarding the nature, design and hierarchy of spaces within the Landscape Strategy together with zones for tree planting set out within Parameter plan P08 (Proposed Public Realm and Open Space at Ground Level) and the Tree Removal Plan.

Landscape Design commented that the proposals lacked sufficient clarity regarding the delivery of key items, such as the number of trees, and also needed to be supported by further commitments to details such as root management systems. Alternative tree species, locations and sizes were suggested, including the provision of trees in all streets, and the removal of both rows of trees along Olympic Way together with the planting of new trees as part of the Olympic Way improvement works.

In response to these comments, the applicant revised the Public Realm at Ground Level and Tree Removal to address these concerns. The revisions include the provision of a total of 118 trees, comprising 76 smaller trees (Maidenhair, Ornamental Pear, Wild Cherry or Himalayan Birch) and 42 larger trees (London Plane/Common Lime), with trees provided within zones detailed in all streets with the exception of Exhibition Way adjacent to the Civic Centre Wedding Garden. This is accompanied by Section 106 financial contributions of £82,500 towards the planting of trees in the vicinity of the site, which would translate to an additional 33 trees if the cost of provision is £2,500, or 23 trees at £3,500 per tree. Up to 10 % of the on-site trees may also be off-set through financial contributions of £2,500 per tree if it is not possible to plant them on-site for reasons such as the location of services. Your officers consider that the proposed numbers and locations of trees are acceptable, with the final design and location to be secured through the relevant Reserved Matters applications.

The intensity of use of the proposed publicly accessible open spaces, such as the Square and the pockets, will be very high due to the (understandably) limited amount of space within this town centre context. As such, the spaces must be of exceptional design and quality. Your officers



consider that the submitted details provide sufficient reassurance that a high quality of space can be secured through the Reserved Matters applications.

The alterations to Olympic Way will be discussed within several sections of this report. This section will cover the improvements to the landscaping itself in terms of design whilst other matters will be discussed in the Transportation section.

The application proposes an “upgrade” of Olympic Way with a minimum spend value of £4 million (excluding trees). The day to day function of Olympic Way as the development comes forward. At present, Olympic Way is flanked by railings on both sides. This will change significantly with the introduction of active frontages and uses on the western side and the creation of “Pocket spaces” between buildings.

Whilst pedestrianised at present, Olympic Way will accommodate servicing vehicles during two time limited periods, coach drop off if required by adjoining hotel uses on the North West Lands site and drop off (but not parking) for mobility impaired (blue badge) users. A 20 m clear zone will be maintained as free of all obstructions, with this representing the Stadium’s known requirements for access/egress on Event Days. This zone will be situated between two rows of trees set out in Parameter Plan P08, with zones for outdoor activity (such as cafe/restaurant seating) between the building frontages and the trees.

The precise design and detailing of Olympic Way will be secured within the Reserved Matters applications. However, it is noted that the zones for tree planting within Olympic Way are wide, and within the Reserved Matters application, your officers would wish to ensure that details that are submitted ensure the planting of two rows of trees within Olympic Way itself and that the site of trees takes into account the views to the Stadium along the Olympic Way Processional Route as one travels from Wembley Park Station and in particular, how the elements to the north and south of Olympic Way relate to each other.

Your officers consider that, having regard to the design and appearance of Olympic Way itself, the submitted details and commitment to a minimum level of spend provides sufficient reassurance regarding the quality of the environment that may be delivered.

Landscaping comments regarding the courtyard amenity spaces will be provided within the following section on the quality of residential accommodation.

### **Residential Accommodation (Use Class C3)**

This application proposes the construction of 815 to 1,300 residential units, corresponding to between 65,000 m<sup>2</sup> and 100,000 m<sup>2</sup> of floorspace.

Residential units can be provided within the upper floors of any of the plots with the exception of NW04 and NW10. They may also be provided at ground floor level within plots NW01, NW06, NW07 and NW09 providing individual units are provided over more than one floor (e.g. a 2-storey or 3-storey maisonette) and with some facades excluded due to environmental considerations, such as the western and southern facades of NW01 at the junction of Empire Way and Engineers Way or along the Wealdstone Road facades of NW01, NW06 and NW09.

### ***Unit Mix – Tenure, Size and the Affordable Housing Cascade***

#### **The level of Affordable Housing**

This application proposes a total of 10 % Affordable Housing by gross external floorspace. The proposed ratio of Social Rented to Intermediate housing is 60:40 by habitable room. This would result in the provision of between 6,500 m<sup>2</sup> and 10,000 m<sup>2</sup> of Affordable Housing, but this level of provision is contingent on the level of grant that is available from the Homes and Communities Agency (HCA) or that can be funded through whatever means or body is applicable in the future. The application has been accompanied by an Affordable Housing Cascade which has been

developed through discussions between your officers and the developer and looks to provide a mechanism to establish revised (higher or lower) levels of Affordable Housing based on the capital contribution that can be achieved which at present is influenced by the level of grant provided by the HCA. This is discussed in more detail later in this report.

The total level of Affordable Housing is considerably lower than that secured through all other large consents to date. However, the current financial environment differs significantly from that of previous years, and it is considered unlikely that sales values and rental yields will behave in a similar fashion to that experienced over the last 16 years.

The Financial Appraisal provides an assessment of profit based on Internal Rate of Return (IRR) over a number of modelled delivery periods and delivery scenarios (i.e. mixes of uses and timing of delivery) using a growth model approach. The Appraisal shows that the target rates of return (17.5 % by IRR) will not be achieved with the base assumptions for each scenario or with the sensitivities that have been tested. This includes a +/- 10 % change in sales value and +/- 5 % construction costs, +/- 10 % rental values and -0.25 % to + 0.5 % variation in rental yield.

Assessment by Internal Rate of Return takes into account the value of money over time, and the basic profit-on-cost model is difficult to apply to schemes that are to be delivered over longer periods of time.

This report has been evaluated by your officers whilst an independent assessment of the report and financial has been undertaken by the Valuation Office Agency (the VOA).

The findings of the VOA report are as follow:

- Subject to some minor adjustments to the construction costs, the levels of construction costs, sales values and rental yields are within ranges that are typical for this type of development and area.
- The use of Internal Rate of Return is an acceptable approach as investors look to compare returns with other investments.
- The high rise nature of this scheme is expensive and the values that are currently being achieved in the locality affect the deliverability of the scheme;
- The grant assumptions are optimistic (100k for Social Rented units and 40k for Intermediate) and may not be achievable in the future.
- At present day costs and values, the scheme is unviable and could not provide any Affordable Housing. A "Residual Value" based assessment of the scheme would return a value of negative £19 million, and the implementation of the scheme would accordingly result in a significant loss of land value. If an assessment of viability was undertaken based on the Internal Rate of Return but with no growth assumptions taken into account, the profit associated with the development would be a mere 2.61 %.
- The length of the development makes it unrealistic to consider it in this context and the growth model provides a way of assessing the longer term capability of providing a set amount of Affordable Housing.
- The growth approach is subject to high levels of uncertainty and the only real way that estimates can be made is looking at long term historic cycles and taking a view on the stability of the economy as a whole.
- It is impossible to estimate the potential of the scheme exceeding the normal property inflation that takes place. Successfully regenerated areas will potentially see greater levels of growth as the development takes off and this will level out as the local market adjusts. This has been addressed to some extent but no analysis has been provided of other regenerated areas as examples.
- The levels of IRR set out within the Financial Appraisal are below their stated target but are considered to be within an acceptable range. It would have been useful to have some benchmark analysis similar to that which the IPD produce for property investment to put the results into context.
- Due to the nature of the development there would be an opportunity to engineer cost

savings in relation to the development costs over a scheme of this length and the sensitivity analysis again shows this. It is considered that the developer is more likely to see an improved return from savings made in the procurement and design of the development than growth in capital values as this is in their control.

- With the long term nature of the permission the Affordable Housing offer appears to be fairly small compared with other long term comprehensive schemes.
- In view of the amount of residual residential planning consents in the area the developer, has complete control over the delivery pattern and in this instance it may be more appropriate to review the affordable housing provision as each phase is brought forward. This would therefore make it easier to establish how the area has been enhanced by the earlier development and in particular the early retail schemes and leisure facilities.
- In view of the relatively small changes in IRR associated with the increases in Affordable Housing that have been modelled, there may be some scope for the developer to provide additional Affordable housing. However, in reality, the associated levels of change in an investment are significant.
- In summary, the deliverability of this scheme is compromised by its high density nature and current values, therefore, the alternatives available to bring this scheme forward are
  - A pre agreed affordable housing provision above 10%.
  - The assessment of viability is deferred to the individual phases of the scheme when they are brought forward.
  - A claw back arrangement could be used but these can be complicated and are generally unpopular and difficult to implement.

The Financial Appraisal and assessment report from the VOA demonstrate that the greatest variability in the level of profit occurs with changes to build cost and residential sales values. Given the amount of floorspace within this proposal, such changes can have a significant impact on the levels of Affordable Housing.

It demonstrates the development would not yield any Affordable Housing whatsoever if the financial assessment was undertaken without making assumptions regarding growth.

Whilst the Valuation Office have confirmed that the specified build costs and sales values are within acceptable ranges, your officers are aware that some tenders for similar sized buildings have been received by developers with considerably lower build costs while sales values may be affected by other factors, such as the nature of the units that are being sold. With regard to the latter, a number of variables affect the sale value. Units on upper floors or those with open views and higher levels of daylight/sunlight are likely to achieve considerably higher sales values than those on lower floors with restricted levels of light. It must be acknowledged that build costs vary significantly with the type and quality of build and therefore, whilst your officers are aware of schemes with lower build costs, it is equally possible that the levels set out in the Financial Appraisal may be reached or exceeded.

To ensure that there is certainty regarding the minimum level of Affordable Housing (subject to the Cascade discussed below) but to address the currently low level of Affordable Housing and potential variability in the viability of the scheme, your officers recommend that a review mechanism is implemented.

This would involve a review of the actual sales values achieved for the private residential units following completion of the first predominantly residential plot, and the comparison of those values with the sales values (per square foot/metre) within the Financial Appraisal. As the Financial Appraisal uses a growth approach, the sales values would accordingly be inflated over time using the assumptions set out within the financial appraisal.

The review would be undertaken by the developer and submitted to the Council covering all private residential sales within the North West Lands application area in the period up to one year following Practical Completion of the buildings within the first predominantly residential (at upper

floors) plot. This would involve the assessment of the sales data with information regarding the area of each unit (GIA). If the actual sales values exceed the base levels specified within the Financial Appraisal (as inflated) by up to 5 %, the level of Affordable Housing would be increased to 12.5 %. If the sales actual values exceed the base levels (as inflated) by 5 % or more, the level of Affordable Housing would be increased to 15 %. This revised level of Affordable Housing would only apply to residential buildings that have not been constructed or commenced at the point 12 months from Practical Completion of the buildings on the first predominantly residential plot.

Whilst this approach does not result in a full reappraisal of scheme viability, it provides a more transparent and open approach that is understandable, provides certainty for all parties and can be easily interrogated and validated. The revised levels of Affordable Housing (12.5 % and 15 %) would also be subject to the Affordable Housing Cascade.

It should be noted that the tolerances assessed within the Environmental Statement and the other reports that accompany this application take into account the potential increase in Affordable Housing that may occur as a result of this review mechanism and the associated changes to parameters such as (but not limited to) housing mix, population and child yield.

#### The Affordable Housing Cascade

The mechanism and funding for the provision of Affordable Housing are in a state of flux and are unclear at this point of time. The applicant has had no choice but to make assumptions regarding the level of Affordable Housing grant that were robust when preparing the application but are already out of date and therefore inaccurate.

An Affordable Housing Cascade has been developed by the applicant and your officers that looks to provide certainty regarding the levels of Affordable Housing that can be adjusted using a clear and transparent mechanism over the life of the development. This Cascade provides a number of options for the provision of Affordable Housing, and attaches multipliers which can be used to adjust the level of Affordable Housing from the level currently agreed (10 % of GEA subject to the review mechanism) to a new level that places an equivalent financial contribution on the developer. The level of Affordable Housing within the Cascade is correlated with the financial contribution as financial viability is the current way by which the level of Affordable Housing is set.

The developer will enter into discussions with the Council and RSLs at the start of the detailed design process for residential buildings (i.e. design development for Reserved Matters application). The developer will then choose from the following five options for the provision of Affordable Housing:

1. Standard provision of traditional Affordable Housing (i.e. grant received in accordance with the assumptions in the financial appraisal);
1. Reduced (or over-provision) of traditional Affordable Housing due to zero, part or increased levels of grant;
2. Land within Brent offered by the Developer in lieu of Affordable Housing;
3. Off-site provision of new or existing stock;
4. "Discount market rent" units delivered.

The Council may then choose to accept the offer, or may require the provision of Affordable Housing from the following five options:

- e) Standard provision of traditional Affordable Housing (i.e. grant received in accordance with the assumptions in the financial appraisal);
- a) Reduced (or over-provision) of traditional Affordable Housing due to zero, part or increased levels of grant;
- b) "Discount market sale" units, sold by Quintain to purchasers nominated or approved by the Council/an RSL at a set percentage of market value with the balance of ownership transferred to the Council or an RSL;
- c) A commuted sum (i.e. payment to the Council towards the provision of Affordable Housing);
- d) Units provided to the Council or an RSL for the provision of "discounted market rent" (either provided/sold in perpetuity or provided for a period of 25 years with an option to purchase

at the end of this period by the Council or an RSL).

The Reserved Matters application will be submitted once the final option has been determined. At present, grant decisions are not made until after Reserved Matters applications have been approved. There will be a review mechanism which will result in consideration of the under provision of Affordable Housing if grant is below the anticipated level or over provision if grant exceeds that anticipated.

The applicant has submitted a number of multipliers which set out the levels by which Affordable housing will change if grant levels are not achieved. This also sets out the “commuted sum” (i.e. payment in lieu of Affordable Housing provision) which has been set at a level that maintains the level of profit set out within the Financial Appraisal. These are currently being evaluated by the Valuation Office and your officers will have more detail regarding this at a later date.

The above text refers to levels of grant as this is the current mechanism by which Affordable Housing is funded by central government allowing the RSLs to determine the price they can pay for the Affordable Housing units. However, Affordable Housing may be funded by a variety of other mechanisms in the future, such as the capitalisation of assets by RSLs (i.e. borrowing by RSL that is secured by their existing assets and rents).

In reality, the provision of Affordable Housing through the options described above may result in three outcomes:

- v. Sale of units to an RSL or the Council (options 1, 2, 4, 5, a, b and e);
- i. Sale of the units directly to an individual nominated by the Council or an RSL with the remainder transferred to the Council/RSL at no cost (option c);
- ii. Payment of a cash equivalent or land to that value (options 3 and d).

Mechanisms i. and ii. result in the sale of the units at a set proportion of Open Market Value (OMV) either to an individual or an RSL, and as such, the multiplier realigns the difference between the initial assumption and the actual levels of Affordable housing attained, with the developer’s financial contribution remaining constant. This allows flexibility regarding the funding mechanisms and the proportion of OMV that is deemed to be affordable at the time of Reserved Matters submission.

Mechanism iii. will be an easily interpretable level of payment (or equivalent in land) based on the floorspace that is to be off-set.

The 25 year provision of Affordable Housing option will require a separate multiplier due to the complexity associated with the calculations, values and yields.

Your officers consider that the Cascade represents a robust way of addressing the high level of uncertainty in the mechanisms for the provision of Affordable Housing over the period of this development. The acceptability of this approach is dependent on the levels at which the multipliers and commuted sum are set. Further information will be provided regarding this matter in the Supplementary Report following the analysis by the Valuation Office Agency.

#### Size and mix of units

The mix of units (by Habitable Room) is proposed to be within the following ranges:

|                      | <b>Private</b> | <b>Social Rented</b> | <b>Intermediate</b> |
|----------------------|----------------|----------------------|---------------------|
| <b>Single person</b> | 2-6 %          | 0 %                  | 0 %                 |
| <b>1-bedroom</b>     | 25-29 %        | 12-16 %              | 28-32 %             |
| <b>2-bedroom</b>     | 51-55 %        | 29-33 %              | 43-47 %             |
| <b>3-bedroom</b>     | 6-10 %         | 54-58 %              | 24-28 %             |

Policy CP 2 of the LDF Core Strategy sets a target of 25 % family units whilst policy CP 21 seeks to ensure the provision of a balanced housing stock and defines family units as those with 3 or more bedrooms. An indicative mix of units by tenure is also set out within the Wembley Masterplan 2009.

The London Plan (consolidated with amendments since 2004) and the draft London Plan refer to housing choice in terms of type and size to meet need. The Mayor's 2005 Housing SPG sets proportions of units by tenure and size while the 2010 draft SPG sets out the need to demonstrate how the mix of dwelling sizes and tenures meet strategic and Local Borough targets. The Mayor's London Housing Strategy (February 2010) sets targets for family Intermediate and Social Rented units at 16 % and 42 % respectively (by unit).

With regard to Social Rented Units, the proposal provides a greater proportion of 3-bedroom units, but does not include any 4-bedroom units. The proportions of 1- and 2-bedroom units are lower than Masterplan Levels. This proportion of family sized units is promoted by the Masterplan and the Mayor's Housing Strategy and is supported by your officers. Your officers do not object to the absence of 4-bedroom units. The 2009 Masterplan highlighted the North-eastern district as the more appropriate location of larger family units due to the proximity to the 1.2 Ha park that is to be required in that district.

In relation to the Intermediate units, a greater proportion of 2- and 3-bedroom dwellings are proposed, with a lower proportion of 1-bedroom units. Again, this is supported by officers as it addresses housing need and the Mayor's Housing Strategy.

The proportion of one-person to 2-bedroom private units proposed is greater than the Masterplan indicative levels, whilst the proportion of 3-bedroom units is significantly lower (6 – 10 % proposed in comparison to approximately 21 % (by Habitable Room) within the indicative Masterplan mix). Whilst your officers consider that a higher proportion of 3-bedroom private units would be preferable, your officers do not object to the proposed proportions due to the high levels of Social Rented and Intermediate family units.

When assessing the overall proportion of family sized housing in relation to LDF Core Strategy Policy CP 2, one must make a number of assumptions regarding the units that are to be provided. Your officers have run a scenario based on the maximum residential provision and this resulted in approximately 9 % of the total units having 3 or more bedrooms. Whilst below the 25 % target, regard should be given to the good proportions of Social Rented and Intermediate family homes, the high density town centre nature of the proposed development and the increased number of family units that are promoted within the north eastern district set out within the Wembley Masterplan.

In conclusion and on balance, your officers consider that the proposed mix of units is acceptable and meets the requirements set out with the Stage 1 response from the GLA.

#### Residential Quality – Minimum floorspace

This application sets minimum levels of floorspace based on the Council's SPG17 guidance and the draft London Plan. This includes Studio or specifically designed compact one-bedroom units of at least 37 m<sup>2</sup>, one-bedroom two person units at 50 m<sup>2</sup>, two-bedroom units at 61 m<sup>2</sup> and 65 m<sup>2</sup>, three bedroom units at 74 m<sup>2</sup>, 80 m<sup>2</sup>, and three-bedroom units (over more than one floor) at 87 m<sup>2</sup>. The minimum size of Affordable housing units will be greater if required to ensure the receipt of grant from the HCA or equivalent organisation.

Your officers consider that the proposed minimum sizes of units are acceptable.

#### Residential Quality – External Amenity Space

Due to the urban high density nature of the scheme, a hierarchy of external amenity space will be

provided for residents.

All units will be provided with a private balcony, terrace or garden. Balconies with a depth of at least 1.5 m will be provided unless unfeasible. This will be accessible from the main living space unless unfeasible, in which situations it may be provided from other parts of the unit. Where balconies are not feasible, roof terraces or gardens will be provided.

Communal roof terraces will be provided on all residential blocks, with the extent of the podium level roofspace detailed within the parameter plans and minimum levels of communal external amenity space for each block specified within the Development Specification.

Residential units that adjoin the communal roof terrace will have a 2.5 m deep area of private external amenity space with a boundary treatment to ensure sufficient levels of privacy are achieved.

The development includes the provision of a 0.4 Ha Square which will provide publicly accessible external space that will act as a small local park.

The roof of the Multi-Storey Car Park will also be designed and made available for external amenity, play and/or recreational activities, and may include features such as a Multi-Use-Games-Area, allotments, communal amenity space.

Supplementary Planning Guidance No. 17 specifies that a minimum of 20 m<sup>2</sup> (each) of external amenity space shall be provided for all flats, with the exception of houses and 3-bedroom flats at ground level which should have 50 m<sup>2</sup> each. If one was to assume that all units will require 20 m<sup>2</sup>, this results in a total requirement of 26,000 m<sup>2</sup> of external amenity space for the 1,300 units. This may be an underestimation as some 3-bedroom units may be provided to ground floor level. However, proportionally this difference is likely to be small.

The cumulative total minimum areas of communal space, as set out within the Development Specification, is 3,900 m<sup>2</sup>. In addition to this, 4,000 m<sup>2</sup> of space will be provided in the Square and 3,240 m<sup>2</sup> on the roof of the Multi-Storey Car Park. This results in a total of 11,049 m<sup>2</sup>, or 8.5 m<sup>2</sup> per unit excluding private balconies and terraces.

The Development Specification sets out minimum balcony depths rather than sizes, and the minimum sizes delivered will be dependent on the final design of the building. However, these figures highlight:

- the requirement for the proposed park and the amenity space on top of the Multi-storey car park to meet the need of the development;
- the need to maximise the size of private balconies or terraces within the Reserved Matters application; and
- the requirement for the communal spaces, the Square and the Multi-storey car park roof to be of exceptional quality in terms of their design and usability.

It is considered unlikely that many balconies will actually be 11.5 m<sup>2</sup> or larger. However, given the high density urban “town centre” nature of the proposal, your officers consider that the proposed amenity space provision is acceptable and that the Reserved Matters applications can secure external spaces of exceptional quality whilst maximising balconies/terrace sizes.

