



## Planning Committee

**Wednesday 18 December 2019 at 6.00 pm**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### Membership:

#### Members

Councillors:

Denselow (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Hylton  
Mahmood  
Maurice  
Sangani

#### Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, Kennelly, Lo and  
W Mitchell Murray

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Governance Officer  
joe.kwateng@brent.gov.uk; 020 8937 1354

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**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

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

**Members' briefing will take place at 5.00pm in Boardrooms 7 and 8**

**Please note this meeting will be filmed for live broadcast on the Council's website. By entering the meeting room you will be deemed to have consented to the possibility of being filmed and to the possible use of those images and sound recordings for webcasting.**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting - 13 November 2019		1 - 6
<b>APPLICATIONS FOR DECISION</b>		
3. 17/3059 Stadium Retail Park & 128 Wembley Park Drive (fountain studios), HA9	Tokynghon	11 - 74
4. 19/0395 1 Olympic Way, Wembley, HA9 0NP	Tokynghon	75 - 110
5. 19/2459 435 441 & 441A High Road, Wembley, HA9 7AB	Wembley Central	111 - 140
6. 19/0834 162 Willesden Lane, Kilburn, London, NW6 7PQ	Brondesbury Park	141 - 172
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting: Wednesday 22 January 2020**



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 13 November 2019 at 6.00 pm

PRESENT: Councillors Johnson (Vice-Chair, in the Chair), Ahmed (substitute for Councillor Mahmood), S Butt, Chappell, Hylton, Maurice and Sangani.

ALSO PRESENT: Councillor Mary Daly.

Apologies for absence were received from Councillors Denselow and Mahmood.

#### 1. **Declarations of interests**

None.

##### ***Approaches.***

Keelers Service Centre, Harrow Road, Wembley HA0 2LL

All members received correspondence from the applicant's agent.

Most members had been customers of Keelers garage in the past.

290B Ealing Road, Wembley HA0 4LL

All members received correspondence from the objector's agent.

#### 2. **Minutes of the previous meeting - 16 October 2019**

RESOLVED:-

that the minutes of the previous meeting held on 16 October 2019 be approved as an accurate record of the meeting subject to the addition of Councillor Ahmed as being present (substitute for Councillor Johnson).

#### 3. **Keelers Service Centre, Harrow Road, Wembley, HA0 2LL (Ref. 18/3069)**

PROPOSAL: Demolition of existing M.O.T testing centre and erection of a part 5 and part 6 storey mixed use building comprising office (Use class B1) at ground floor and 22 residential units on the 1st to 5th floors (6 x 3 bed; 8 x 2 bed and 8 x 1 bed); plant room in basement; PV panels at roof level, cycle parking and waste storage (revised description).

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if by the "expiry date" of the planning application the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members' questions. In reference to the supplementary report, she informed the Committee that officers had addressed the additional objection raised that the proposal would be of detriment to local parking stress and the character of the area in the main report.

Ms Kamil Kaul spoke in objection on behalf of Sudbury Town Residents Association (STRA) and added that STRA had sent a request late this afternoon, to the Secretary of State for the Environment to call in the application for the following reasons:

The proposed development is in conflict with the policies of the 2015 Sudbury Town Neighbourhood Plan; the development raises significant architectural and urban design issues which, if granted, would set a significant precedent for further high-rise development in the area; inadequate period within which residents could respond appropriately to the officer's report. She therefore requested the Committee to defer consideration of the application pending the Secretary of State's decision on the request.

David Glover (Development Management Manager) recommended that the application be considered by the Committee and that if a resolution is passed, that resolution is subject to the consideration of the call-in request by the Secretary of State.

The Chair invited Saira Tamboo (legal representative) to advise on the legality to consider the application within the context of the call in. She advised that members could proceed to determine the application pending the outcome of the call in request.

In accordance with the Planning Code of Practice, Councillor Daly (ward member) declared that she had been approached by residents. Councillor Daly objected to the application on grounds of unacceptable noise from articulated lorries on

servicing activities, failure to meet servicing standards and lack of transparency and information about alternative uses of the site. Councillor Daly requested deferral of the application until officers had resolved the above concerns.

Mr Lloyd Gold (agent) spoke in support of the application highlighting the car free scheme, provision of affordable housing, contribution towards CPZ for the proposed development located within an area of good PTAL rating. In response to members' questions, Mr Gold submitted that the use of the ground floor of the proposed development for light industrial use would have been inappropriate in this location. He added that the proposed retail use would generate more employment than the current use as an MOT service centre. He then outlined the consultation carried out by the applicant.

During question time, members sought clarification on a number of issues including: parking, design appearance and outlook, daylight assessment, height, public realm improvements, the loss of the existing use and provision of the office use, affordable housing and amenity space to which officers provided responses. Members noted that a parking permit restricted development had been proposed with contributions towards the introduction of CPZ, but that this would be subject to consultation. The potential impacts on daylight and sunlight received by surrounding properties was discussed together with the pre-application consultation that was undertaken. Officers considered the height appropriate within the context of the designated Sudbury Town Centre with buildings of a similar height nearby, and highlighted that the emerging local plan suggests 5-6 storey buildings may be appropriate within the Town Centre. Members were advised that although the affordable housing was below 50%, the provision of 3 shared ownership units was the maximum achievable within the viability assessment which would