#### Play, Recreation and Sports

The applicant has calculated the likely child yield of the proposed development using the Wandsworth and Oxfordshire surveys, resulting in a total yield of 204 to 326 children. 110-175 are projected to be aged 0-4 years, 60-96 aged 5-11 and 34-54 aged 12+ years.

The Mayor’s SPG, Providing for Children and Young People’s Play and Informal Recreation, sets

out the requirement for 10 m<sup>2</sup> of play and recreational space per child, for which play space for 0-4 year olds should be provided within 100 m of the dwelling (walking distance), 400 m for 5-11 years and 800 m for 12+ years.

The applicant has accordingly committed to the provision of play/recreational space for under 12s at a rate of 10 m<sup>2</sup> per child, resulting in a total on-site requirement of 1,700 m<sup>2</sup> to 2,710 m<sup>2</sup>. Your officers consider that this level of play space can be provided within the application site.

Play and sports space that can be used by older children (12+ years) is in the form of a Multi-Use-Games-Area on the roof of the multi-storey car park, with a minimum area of 700 m<sup>2</sup>. The nearest large open spaces to the site is King Edward Park. However, the shortest distance from the park to the development is approximately 730 m (walking distance) to the south western corner of NW01, and the majority of the development will be in excess of 800 m from this park. The Crown Walk open space is 600 m from the site. However, this is a very small area of open space with no facilities and could not be relied upon by the proposed development. The new Chalkhill Open space is to be slightly in excess of 800 m walking distance from the nearest point of the proposed development.

Whilst the Multi-Use-Games-Area is only one of the many types of recreational space for those over 12 years of age listed in the Mayor's guidance, it exceeds the minimum requirements based on the child yield projections and your officers consider its provision appropriate and acceptable.

The proposal also includes the provision of a 300 m<sup>2</sup> Community Hall. This double height space will be available at prices comparable to Local Authority rates and could be used for some sports and recreational activities (such as yoga, Pilates or badminton). The provision of the hall is secured through the Section 106 agreement.

The Brent Sports Facilities Strategy, "Planning for Sport and Active Recreation Facilities Strategy 2008-2021", highlights the need for a number of facilities in the local area. This includes an additional 6-lane community swimming pool (preferably 25 m with health, fitness and indoor sports facilities), new and upgraded sports halls, a Synthetic Turf Pitch (STP), football and cricket pitches at King Edward VII Park together with refurbishments to the pavilion, pitches and changing facilities at Chalkhill Sports Ground, and a MUGA at King Edward VII Park.

When using the Sport England Sports Facilities calculator, the projected population levels set out within the Socio-economic report would result in the need for between 0.3 to 0.49 lanes of a swimming pool, 0.46 to 0.74 sports courts, 0.10-0.16 Indoor bowls rinks and 0.05-0.08 Synthetic Turf Pitches. This calculator provides an estimate of demand generated additional population, and at present, the calculator is limited to the above categories.

The swimming pool and fitness facilities have been secured through the Dexion House consent and a STP and sports hall have been provided at the Ark Academy which may be used outside of school hours. Whilst these facilities may meet the demand associated with this development in terms of swimming, sports courts and STPs, the various levels of planning policy and guidance (London Plan, LDF Core Strategy, Wembley Masterplan 2009, etc) promote high levels of development within the Wembley Area and accordingly seek to establish the levels of infrastructure required to support that development. These infrastructure requirements are then established through a number of documents, including the Infrastructure Investment Framework, the Sports Facilities Strategy and Masterplan and the LDF Core Strategy. This allows contributions towards the delivery of facilities to be spread between developments, or for some developments to include greater levels of provision for some types of infrastructure and lower levels for others.

Examples of this include the Dexion House development proposals which will deliver the swimming pool and the Civic Centre scheme which delivers a new library and other community facilities.



The total level of provision of key infrastructure and uses associated with the North West Lands application, through actual delivery or Section 106 financial contribution, is considered by your officers to be acceptable. In light of this, and the balancing mechanisms for the provision of physical and social infrastructure, it is not considered that the additional provision of sports facilities (beyond that proposed) or financial contributions toward their provision is required.

#### Residential Quality – Accessible Housing

The submitted documentation confirms that all housing will meet Lifetime Homes standards whilst 10 % of units will be provided as Wheelchair Accessible or Easily Adaptable.

#### Residential Quality – Daylight and Sunlight

The applicants have assessed the levels of daylight and sunlight that are likely to be received by future dwellings and amenity spaces using the BRE publication “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice”, which is a standard and accepted approach. As this application is in Outline, assumptions have been made regarding the location and size of units based on the parameter plans and Development Specification.

The submitted assessment specifies that all proposed plots have the potential to give good levels of daylight and sunlight to residential units subject to the omission of balconies in some locations. The assessment highlights the potential presence of some north facing units where it is not possible to provide dual aspects to meet sunlight requirements. However, it reports that the plot layout proposed will keep these instances to a minimum.

The Development Specification also commits to minimum Average Daylight Factor (ADF) levels of daylight for bedrooms and living rooms of 1.0 and 1.5 respectively, with these levels corresponding to the minimum standards set out within the BRE guidance.

Whilst some of the indicative layouts would not be considered acceptable due to the relationship between sole habitable room windows and nearby buildings, the submitted details provide a good basis for the assessment of the design requirements associated with achieving the above minimum levels of daylight. This involves the omission of balconies on the lower two residential floors of some internal facing facades within Block NW01 and NW06, and an external facade of both NW07 and NW09. With regard to the units within Blocks NW01 and NW06, it should be noted that the lowest residential floor will adjoin the courtyard and will not have a balcony in any case. It is often possible to address such issues through design rather than the omission of balconies, such as the staggering of room types and/or the location of balconies to limit the impact on more sensitive rooms. This may involve placing a balcony of a unit over the bedroom window of the lower unit rather than over its living room due to the lower minimum standards for bedrooms. Such matters may be adequately addressed at Reserved Matters Stage. However, your officers acknowledge that, where such issues cannot be addressed through design, a small proportion of units may not have balconies but will have access to other areas of private amenity space as discussed above.

With regard to sunlight, the Development Specification also confirms that the proportion of residential units with a sole aspect (from habitable rooms) within 45 degrees of north is limited to a maximum of 5% of units (by unit number).

The applicant has also tested the level of overshadowing experienced by the open spaces in the development in accordance with the BRE Guidance. These spaces comprise the podium level courtyard amenity spaces, the Square and the four Pocket Parks.

All but one of the spaces meets the BRE minimum guidance levels (no more than 40 % of the space will be in permashadow at 31 March). At 42.1 %, the south-western pocket, adjacent to NW01 exceeds these target levels. However, it is only marginally above the guidance level and this space performs the function of a pocket space and the entrance to a building and as such, your officers consider this to be acceptable.

### Residential Quality – Outlook and Privacy

Whilst this scheme has been submitted in Outline form, a number of commitments are made to the location, form and design of buildings and units. This includes the location of external walls of buildings which, in most cases, are subject to tolerance of +/- 2 m. Where distances are critical to urban form, movement or quality of accommodation, minimum distances between facades have been set (the Critical Dimensions parameter plan, drawing no. P15 Rev A) to ensure that the above tolerances do not result in an adverse effect on the development.

The Development Specification specifies that the distance between habitable rooms within facing elevations of residential units (within 45 degrees of directly facing) is no less than 20 metres. This accords with the guidance provided in SPG17. It also commits to the provision of a minimum of 2.5 metres private external space to the front of each residential unit at street or courtyard level, thus ensuring that units that adjoin public or communal areas have an adequate level of defensible space.

Your officers accordingly consider that the proposal makes adequate provision for the privacy of future residents.

With regard to outlook, the majority of units will have vistas in excess of 30 m. However, the block form does include a number of locations where units would experience a more restricted outlook or where the outlook would only be acceptable if the layouts are specifically designed to overcome these issues. Examples of this include elements of the facade between the eastern and western blocks of NW01 and the internal corners of courtyard blocks (at lower levels). Your officers consider that these matters can be adequately dealt with at Reserved Matters stages through the careful siting of cores and non-habitable rooms such as bathrooms.

The proposal also includes podium level amenity space flanked by relatively tall buildings, such as the eastern courtyard of NW01 which is a 25 m wide space with blocks on the eastern and western sides that rise approximately 7-storeys above the courtyard, thus limiting the outlook for lower level units. There are a number of examples of approved and built developments across London where similar relationships exist. These situations rely on a very high quality of design and treatment of the building and amenity spaces to ensure their success. Your officers consider that this can be secured through the Reserved Matters applications.

With regard to outlook and privacy, your officers consider that the submission provides sufficient reassurance that these matters can be addressed within the subsequent Reserved Matters application.

### Residential Quality – Noise and Vibration

The applicant has submitted a noise and vibration assessment which examines the proposals having regard to PPS24, the London Plan, the Brent UDP and other applicable standards. The report refers to noise surveys undertaken in relation to Wembley Stadium and Arena events in 2006, 2007 and 2008, and surveys undertaken specifically for this application in 2010.

The survey places the site within Noise Exposure Category C, within which Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

This site is situated within a Regeneration, Growth, and Opportunity Area and has been designated for Mixed Use development, including Residential uses and as such, the principle of residential development is considered acceptable subject to suitable mitigation measures.

A number of commitments are made with regard to the noise environment for units within the Development Specification. These set the criteria by which the buildings must be designed at Reserved Matters and detailed design stages.

- Internal noise environments for residential accommodation (windows closed) of 33dB LAeq 15 min from 11pm to 7am and 38dB LAeq 15 min from 7am to 11pm.
- Internal plant noise will be in accordance with BS8233:1999 'Sound insulation and noise reduction in buildings – Code of Practice', Health Technical Memorandum 2045 for Health related uses, British Council of Offices 'Guide to specification for offices' and BREEAM.
- Car parks will be treated to avoid wheel squeal and noise breakout.
- External plant noise will achieve a rating level of 10dB below background noise level, as defined in BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'.
- Vibration levels will be in accordance with BS6472:2008 'Guide to the evaluation of human exposure to vibration in buildings'.

Details on how these criteria will be met will be provided within the Reserved Matters application. However, the report provides indications of the mitigation measures that are likely to be required. This is likely to include a higher specification for the proposed residential façades and the use of winter gardens for balconies with a line of sight to the Stadium and overlooking the main roads.

It also highlights the potential noise generated from on-street servicing, including noise from the vehicle itself, warning signals during reversing, the loading and unloading of goods and the transfer of the goods via either forklift truck or by wheeled trolleys. The report specifies that *it is generally accepted that the assessment of this type of noise is undertaken using the WHO community noise guidance, especially for out of hours deliveries, i.e. early morning when there is a potential for sleep disturbance amongst local residents.* Such deliveries may take place from 6:30 am on West Olympic Way and adjoining streets.

It is specified that the *potential effects may be significant depending upon the type of deliveries and their proximity to local residential dwellings.* This matter was also raised by Environmental Health. Your officers consider that it may be addressed at the detailed design stage within the associated Reserved Matters application.

### Residential Density

The proposal is mixed use in nature and as such, the Greater London Authority recommended that the residential density of the scheme is calculated on a pro-rata basis using the proportion of residential floorspace to total floorspace (65,000 m<sup>2</sup> to 100,000 m<sup>2</sup> over a total of 160,000 m<sup>2</sup>). This results in a site area for density purposes of 3.6 Ha (as compared to the total site area of 5.7 Ha).

The applicant accordingly reports a residential density range of 354 to 361 units per Hectare, or 932 to 950 Habitable Rooms per Hectare. These levels fall at the upper end of the London Plan Density Matrix for a "Central" location with a PTAL of 4-6 which specifies ranges of 215-405 units per hectare and 650-1100 Habitable Rooms per hectare.

The Wembley Growth and Regeneration Area has been designated as a location for high density urban development and as such, the proposed densities are considered acceptable.

### Education

The Socio-economic report submitted with this application sets out that at present Primary Schools within Planning Area 3 are operating with around 8.6% surplus capacity, equivalent to around 474 places, and to meet short-medium term requirements there is a proposed addition of 1 form of entry (FE) at Wembley Primary School.

However, a report to the Brent Council Executive in November 2010 set out that: Brent Council has already provided 135 additional primary places for September 2010. At the time of writing the report, 150 reception children did not have a primary school place in the 2009-10 academic year. The numbers of children without a primary school place for the 2010-11 academic year totalled 634 while vacancies totalled 578. Demand for primary school places is forecast to

exceed the supply of places. 1680 new primary places are required by 2015-16 including a 5% planning margin, according to GLA school roll projections 2010, which equals approximately four new 2FE primary schools (420 places).

This clearly demonstrates a significant shortfall in primary school places.

The submitted socio-economic assessment also specifies that secondary schools within Brent are currently operating with 18% surplus capacity, or 2,493 places. However, this also is not considered to be accurate.

Additional strain is being placed on local secondary schools and planning improvement and expansion programmes, such as the Copland School redevelopment programme, have been stalled due to the withdrawal of government funding and the failure to achieve cross-subsidy through development.

The Wembley Masterplan 2009 and Policy CP7 of the LDF Core Strategy highlight the requirement for 2 new 2-forms of entry primary schools to meet the demand of the developments envisaged, together with expansions to existing schools. The school places contribution element of the Section 106 Standard Charge takes into account the provision of school buildings, but not of the land required for the school. The Masterplan included the provision of a 2-form of entry primary school on the north west lands site, and the Council does not own any land in the vicinity of this site that would be suitable for the provision of a primary school.

As such, the combined primary and secondary school Section 106 contribution for this development has been calculated by your officers to be £2.5 million. As the developer has significant land holdings in the local area, a 0.5 Ha site adjoining Fulton Road and Engineers Way has been offered for sale to the Council for the provision of a school. The offer is in the form of an option to purchase the land. The option would be available for a period of one year from the date of signing of the Section 106 agreement. The Council can choose to draw down part or all of the Section 106 Education Contribution early if this is used for the purchase of the land.

With regard to the suitability of the land, your officers consider that the land would be an appropriate site for a primary school in the medium to long term, particularly when the 1.2 Ha park has been provided adjoining this site within the north eastern district. The development of the school could precede the provision of open space in the north eastern district which is likely to be provided with the comprehensive redevelopment of that area. Notwithstanding this, the Council is under no obligation to purchase the land and may choose to receive the Section 106 contributions at the set triggers set out within the Section 106 Heads of terms.

#### **Retail, financial and professional services and food and drink floorspace (Use Class A1 to A5)**

This application proposes the provision of between 17,000m<sup>2</sup> to 30,000m<sup>2</sup> GEA, with the majority of this provision focused on West Olympic Way. Whilst this floorspace is largely proposed to be unrestricted, the total A5 (takeaway) floorspace is limited to 1,000 m<sup>2</sup> GEA, no single retail unit may be over 11,000 m<sup>2</sup> and the proposed maximum size of a convenience retail store (or convenience retail element of a larger store) is 2,500 m<sup>2</sup> until 1 April 2019 and 7,000 m<sup>2</sup> after this date providing certain conditions have been met as described below.

Policy CP 7 of the LDF Core Strategy supports the eastward expansion of the existing Wembley Town Centre to facilitate the provision of an additional 30,000 m<sup>2</sup> of retail floorspace. The preamble to this policy sets out the long term aspiration to link the retail areas of Wembley and Wembley Park, but qualifies that this is contingent on the creation of a continuous retail link from the High Road. It is envisaged that the creation of the new retail street will help facilitate the redevelopment of the eastern end of the High Road. The new shopping street, together with the delivery of commercial, retail, leisure and community facilities will drive change in this part of

Wembley.

This aspiration is also supported by LDF Policies CP 1 and CP 16 which highlights Wembley as the preferable location for town centre uses, together with hotels and conference facilities, delivering the majority of the borough's new retail and office development.

The preamble to LDF Core Strategy policy CP 16 sets out the recommendations of the Brent Retail Need and Capacity Study (Feb 2006), estimating that there is scope for an additional 27,000 m<sup>2</sup> of gross comparison and 5,200 m<sup>2</sup> of convenience retail floorspace by 2016, increasing to 90,000 m<sup>2</sup> and 12,500 m<sup>2</sup> respectively by 2026. While these are Borough wide figures, Wembley is promoted within Planning Policy as the main shopping destination and it the preamble specifies that Wembley will be in a position to accommodate a major share of the identified floorspace.

Policy WEM27 is a saved policy of the Unitary Development Plan which relates to the Major Opportunity Site at the junction of Olympic Way and Engineers Way and is applicable to the application site. This promotes uses contributing towards the development of a visitor destination of regional importance, including major retail/leisure uses, offices, hotels and residential. However, it specifies that only food stores with a floorspace below 2,500 sq m gross are considered acceptable. With regard to this issue, the Site Specification Allocations (SSA) Post Submission Changes report (currently out to consultation) specifies the following:

*One exception, however, is the policy within WEM27 (the UDP Wembley Inset Plan) which fixes the size of foodstore that could be provided within the WEM27 site to 2,500m<sup>2</sup>. While the general land use principles set out in WEM27 still apply, its objectives for retail use in Wembley have altered over time, and are reflected by the above policy CP7. Particularly, there is evidence that there are significant retail needs in the Borough for both comparison and convenience goods over the period of the LDF, as set out in the Core Strategy. The council would therefore accept the need to be more flexible in considering any application involving a foodstore in excess of the 2500m<sup>2</sup> limit set in WEM27. The council would consider any such application having proper regard to the considerations set out in PPS4, notably the availability of sequentially preferable sites for a foodstore within Wembley Town Centre, as well as the potential impact or regeneration benefits of such a proposal.*

The proposed retail should be assessed in conjunction with the committed development, including the new retail to be delivered within the Quintain Stage 1 consent (largely restricted to Designer Outlet Shopping and Specialist Sports retail), the "LDA consent" for the land adjacent to Wembley Stadium Station and the change of use and extensions to York House to form part of the Quintain Designer Outlet Centre. These comprise in excess of 34,000 m<sup>2</sup> of consented retail space. Of these, the Quintain Plot W05 (also containing the new Hilton Hotel and a student accommodation block) is under construction whilst Quintain have indicated that they intend to commence works on plot W07 (designer outlet, food and drink and a cinema) later this year. A 1,200 m<sup>2</sup> retail unit that will front West Olympic Way has also been approved within the Civic Centre building and is currently under construction.

The applicant has applied the sequential test to the proposed retail floorspace. The subject site is currently considered to be edge of centre rather than within a town centre, and the LDF Core Strategy text sets out that the retail expansion is contingent on the creation of a continuous retail link to the High Road.

The sequential test evaluates 8 alternative sites for the provision of the retail floorspace. The majority of sites are discounted due to availability, suitability and size. Whilst your officers agree with the majority of findings, some sites that are ruled out due to timing (and other factors) are likely to be available in 2013/14 and thus would be available for the majority of the proposed 15 year timescale sought for this application (namely Brent House/Copland and the LDA Lands).

The assessment also specifies that it would not be in Quintain's or Brent Council's interest to disaggregate the retail floorspace as it would be harmful to the Council's regeneration aspirations including the eastward expansion of the Wembley Town centre. Your officers do not concur with this view, as it is considered appropriate to consider the disaggregation of the convenience retail, which was initially proposed at a maximum of 7,000 m<sup>2</sup> for the entire consent period. Your officers consider that the Brent House / Copland School site is a sequentially preferable location for a Major Retail unit (greater than 2,500 m<sup>2</sup>). This site is denoted as a suitable location within the town centre for a convenience store of approximately 6,000 m<sup>2</sup> and will be available for development from 2013. Policy WEM27 sets out that convenience retail stores will be acceptable on the North West Land application site up to a maximum of 2,500 m<sup>2</sup>. However, this it is acknowledged within the proposed changes to the SSA DPD that there should be flexibility in the consideration of applications including a foodstore of more than 2,500 m<sup>2</sup>, subject to the considerations set out within PPS4, including the availability of sequentially preferable sites for a foodstore within Wembley Town Centre.

The applicant now proposes a limit of 2,500 m<sup>2</sup> of convenience retail (Net Internal Area for a single retail unit) until 1 April 2019, and the maximum size of a convenience retail store may only increase up to 7,000 m<sup>2</sup> (GEA) providing a number of conditions have been met, namely:

- The Use Class A1 to A5 floorspace of Stage 1 plots W05 and W07 must be completed in their final form and open for trade or capable of trading (or an equivalent amount of Use Class A1-A5 floorspace within plots W03, W05, W06, W07 and/or W10).
- The lower floors of plots of plots NW07 and NW08 must be completed in their final form and open for trade or capable of trading and West Olympic Way has been completed in its final form.
- The Anchor retail store has been marketed for comparison retail purposes for a period of at least 18 months and evidence has been provided to the Council.

Your officers consider that these measures ensure that an appropriate proportion of the retail link will have been provided prior to the increase in floorspace, allows scope for sequentially preferable convenience retail sites within the Wembley Town Centre to come forward prior to a major retail store within the North West Lands site, and provides time for the likely levels of convenience retail to increase so as to reduce the potential impact on the sequentially preferable sites.

The submitted assessment evaluates the potential impact of the proposed retail provision on the town centre in accordance with PPS4. The submitted assessment initially evaluates the potential impact on the Quintain Stage 1 site, the LDA site and Central Square. It finds that the proposals are likely to have a complementary role with regard to the Stage 1 and LDA sites, and are unlikely to result in those schemes not coming forward. With regard to Central Square, the assessment sets out that only four small shops and a kiosk remain available, and that there is a firm commitment from the developer to construct the final building. It concludes that the proposed development will not adversely affect the delivery of this building. With regard to trade diversion, the assessment sets out that the final Central Square building is likely to come forward prior to the North West Lands retail offer and that the proposal will enhance and create local retailer and consumer confidence in the Central Square scheme.

The report considers that the proposal will not prevent the delivery of the Wembley Market or Wembley West End site, and it may benefit the town centre in terms of linked trips. Regard is given to Kilburn, Ealing and Harrow centres and the Brent Cross-Cricklewood scheme with the report finding the proposal unlikely to have any impact on planned developments.

With regard to potential impact on the existing town centres, the assessment highlights the "low value" nature of the centre and the absence of demand from national multiples. It highlights significant qualitative deficiencies in terms of the number of larger units, and sets out the proposed development's role in addressing this.

The assessment expresses the view that the proposed development will have a positive effect on the vitality and viability of the Wembley Town Centre and Wembley Park District Centre, increasing the turnover of the existing centre as a natural extension to it. Your officers consider that this is contingent on establishing a strong retail link between the existing centres and the new retail offer, both in terms of the eastward expansion of retail uses along the High Road and from the High Road to the new retail street that is proposed.

Having regard to comparison retail trade diversion from existing centres, the report specifies that 5% of the development's turnover is expected to be diverted from Wembley Town Centre this is offset by an additional monies being attracted to the centre by the retention of trade currently leaking from the Wembley Area. The overall impact on Wembley Town Centre has been estimated to be 3.26% at 2016, reducing to 2.26% at 2021. The proposal is likely to have a negligible impact on the West End and Westfield.

With regard to convenience retail, the retail assessment tests the 7,000 m<sup>2</sup> initially proposed, now only capable of being implemented post April 2019. The greatest level of projected diversion is from Asda Wembley Park, where 20 % of the anticipate trade draw would originate, resulting in a 17.5 % diversion. The majority of assessed stores are expected to continue to trade above company average levels, with the exceptions being Sainsburys Ealing Road (marginally under average) and Tesco Neasden which is an out of centre store that does not benefit from planning policy protection. The assessment specifies that the level of impact on the convenience retail offer within the Wembley Town centre, which will mainly be experienced by the Co-op and Iceland, is 1.2 % of overall town centre turnover. It is difficult to assess the impact on the convenience retail stores when it is compared to overall turnover. However, the convenience retail offer will now be significantly lower than the levels that were assessed until post 2019 with proposed levels now 2,500 m<sup>2</sup> prior to this date.

In accordance with PPS4, the applicant has assessed whether the scale of this edge of centre (but allocated) development is appropriate in relation to the size of the centre and its role in the hierarchy of centres. Such an assessment has been undertaken. However, it should be noted that this provision is underpinned by the recently adopted LDF Core Strategy, subject to the provision of an adequate retail link to the existing town centre, and the appropriateness is accordingly enshrined in planning policy.

#### Retail summary

Your officers consider that the quantum of retail floorspace and the potential impact identified within the application documentation is acceptable, subject to the controls discussed above and secured within the Section 106 legal agreement.

#### **Business (Use Class B1), including Low Cost Employment Space (LCES)**

This application proposes up to 25,000 m<sup>2</sup> of floorspace falling within Use Class B1, which may include Office, Research and Development and/or Light Industrial uses. No specific minimum floorspace is referred to in the description as the market for such floorspace is limited at present, with the exception of Low Cost Employment Space as discussed below.

The site is within the designated Wembley Regeneration Area (Brent UDP), Wembley Growth Area (Brent LDF Core Strategy) and Wembley Opportunity Area (London Plan). The London Plan identifies the potential for up to 5,500 new jobs in this area, with this figure increasing to 11,000 by 2031 within the draft replacement London Plan. The Brent LDF Core Strategy sets out the target of 10,000 new jobs within the Wembley Growth Area. It is considered that the proposed inclusion of B1 floorspace will help to achieve the projected employment growth and a level of employment diversity.

### Low Cost Employment Space (LCES)

This application proposes a maximum of 2,400 m<sup>2</sup> of LCES which is to be provided at affordable rental rates to organisations that specialise in the provision of low cost space for start-up businesses, arts, etc. Examples of such organisation include ACME Studios and Space Studios. These well established registered charities take on the management responsibility of the space and sub-let the spaces to individuals or groups at affordable rates.

The floorspace will be offered to these organisations (shell and core) at a base rate that is set within the Section 106 agreement. If the space cannot be let at the base rate, a cascade system is in place which allows it to be offered at a greater discount, or free of charge, shell and core or fully fitted out subject to approval by the Council. The provision of this space results in a financial loss for the developer in a similar fashion to Affordable Housing provision. As the cost of provision increases if the unit is fully fitted out and as the rental rate decreases, the alternative cascade options result in a lower overall provision of Low Cost Employment Space. The cascade also allows the LCES requirement to be off-set by the payment of a financial contribution to the Council towards the provision of Low Cost Employment Space if the developer is unable to secure a tenant through the other cascade options.

Your officers strongly support the provision of Low Cost Employment Space as a means to diversify the employment offer within this development and within the Borough of Brent. This floorspace is also ideally suited to ground floor units in areas of lower footfall where retail and other commercial units are less likely to be attractive in the open market, such as the frontages to Wealdstone Road. This helps to ensure a good level of activity on the associated street(s).

### Community floorspace (Use Class D1)

This application proposes the provision of 1,500 m<sup>2</sup> to 3,000 m<sup>2</sup> of floorspace falling within Use Class D1. This floorspace is in addition to the 8,200 m<sup>2</sup> of Use Class D1 floorspace secured through the Quintain Stage 1 consent, of which a crèche, a job centre (Wembley Works) and floorspace for a Primary Care Clinic have been constructed. While the job centre is in operation and well used, the crèche remains un-let and the Primary Care Trust have not taken on the Health Centre floorspace (discussed below).

Your officers have accordingly adopted a different approach within this application to ensure the delivery of multi-use affordable space, whereby the provision of a 300 m<sup>2</sup> double height Community Hall made available to an approved operator (such as an RSL) at no cost.

### Healthcare

The submitted Socio-economic report specifies that, according to NHS Business Services data (2009), the average list size of the 19 GP surgeries within 1km of the site is 1,730 patients per GP. It also refers to a frequently used planning assumption that an average of 1,800 patients per GP is currently considered to be acceptable.

The population projection for this application is between 1,630 and 2,600 new residents, which, using the above assumptions would result in the need for 1-1.5 GPs. The submitted report specifies that there is likely to be sufficient surplus capacity in the area.

A letter was received from the NHS querying the number of residential units and residents, the number of students and the timescales for occupancy. This letter set out that the responses to these questions will allow the NHS to be better able to assess the impact on health services and plan accordingly. They also asked that that consideration be given to a contribution from the developer towards either the provision of a health facility or the extension of existing healthcare premises, dependant upon the needs identified following the answers to the above questions. The response to the NHS was sent in mid-December, however, no further comment has been received.



Floorspace for a new Primary Care Facility has been constructed with Quadrant Court, the mixed use building fronting Empire Way on the Quintain Stage 1 lands. This unit has remained vacant since the completion of the building in 2008, and the developers have informed your officers that the PCT do wish to take this floorspace. The submitted socio-economic report also confirms that the NHS Brent have not taken this option to date.

In addition to this, a new Primary Healthcare Centre was recently constructed in Chalkhill, adjacent to the Asda store.

As provision is secured within the Stage 1 consent, it is not considered appropriate or necessary to secure an additional Healthcare facility or financial contributions towards this within the North West Lands Application Site.

### **Hotel (Use Class C1), Student accommodation / serviced apartments / apart-hotels (Sui Generis) and Leisure and Entertainment (Use Class D2)**

This application proposes the provision of up to 20,000 m<sup>2</sup> of Hotel floorspace and an additional 25,000 m<sup>2</sup> of space that can be used to provide apart-hotel rooms, serviced apartments or student accommodation. Leisure and Entertainment uses may be provided up to a maximum of 5,000 m<sup>2</sup> with no specific minimum.

The Brent UDP, LDF Core Strategy and London Plan highlight Wembley as an appropriate location for hotel, conferencing, leisure and tourism uses. Core Strategy Policy CP 1 specifies that *Wembley will become the primary location for new hotels enabling associated uses such as conferencing* whilst the preamble to Policy CP7 and the Wembley Masterplan promote the provision of hotels along Olympic Way to maintain its function as the processional route to the stadium.

Your officers accordingly consider that there is a strong policy basis to support the provision of leisure floorspace and hotel accommodation, including a proportion of apart-hotels within this area. Given the strong level of policy support for leisure floorspace in this locality and the outline nature of this report, this has not been discussed in detail within this report. Potential impacts of some Use Class D2 uses when in proximity to sensitive uses, such as residential dwellings, can be addressed at the detailed design stage due to the commitments that are made in relation to noise.

#### **Student Accommodation**

The quantum of proposed Student Accommodation is expressed as a total floorspace (7,500 m<sup>2</sup> to 25,000 m<sup>2</sup>). However if the ratio of student rooms to floorspace was the equivalent of that currently under construction within Quintain Stage 1 Plot W05 (18,687 m<sup>2</sup> comprising 660 rooms), this would equate to between 264 and 881 rooms.

The Planning Committee recently resolved to grant planning permission (6 April 2011 committee) for a proposal to construct 661 student rooms together with a Swimming Pool and fitness facilities on the Dexion House site. The officers report for that application set out the current policy position, and highlighted the current applications which propose student accommodation (Dexion House and the Quintain North West Lands application) together with those currently under construction (North End Road and Quintain Stage 1 plot W05).

The discussion from the Dexion House committee report is presented below (text italicised). For the benefit of members who read the report approximately one month ago, the text has been copied directly into this report, including references to Dexion House as the subject site. This is intentional as the policy consideration has not altered.

*The site lies within Wembley Opportunity Area, and according to the UDP is within Wembley Regeneration Area, the National Stadium Policy area and the north-western part of Wembley*

Masterplan area. Being within the Wembley Opportunity Area it therefore needs to meet housing and employment guidelines. Brent's Core Strategy seeks the provision of 11,500 homes in Wembley (22,000 in Brent) to 2026 with over half of the housing target already in consented schemes or schemes under construction. The Council is confident that it has sufficient land to comfortably accommodate the Wembley housing target as part of the Borough wide London plan target. Quintain's current application for a further 1300 homes on the NW Lands is another indication of the Council's confidence in achieving housing targets as housing markets slowly improve.

The London Plan policies 3A.5, 3A.13 and 3A.25 considers that student accommodation meets a demonstrable strategic housing need. This is reinforced by policy CP21 of Brent's Core Strategy. This seeks a balanced housing stock including specific and special housing needs such as student accommodation. It must also be remembered that Wembley is a Visitor Destination that needs a mix of attractions and a mix of communities to exploit them. The Council has welcomed student accommodation as part of this mix, supporting the vibrant destination theme and as part of a balanced community. To this end the s106 will restrict the use of the accommodation so that it can only be occupied by full time students enrolled on UK accredited and based further education courses for not less at 80% of the time. The other 20%, (outside term time,) the Council is content that the units may be rented out on short-term lets, perhaps assisting tourism within the summer vacation period.

The Council is currently undertaking a study at the moment upon the impacts of students on the local area. Unfortunately this is not yet advanced enough to consider its findings for this application. However the applicants have submitted two reports in support of the principle of student housing, a Student Accommodation Report and an assessment of their Socio-Economic impacts. These raise a number of issues. Current demand for student accommodation is for more geographically widespread locations in accessible sites compared with early centrally located schemes. It has been assumed that students at Dexion House could study at the following universities/institutions: Imperial College London, University of Westminster, University of London, and Russell Square institutions such as Kings College, University College London, SOAS, London School of Economics and Political Science. Only the University of Westminster Harrow Campus (Northwick Hospital) has been identified to be accessible directly by bus service. The remaining sites are accessible by underground/ overground services. There are approximately 140,000 full time students studying within a 35 minute travel time of the subject site. There is a trend of increasing student numbers in recent years.

London students spend £8bn on goods and services each year, accounting for 1% of UK and 4% of London GDP. Demand for student accommodation remains robust despite the current economic climate. The applicant's consider that there is an undersupply of student accommodation. The Report finds that c223,811 (81%) of full-time London based Higher Education students are unable to access purpose-built accommodation. Within Brent by 2012, 1,095 new student rooms will be completed as set out in the table below. Further student accommodation proposals are currently under consideration.

|  |             |
|--|-------------|
| Victoria Hall (by Wembley Park Station) will be completed by Sept 11 | 435 rooms   |
| Quintain iQ (W05) : under construction completed by 2012             | 660 rooms   |
| Subtotal under construction  | 1,095 rooms |
| Quintain North West Lands, up to                                     | 880 rooms   |
| Dexion House   | 661 rooms   |
| Subtotal applications under consideration                            | 1,541       |
| Total  | 2,636       |

There is demand and investment interest for more student accommodation in Wembley. The Student Accommodation Report finds that Brent is under supplied compared to other London boroughs. Higher education centres are vital to increase London's high skill, value added sectors.

*The Coalition Government is currently acknowledging the importance of participation in higher and further education and have commissioned a review into fees and university funding. The London Plan acknowledges the role of universities in contributing to the labour market. Competition from overseas institutions is increasing, but London remains a draw for international students.*

*Post-graduate and research student numbers continue to rise. Privately operated halls are increasing in popularity particularly after the HMO regulations came into force in 2006. The five private market leaders include UNITE plc, UPP, Opal, Liberty Living and Victoria Halls. Opal is the preferred partners for the applicants, and have a proven track record in this field. Demand for student accommodation remains buoyant despite economic uncertainties in the wider market. The provision of purpose built accommodation will make the other accommodation occupied by students available to alternative occupants.*

*The Student Accommodation Report finds that the proposed scheme will result in high-specification bespoke development that contributes to the Masterplan vision and provides a range of accommodation choices for different types of students. The application site lies within Tokyngton ward, which in the 2001 census had 11,800 people. The wards as a whole has a lower than average educational qualification attainment and a working population with a lower than mean average "higher-level" occupation such as managerial positions.*

*Nearly 20% of all housing is private rented, which is in line with the figure for Brent as a whole. Levels of overall Multiple Deprivation are not severe. At the time of the 2001 Census students accounted for 6% of the total population of Brent, spread across the borough. Within Tokyngton ward in 2001 there were no students living in purpose- built accommodation. This is in the process of changing with the Victoria Halls and Quintain W05 developments near completion. Demand for student accommodation is not yet met by supply. The Socio-Economic report considers that the provision of more purpose- built accommodation will assist the Borough in creating a Wembley destination.*

*Student spending locally can have an important local economic impact. The average student spends approximately £6500 a year on living costs, a significant proportion of which will take place close to their accommodation. The plans for Wembley Growth Area will assist local consumption opportunities. On the basis of the average £6500/ year, the Dexion development could generate approximately £4 million of living costs spending/ year. Often graduates stay in the area that they study in beyond the duration of their course, so the local community may gain their skills and spending power, in addition to their presence boosting investor confidence in the area. In addition to spending power, students often undertake voluntary work within the local community. As an established student accommodation provider Opal manage the behaviour of their residents within the vicinity of the site.*

*The Council does not consider that the student population has reached a critical mass or that it is using land that is better suited and needed for permanent general residential accommodation.*

The discussion of Student Housing within the report submitted to support the North West Lands application also focuses largely on demand, employment, expenditure and the positive effect on the private rental market, freeing up rental properties for other users such as families. The Development Specification commits the operation of the accommodation by a private student housing provider or tied to a University, with the operator identified within the Reserved Matters application. It is proposed that the floorspace may be used as apart-hotel rooms or serviced apartments out of term times.

Your officers consider that the conclusions of the Dexion House application in terms of the principle of the use continue to be acceptable at this point of time. The quality of accommodation in terms of the nature and size of rooms and communal facilities may be considered within the Reserved Matters applications. Nevertheless, a commitment to provide 5 % of units as "adapted" (wheelchair accessible) and 5 % as "adaptable" has been made within the Section106 agreement.

### Noise in relation to Hotel and Student Uses

Wembley National Stadium Limited have recommended that the design criteria for noise in relation to residential units be applied to Student and Hotel floorspace. Given the potential siting of such floorspace, adjoining Olympic Way, and the nature of student accommodation, your officers consider that it is appropriate to apply the condition to this uses. It is not considered necessary to apply such conditions to the hotel floorspace due to the short term nature of the accommodation.

### Comments received regarding the mix of uses

Two comments have been received from local residents and business operators, commenting on the mix of uses. They specify that the use mix is unbalanced, and provide the following suggestions:

- Fewer residential dwellings and more community, leisure and entertainment uses;
- A Travellers site and electricity, water, sewerage and refuse systems;
- A cemetery
- A railway station;
- A holocaust memorial;
- An observatory.

With regard to the number of residential dwellings, this report has already commented on the target levels of new homes set out within the London Plan and LDF Core Strategy. To achieve these targets, which look to meet identified housing need, developments in the Wembley Growth area will need to include high proportions of residential units. Furthermore, this is considered to be an appropriate location for high density development as the site has good public transport access and numerous facilities will be provided locally.

The application proposes up to 3,000 m<sup>2</sup> of community floorspace and 5,000 m<sup>2</sup> of leisure and entertainment floorspace. This will complement the floorspace already consented and provided in the area. The Council has aspirations for the provision of another “Major Attractor” as set out within the Wembley Vision and Wembley Masterplan SPD. However, it is considered that this is more appropriately situated on land to the east of Olympic Way.

There is no identified need for an additional railway station and three stations are already located in the general area. Your officers are uncertain whether prevailing night time light conditions will be appropriate for an observatory. Nevertheless, there is no requirement in planning policy or guidance for such facilities, a holocaust memorial or a cemetery.

LDF Core Strategy Policy CP22 addresses the provision of Travellers sites. The pre-amble specifies that:

*A key consideration in determining the specific suitability of the potential site(s) will be the prospective residents' ancillary requirements for space and facilities to undertake the range of employment and entrepreneurial activities often associated with or resorted to by Travellers, Gypsies, Roma and Sinti. This range of mixed use activities effectively requires a site (or sites) capable of satisfactorily accommodating a 'low rise, low density work-live' development. Travelling Show people are likely to require proportionately larger sites owing to their greater equipment storage needs.*

Given the location of the site, the public transport accessibility, and the Mayor of London's targets for minimum density, the provision of a Travellers site within this application area would be considered to be an underdevelopment of the site which would hinder the Council's ability to ensure that targets for housing and employment are met. This site was not identified as a location for a Travellers site within the Wembley Masterplan SPD or the LDF Core Strategy 2010.

Your officers consider that electricity, water, sewerage and refuse facilities are more appropriately located in areas with more favourable relationships with sensitive uses such as residential dwellings, with the exception of the basic infrastructure required to serve the development set out

within the supporting documents for this application.

## **Transportation and Movement**

### **Transport Assessment**

A Transport Assessment (TA) accompanied the submission, the scope of which had previously been agreed with the Applicant, Quintain Estates and Development PLC (QED), and Transport for London (TfL).

The TA provides an over arching Transport Strategy which comprises 6 components: Land Use, Walking, Cycling, Public Transport, Travel Demand Management and Highway Improvements.

Within this strategy, individual strategies/ assessments have been undertaken:

- Parking supply, operation and management
- Travel Plan Requirements and Framework
- Delivery and Servicing Strategy
- Construction Logistics Plan (CLP)
- Event Day Strategy
- Highway Mitigation
- Public Transport Capacity Assessment

The TA makes reference to National Planning Policy, the London Plan (2008) and its draft replacement (2009), the Mayor's Transport Strategy (2010), the Brent UDP (2004) and Local Development Framework Core Strategy (2010), Wembley Masterplan SPD (2009) and Brent and TfL applicable Parking Policies. The general policy approach taken on transport matters is consistent with this guidance and development framework although certain detailed aspects of the NWL proposals require further consideration with reference to the above guidance and development framework and also design guidance adopted with particular reference to the DfT's Manual for Streets.

It should be noted that as an Outline Application, Means of Access have been considered in outline only and would be dealt with as Reserved Matters detailed submissions at the appropriate time. Nevertheless, it is important to establish the feasibility of the proposed access points and arrangements and with reference to the key Parameter Plans which seek to establish site dimensions including access routes and their intended usage. As such, junction assessments have been undertaken for key access routes into the site with outline drawings submitted to show how they would work subject to detailed design.

The Key Parameter Plans which have a bearing on Transport matters are:

- 0601/P04 Proposed Plot Extent
- 0601/P06 Proposed Circulation Plan
- 0601/P07 Proposed Access Plan
- 0601/P014 Proposed Car Parking Extent
- 0601/P015 Proposed Critical Dimensions

These are supported by outline circulatory diagrams from the TA Appendices:

- Figure 3.2 Pedestrian and Cycle Access and Egress
- Figure 3.3 Residential Car Park Access and Egress Routes
- Figure 3.4 Non-residential Car Park Access and Egress Routes
- Figure 3.5 Service Vehicle Access and Egress Routes

These all relate to non-event day activity and corresponding circulatory diagrams for vehicle access on an event day are shown in Figures 16.3, 16.4 and 16.5. of the TA Appendices.

The TA has been undertaken on a First Principles Model assessment which is an approach which establishes trip generation characteristics based on demographic information, land use and modal

split over time. This has been applied to the NWL development proposals and cross reference against established trip generation databases such as LATS and TRICS has been carried out to establish validity of this approach. Trip assignment has been undertaken on a zonal basis with key committed developments taken on board. These include the QED Stage 1 proposals, the LDA lands at South Way, the new Civic Centre and the Ark Academy. It is important to understand the nature, timing and implications of the committed developments which collectively place pressure on certain parts of the highway network and for which some mitigation is accounted for. As full TA traffic generation figures have been taken from the committed development proposals with little or no allowance for trip internalisation or diversion, the approach taken by the Applicant is considered to be a robust assessment. In some cases this approach will overstate the expected impact from committed development for which a subsequent assessment has been provided by the Applicant.

The highway assessment tests have considered the AM and PM peak periods and a typical Saturday peak bearing in mind the substantial retail elements of the NWL proposals. Additional tests of traffic assignment have been undertaken to ensure the adequacy of traffic assignment and to verify the likely impact of the NWL proposals. These are commented on later.

The TA contains operational assessments of key junctions along the Western Highway Corridor from Wembley Triangle to Forty Lane and provides outline junction mitigation and/or access arrangements at Fulton Road/ Empire Way and Fulton Road/ Wealdstone Road (site reference name), Wembley Park Drive/ Empire Way gyratory, Empire Way/ Wealdstone Road, Engineers Way/ Exhibition Way (site reference name) and Forty Lane/ Bridge Road/Barnhill. The TA also references through Parameter Plan P06 the proposed use of Olympic Way for limited access including buses, mobility impaired drivers/passengers and cyclists. This was subsequently been revised to exclude buses, (Plan P06 Rev A). Although not specifically referenced, time limited service access and coach access for frontage blocks has been promoted. The Wembley Triangle/ South Way junction complex has also been assessed for improvement in outline both with and without the LDA committed development proposals.

### Highway Assessment

The NWL development proposals will generate a predicted 490, 810 and 1100 private vehicle trips per hour, on the local road network during the AM, PM and Saturday peak periods respectively and which will access the sites parking facilities off Engineers Way, Empire Way and Fulton Road either inbound or outbound. However, there will be diversion of trips from current centres of attraction e.g. Wembley High Road, ASDA, Brent Cross and further afield and also internalisation of trips on the network given the mixed use make up of the development proposals. As such, only some 50% to 70% of the predicted private vehicle trips can be considered to be wholly additional on the local road network.

The greatest impact will be felt closest to the site's main points of entry along Fulton Road (retail car parking) and along Engineers Way (residential and commercial car parking). Assessments of junction operation at the Empire Way/ Fulton Road junction indicate that this junction will be under pressure once all committed development has been completed and will require modification to accommodate the NWL development related traffic. The requirement for works to this junction and the base design were established within the Wembley Masterplan SPD and supporting documents. Land has already been reserved from the Malcolm House/ Fulton House hotel development site on the corner of Fulton Road/ Empire Way which it is proposed to be used to facilitate a significant improvement to this junction allowing enhanced traffic operation incorporating a right turn into Fulton Road plus a 2 lane approach southbound along Empire Way. Pedestrian crossing facilities are proposed on Empire Way (south) and on Fulton Road at this junction mirroring those that are already provided.

Various detailed investigations will be required to ensure that the outline junction arrangements are deliverable. In particular there is an existing short stretch (approx 15m to 18m) of free off-peak

on-street parking/ servicing fronting the Empire Parade shopping frontage, which has been noticed being occupied by up to 3 private cars, although the purposes of their use is indeterminate. This will require modification or relocation which if proven incapable of resolution may require removal. However, in this eventuality, Empire Parade does have rear servicing facilities albeit that the rear of the premises appears, on the basis of the site visit, to be well used with other vehicle access permitted (including a service garage) and that alternative public car parking will be provided in the new multi-storey car park accessed off Wealdstone Road. The design, assessment and implementation of this junction improvement will be required as part of a S106 obligation. Further local enhancements are proposed at the Wembley Park Drive/ Empire Way gyratory to improve lane discipline and usage.

The Applicant had originally proposed that all movements would be permitted at the new access junction with Wealdstone Road to the proposed main service yard and 600 space multi-storey car park governed by a KEEP CLEAR arrangement. Given that there will be opportunity for this arrangement to be abused by drivers exiting into and entering from Fulton Road in close proximity to the main Empire Way/ Fulton Road junction, it has been agreed to adjust this access arrangement such that all car park traffic and frontage development traffic along Wealdstone Road will be forced south along Wealdstone Road to exit onto Empire Way at an improved priority T junction prior to the Engineers Way/ Empire Way signal controlled junction. In addition, a yellow box junction marking is now proposed at the mouth of Wealdstone Road on Fulton Road governed by CCTV camera enforcement to help ensure compliance.

Tests of the priority junction arrangement proposed in outline at Empire Way/ Wealdstone Road indicate that the right turn exit from Wealdstone Road will operate close to capacity in the PM and Saturday peak periods although this is based on a very peaked theoretical traffic profile which is unlikely to occur in practice and traffic along the main route will arrive in platoons from the Engineers Way/ Empire Way junction such that gaps will occur to assist exiting traffic. Further protection will be provided by incorporating a yellow box junction at the mouth of Wealdstone Road on Empire Way, again which can be enforced by CCTV camera control. Although impact along Empire Way will be limited, it is nevertheless prudent to ensure that the Wealdstone Road exit can operate satisfactorily and safely in the future. Thus the development of a signal scheme at the Empire Way/ Wealdstone Road junction will be tested following the opening of the Multi-Storey Car Park on NW10 to determine whether traffic light controls at the junction of Wealdstone Road and Empire Way would improve highway capacity or safety at this location. If this is considered to be beneficial, Brent Council may choose to implement the improvements, funded by the Area Wide contribution set out within the Section 106 details above.

The Engineers Way/ Empire Way junction is shown to work satisfactorily in its current configuration in all peak periods with the highest degrees of saturation predicted in the PM peak period along Empire Way southbound (88.6%) and Engineers Way right turn exit (89.6%). Maximum predicted queue lengths occur along Empire Way southbound during the PM peak period at 22 car lengths which will not interfere with the next major junction at Empire Way/ Fulton Road. Capacity enhancements have also been secured through the Stage 1 consent.

The proposed outline residential/ commercial parking access at the Engineers Way/ Exhibition Way (site reference name) is predicted to operate satisfactorily as a priority junction under development traffic conditions with no adverse impact during peak traffic periods.

Further afield, the Applicant has assessed the main junctions along the Western Highway Corridor. In addition, officers requested that sensitivity tests be undertaken on traffic assignment to reflect less reliance on the A406NCR/ Great Central Way corridor and a potentially greater use of the A404 Harrow Road and A4088 Neasden Lane/ Forty Avenue corridors for certain key areas feeding these corridors. Under this scenario, some 30 to 40 trips inbound and outbound will divert to the Neasden Lane/ Forty Avenue corridor during peak periods, some 60 to 110 trips will divert to the Harrow Road corridor with a consequent reduction on the NCR/ Great Central Way corridor of some 60 to 130 trips during peak traffic periods. Applying these modifications to tested junctions

will imply greater pressure on the Western Highway corridor but a consequent easing of pressure particularly at the Great Central Way/ Drury Way junction to the east.

The Applicant has concluded that further mitigation is required at the Forty Lane/ Bridge Road/ Barn Hill junction post conclusion of committed development. Outline options for improvement have been proposed including the prospect of making Barn Hill one-way entry only thus removing a signal stage and also providing an enhanced flare arrangement on Bridge Road northbound together with a bus gate facility to preserve bus priority on the approach to the traffic signals. Both outline options may be worthy of further investigation but further detailed assessment will be required with particular reference to involvement of the local community where restrictions on access and alternative arrangements are to be considered. As a result, it is not possible to conclude on the best approach to be taken at this stage but that a suitable financial contribution is sought for scheme development and implementation that is commensurate with the scale of impact and improvement required.

At Brent officers' request an assessment was carried out of the operation of the Great Central Way/ Drury Way junction to ensure that the key junction feeding traffic to and from the east can be accommodated satisfactorily under committed development and NWL development conditions. The tests indicate that only in the PM peak period does the junction exceed 90% saturation on the Great Central Way (east) and Drury Way arms of the junction. Queue lengths have been plotted on the critical approach arms which indicate that traffic can be satisfactorily accommodated within existing lane configurations.

The Wembley Triangle/ South Way junction complex has been tested under two scenarios, 'With' and 'Without' the LDA development proposals, the former incorporating a suggested modification in line with that is secured through the LDA S106 Agreement. The suggested modification is considered an outline proposal and would require further detailed investigation as to its adequacy and relationship to the LDA development proposals. Nevertheless, it is considered a suitably representative means to assess the impact of the NWL development proposals under the two scenarios tested.

Under the 'Without LDA' scenario and under existing junction arrangements, the tests indicate that this junction complex will be under pressure with the addition of committed development traffic with degrees of saturation during peak traffic periods (AM, PM and Saturday) exceeding 100% on certain key arms including High Road and Harrow Road approaches to the Triangle. With the inclusion of the NWL development traffic, further pressure is exerted on this junction complex with a worsening of degrees of saturation ranging between -3% in the AM, -11% in the PM and -32% on Saturday. Whilst it is known that degrees of saturation and ensuing delay and queuing increase dramatically once a junction is over capacity, nevertheless it is considered that the addition of the NWL development traffic will exacerbate peak period conditions at this critical junction if considered without improvement.

Under the 'With LDA' scenario and with an outline junction improvement scheme incorporated, this key junction complex is shown to work considerably better although even under this scenario certain critical arms approach or marginally exceed capacity on a Saturday. The Applicant considers, and LBB agrees, therefore that the junction improvements, yet to be subject to detailed investigation, associated with the LDA development proposals, will largely mitigate overall development traffic impact including the NWL development related traffic. However, the timing of the LDA development proposals is indeterminate and there is a clear requirement to improve this junction complex in the event that the LDA development proposals do not come forward or indeed come forward in a changed format. In this respect and recognising that current commitments will already add to congestion at this key junction, it is considered that provision is made to allow the Council to consider beneficial modifications as part of an overall transport infrastructure programme throughout the Wembley Masterplan area to which NWL development proposals should contribute.



The alterations to traffic assignment as noted above will have an impact which will place greater pressure on those key junctions along the Western Highway corridor post completion of committed development and NWL development proposals. However, the over estimate of committed development traffic, which has been assessed at some 25% overall will mean that, subject to viable infrastructure improvements coming forward as part of an overall transport infrastructure programme for the Wembley Regeneration Area, the accommodation of traffic associated with committed development, the NWL development proposals and other significant developments in the Wembley regeneration area should be achievable.

### Parking

The Applicant proposes residential parking at an overall 0.5 spaces per residential unit which is considered acceptable and which aligns with the adopted Wembley Masterplan SPD. For a provision of 1300 residential units this would equate to a total of 650 spaces. These are proposed to be accessed via Exhibition Way either directly beneath residential blocks or beneath the new Square.

It is considered that spaces for Affordable housing should be provided residential parking spaces. This will be discussed further in the Supplementary Report.

Parking for disabled users is proposed in accordance with Council and GLA guidance for both residential and non-residential uses.

Principal retail parking is proposed in a new 600 space multi-storey car park with access directly off Wealdstone Road from Fulton Road. This figure has been determined by block design requirements and parking accumulation analysis, and equates to the Council's adopted standard of 1 space per 50m<sup>2</sup> GEA for 30,000m<sup>2</sup> GEA (although up to 34,000m<sup>2</sup> GEA has been tested in the TA). This car park would be the prime focus for visitor attraction as a public town centre car park which should be charged in accordance with that purpose to act as a deterrent for long-stay commuter parking.

A further 200 commercial spaces are proposed to be located under the new Square allocated to office, hotel and leisure facilities although the split between these particular uses has not been determined. Given that the actual space allocation for these use classes may vary, it is considered that any surplus provision that may result could be considered for supplementary retail overspill parking outside normal working hours and at weekends. This would be particularly appropriate as tests on parking accumulation indicate that with maximum food retail provision tested (7,000 m<sup>2</sup> GEA), the multi-storey car park would be approaching capacity on a Saturday peak period. Based on 30,000m<sup>2</sup> GEA and the same food/ non-food split, such space provision would still be below the London Plan maximum provision of up to 855 spaces.

It is considered that it would be appropriate to require a parking management plan that defines the design, allocation, access, control and operation of private and public parking within the site, the principles of which are set out within Chapter 15 of the TA. In particular, it establishes the requirements for visitor/ mobility impaired/ shopper and worker parking. Charged spaces for public parking would be charged in accordance with a regime that deters long stay commuter parking. However, precise details of this mechanism are not provided within the TA. With regard to the specific operation of the proposed multi-storey and basement Square car parks, these will need to be agreed at the time development plots come forward. As a minimum, it is considered that the multi-storey car park should have a two lane barrier entry and exit arrangement to ensure satisfactory throughput.

Motorcycle parking is proposed at 5% of total supply which would equate to some 40 spaces, which is considered acceptable.

Cycle parking is proposed to be provided in accordance with Draft London Plan standards for both residential and non-residential uses which is considered acceptable.

### Public Transport

Broad public transport capacity assessments have been undertaken for rail, bus and underground. In addition TfL London Buses has reviewed the implications of the development proposals on existing bus services and committed and proposed bus service enhancements. The assessments have concluded that capacity enhancements to rail and underground services are not required given the current spare capacity on existing lines and at existing interchanges. However, London Buses does consider that service enhancements beyond those committed or proposed as part of other committed development proposals is required which might be applied to Route 297 and for which a contribution of £450,000 has been sought.

TfL London Underground has also requested a further £100,000 contribution for accessibility improvements at Wembley Central station on the basis of enhancing social inclusion on the public transport network.

The Wembley Masterplan (and as incorporated in part in the QED Stage 1 proposals) envisaged that bus services should be permitted to use the new Boulevard and northwards via Olympic Way. However, the potential use of Olympic Way for bus services is now being reconsidered by the Council in consultation with TfL and the Applicant as to its appropriateness and that viable alternative routes may be preferable e.g. Rutherford Way. Moreover, the Boulevard itself within QED Stage 1 and to the south of NWL will not be available for use for some years until the further plot developments come forward and the restriction on height access for buses along the Boulevard is removed when the temporary car park on Plot W10 is replaced with the new permanent parking facility.

### Pedestrians and Cyclists

The site is predominantly a pedestrianised environment with access provided to public cycle parking facilities. Capacity assessments of peak pedestrian usage have been undertaken which indicate that the prime shopping street of West Olympic Way will function adequately based on proposed width and usage. No indication is given of predicted cycle use or demand but it is not expected to pose any particular difficulty. However, as the site will become a prime visitor attraction, additional improvements/ enhancements to surrounding pedestrian walkways and cycle routes will be required. In particular, good quality signage will be required to assist the visitor both in identifying key points of attraction/ interest and also key transport facilities and interchanges such as Wembley Park. To assist this, it is proposed that a contribution of £100,000 is made towards Legible London via TfL such that a co-ordinated scheme for incorporation of Legible London signs in the vicinity of the site can be implemented.

### Access and Circulation

The Parameter Plans P04 Rev A, P06 Rev A, P07 Rev A, P14 and P15 Rev A establish the key constraints related to site access, internal circulation, servicing and parking. They have recently been modified in certain instances including definition of parking and servicing access points to individual plots, changing the width definition of the middle section of Wealdstone Road to a minimum 3.5m wide to ensure localised widening to accommodate service traffic can be accommodated and removal of the definition of a public transport corridor and blue badge on-street parking along Olympic Way. Olympic Way is a key event and non-event access route and is covered under later commentary. In addition, additional tracking plans along West Olympic Way of medium and large service vehicles have been provided. These proposed key Parameter Plans ( and their indicative circulatory Figures 3.2 – 3.5 on non-event days) are broadly acceptable but detailed observations are as follows:

- The tracking plans provided indicate that only Wealdstone Road and West Olympic Way are suitable under a one-way operation to accommodate large articulated vehicles. Hence a restriction on use of other side streets and access ways must be considered.
- Both Wealdstone Road (from a point immediately south of the south western corner of Plot NW09 and southwards to Empire Way) and West Olympic Way (from Fulton Road to Engineers Way) are shown indicatively as one-way southbound. These need to be formalised and include a revised requirement for Wealdstone Road (north of the proposed multi-storey car park exit at a point yet to be determined) to be incorporated
- Apart from Wealdstone Road, West Olympic Way and Olympic Way, no vehicle greater than 12m in length should be permitted on other site access routes without special authorisation as incorporated in an agreed site servicing and car parking management plan.
- Frontage pedestrian access to adjacent premises along Wealdstone Road should be permitted where required and as approved in consultation with the Council.
- Wealdstone Road from Fulton Road to and including the proposed multi-storey car park exit at a point yet to be determined should be offered to the Council for adoption; in this respect an obligation must also be made by the Applicant to ensure that 24 hour vehicular access along the length of Wealdstone Road is maintained
- Adoption of other access points as they meet the public highway will require detailed consideration as they come forward for implementation particularly where there will be a requirement for parking and access control e.g. signing of a one-way control backed by an appropriate traffic order. This would apply, for example, to the southern ends of Wealdstone Road and West Olympic Way.
- A detailed site servicing and car parking management plan should be prepared for submission to and approved by the Council.

#### Olympic Way and Event Day Strategy

The amended use types permitted for Olympic Way are broadly acceptable in principle but will require strict definition, design and control which cannot be fully determined at this stage. In addition, it is understood that there is an ongoing discussion over the eventual use and ownership of Olympic Way, both as a private street and public highway. Whilst certain limitations are proposed on service vehicle access, coach access, blue badge pick up/ drop-off and cycle access, these have yet to be considered in detail and in particular an event related strategy has yet to be fully determined other than closure of Olympic Way to general vehicular access. The eventual design of the public/ private highway for Olympic Way must not compromise current event day management and control and will need to be agreed with the Metropolitan Police.

In addition, the broad event day circulatory and access Figures 16.3 – 16.5 have yet to be formally responded to by the Metropolitan Police and as such can only be considered as an indicative arrangement until all the various stakeholders have responded.

Hence, it is considered that amended Parameter Plan P06 Rev A and the Development Specification which identifies particular uses allowed for Olympic Way should recognise that there will be strict requirements in terms of design, control, enforcement and hours of operation which will limit those permitted uses to specified access. In particular the arrangements for each use permitted must only reflect those development blocks where such use is required.

In addition, an Event Day Strategy recognising the opening up of the Olympic Way frontage to the NWL site and also from Engineers Way needs to be developed and agreed with the relevant stakeholders and agencies. The applicant has clarified that the obligation for the management of Stadium crowds falls with WNSL, with particular regard to Olympic Way, and that they will ensure that their proposals do not impede their access through the North West Lands site. However, your officers consider that a Strategy is required detailing any measures that are required to ensure that a satisfactory environment is maintained within the site (such as access to the internal streets within the development) and further detail regarding the 20 m clear zone on Olympic Way.

## Travel Plan Framework

The Applicant has submitted a Travel Plan Framework which meets the key ATTrBuTE tests as set out by TfL. Specific targets by each mode are not specified but reference is made to reducing car mode share to 27% in accordance with the LBB Core Strategy strategic objective. In addition, vehicle trip targets are recommended to align with those established by the TA as an upper end limitation. It is accepted that this is a general framework for establishing a viable travel plan for the site as a whole and as individual development parcels come forward. It will be a requirement for the Applicant as indicated to appoint a Travel Plan Co-ordinator and to develop a detailed implementation strategy prior to occupation.

## Servicing and Deliveries

The physical arrangements for servicing access and circulation have been commented on earlier. However, it has been agreed to adjust the times of acceptable on-street servicing along Olympic Way and Olympic Way West, to between 0630 and 1000 and between 2000 and 2200 on weekdays and Saturdays and between 0800 and 1100 on Sundays. For the main service yard for plot NW10 no such restriction will be applied but suitable arrangements to minimise environmental nuisance should be incorporated into the service yard design. The approval of a Delivery and Servicing Management Plan is recommended through condition, with details also including arrangements for Wembley Stadium Event Days.

## Transport Infrastructure Contribution

The NWL mixed use development proposals will represent a significant proportion of additional transport impact resultant from development proposed throughout the Wembley regeneration area, representing some 30%-40% of transport impact post that which arises from development which is already committed. Studies undertaken to identify an overall transport infrastructure package which have been considered to reflect the Wembley Masterplan and encapsulated in the Infrastructure and Investment Framework used to inform the Core Development Framework have concluded that an overall Council infrastructure package of some £18million to £20 million (excluding TfL) is appropriate and desirable of which an estimated £3.5m has been committed to date. Hence, some £14.5 million to £16.5 million is still required to complete the package. As such, and recognising that this cannot wholly be funded by development proposals alone and that contributions will be sought via government grant as well, it is considered that some £10 million to £12 million is sought via development contributions. Applying the relative impact of the NWL development proposals, a contribution from the NWL development proposals towards the overall transport infrastructure package of between £3.75 million to £4.0 million is considered appropriate. Brent Council would then be able, along with other forthcoming development contributions, to prioritise those transport infrastructure requirements that the Council deems the most pressing across the range of transport facilities required.

## Recommendations from Transportation

The Transportation Officers consider that this outline application can be supported in transportation terms subject to the following requirements being secured through conditions and/or a S106 Agreement:-

1. The Applicant will be required to submit for approval and implement prior to occupation of the NW10 Multi-Storey Car Park a scheme for the Fulton Road/ Empire Way junction substantially in accordance with Drawing 20082/037/028 Rev F and secure all necessary approvals and statutory consents and undertake consultation on any proposed legislative changes such as waiting/loading amendments which affect frontage properties. The full requirements in relation to these works are set out within the Transportation Comments.
2. The Applicant will be required to improve the Wembley Park Drive/ Empire Way gyratory in accordance with Drawing 20082/037/028 Rev F or as otherwise approved by the Council.

1. The Applicant will be required to pay a sum of £300,000 towards improvements to the Forty Lane/ Forty Avenue/ Bridge Road /Barn Hill junction.
2. The applicant will carry out a study within 3 years of opening the MSCP on NW10 to determine whether traffic light controls at the junction of Wealdstone Road and Empire Way would be required to accommodate peak demands in this location. If proved beneficial, such improvements may be implemented by LBB with funding from the Area Wide Contributions.
3. The Applicant will be required to pay a sum between £3.75 million to £4.00million towards transport infrastructure improvements and facilities within the Wembley Regeneration/Growth Area at times and in amounts to be agreed as part of a forthcoming S106 Agreement.
4. The Council notes the TfL requirements for infrastructure service provision which are:
  - £450,000 for additional bus service provision
  - £100,000 for accessibility improvements to Wembley Central Station
  - £100,000 for additional Legible London signage
  - £75,000 for a study of potential A406/IKEA junction improvements which if undertaken prior to a Stage 1 commitment would be offset against that particular commitment.
1. The Applicant will provide 600 public car parking spaces in the multi-storey car park as shown on Parameter Plan P14 Rev A which shall be implemented prior to first use of the retail element comprised in plot NW10.
2. The Applicant will provide 200 commercial car parking spaces in basement parking below the Square as identified on Parameter Plan P14 Rev A which shall be implemented prior to first occupation of: NW06, NW07, or the 5<sup>th</sup> plot, whichever is sooner;
5. Allocation of commercial car parking spaces within the Square basement parking will be in accordance with the Council's standards. Any residual parking will be made available as public short term charged parking and outside normal working hours and at weekends.
6. Residential parking shall be provided at no more than 0.5 spaces per residential unit overall. Spaces should be allocated to affordable residential units.
7. Cycle parking for residential and commercial uses will be provided in accordance with the London Plan standards. Provision of publicly accessible cycle parking will need to be agreed and provided prior to completion of any commercial development.
8. The developer should allow the use of some non-residential cycle spaces for a cycle hire scheme if one is to be implemented in agreement with the Council and TfL.
9. Motorcycle parking will be provided at a rate of 5% of overall parking space supply.
10. Disabled parking provision will be provided at 10% of allocation for residential parking spaces and 5% of allocation for commercial premises.
11. Car Club provision for up to 8 vehicles site wide should be provided, at a minimum of 1 space per plot where required by the operators (minimum of 2 spaces overall).
12. In order to ensure an efficient management and control regime, a car parking management, control, operation and charging plan for commercial parking will be prepared and agreed with the Council to ensure that the development complies with the Council's requirements for encouragement of short stay publicly available parking and deterrence of long stay commuter parking.
13. Wealdstone Road (south of a point - yet to be determined - immediately north of the proposed multi-storey car park exit) and West Olympic Way will be operated as one-way southbound at all times.
14. Wealdstone Road from its junction with Fulton Road to a point yet to be determined immediately south of the proposed car park exit should be offered to the Council under a S38 Agreement. This section of Wealdstone Road will be subject to a design, maintenance and control regime acceptable to the Council.
15. Adoption of areas of access points, other than Wealdstone Road north, as they meet the public highway will be determined subject to the requirements for relevant control such as one-way restrictions and associated signage and offered to the Council under a S38 Agreement.
16. Wealdstone Road will provide full 24 hour access for public use except at times and for

- periods agreed with the Council for exceptional and essential maintenance.
17. Frontage pedestrian access for premises adjoining the western side of Wealdstone Road will be made available free of charge.
  18. No service or other vehicles greater than 12m in length will be permitted on site access routes other than Wealdstone Road, Olympic Way and West Olympic Way.
  19. On-street servicing for Olympic Way and west Olympic Way will be limited to 0630 to 1000 hours and 2000 to 2200 hours Monday to Saturday and 0800 to 1100 hours on Sundays.
  20. Suitable arrangements to minimise noise and environmental nuisance including vehicle screening/ soundproofing where necessary should be incorporated into the off-street service yard for plots NW09/NW10.
  21. A detailed servicing plan will be prepared by the Applicant for the site as a whole for agreement with the Council incorporating permitted uses, numbers and types of vehicles involved, times of operation, permitted access routes and location and use of service bay/ lay-by facilities. The plan will also provide details of the mechanisms to be employed to enforce the approved arrangements.
  22. Agreement should be pursued between the Applicant and the Council on the legal status of Olympic Way and if changes are required as a result, the relevant changes to current legal statutes will be undertaken at the Applicant's expense.
  23. Olympic Way will be subject to a detailed design, operation, management, maintenance and control plan for both event and non-event scenarios which will be agreed by the Council in consultation with Emergency Services and other relevant stakeholders/ agencies as appropriate. Such a plan will define the use, type and number of vehicles permitted, periods of operation for such vehicles, control and enforcement mechanisms, and the design and location of vehicle access/ service/ drop-off points. In particular, permitted use will be strictly related to individual plots NW04, NW08 and NW11 only and as required by that particular plot.
  24. An Event Day Strategy will be prepared by the Applicant and approved by the Council, in consultation with Emergency Services and other relevant stakeholders/ agencies. This should detail Event Day measures, including further detail regarding the 20 m clear zone on Olympic Way and measures to ensure a satisfactory environment within the development.
  25. A detailed Travel Plan drawing from the Travel Plan Framework will be developed as individual RMAs come forward. A Travel Plan Co-ordinator will be appointed/ allocated by the Applicant who will prepare and discuss individual Travel Plan requirements with the Council's representative and in particular the requirements for baseline surveys, targets, monitoring and initiatives.
  26. A 'car-free' agreement will be required covering the overall development removing the right of all future residents and businesses to Residents, Visitors and Business Parking Permits within any existing or future Controlled Parking Zones (including the Wembley Stadium Event Day CPZ) operating on Brent Council maintained roads in the vicinity of the development.

These recommendations have been incorporated into the Development Specification, Section 106 Heads of Terms, and/or conditions.

### **Daylight and Sunlight - Impact on nearby dwellings**

The applicant has assessed the levels of daylight and sunlight received by nearby dwellings using the BRE publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice", which is a standard and accepted approach. As there are no areas of external amenity space or public open space for which the BRE guidance would be applicable that may be affected outside of the proposed, no tests have been undertaken regarding this.

The tests have accordingly been applied to the residential units within Raglan Court and Forum House that face the development. Both buildings are situated on Empire Way.

### **Daylight**

The findings of the report in relation to Raglan Court are as follows:

The submitted assessment sets out that 75% of the rooms in the eastern facade of Raglan Court only suffer minimal daylight loss. Those units that are affected currently benefit from an open vista as plot NW01 does not contain any buildings at present. Some windows will experience a reduction of daylight in excess of 20 %. However, the levels of Vertical Sky Component (VSC) and Average Daylight Factor (ADF) remain at levels typical for this type of location.

Interrogating the analysis proves difficult when room types are not known. However, it is acknowledged that it is often not possible to ascertain the precise functions of rooms unless detailed drawings are available. Of the 82 rooms tested, only 8 did not achieve either a daylight reduction of less than 20, a VSC of greater than 27, or an ADF of more than 2 (being the target levels of reduction, potential daylight and actual daylight). The resulting ADF for those 8 rooms ranged between 1.63 and 176 and as such, exceeded the target minimum levels for living rooms and bedrooms (1.5 and 1 respectively) fall below the target level for kitchens (2). On balance, given the urban nature of the area and the difficulties in obtaining information regarding the precise nature of rooms, your officers consider that the level of impact on the Raglan Court windows with regard to daylight is acceptable.

The findings of the report in relation to Forum House are as follows:

Only the lowest residential floor in the facing (northern) elevation was tested as these will experience the greatest level of impact. Two of the nine windows tested had a VSC of 27 % at present. All rooms, save but two, will have a VSC of greater than 20 %, and these two rooms retain well in excess of the ADF requirements. All rooms will remain very well lit and will see a negligible impact.

Again, room types are not specified in the table. However, where rooms will experience a reduction of greater than 20 %, the ADF levels remain above 2 (above minimum guidance levels for all rooms) for all but one room. The levels of daylight for one room fall by more than 20 % and the resulting ADF score for that room is 1.61. Whilst the room types have not been specified and the level is below the minimum recommended for kitchens, your officers are aware that all facing units on this floor of Forum House have kitchen-diners rather than separate kitchens, with the living room element adjacent to window. As such, your officers would treat all adjoining rooms as bedrooms or living rooms with regard to daylight, and the resulting levels of ADF are above the minima.

#### Sunlight

The submitted report does not discuss levels of daylight received by adjoining blocks. However, the results of the testing have been provided and your officers have interrogated these results. The test only relates to those windows that are within 90 degrees of south. Therefore, the tests would not be applicable to Forum House or the north-eastern facades of Raglan Court.

A total of 15 (24 %) of the 62 windows tested experienced reductions in sunlight below BRE guidance levels. These levels are calculated as percentages of the total unobstructed likely hours of sunlight (1486 hours), with targets of 5 % APSH for winter and 25 % total APSH. However, 9 of the 15 still received total levels of sunlight that meet or exceed the minimum guidance levels while a further 5 of these with total APSH levels within 3 % of this target and the remaining 2 within 5 % of the target. This demonstrates that the majority of the impact will be experienced during winter months. Given the urban nature of development envisaged within the Wembley Regeneration/Growth Area, your officers consider the loss of sunlight to be at acceptable levels.

#### Dexion / Howarine House

No assessment has been made of the impact of the proposed development on the residential and leisure scheme for which planning permission has been granted on the Dexion / Howarine House site, or on the impacts of that site, being a potential development site. The existing buildings are still in place and the scheme has not commenced. Furthermore, an alternative scheme has been

submitted to the Council which includes Student Accommodation and leisure uses. The Planning Committee has resolved to grant planning permission for this revised development (6 April 2011) subject to the stage 2 referral to the Mayor of London and the completion of a Section 106 legal agreement.

The initial scheme was submitted in anticipation of the redevelopment of the Quintain North West Lands site, and in fact included windows in close proximity to this site (approximately 2 m) and relies on the provision of an access road by Quintain to the rear of the site. As a revised scheme has been submitted for this site, it is considered likely that the latter scheme will be delivered rather than the housing proposal. However, it remains possible that the housing scheme could be delivered.

Given the high density urban nature of the Dexion House proposal and the Quintain North West Lands scheme, and the lack of certainty regarding the delivery of the residential led scheme on the Dexion House site, your officers do not object to the failure to analyse the potential impacts on this site.

### **Microclimate – Wind Environment**

A boundary layer wind tunnel study of the proposal and surrounding buildings has been undertaken to assess the pedestrian wind environment. This examines the potential impacts of the proposed development taking into account existing surrounding buildings together with the cumulative effects with other consented developments in the locality.

The impacts of the proposed development are as follows. These comments apply to both the proposed development itself and the cumulative impact except where the cumulative impact is specifically referred to.

- The north-west corner of Quality Hotel is unsuitable for pedestrian comfort and safety, however, this is not as a result of the development.
- Away from the Quality Hotel sufficient comfort conditions generally exist for pedestrian passage, ingress and egress.
- Conditions will be too windy for pedestrian comfort at north west corner of NW08 and within the north east pocket. However, when taking into account the cumulative impacts, the southeast area of this pocket is suitable for cafe seating and this may also be addressed through further mitigation at detailed design stage
- In general, residential entrances are suitable for pedestrian ingress and egress. However, some residential entrances may require recessing or localised protection via screens.
- Shop front areas are generally suitable for window shopping/pedestrian ingress/egress. However, conditions will be too windy in some isolated locations.
- Generally, the open spaces are suitable for the intended uses.
- The raised courtyards are generally acceptable for outdoor seating, play space and access. However conditions could be enhanced through soft landscaping
- Introduction of the wider Masterplan to the east of the development is not expected to result in further significant cumulative impacts.
- The northern entrance to Olympic Office Centre does not achieve comfort levels for pedestrian passage and egress. However, this is not a significant cumulative effect of the development.
- The Civic Centre garden will be generally suitable for outdoor recreational uses, such as outdoor seating.

This report highlights the need for mitigation measures to ensure appropriate conditions within localised areas of the application site. However, these can be addressed at detailed design stage and the proposal does not have a significant adverse effect on sites in the vicinity.

### **Air Quality**

The application site falls within an Air Quality Management Area (AQMA). This designation relates to the levels of nitrogen dioxide which exceed statutory air quality objectives. The



submitted report assesses the impact of the proposal in relation to air quality having regard to the effects associated with construction, road traffic and the CHP and boiler plant.

The assessment sets out that the construction based effects will primarily be related to the demolition of the demolition of the Palace of Industry building. Mitigation measures are proposed and the report sets out that the effects will be minor.

The assessment highlights increase in concentrations of nitrogen dioxide associated with the road traffic associated with this development, with levels exceeding the air quality objective. However, the impact is isolated to the ground floor facade of NW01 and the effects are reported to be insignificant. Traffic generated by cumulative schemes (i.e. including both the proposed development and other consented schemes), results in nitrogen dioxide levels in excess of the objective both at first floor level for plot NW01 at the junction of Empire Way and Engineers Way and at the ground floor north facing facade of NW09. The report sets out that mitigation measures are not necessary as objective levels are only marginally exceeded and this is based on worst case assumptions that are unlikely to be experienced.

The Combined Heat and Power (CHP) and boiler plant is to be located in NW09, with the associated flue terminating above roof level of one of the tallest buildings in the proposed development. As such, the effects are reported to be negligible and insignificant.

Environmental Health agree with the findings of the Air Quality Assessment, but recommends that the approval of details of the CHP unit and boilers is secured through condition to ensure that these design assumptions are achieved.

#### **Groundwater, Soils and Contamination**

Potential sources of contamination have been assessed through a desk-based study of groundwater soils and contamination and a site walk-over survey, and the assessment evaluates the potential pathways and associated impacts. The report highlights the possible presence of contamination and recommends mitigation measures to address both the construction and operational effects, which are generally anticipated to be negligible or minor adverse without mitigation. However, all impacts are considered negligible when mitigation measures are implemented.

With regard to land contamination, recommended mitigation measures include a site investigation, remediation strategy and the implementation of good practice procedures both in construction and health and safety during remediation works and site development.

Environmental Health agrees with the findings of the report and recommends the standard condition regarding contamination.

#### **Water Resources and Flood Risk**

This section of the Environmental Statement examines the potential effects of the development (both construction and operational) on the quality and quantity of surface water in terms of the discharge to the network / Wealdstone Brook, the risks of flooding of the site and the likely discharge rates and capacity within the waste water system.

With regard to ground water, this report highlights the existing conditions and potential effects on groundwater to identify the links between groundwater and surface water effects. However, this matter is covered in the section on groundwater, soils and contamination.

#### **Flood Risk**

The site is in Flood Risk Zone 1 (low risk of flooding). However, the site area is in excess of one Hectare and as such, a Flood Risk Assessment is required to ensure that the proposal does not result in an increased flooding downstream of the development. The proposal commits to reducing the rate of surface water discharge from the drainage system to Greenfield runoff rates.

Given the nature of the site which at present is predominantly hard surfaced, this will result in a significant reduction in discharge rates into the network. The mitigation measures have been designed to provide attenuation levels sufficient for a 1:100 year rainfall event including a 30 % tolerance for climate change. The Flood Risk Assessment proposes the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with current best practice, selecting the most appropriate measures for the prevailing site conditions. Potential measures include the use of green/brown roofs, permeable paving and rainwater harvesting. Below ground storage tanks will also be used for attenuation purposes.

Other SUDS measures such as ponds, basins and infiltration devices were evaluated, but were not considered feasible or viable.

The Environment Agency, a statutory consultee in relation to the Flood Risk Assessment, consider the Flood Risk Assessment to be acceptable subject to the inclusion of specified conditions should planning permission be granted.

#### Waste water

This application has been accompanied by a drainage strategy, utilities report and details of the existing and proposed surface and foul water, including:

- The private foul and surface water drainage layouts and proposed connection points into the public sewers;
- The requirement for abandonments and diversions of Thames Water's foul and surface water sewers;
- The proposed discharge rates into the Thames Water sewers.

Thames Water have commented that there is insufficient capacity within their waste water network and that they are concerned about the ability of the network to serve the development.

They are currently funding and undertaking a local drainage infrastructure study to understand the impact of this and other proposed developments on the local drainage network. Until this work has been undertaken, Thames Water consider that an effective drainage strategy for this development could not be produced.

Thames Water have recommended that a condition is attached requiring the approval of a drainage strategy prior to the commencement of development.

#### Demolition and Construction

The Demolition and Construction element of the Environmental Statement largely brings together other elements of the application submission, and makes commitments to the demolition and construction process.

A sequence of development is set out, which envisages the completion of the development by Quarter 4 of 2020. The applicants must look at potential delivery patterns and phasing when assessing the impacts of this proposal. However, in reality, this will be dictated by the market and funding, and this consent would allow the commencement of works up to a maximum of 17 years from the date of consent (15 years time limit for the submission of Reserved Matters and 2 years from the final approval of Reserved Matters to the commencement of that building).

The report highlights the constraints and considerations associated with the construction and demolition process, including infrastructure, impact on neighbours, highway impact and the 2012 Olympic Games.

Commitments relating to Construction Logistics including the hours of operation, construction traffic management/routing, emergency evacuation, liaison with neighbours, and noise from plant and equipment are captured in the Development Specification. Energy and sustainability during demolition and construction are considered, with the commitments including (but not limited to):

- The use of low embodied energy materials;
- Use of the WRAP toolkit for recycled content;

- Local sourcing of materials where possible;
- Maximising the use of secondary, recycled and reclaimed content to set targets (20% material by value, 25% of aggregate/fill by weight);
- Minimum of 80 % non-recycled timber from FSC sources;
- Use of ICE's Demolition Protocol;
- Compliance with the London Best Practice Guide on the control of dust and emissions from construction and demolition;
- Adherence to the Consider Contractor Scheme.

Commitments are also made to measures associated with Local employment and training, to be secured through the Section 106 agreement.

### **Archaeology**

The findings of a Desk Based assessment are presented and discussed within the submitted reports. The assessment sets out that the archaeological fieldworks undertaken within the Stage 1 site found that significant levels of disturbed ground were present and that this will have resulted in the removal of any potential archaeological deposits. The likely presence, in parts, of the foundations of the Palace of Arts and Palace of Industry buildings (de-listed in 2004) has been highlighted. However, the significance of this is reported as minor.

The report specifies that the effects of the proposed development will be of negligible significance and it considers that there is no need for an archaeological mitigation strategy.

Your officers agree with the findings of this report.

### **Ecology and Nature Conservation**

An assessment of the site and surrounding area was undertaken, comprising a desk based survey using Greenspace Information for Greater London (GiGL), the Multi-Agency Geographic Information for the Countryside (MAGIC) database and Nature on the Map. This was accompanied by a Habitat Survey and an Extended Phase I survey.

The assessment found that the site is currently of extremely low ecological value. Neither the presence of nor the habitat for protected species were not found on site. The assessment accordingly concluded that any effects of the development will be of no ecological significance.

As the proposal significantly increases the levels of planting on site, and includes the provision of green roofs, brown roofs and bird boxes, the proposal is likely to increase the ecological value of the application site.

Natural England has commented that the site is within an Area of Deficiency for Access to Nature, and they are pleased that this is recognised in the Environmental Statement. The proposed provision of open spaces with "soft/green" landscaping together with brown/green roofs is welcomed and encouraged.

### **Utilities**

The submitted utilities report looks at the design criteria and potential options for utilities, including any potential diversions, locations for new internal infrastructure and connections to the wider networks and projections of demand/discharge.

The report concludes that the primary utility assets normally found in the public realm have been identified adjacent to, and within, the Application Site. The applicant has confirmed that, following communication with the utilities companies, the initial design proposals to meet utility demand requirements are feasible, and that sufficient capacity exists within the existing networks. It confirms that preliminary design work for all utilities will be further developed in the next work stage.

With the exception of the discussions of Waste Water (previously discussed in this report), no concerns have been raised from utilities operators.

### **Operational Waste Strategy**

This report looks at the provisions for waste in the completed development, including storage, collection and likely means by which it is dealt with off-site.

The application proposes either the use of a standard waste collection system or connection to the Envac system that is in place on the Stage 1 site. The standard system involves the provision of suitably sized waste storage areas (designed to Brent Council standards) within the buildings in locations suitable for collection by refuse vehicles. This is the system that is currently implemented for all buildings in the borough with the exception of Forum House and Quadrant Court which form part of the Quintain Stage 1 consent.

Quintain may choose to extend the Envac system from the Quintain Stage 1 area to the North West Lands site. The Envac system moves waste through a series of pipes to a collection point in Stage 1 plot W05. Quintain has confirmed that this system has sufficient capacity to accommodate the North West Lands proposals. However, as the cost of the pipe network is significant, they cannot commit to this extension. As the traditional system described is considered acceptable across the borough, your officers consider that either option would be acceptable.

If Envac is implemented, further discussions are required regarding the segregation of residential from commercial waste or any associated charging mechanism as the Council does not collect commercial waste. However, as the Envac centre is already in place for Stage 1, these discussions can take place after the determination of the North West Lands application.

### **Site Waste Management Plan**

The applicant has submitted an Initial Site Waste Management Plan. Whilst the Operational Waste Management Strategy deals with the on-going operational aspects of the building, the SWMP deals solely with the construction process.

The report specifies this is not a static document, but rather one that evolves over the life of the development. It specifies a requirement for the Principal Contractor to update it at least every six months once on-site with information on the waste which is taken away for disposal, recording the strategy for minimising waste during design and construction process.

London Plan Policy 4A.28 (Construction, excavation and demolition waste) specifies that "DPDs should require developers to produce site waste management plans to arrange for efficient materials and waste handling, and require waste to be removed from the site, and materials to be brought to the site, by water or rail transport wherever that is practicable" and the Preferred Options version of the Development Policies DPD includes policies DP SD5 (Resource Efficiency – Sustainable Materials & De/Construction) which sets out the requirement for a Construction Management Strategy and/or includes a Site Waste Management Plan and sets targets for maximising recovery and the re-use of materials from demolition and minimises materials waste during construction. However, the Development Policies DPD has not been adopted as yet.

The approval of a SWMP is also a statutory requirement for all construction projects with an estimated value greater than £300,000 under the Site Waste Management Plan Regulations 2008 and therefore is a requirement of this development. However, the Local Planning Authority has no authority to determine the SWMP under these regulations.

The Submitted Site Waste Management Plan must therefore demonstrate that the proposal has considered and is in accordance with the principles, policies and regulations relating to waste minimisation and management policies. Given the status of the LDF Development Policies DPD, your officers have considered this report on the basis of Policy BE12 of the UDP 2004 and SPG 19

which relate to the consideration of the potential for the reuse of materials, the environmental effects of building materials and methods to maximise recycling and re-use, as well as minimising waste during demolition and construction.

A commitment is provided to use the WRAP SWMP Template. The SWMP Regulations require the provision of estimates of waste quantities at the different project stages.

The report considers waste minimisation measures, including:

- Prefabrication;
- Use of sustainable materials;
- Reuse of demolition waste as aggregate; and
- Take back of packaging by suppliers.

These measures have been estimated to reduce waste levels by 4,270 tonnes (from 35,440 tonnes). It is also reported that it is possible to recover 30,670 tonnes of construction waste through good practice recovery rates with segregation, reducing the quantity to 4,770 tonnes with a recovery rate of 85%.

The report recommends that, through the design process, the following steps are implemented:

- Ensure that the WRAP SWMP template is kept up to date with design decisions;
- Make this document and the WRAP template available to the Principal Contractor as and when they are appointed.

Your officers consider that the SWMP provides sufficient information to demonstrate that the proposal has adequately considered the re-use of demolition material and measures to minimise waste during construction in accordance with Policies BE12 and SPG19.

#### **Statement of Community Involvement (SCI)**

The submitted statement sets out the pre-application community consultation process that was undertaken by the applicant.

They describe the process, which was undertaken in two phases, as follows:

- *Phase One, April 2008: Included letters and promotional activities to announce the start of public consultation; a public exhibition held in April 2008; a dedicated consultation booklet, website and free-post comments cards; meetings held with local groups; media work; ongoing dialogue with the London Borough of Brent ("LBB") together with other statutory consultees, and a range of other people and organisations. The materials set out the progress which had been made on the Stage 1 Development, and QED's emerging Masterplan ideas for the land to the north of this, known as the Northern Lands.*
- *Phase Two, July 2010: Included a second round of public announcements, letters and promotional activities around the second public exhibition held in July 2010; a second dedicated consultation booklet, website and comments book; further ongoing dialogue and meetings with LBB, statutory consultees and local groups, and media work. The materials updated people on the progress which has been made delivering the Stage 1 Area, the publication of LBB's 'Wembley Masterplan SPD 2009' and the planning approval for the new Civic Centre. It then focused on the plans for the North West Lands, providing more detail on all elements of the scheme – the community park and setting for the new Civic Centre, the new retail street, improvements to Olympic Way, high quality family homes, new affordable workspace as well as access and transport improvements.*

The statement confirms that a high level of responses were received, and that every suggestion was considered and where appropriate, incorporated into the plans. Many of the comments related to issues such as specific features, such as wanting to see public toilets or a drinking fountain included in the plans. These issues can be adequately considered in future detailed design stages.

Meetings were also held with key stakeholders, including Transport for London, the Greater London Authority, the Environment Agency, CABE, LBB Officers and the Brent Design Review Panel.

The submitted SCI is considered to be acceptable.

### **Alternatives**

This application has been accompanied by an assessment of alternatives to the development proposed. The assessment looks at both a 'no development' scenario and alternative designs and site layouts for the application site.

No alternative sites have been evaluated by the applicants as the site has been identified for regeneration within the Brent UDP 2004, the LDF Core Strategy 2010 and the Wembley Masterplan 2009 and alternative sites would not achieve the regeneration aspirations of the Council. Furthermore, the 'no development' scenario has been ruled out for these reasons.

In relation to alternative layouts, the assessment refers to core objectives for this area set out within the Wembley Masterplan SPD. These, together with policy CP7 of the LDF Core Strategy, set a framework within which the development proposals should be developed. A number of options and amendments have been worked through during the pre-application and application processes associated with this application and these are discussed in the assessment of alternatives and the Design and Access Statement. The submitted assessment accordingly demonstrates that a number of alternatives have been considered whilst developing this application.

### **Cumulative Effects**

The applicant has provided an assessment of Cumulative Effects as part of the Environmental Statement. Cumulative effects take into account the effects of the development and the committed (i.e. consented) developments in the locality. This chapter of the ES brings together and summarises the findings of the assessments of cumulative effects that are contained within the individual chapters of the ES.

### **GLA Stage 1 comments**

The applicant has provided the following responses to these issues and the view of your officers on these issues. These have been discussed elsewhere in the report and are highlighted within this section for reasons of clarity.

Housing: The Valuation Office has confirmed that the maximum proportion of Affordable Housing has been secured, but has recommended that a claw-back or review mechanism is implemented due to the low proportion achieved. A review mechanism has been secured and is discussed in the Affordable Housing section of this report.

Housing Design: The minimum sizes for residential units have been revised to meet the minimum standards set out within the draft replacement London Plan. A basic design criterion for one-person units has been set out within the Development Specification.

Design: Further indicative detail has been provided regarding the cladding system options for the multi-storey car park. A commitment has also been to a minimum spend of £1.5 million on the cladding system. Further detail has been provided regarding play space, whilst additional indicative images have been provided of the buildings and Environment along Olympic Way.

Access: A commitment has been made to an increased level of Wheelchair accessible and adaptable student and hotel accommodation to levels recommended by the GLA.

Transport: Further information regarding car parking, including further detail in relation to the relevant standards. The proportion of residential parking spaces with electric charging infrastructure has been increased, and a contribution is proposed to 'Legible London' signage. A PERS audit has been undertaken whilst commitments have been made to the Section 106 contributions requested by TfL.

Energy and climate change: Further clarification regarding and commitments towards the provision

of a single energy centre and measures to address the likely cooling requirements of the development. The level of photovoltaic panels has been specified whilst the green roofs and SUDS are secured through the Development Specification.

**Noise:** Sufficient information has been provided to demonstrate that the design levels for noise to mitigate against noise from the Stadium and other sources can be achieved within the development.

Your officers consider that the applicant has adequately addressed the issues raised by the Greater London Authority within their Stage 1 response to this application.

### **Other matters raised by Wembley National Stadium Limited**

Wembley National Stadium Limited (WNSL) have commented on a number of aspects of the proposal. Some of these have already been discussed within this report. However, a summary is provided below:

**The Pedway:** WNSL have expressed concern that the proposal may consent the removal of the Pedway without proposing any alternative. Your officers can confirm that this is not the case, and the Development Specification makes firm commitments in respect to this, specifying that the eastern element of NW04 and south eastern element of the adjoining pocket cannot be delivered until the Pedway has been removed. It also confirms that it will not be removed until an application has been approved for an alternative Stadium Access and alternative access measures have been implemented. Such new proposals would be brought forward in consultation with stakeholders.

**Olympic Way:** WNSL wish to ensure that the 20 m access way to the stadium along Olympic Way is maintained free of all obstructions and that the Police and WNSL should have the opportunity to comment on the design and layout. They also consider design guidelines should be submitted and approved with this application. The proposal provides a firm commitment to the 20 m corridor within the Development Specification and that the development will respect WNSL's access requirements to and along Olympic Way on Event Days. The applicant is required to submit a strategy which will ensure that WNSL's management of Stadium's visitors is unimpeded and that any measures or design constraints that are required to ensure that the proposed development remains acceptable on Event Days are incorporated into the scheme. The MET Police have been consulted with regard to this application. However, no response has been received to date.

**Noise:** WNSL recommend that the design criteria for noise levels within residential units are also applied to hotels and student accommodation. Your officers have structured the noise condition to include student accommodation. However, your officers have not applied this condition to hotel uses.

**Construction / phasing:** WNSL recommend the use of conditions to address construction issues similar to those used for the Stage 1 consent (conditions 33 to 45 of application 03/3200). This application is accompanied by a Construction Logistics Plan which your officers consider to be acceptable as an overarching strategy. It is considered appropriate to require a plot specific plan which uses the assumptions of the Construction Logistics Plan but provides plot specific detail.

**Design and Massing:** Concern has been expressed regarding the scale of the buildings that line Olympic Way and the impact on the views to the Stadium along this processional route. As discussed above, this proposal results in a reduction in the amount of arch and the space between the Stadium roof and arch that is visible when compared to both the current views and the views that were envisaged within the Wembley Masterplan SPD. However, your officers considered that the views to the stadium are acceptable.

**Access / Transport / Servicing:** WNSL consider that the required works to the Fulton Road – Empire Way junction should be tied to the first phase of development. However, as the majority of the impact occurs as a result of the Multi-Storey Town Centre car park in plot NW10, your officers consider it more appropriate to tie the completion of these works to the completion of car park.

WNSL also recommend an ongoing review mechanism for the levels of driver delay at the Empire Way – Engineers Way junction. Your officers do not consider such a review to be necessary and junction works are secured through the Stage 1 consent.

WNSL has specified that the Framework Travel Plan is too generic and makes no mention of the Stadium on Event or non-Event Days. The applicant has commented that the level of detail provided is considered sufficient for an outline application and that the operation of the National Stadium on Event Days is part of the Baseline consideration. Your officers have highlighted the nature of the Travel Plan, and consider that it is acceptable as a general framework subject to the development of a detailed implementation strategy and appointment of a Travel Plan Co-ordinator prior to occupation.

Comments have also been made regarding the level of detail within Parameter plans in relation to access, and some conflicts in the specified detail. The “building and services entrances” that WNSL refer to do not relate to vehicle access, whilst the vehicle accesses that are referred to in the eastern facades of NW04, NW08 and NW11 have now been removed.

WNSL considers that a servicing management plan is required. Your officers concur with this view and have recommended that one is secured through condition.

## **Summary and Conclusions**

### **Key strategic objectives**

The proposal represents comprehensive mixed use development scheme which will form a key element in the regeneration of Wembley. The Proposal is considered to be in conformity with the development plan, and will deliver (or will help to deliver) many of the core objectives for the Wembley Growth Area as set out within the LDF Core Strategy 2010 and the Wembley Masterplan 2009. This includes:

- Up to 1,300 new homes contributing towards the Core Strategy target of 11,500;
- Significant Employment opportunities;
- Significant key junction improvements, including a new Fulton Road – Empire Way junction layout in time for the opening of the Multi-Storey town centre Car Park
- Funding that could be used towards other junction improvements or new road connections, triggered at 2 year intervals from 2012 to 2020 (providing the development commences)
- Significant contributions towards the provision of school or nursery places, and the option to use these contributions to purchase land to provide a new school within the Growth Area, with the option to purchase the school available within one year of the consent or the contributions tied to the completion of 400, 600 and 800 residential units.
- The provision of a 0.4 Ha open space (the Square) to form part of the target total of 2.4 hectares of new public open space within the Growth Area, to be delivered with block NW06 or NW07.
- Sports facilities, comprising a MUGA to be delivered on the roof of the Multi-Storey Car Park.
- A multi-use community hall, to be delivered by completion of the 5<sup>th</sup> plot or 800<sup>th</sup> residential unit.
- The provision of new play areas within each plot, on the roof of the Multi-Storey Car Park and in the Square;
- The provision (and in part, contribution towards the provision) of 151 of the target of 1,000 trees, and significant improvements in the soft landscaping and biodiversity in this locality;
- Site wide Combined Heat and Power plant to be delivered by completion of 780 residential units;
- A new shopping street with 30,000 m<sup>2</sup> of retail (Use Class A1-A5) floorspace;
- Significant improvements and upgrades to Olympic Way to be delivered within one year of completion of two of the three proposed buildings fronting Olympic Way;
- A reduction in the surface water runoff through the implementation of measures which include SUDS to be delivered as the individual plots are brought forward;



- The construction of a “Town centre” car park (the Multi-storey car park) within the northern element of the Growth Area to be delivered with the “Anchor retail unit”, NW10.

## **Summary of conclusions**

### **Scale Massing and Layout**

**Environment and context:** The proposal represents a high density mixed use urban redevelopment proposal. The heights of some buildings are higher than those indicated in the Wembley Masterplan SPD, but mitigation is incorporated through design and layout consideration and architectural devices. Ground floor uses help to dictate character and ensure activity, even in the “quieter” streets.

**The Multi-Storey Car Park:** A multi-storey car park within the upper floors of a building necessitates a carefully considered and high quality design solution and external facade treatment. The submitted indicative information and the commitment to a minimum level of spend on the facade treatment provides your officers sufficient reassurance that an appropriate external treatment can be secured at Reserved Matters Stages.

**Setting of the Grade II Listed Wembley Arena:** Your officers concur with the findings of the submitted assessment and consider that the proposed development will not have an adverse effect on the setting of this Grade II listed building providing the quality of final design and materials is sufficient.

**Views, including protected views:** With regard to views along Olympic Way to the Stadium, the proposal provides a level of balance from the protected view from Wembley Park Station when considering committed developments. The amount of the Stadium arch and the space between the roof and arch that is visible along the “Processional Route” (Olympic Way) is reduced in comparison with current views and those envisaged within the Wembley Masterplan SPD. However, your officers consider that the level of prominence of the Stadium remains acceptable. It is considered that the proposal does not have an adverse effect on other protected views to the Stadium.

**Landscaping – Public Areas:** The proposal includes significant improvements to public realm landscaping, including the planting/contributions towards a total of 151 trees, £4 million worth of improvements to Olympic Way, the provision of a 0.4 Ha park and four “Pocket” open spaces and other areas of public realm. The detailed design of these spaces can be secured through the Reserved Matters applications.

**Residential Accommodation (Use Class C3):** The provision of 815 to 1,300 new residential units is in accordance with the Council’s targets of 11,500 new homes in the Wembley Growth Area by 2026.

### **Unit Mix – Tenure, Size and the Affordable Housing Cascade**

**The level of Affordable Housing:** The level of Affordable Housing (10% calculated by gross external floorspace) is considered low, but has been justified as the maximum that is financially viable by the independent assessment of the Financial Appraisal undertaken by the Valuation Office Agency. Given the low value, a review mechanism has been secured which may increase the level of Affordable Housing to 12.5 % or 15 % based on actual sales values of Private Units, to be assessed at a specified point in time.

**The Affordable Housing Cascade:** A detailed cascade mechanism has been secured due to uncertainty regarding the funding of future Affordable Housing. Your officers consider the Cascade to be a good mechanism to address this uncertainty, and the associated levels of Affordable Housing for each option are currently being independently reviewed by the Valuation Office Agency.

**Size mix of units:** The proposed mix of units within each tenure is considered to be acceptable.

**Residential Quality – Minimum floorspace:** The proposed minimum floorspace levels meet Brent Council and draft London Plan standards.

**Residential Quality – External Amenity Space:** The total quantum of external amenity space is likely to be lower than levels set out in Supplementary Planning Guidance. This is considered acceptable given the location and nature of the development. However, this necessitates a very high quality of design and detailing for the open spaces.

**Play, Recreation and Sports:** A Multi-Use-Games-Area is proposed whilst the Community Hall to be delivered as part of this scheme can be used for purposes such as yoga and badminton.

Further Section 106 contributions towards sports have not been recommended by your officers as the total package of improvements secured through this scheme is considered to be acceptable and other committed developments in the area include significant sports infrastructure.

**Residential Quality – Accessible Housing:** All units will be built to Lifetime Homes standards whilst 10 % will be wheelchair accessible or easily adaptable.

**Residential Quality – Daylight and Sunlight:** The proposal commits to acceptable levels of daylight whilst single aspect north facing units have been minimised through layout and design to sunlight to units.

**Residential Quality – Outlook and Privacy:** Commitments have been made to minimum distances between facing habitable rooms and separation between rooms and public or communal spaces.

**Residential Quality – Noise and vibration:** The mitigation of the effects of noise (sources including Stadium, Arena and roads) has been addressed through commitments to design criteria whilst the submitted information demonstrates that these criteria are achievable. The implementation of these measures can be secured through Reserved Matters and condition submissions.

**Residential Density:** Density has been calculated using the methodology recommended by the GLA. The development is within the appropriate range set out within the London Plan Density Matrix.

**Education:** Section 106 contributions are to be made towards the provision of nursery and school places. Given the need to provide a new school within the Wembley Growth Area (LDF Core Strategy Policy CP7), the Council will be offered an option on land within the vicinity of this site for use as a school. The Section 106 contributions may be drawn down to put towards the purchase of this site.

**Retail, financial and professional services and food and drink floorspace (Use Class A1 to A5):** The principle of the provision of 30,000 m<sup>2</sup> of new retail floorspace is established within the LDF Core Strategy. The Wembley Masterplan SPD highlights the subject site as the potential location for a new Retail Street adjoining the “Boulevard” within the Stage 1 consent area. The UDP 2004 restricts the level of convenience retail units to a maximum of 2,500 m<sup>2</sup>. However, the Site Specific Allocations allow the relaxation of this restriction subject to the tests set out within PPS4, notably the availability of sequentially preferable sites within the Wembley Town Centre. Commitments are accordingly made within the Section 106 to limit the maximum size of a convenience retail unit to April 2019. This limit increases to 7,000 m<sup>2</sup> after this date subject to conditions set out in the S106 Heads of Terms.

**Business (Use Class B1), including Low Cost Employment Space (LCES):** The subject site is considered an appropriate location for Business floorspace. This application secures up to 2,400 m<sup>2</sup> of “Low Cost Employment Space”, to be leased and operated by approved providers and let at affordable rates.

**Community floorspace (Use Class D1):** The proposal commits to the provision of a 300 m<sup>2</sup> community hall, managed by an approved organisation (such as an RSL) with hall hire costs at rates comparable with Local Authority provision.

**Healthcare:** The proposal is considered to have a minimal impact on the provision of Healthcare facilities. The Quintain Stage 1 consent has provided floorspace for a Primary Care Clinic. However, it is specified that the Brent PCT have currently chosen not to take this floorspace. Additional healthcare floorspace, or contributions towards it, are accordingly not considered necessary.

**Hotel (Use Class C1), Student accommodation / serviced apartments / apart-hotels (Sui Generis) and Leisure and Entertainment (Use Class D2):** The subject site is considered an appropriate location for hotel, leisure and entertainment uses, and this is supported by the UDP 2004, Brent LDF Core Strategy and London Plan.

**Student Accommodation:** The proposed student accommodation is considered acceptable. It is considered that the overall quantum of floorspace within committed or commenced developments is not at a level which affects the provision of housing or results in an unbalanced community at this point in time.

**Noise in relation to Hotel and Student Uses:** Your officers concur with the recommendation

made by WNSL that the noise criteria for residential uses should also be applied to student accommodation and hotel floorspace.

**Comments received regarding the mix of uses:** Your officers consider that the proposal represents an adequately balanced mix of uses that achieves acceptable levels of density.

**Transportation:** The Council's Transportation officers consider the proposals to be acceptable in principle subject to a number of recommendations regarding the measure, works and contributions that should be secured to support the development through condition and Section 106 agreement, and subject to the detailed design of the plots, roads and spaces which can be secured through the Reserved Matters application.

**Daylight and Sunlight Impact on nearby dwellings:** The proposal will impact the levels of daylight and sunlight received by some rooms within Raglan Court, however, levels of daylight are likely to remain above BRE minimum design criteria. Sunlight may fall below BRE design levels in some instances. However, given the urban nature of the development envisaged within the Wembley Regeneration Area, your officers consider the loss of sunlight to be to acceptable levels. An assessment has not been undertaken on the impacts of the proposed development of Dexion / Howarine House. However, given the high density urban nature of the Dexion House scheme and the uncertainty regarding the delivery of the housing scheme due to the receipt of the revised student housing proposals, your officers do not object to the failure to assess the potential impacts on this site.

**Microclimate – Wind Environment:** The assessment highlights the needs for mitigation measure in key areas of the application site. It has been demonstrated that the proposals will not have a significant adverse effect on adjoining or nearby sites.

**Air Quality:** The proposals highlight potential areas within the site that may experience nitrogen dioxide levels over air quality objective levels. However, given the nature of uses within these locations and the likelihood of traffic levels being at the worst case levels tested, the effects are reported to be negligible. Environmental Health has recommended conditions regarding the CHP Plant and associated infrastructure (e.g. flues).

**Groundwater, Soils and Contamination:** Environmental Health agrees with the findings of the report and recommends the standard site investigation and remediation conditions.

**Water Resources and Flood Risk:** The Environment Agency considers the Flood Risk Assessment, which incorporates the use of SUDS and achieves Greenfield runoff rates, to be acceptable. Thames Water has recommended that a condition is attached as they have identified that there is insufficient capacity within their waste water network. They are currently undertaking a study to assess the infrastructural requirements and will be in a position to consider a Drainage Strategy once this work has been completed.

**Demolition and Construction:** An indicative phasing plan has been provided, and commitments are made to measures to address the potential effects of construction and demolition.

**Archaeology:** The report specifies that the effects of the proposed development will be of negligible significance and it considers that there is no need for an archaeological mitigation strategy.

**Ecology and Nature Conservation:** The site currently has extremely low ecological value, and the presence of or habitat for protected species were not found on site. The assessment accordingly concluded that any effects of the development will be of no ecological significance and the proposal is likely to increase the ecological value of the site.

**Utilities:** With the exception of Thames Water (detailed above), no concerns have been raised by infrastructure providers.

**Operational Waste Strategy:** Your officers consider that either option detailed within the supporting report (conventional waste storage and collection (i.e. bins) or the Envac system are considered to be acceptable. As the conventional system is considered acceptable throughout the borough and the high cost of extended the Envac system, it is not considered appropriate to secure the provision of Envac.

**Site Waste Management Plan:** Your officers consider that the SWMP provides sufficient information to demonstrate that the proposal has adequately considered the re-use of demolition material and measures to minimise waste during construction in accordance with Policies BE12 and SPG19.

**Statement of Community Involvement (SCI):** Your officers consider that the SCI confirms that the applicant went through a robust process of public consultation and engagement with key stakeholders, which included two phases of public liaison.

**Alternatives:** Your officers concur with the conclusion that the “no development” alternative or the provision of the development in an alternative location would not be appropriate given the designations associated with the site. The submitted report and Design and Access Statement details and describes the evolution of the scheme and the alternatives that were evaluated through the pre-application process.

Your officers consider the proposals set out within this Outline application to be acceptable and recommend that the Council resolves to grant planning permission subject to the referral to the Mayor of London and the completion of a satisfactory Section 106 agreement in accordance with the Heads of Terms specified within this report.

Your officers consider that the Heads of Terms meet the necessary tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, namely that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

**RECOMMENDATION:** Councillors minded to Grant

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

Brent Unitary Development Plan 2004  
Brent Local Development Framework Core Strategy 2010  
London Plan consolidated with alterations since 2004  
Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth  
Planning Policy Statement 5: Planning for the Historic Environment  
Planning Policy Statement 12 – Local Spatial Planning  
Planning Policy Guidance 13 – Transport  
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation  
Planning Policy Statement 22 – Renewable Energy  
Planning Policy Statement 23: Planning and Pollution Control  
Planning Policy Guidance 24 – Planning and Noise  
Planning Policy Statement 25 – Planning and Flood Risk  
Draft PPS Planning for a Low Carbon Future in a Changing Climate  
Wembley Masterplan Supplementary Planning Document 2009

**CONDITIONS/REASONS:**

(1) The relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the proposed development have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

- i) Layout;
- ii) Scale;
- iii) Appearance;
- iv) Access;
- v) Landscaping.

Reason: These details are required to ensure that a satisfactory development is achieved. For the avoidance of doubt, the definitions of Reserved Matters and contained within Circular 01/2006 and other conditions may require further information concerning details required.

- (2) All applications for Reserved Matters pursuant to Condition No. 3 shall be made to the Local Planning Authority, before the expiration of 15 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and since a period of 15 years is considered to be a reasonable time limit in view of the extent and timescale of the proposal.

- (3) The development to which this permission relates shall begin not later than whichever is the later of the following dates: (a) the expiration of 5 years from the date of this outline planning permission or (b) the expiration of two years from the date of approval for the final approval of reserved matters, or in the case of different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- (4) The development hereby permitted shall be carried out in material compliance with the following approved drawing(s) and/or document(s):

Approved Drawings/Documents

|           |            |
|-----------|------------|
| P01       | P09        |
| P02       | P10 Rev A  |
| P03 Rev A | P11        |
| P04 Rev A | P12        |
| P05       | P13        |
| P06 Rev A | P14        |
| P07 Rev A | P15 Rev A  |
| P08 Rev A | 1382.006 D |

Development Specification Final, dated 31 March 2011

Other documents submitted to support this application:

- 1.01 Environmental Statement Volume 1 (Part 1) Core Document, dated November 2010
- 1.02 Environmental Statement Volume 1 (Part 2) Appendices, dated November 2010
- 1.03 Environmental Statement Volume 1 (Part 3) Appendices, dated November 2010
- 1.04 Environmental Statement Volume 2 (Part 1) Transport Assessment Report and Appendices, dated November 2010
- 1.05 Environmental Statement Volume 2 (Part 2) Transport Assessment Report Appendices, dated November 2010
- 2.01 Design and Access Statement, dated November 2010
- 3.01 Supporting Reports (Part 1) Core Documents and Appendices, dated November 2010
- 3.02 Supporting Reports (Part 2) Appendices, dated November 2010
- 4.01 Applications Plans and Supplementary Materials
- Environmental Statement Non-Technical Summary, dated November 2010
- Volume 1: Response Report Changes to Scheme, dated 31 March 2011
- Volume 2: Response Report Matters Relating to Supporting Reports, dated 31 March 2011
- Volume 3: Response Report Environmental Statement November 2010: Further Information, dated 31 March 2011

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

- (5) No goods, equipment, waste products, pallets or materials shall be stored in any open area within the site and the loading areas indicated on the approved plans shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure a satisfactory environment for future users.

- (6) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to the occupation of the relevant part of the development.

Reason: In the interests of traffic and pedestrian safety.

- (7) The relevant part of the development as hereby permitted shall not commence until details of the following as they relate to that part of the development have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority:
- An indicative phasing plan, including projections for the commencement and completion of the elements of the development that have not already been completed;
  - Details of materials for all external surfaces, including samples where appropriate;
  - The internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, any plant room(s), any other internal area and any areas of external space.
  - Highway, footpath and cycle way layout, within the relevant part of the development including connections and traffic management measures, sub-surface details, surfacing materials and street furniture;
  - Details of cycle storage, including structures, layout, equipment, access, security and weather proofing appropriate to the type of cycle storage;
  - Details of motorcycle and car parking provision, including layouts, allocation, cumulative (site-wide) parking provision and projected future provision;
  - Details of CCTV
  - Means of access for vehicles, pedestrians and cyclists to and from the relevant part of the development;
  - Details of external artificial lighting, including associated fixtures, infrastructure, lighting levels.
  - Details of the levels of daylight received for Habitable Room windows of any Residential Dwellings within the relevant part of the Development.
  - Measures incorporated to mitigate the impacts of wind within the development.
  - Details of the provision of Photovoltaic panels or other renewable energy technology, including the provision within the relevant part of the development, the total cumulative (site-wide) provision and indicative details of provision within future plots;
  - Details of the on plot connections to the site wide heat network and relative to the indicative or actual routing of the site wide network.

- The location of services, including the grouping of services where feasible;
- Details of the provision of private external amenity space for residential units, including the size, location of private balconies, terraces and gardens and access between the dwellings and their associated space(s).

The approved details shall be implemented in full prior to first occupation or use of the relevant part of the development.

Reason: To ensure a satisfactory development.

- (8) The relevant Residential and Student Accommodation within each (Use Class C3 or Sui Generis) relevant part of the development hereby approved shall not commence unless details are submitted to and approved in writing by the Local Planning Authority demonstrating that the aforementioned units will be in accordance with the noise criteria for residential accommodation specified within part 3.4 of the Development Specification hereby approved. The approved details shall demonstrate how compliance with these criteria will be achieved.

Reason: To safeguard the amenities of residents and other occupiers around the site.

- (9) The relevant part of the development hereby approved shall not commence until full details of proposed plant systems have been submitted to and approved in writing by the Local Planning Authority. The details shall include a) the siting, external appearance and any proposed screening of plant or associated infrastructure; b) proposed odour-control measures, fan location, duct-discharge positions and supplementary ventilation systems, and noise levels and noise attenuation measures that are required to achieve the criteria set out within part 3.8 of the Development Specification. The approved details shall be implemented in full prior to use of the equipment and the system(s) shall thereafter be maintained in accordance with manufacturers' specifications.

Reason: In the interests of the amenities of neighbouring properties and the area generally.

- (10) The relevant parts of the development hereby approved shall not commence unless details of the measures to mitigate against the transfer of noise from the Multi-storey car park, the on-street servicing areas and the servicing area within NW09 have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the measures will mitigate against the impacts of noise on sensitive receptors, having regard to the potential or approved location of sensitive uses, the potential or approved mitigation measures incorporated into those units required by condition 6 and the associated design criteria for noise for those units.

Reason: In the interests of the amenities of neighbouring properties and the area generally.

- (11) Within 12 months of the commencement of the relevant part of the development as hereby permitted, details for the provision of play and recreational space, equipment and associated facilities and infrastructure within the relevant part of the development and indicative details of the draw down of the cumulative provision of play and recreational space and facilities across the whole site and the residual remaining shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first residential occupation of the relevant part of the development, or in the case of submissions that do not include residential dwellings, prior to first occupation or use of the relevant part of the development, and shall thereafter be maintained (with the exception of the indicative

details).

Reason: In order to ensure the appropriate provision of play and recreational facilities.

- (12) The relevant part of the development hereby approved shall not commence unless a scheme for the landscape works and treatment has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the relevant part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-
- a) a planting plan, (including species, plant sizes and planting densities);
  - b) subsurface treatments, including details of root management systems for all trees;
  - c) proposed walls and fences, indicating siting, materials and heights;
  - d) details of screening for any plant and associated infrastructure such as vent outlets, flues, etc;
  - e) any proposed contours and ground levels;
  - f) areas of hard landscape works and external furniture, and proposed materials;
  - g) the detailing and provision of green/brown roof(s);
  - h) measures to enhance the ecological value of the site;
  - i) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and to ensure a satisfactory environment for future residents, occupiers and other users.

- (13) The relevant part of the development shall not commence unless a Construction Management and Logistics Plan (CMLP) relating to the relevant part of the development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

The details where applicable shall be in accordance with the submitted sitewide Construction Logistics Plan, the Site Waste Management Plan and the Demolition and Construction Commitments in the Development Specification and shall also include (where applicable to the relevant part of the development)

- The routing and timing of Construction Traffic, including specific details for Stadium Event Days;
- Details of the method of piling.
- Details of a scheme for the environmental monitoring of noise, dust, oxides of nitrogen and vibration, including details of the submission of annual reports to the Council during construction and demolition detailing annualised data, exceedences and relevant monitoring records.
- Identification of the most sensitive receptors, both residential and commercial where continuous assessment and monitoring of impacts will be undertaken as work progresses.
- Assessment of permitted noise levels emanating from the relevant part of the development site at the boundary at noise-sensitive façades.



- Engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts.
- Details of Wheel Washing Facilities;
- Details of lighting;
- Details of the location of hoardings
- Details of site access points and security arrangements;
- Siting of concrete crushers and screens;
- An Air Quality Management scheme for each period of enabling works within the demolition and construction process, including:
  - an assessment of the presence or absence of asbestos and suitable mitigation measures as appropriate;
  - the inclusion of suitable measures for the containment of dust, such as the use of debris screens and sheets, suitable and sufficient water sprays, enclosed chutes for dropping demolition materials to ground level;
  - the use of enclosures or shields when mixing large quantities of concrete or bentonite slurries;
  - details of the provision for the temporary storage of materials on site with preference to the storage of fine dry materials inside buildings or enclosures, or the use of sheeting as far as practicable with water sprays as appropriate;
  - consideration to the use of pre-mixed plasters and masonry compounds.

Reason: In the interests of highway free-flow and safety and the amenities of neighbouring and nearby properties, and the ongoing operation of adjoining and nearby businesses and organisations.

- (14) The relevant part of the development hereby approved shall not commence unless a site investigation is carried out and remediation strategy is prepared by an appropriate person to determine the nature and extent of any contamination present. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority;

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

- (15) The relevant part of the development hereby approved shall not be occupied or the use of the relevant part shall not commence unless a verification report shall be provided to the LPA by a competent person stating that remediation has been carried out in accordance with the remediation scheme approved pursuant to condition 12 and the site is permitted for end use.

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

- (16) The relevant part of the development hereby approved shall not be occupied unless a detailed car park management plan for non-residential and mobility impaired parking has been submitted to and approved in writing by the Local Planning Authority. The

management plan shall be in accordance with the Development Specification hereby approved, and shall include the means by which the spaces shall be allocated and enforced, and the mechanisms to prevent the use of the parking spaces for Wembley Stadium Event day parking. The approved plan shall be implemented in full for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area or conditions prejudicial to the free and safe flow of traffic on the highway network.

- (17) The non-residential floorspace in plots NW04, NW07, NW08, NW10 and NW10 shall not be occupied unless a Delivery and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the location and management of servicing areas and routes through the site, the maximum size of service vehicles and any exceptional servicing arrangements and the measures to enforce the servicing arrangements (including access). The approved plan shall be fully implemented for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory development that minimises any potential impacts on the road network.

- (18) The relevant part of the development shall not commence ("relevant part" includes the junction of Olympic Way and Fulton Road or Engineers Way; West Olympic Way and Fulton Road or Engineers Way; the south west corner of the Square or the vehicular access route situated between NW01 and NW06), unless details of the measures to control vehicular traffic, including any physical, management and enforcement measures, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented for the life of the development at the expense of the developer unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic and pedestrians, and an adequate environment for future users.

- (19) The relevant part of the development shall not commence ("relevant part" includes Plots NW04, NW08, NW11, West Olympic Way and Olympic Way) unless an Event Day Strategy has been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure a satisfactory environment within the development on Wembley Stadium Event Days and to ensure that Wembley National Stadium Limited's management of Stadium visitors is unimpeded.

- (20) Works shall not commence in relation to plot NW09 until details of the Energy Centre, including the siting, size, noise attenuation measures and details of plant including the CHP Engine (including full specification and fuel), other boilers, and associated infrastructure such as flues and flue termination points have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and shall thereafter be maintained in accordance with the manufacturers' specifications.

Reason: To ensure a satisfactory and sustainability development, having regard to visual amenity, environmental sustainability, air quality and the amenities of adjoining and nearby occupiers.

- (21) The relevant part of the development hereby approved shall not commence until an implementation strategy for the Sustainability measures set out within the Development Specification hereby approved will be incorporated into the relevant part of the development, where applicable. The approved details shall be implemented in full.

Reason: To ensure a sustainable development.

- (22) Development shall not commence until a sitewide drainage strategy, detailing any new drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. The works set out within the drainage strategy shall be completed in full, as set out in the drainage strategy.

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

- (23) The relevant part of the development hereby permitted shall not be commenced until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include, as detailed in the Wembley North West Lands Flood Risk Assessment (FRA) (Rev 04), dated November 2010 compiled by Buro Happold:

1. Restricting the surface water run off to the green field rate and attenuation of the 1:100 year storm event, with an allowance for climate change (FRA section 7.2.1.2, page 30).
2. Green / brown roofs on the majority of the communal external roof areas (FRA section 7.3.1, page 32).
3. Proposed permeable paving in flat lightly traffic areas such as courtyards (FRA section 7.3.5, page 34).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants by ensuring the satisfactory storage and disposal of surface water from the site.

- (24) Piling or any other foundation designs using penetrative methods shall not take place unless details of the works are submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The submitted details shall demonstrate that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any piling that is undertaken does not pollute the groundwater below the site.

#### **INFORMATIVES:**

- (1) For the surface water drainage scheme to be considered acceptable, the Environment Agency will require that the following information be provided:

1. A clearly labelled drainage layout plan showing pipe networks and any attenuation systems. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  2. Where on site attenuation is provided calculations showing the volume of these are also required.
  3. Where an outfall discharge control device is to be used such as a vortex flow control device, this should be shown on the plan with the rate of discharge stated.
  4. Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.
- (2) The Environment Agency advises that only surface water from roofs and paved areas not accessible to vehicles, should be discharged to any soakaway, watercourse or surface water sewer. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

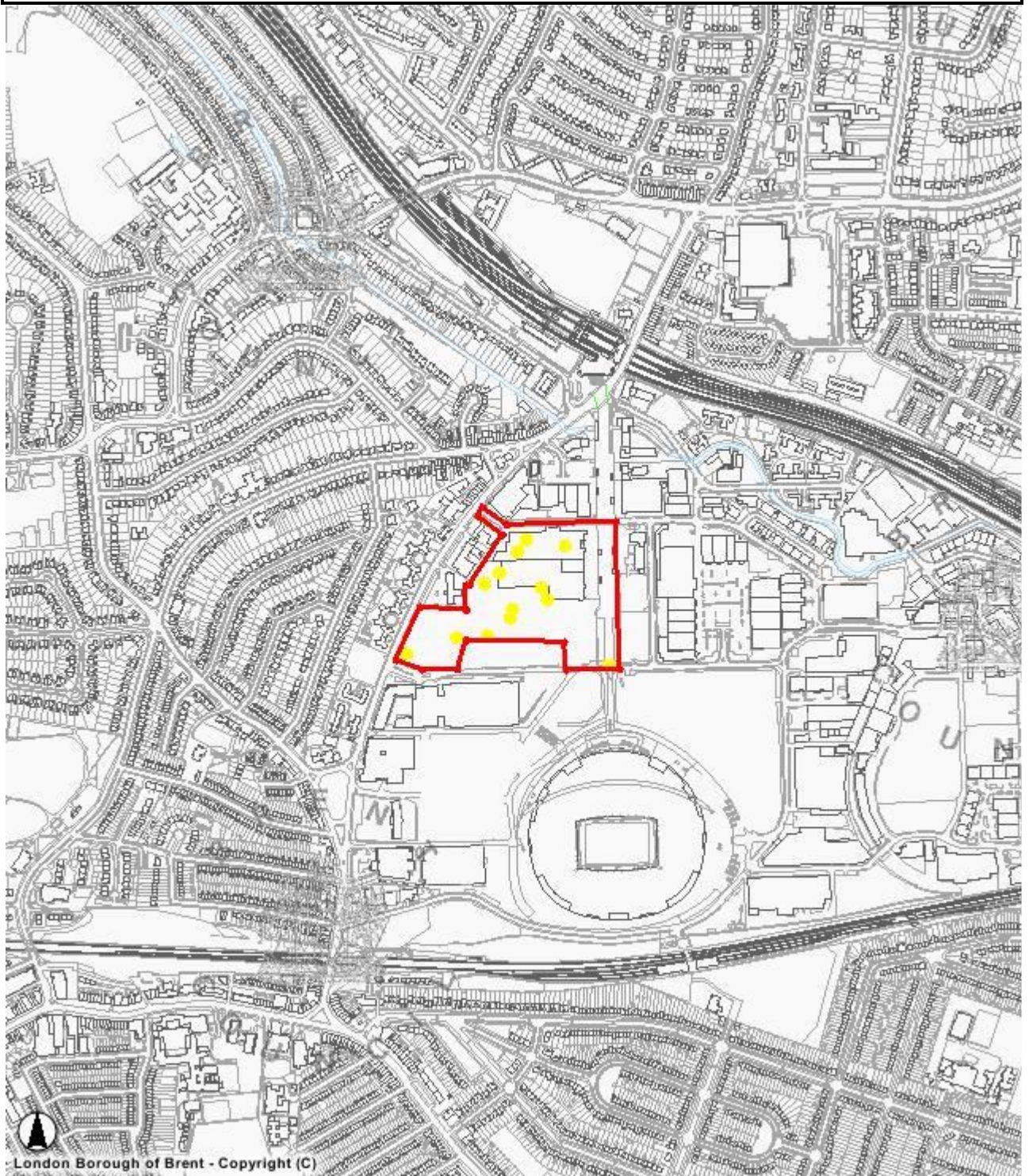
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



## Planning Committee Map

Site address: Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9

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This map is indicative only.

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## Item No.6

### Supplementary Information

Planning Committee on 12 May, 2011

Case No. 10/3262

Location Kingsland Hotel, Kingsbury Circle, London, NW9 9RR

Description Demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage.

**Agenda Page Number: 67**

### **Members site visit**

At the site visit, Members requested confirmation that the external area at 6th floor would not be used as amenity space. It is the intention that the external area at 6th floor is provided for maintenance and emergency access only and a condition can be imposed to ensure the use is restricted. The recommended wording for the condition is as follows:

*The use of the external area at 6th floor shall be restricted to maintenance and emergency access only. It shall not be used for any other purposes including amenity space without the prior written approval of the Local Planning Authority.*

*Reasons: In the interests of the amenities of neighbouring occupants.*

### **Amendment to the Section 106 Agreement**

An amendment to the financial contribution has been agreed between officers and the applicant and reads as follows:

*(b) A contribution of £719 per additional bedroom (£46,016), due on material start and, index-linked from the date of committee for Training, Sustainable Transportation, Open Space and Sports and environmental improvements in the local area. A further £281 per additional bedroom (£17,984) index linked from the date of committee is due upon Practical Completion, unless the owner legally agrees to give paid training and employment for a year for two unemployed or school leaver residents from Brent, once the new hotel is ready.*

There is no standard contribution for hotel bedspace to mitigate the impacts of the development. The provision of training and employment for local residents is considered to be of particular benefit. The financial contribution will also ensure funding is available to contribute towards highways improvements in the immediate locality.

### **Consultation Responses**

Observations have been provided by the London Borough of Harrow, in which they advise that owners on the northern side of Kenton Road (Nos. 692 -736) and on the western side of Honeypot Lane (Nos. 41 -63, VB Supermarket and TA Centre) should have been consulted on the proposed development in accordance with the requirements of the Consultation Protocol agreed by the Association of London Borough Planning Officers.

Consultation letters were sent to properties neighbouring the site in Brent however letters were not sent to those properties in the adjoining borough of Harrow. As such, given that those properties on the northern side of Kenton Road and the VB Supermarket are within the consultation area that would usually be applied to such a development, consultation letters are now to be sent to these properties providing 21 days for comment. The properties on Honeypot Lane and the TA Centre are located outside of the consultation area identified following the guidance set out in 'SPG2: Commenting on an application in Brent' and as such, it is not the intention to send consultation letters to these properties. Given that a site notice was displayed adjacent to the site and the application was publicised in the local press, it is not envisaged that this further consultation will result in a significant number of objections or that it will raise significant new substantive issues. As such, the recommendation remains approval subject to the signing of a satisfactory Section 106 Agreement but to delegate to the Head of Area Planning to consider any significant substantive issues raised in objection to the scheme following this additional consultation.

A letter of objection has also been received from QARA Group of Associations (Brent) raising the following points:

1. Lack of on site car parking exacerbating traffic congestion and parking problems within the surrounding residential streets;
2. No traffic and transport assessment has been conducted regarding traffic congestion and parking problems taking into account large developments within the vicinity of the site (1 -3 The Mall and the Jews Free School);
3. Scale, massing and density of the proposed hotel is contrary to policy CP17 (Protecting and Enhancing the suburban Character of Brent) within the adopted Core Strategy.

The above objections have been addressed within the remarks section of the committee report. Your officers can confirm that when assessing the impact of overspill parking on the adjoining highway, the recent developments within the vicinity of the site were taken into consideration.

**Recommendation:** To delegate authority to the Head of Area Planning to Grant Planning Permission subject to the signing of a satisfactory Section 106 Agreement and consideration of any new substantive objections received during the extended consultation period.

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## Item No.7

### Supplementary Information

**Planning Committee on 12 May, 2011**

Case No. 11/0403

Location 3 Burnt Oak Broadway, Edgware, HA8 5LD

Description Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m<sup>2</sup> of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011)

**Agenda Page Number: 83**



### **Members Site Visit**

At the site visit, Members requested clarification regarding the distance of the development from the residential dwellings located on Limesdale Gardens. The rear elevation of the upper floors of the proposed building is approximately 20m from the rear garden boundaries of the properties on Limesdale Gardens and approximately 40m from the rear elevations of the dwellinghouses. The proposed podium deck is 6m from the rear garden boundaries and 26m from the rear elevations of the dwellinghouses.

### **Affordable Housing**

Your Housing officer has reviewed the submitted information and confirms that the revised toolkit justifies the provision of 36% affordable housing.

### **Correction**

The date by which the section 106 agreement needs to be completed is 4 June 2011 not 13 May 2011 as reported in the section 106 notes paragraph of the main report.

### **Consultation**

Consultation letters were sent to properties neighbouring the site in Brent however letters were not sent to those properties in the adjoining borough of Barnet. As such, consultation letters are now to be sent to properties on the eastern side of Burnt Oak Broadway providing 21 days for comment. Given that a site notice was displayed adjacent to the site and the application was publicised in the local press, it is not envisaged that this further consultation will result in a significant number of objections or that it will raise new substantive issues. As such, the recommendation remains approval subject to the signing of a satisfactory Section 106 Agreement but to delegate to the Head of Area Planning to consider any significant substantive issues raised in objection to the scheme following this additional consultation.

**Recommendation:** To delegate authority to the Head of Area Planning to Grant Planning Permission subject to the signing of a satisfactory Section 106 Agreement and consideration of any new substantive objections received during the extended consultation period.

## **Item No. 10**

### **Supplementary Information**

Case No. 11/0992

### **Planning Committee on 12 May, 2011**

Location Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

Description Discharge of condition 13 (MUGA Management and Maintenance Plan) and condition 24 (Surface Water Drainage Strategy) of full planning permission 10/2994 dated 04/02/11 for permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

## **Agenda Page Number: 125**

As set out in the original report, it is unusual for details pursuant cases to be considered by Members. The report explained the circumstances as to why officers considered this to be a prudent approach in light of the single objection which was received, albeit the objection was on grounds of traffic management, which is the subject of part of the other details pursuant application on this agenda. These two conditions relate to technical matters and do not materially alter the proposal. As such officers request authority to determine this application subject to the Environment Agency and Sport England support and consideration of any new substantive issues are raised in objection to the scheme.

**Recommendation:** To delegate authority to the Head of Area Planning to approve the application subject to consideration of any new substantive objections received.

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## **Item No. 11**

### **Supplementary Information**

#### **Planning Committee on 12 May, 2011**

Case No. 11/0961

Location Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

Description Details pursuant to condition 14 (Access) and 15 (construction Method Statement), of full application reference 10/2994 dated 4 February 2011 for: Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

## **Agenda Page Number: 131**

As set out in the original report, it is unusual for details pursuant cases to be considered by Members. The report explained the circumstances as to why officers considered this to be a prudent approach. No objections have been received but a resident had objected to the other details pursuant application on this agenda, relating to surface water management and the MUGA maintenance plan, but on grounds of traffic management, to which part of this application is relevant.

Further information is now being submitted following appointment of a contractor, relating to delivery vehicles and movements and on-site traffic management. Officers are seeking a decision from Members to delegate authority to the Head of Area Planning for outstanding matters; the principle of the scheme has been agreed and this details pursuant application does not raise any significant new issues. Traffic management matters have been the subject of a number of meetings between officers of Regeneration and Major Projects and local residents and other interested parties to ensure there is minimal disruption to local residents and businesses during construction. As such officers request authority to

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## Item No. 14

### Supplementary Information

#### Case No. 11/0349

#### Planning Committee on 12 May, 2011

Location 271-273 Kilburn High Road, London, NW6 7JR

Description Change of use from shop (Use Class A1) to restaurant (Use Class A3), with erection of extract duct to rear and new shopfront with additional door

#### Agenda Page Number: 151

One further objection has been received since the production of the committee report so a total of 9 objections have been made by neighbours. The following comments have been made:

- There are already several extractors in the vicinity which let off high levels of smoke and smells
- Poor relationship between owner and neighbours with customers parking in the driveway to the neighbouring building blocking access and ignoring parking rules and signs which has led to the police being called
- The fire brigade had to attend when rubbish was burnt in the rear of the premises
- The cafe is often open till 2 or 3am and the applicants' behaviour should be taken into account

These comments are very similar to those discussed in the main report and no new issues have been raised. Whilst officers acknowledge that impacts of the use have been problematic for neighbours we remain of the opinion that subject to conditions to control the use the principle of the A3 use is acceptable. The conditions include limiting the hours of opening, the use of the rear of the premises, restriction of noise and music and a requirement for specifications of the extractor mechanism and duct to be submitted for approval. In the Design & Access Statement the applicant has also committed to discouraging customers from parking illegally while parking controls on the street should also be enforced to prevent this. A revised plan has been submitted showing the proposed duct on the rear elevation with the omission of the cowl as required by Environmental Health Officers. The plan P-179-02 is replaced with P-179-02 A.

**Recommendation: Remains approval subject to conditions and revised plan**

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## Item No. 15

### Supplementary Information

#### Planning Committee on 12 May, 2011

Location 1-10 inc Wood House, Albert Road, 1-16 inc Bond House, Rupert Road, 1-8 inc Hicks Bolton House, Denmark Road & 1-2 Denmark Road, NW6

Description Demolition of Bond House, Hicks Bolton House, 1-2 Denmark Road and Wood House and redevelopment to provide 64 affordable residential units (13xone-bedroom, 26x two bedroom, 17x three-bedroom and 8x. four-bedroom) and one retail unit (Use Class A1) within 3, 4, 5 and 6 storey buildings with private and communal amenity space, play space, on street parking, landscaping, a public open space and temporary open space. The development will involve the stopping up and realignment of Rupert Road and Denmark Road and the phased connection of Rupert Road to Carlton Vale.

#### Agenda Page Number: 157

#### FLOOD RISK ASSESSMENT (FRA)

As discussed in the main report, the Environment Agency (EA) had initially objected to the application due to technical deficiencies in the FRA submitted alongside the application. In response a revised FRA was prepared by the applicant and submitted to EA in order to address the issues raised. Having inspected the revised FRA *"The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), reference 264888/BNI/EAD/005, dated April 2011 by Mott MacDonald and the following mitigation measures detailed within the FRA*

- 1. Limiting the surface water run-off as far as possible towards Greenfield Run-off rates for all events up to and including the 1 in 100 year storm event.*
- 2. Provision of on-site surface water storage to attenuate all events up to and including the critical duration 1 in 100 storm event (with appropriate allowance for climate change).*
- 3. Surface water storage to be achieved using sustainable drainage techniques .*

#### Reasons:

- 1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site*
- 2. To prevent flooding elsewhere by ensuring that sufficient storage of surface flood water is provided on site.*
- 3. To ensure surface water flood storage is achieved with appropriate sustainable drainage techniques."*

Officers recommend that the above condition should be attached to any permission.

**Recommendation: Remains grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement**

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## Item No. 16

### Supplementary Information

#### Planning Committee on 12 May, 2011

Location 12 Dudley Road, London, NW6 6JX

Description The erection of a rear dormer window with 1 rear and 1 front rooflight to the dwellinghouse

#### Agenda Page Number: 179

For clarity in the report to members sub heading 'Response to Objections' the 45m separation between the rear of the subject property and neighbouring properties should refer to the relationship with Kingswood Avenue and not Summerfield Avenue

#### Recommendation: Remains Grant Consent

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## Item No. 17

### Supplementary Information

#### Planning Committee on 12 May, 2011

Location 856-858 Harrow Road, Wembley, HA0 2PX

Description Retrospective change of use of 2 dwellinghouses (Use Class C3) to place of worship/ community centre (Use Class D1) and ancillary residential use, with the erection of single-storey rear extensions, and erection of outbuilding in rear garden with alterations to the site to regularise the development by:

- removing the rear "store" adjoining the eastern boundary
- removing the parapet walls on top of the rear extensions
- reducing the height of the single storey rear extension to a flat roof with a maximum height of 3m
- removing the middle section of the pitched roof on the detached library building, so that it appears as two buildings
- introducing enhanced soft landscaping to the front garden
- introducing secure cycle parking on site
- installation of 6 brick piers within front garden along highway edge

#### Agenda Page Number: 183

The Centre have agreed to submit an I-Trace survey. This monitors movements to and from the site over a period of time to ensure that agreed travel plan targets are met. A condition is recommended requiring the survey information be submitted prior to August, allowing 3 months for the submission of data. This was also a requirement of the previous planning permission but was not complied with. Failure to comply again could lead to

enforcement action and ultimately prosecution.

The applicants have confirmed that the front forecourt will be used for drop-off only and will not be used for permanent parking, apart from one space that is available for disabled parking. The applicants have confirmed that the approved Noise Mitigation Strategy measures will be undertaken on an ongoing basis.

Following the previous report, officers have received revised drawings that indicate the use of all rooms within the Centre. Rooms on the first floor are occasionally used to accommodate a visiting cleric and his family over festival days. This is considered incidental to the use of the main community centre, and on this basis is appropriate. The previously approved application on site provided accommodation of this sort. The revised plans also detail the outbuilding layout, which now has a toilet. This was not originally approved within the library. Officers now recommend a new condition in order to prevent the outbuilding being used as living accommodation (see new condition 14).

The revised soft landscaping plan reflects officer's suggestions.

The applicants have confirmed that services within the centre are usually on Thursday evenings between 7.30pm and 10.00pm and Fridays between 12 noon and 2.00pm with additional meetings for festivals.

**Recommendation:** Grant consent

Amend condition 2 to include Revised plans:

Existing plan 01

Proposed plan 1175-1 rev B

Landscaping 1175-2

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## Item No. 18

### Supplementary Information

Case No. 10/3161

**Planning Committee on 12 May, 2011**

Location Unit 10, 253A Ealing Road, Wembley, HA0 1ET

Description Change of use from vehicle-repair garage (Use Class B2) to vehicle-repair garage and MOT-testing centre (Use Class Sui Generis)

**Agenda Page Number:** 197

Two issues remained outstanding within the officer's committee report. These related to the applicant's agreement to comply with conditions controlling hours of use and prohibiting the carrying out of repairs/servicing outside of the building; and the potential for oil contaminating the nearby canal. The applicant has agreed in writing to the recommended conditions which control the hours of use and prevent any repair/servicing works outside of the building in relation to this matter. This reads:

*Should oil changes be undertaken, the applicant is advised to ensure that the oil tray is kept*

*on a bund or drip tray with absorbent material available on site to clear up any unexpected spillages.*

## **Recommendation: Remains Approval**

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**Item No. 19**

## **Supplementary Information**

Case No. 10/3032

### **Planning Committee on 12 May, 2011**

Location Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9

Description Outline application, accompanied by an Environmental Impact Assessment, for the demolition of existing buildings and the mixed-use redevelopment of the site to provide up to 160,000m<sup>2</sup> of floorspace (GEA, excluding infrastructure) comprising: · Retail/financial and professional services/food and drink (Use Class A1 to A5): 17,000m<sup>2</sup> to 30,000m<sup>2</sup> · Business (Use Class B1): up to 25,000m<sup>2</sup>; · Hotel (Use Class C1): 5,000m<sup>2</sup> to 20,000m<sup>2</sup>; · Residential dwellings (Use Class C3): 65,000m<sup>2</sup> to 100,000m<sup>2</sup> (815 to 1,300 units); Community (Use Class D1): 1,500m<sup>2</sup> to 3,000m<sup>2</sup>; · Leisure and Entertainment (Use Class D2): up to 5,000m<sup>2</sup>; · Student accommodation/serviced apartments/apart-hotels (Sui Generis): 7,500m<sup>2</sup> to 25,000m<sup>2</sup>; and associated infrastructure including footways, roads, parking, cycle parking, servicing, open spaces, landscaping, plant, utilities and works to Olympic Way. This application was received on 25 November 2010. Further information to that previously submitted was received on 4 April 2011 in relation to the Environmental Statement

**Agenda Page Number: 203**

### **Affordable Housing Cascade**

The assessment of the Affordable Housing Cascade multipliers (the agreed factor for determining how much the affordable housing figure may go up or down from the agreed base line depending on the level of grant available and other variables at the relevant time) and commuted sum figures that have been submitted for this application has not yet been received from the Valuation Office Agency (VOA). This information does not affect the structure of the Cascade. However, it evaluates the multipliers used to adjust the level of Affordable Housing for each of the options based on future levels of grant that at present are unknown. It is requested that authority is delegated to the Head of Area Planning to agree any changes to the multipliers and commuted sum that are considered necessary following receipt of the report from the VOA.

### **Affordable Housing parking provision**

In additional to the parking provided for Wheelchair Accessible Affordable units, parking will be provided to RSLs at a discounted rate for use by residents of Affordable Housing units. Discussions are taking place between your officers and RSLs regarding the price that they are able to pay to developers for the spaces (i.e. the level of discount from market rate) whilst maintaining the ability to lease them to residents at affordable rates. It is accordingly requested that members delegate authority to agree the proportion of spaces (in relation to Affordable Housing unit numbers) and the cost of those spaces to RSLs.

### **Costing for Multi-Storey Car Park cladding**

The costing information for the cladding system for the Multi-Storey Car Park has not yet been received. The **Fulton Road / Empire Way junction**

There is a reference to fig 12.2 within the Transportation section of the report (top of page 208). This figure details the layout of the Fulton Road / Empire Way junction and is based on the Study undertaken by MVA for the Council to support the Wembley Masterplan SPD. It should be treated as indicative, and the final design, which is to be determined prior to implementation, will include some amendments associated with pedestrian and vehicle flow and safety (e.g. footway width).

### **“Wealdstone Road” / Empire Way junction**

Your officers recommend that the wording and proposed trigger for the study relating to this new junction, set out within the Section 106, is amended. The revised trigger will allow the Council to call for the study to be undertaken at any time from commencement of any part of the development until 3 years after first use of the Multi-Storey Car Park within plot NW10, and the study shall be submitted to and approved in writing by the Council within 9 months of the date of request.

The revised description of the study is as follows:

*"The Applicant will be required to develop at the Applicant's cost a traffic signal scheme for the Wealdstone Road/ Empire Way junction linked to the Engineers Way/ Empire Way junction and secure all necessary approvals and statutory consents and undertake consultation on any proposed legislative changes such as waiting/loading amendments which affect frontage properties. A schedule of items required for detailed scheme submission has been set out in the Transport comments dated 10 May 2011.*

*The information shall be provided in accordance with the Council's normal requirements for implementation under a S278 arrangement."*

### **“Wealdstone Road” adoption**

At present, the adoption of “Wealdstone Road” is secured from the junction with Fulton Road to a point south of plot NW09 and the accesses to the Multi-Storey Car Park. There is potential for vehicles to block this route for various reasons (e.g. accident, inappropriate parking, etc) and if this occurs, this may have an impact on the adopted highway as Wealdstone Road provides egress for the 600 space Multi-Storey Car Park. A private land owner could not enforce these situations in the same way as the Council.

It is therefore recommend that the Section 106 Heads of Terms are amended to allow the Council to call for the adoption of the remainder of Wealdstone Road (i.e. carriageway and footways) if the operation of Wealdstone Road impacts negatively on the adopted highway.

### **West Olympic Way, night time access**

The committee report specifies that West Olympic Way may be used for vehicular drop off for the mobility impaired, restricted to blue badge users only. However, it may also be used during the specified hours for taxi drop off. Details of access controls are required through condition 18, and these details would set out the means by which access would be restricted to only taxis and those displaying a valid “blue badge”.

### **Delivery and servicing Management Plan, Condition 17**

Your officers recommend that this condition is amended to include “the street specific times for servicing access” within the definition of the Plan and to insert “notwithstanding the servicing parameter set out within the Development Specification”.

### **Further comments received**

#### **Environment Agency (further comments)**



The Environment Agency does not object and maintain their view that outline planning permission should only be granted subject to the conditions set out in their letter.

**Wembley National Stadium Limited (further comments)**

WNSL welcome the amendments that provide further clarification regarding the Pedway and the 20 m wide circulation area on Olympic Way. However, they do not consider that the remainder of the issues raised within their letter have been adequately addressed. The initial letter from WNSL has been discussed within the Committee report, with a summary provided on page 275.

**Thames Water (further comments)**

Thames Water have commented that they consider the condition wording put forward by the applicant (condition 22) is not sufficient given the lack of information that they currently hold regarding the capacity of the waste and funding of any required works. However, this study has not been completed as yet. They accordingly consider that revised wording is used. The condition will continue to require the submission of a drainage strategy, and it is requested that members delegate Authority to the Head of Area Planning, or other duly authorised person, to agree the precise wording of that condition.

**MET Police (comments received)**

The MET Police have expressed concerns regarding the following issues relating to crowd management associated with Wembley Stadium: · Who will procure, install, and remove any barriers that are required? · How will the plans affect the current barrier plan that is instigated for certain levels of game? · How will the new site affect the arrival and dispersal sectorisation by emergency services? · How will it interact with the Major Incident Contingency Plans (held by the Local Authority) which affect both Event and non-Event days? Your officers consider that the above comments highlight the need to engage with the Met Police and other key stakeholders during the detailed design process (for Reserved Matters Applications) and when assessing the Event Day Strategy which is required through condition.

**Camden Council (further comment received)**

No objections to the proposal.

**Barnet Council**

The consultation letter has been acknowledged.

**London Fire and Emergency Planning Authority (comment received)**

The Brigade is satisfied with the proposals.

**London Fire Bridge (comment received)**

The Fire Brigade cannot ascertain the detailed requirement in connection with water supplies for fire fighting and fire hydrants. There may be a requirement for additional private fire hydrants within the site due to the distance from existing hydrants. Your officers have consulted Building Control with regard to this matter, who have confirmed that it will be addressed through the Building Regulations. As such, this not typically controlled through Planning.

**Transport for London (further comments received)**

The primary issues raised in this letter are as follows:

Car park demand profile and accumulation study (non-residential parking): TfL specified the need to evaluate the demand and accumulation study that was previously requested. Following evaluation of submitted details, TfL commented that the findings suggest that the provision of

the 600 space multi-storey car park (above the anchor retail store) is appropriate, but that they require further information regarding the 200 commercial car parking spaces under the Square.

Electric Vehicle Charging Points: Additional charging points should be required in order to meet the requirements of the draft London Plan. The number of parking spaces with provision for electric charging should be 20 %. Your officers recommend that condition No. 7 is amended to include an additional bullet point which requires the submission of details of electric charging facilities for parking spaces and refers to the levels specified in the Development Specification and a minimum of 20 % with provision for residential parking spaces.

Coach Parking: TfL have requested confirmation that one coach drop-off point and one coach parking space is provided on-site. Coach access via Olympic Way is specified within the Development Specification and coach drop-off is to take place on Olympic Way. No coach parking spaces are currently proposed on-site. However, the applicant is obliged to provide coach parking facilities for the Stadium and have significant land holdings in Wembley and therefore have the ability to provide the coach parking space on land outside of the site on Event days. Nevertheless, TfL consider that the site is sufficiently large to accommodate a Coach Parking Space. There is scope to provide Coach Parking on-site and the detailed design and location of the space can be adequately secured through the Reserved Matters application. Your officers wish to further discuss with TfL the requirement for on-site (as opposed to off-site) provision. On site provision would result in an additional condition while off-site provision would require an additional Section 106 clause.

A406 (North Circular Road) Study: TfL requested that a study is undertaken by the applicant and submitted to Improvements contribution. This contribution is discussed in the next paragraph. However, £550,000 of funding has been secured towards such works through the Quintain Stage 1 consent.

Contribution towards wider Transport Improvements: TfL have asked what improvements are likely to be funded by the £3.75 million wide transport contribution. This contribution is to be used on Transport Improvements in the Wembley Growth Area. The Infrastructure Investment Framework that was developed to support the Wembley Masterplan and LDF Core Strategy sets out a number of Transport Improvements that are required to support the levels of development that are projected. The contribution is likely to be used to fund some of the improvements set out within this document. However, it is not restricted to these improvements and could be used to fund other Transport Improvements in the Growth Area if the requirement for the works becomes apparent in the future.

Legible London Signage: TfL have confirmed that they consider that the level of contribution for Legible London Signage (£100,000) is acceptable.

Bus Stop contribution: TfL have requested a contribution of £60,000 towards the improvements of bus stops. This contribution would fund the provision of six bus stop shelters. Your officers accordingly recommend that the Section 106 Heads of Terms are amended to reflect this.

Bus contribution trigger points: TfL have requested that the trigger points for the contribution to bus services are amended to require the staged payment of the £450,000 total. This would involve the payment of £90,000 upon occupation of the 300<sup>th</sup> residential unit and the remaining £360,000 then coming forward in yearly £90,000 instalments. Your officers accordingly recommend that the Section 106 Heads of Terms are amended, but that the trigger relates to Practical Completion.

PERS Audit: TfL request that the pedestrian improvements set out within the PERS Audit are secured through the Section 106 contributions or Section 278 (of the Highways Act) agreements. Bus stop improvements are secured through the bus stop contribution. The Council is to undertake works to Bridge Road imminently and these will include improvements to the pedestrian refuge.

Travel Plan – Student Accommodation: TfL would prefer that a separate Travel Plan is developed and implemented for the Student Accommodation. Your officers recommend that the Section 106 is amended to include this as a requirement.

Travel Plan measures: TfL have requested that the Residential Travel Plan measures include free car club membership and cycle purchase vouchers to a maximum value of £300 per residential dwelling, with flexibility for residents to draw down any combination of values for the two measures up to the maximum value specified above. This was not raised with the applicant previously and accordingly requires further discussion with the applicant. Incorporation of these measures would require amendment to the Section 106 Heads of Terms.

TfL comment – how these are incorporated into the proposal

The recommendation for this application requested that members delegate authority to the Head of Area Planning, or other duly authorised person, to determine this application subject to the completion of a satisfactory Section 106 and any amendments and revisions to the Heads of Terms or conditions that the Mayor of London may consider appropriate or necessary. The above comments from TfL result in the need for further discussions regarding several issues (car park accumulation, coach parking, the contribution toward wider transport improvements and travel plan measures). The comments are likely to result in amendments to Section 106 Heads of terms and conditions. As such, your officers maintain the above recommendation for this application.

**Doki Limited (local business, further comment received)**

A further letter has been received from Doki limited who previously occupied units (Doki Japanese Tableware and Tetote Factory Japanese Bakery) within Pacific Plaza (Wembley Retail Park). They specify that they were “locked out” on 7 April. The letter specifies that the sub-tenants had paid rent to the Head Tenant, but that the Head Tenant had not paid rent to Quintain since April 2010. They specify that they were tenants of “Oriental City” (previously on Edgware Road) for 15 years until it closed. They have requested assistance to find new premises.

Either of these uses would be considered appropriate in a town centre location and as such they could occupy units within existing town centres (e.g. Wembley, Wembley Park, etc) or any proposed new retail units including

**Recommendation:**

Subject to the amendments described in this supplementary report the recommendation remains to grant planning permission subject to referral to the Mayor of London under article 5 of the Town and Country Planning (Mayor of London) Order 2008 and any amendments, revisions, Heads of Terms and/or conditions that the Mayor may choose to amend, add or remove, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

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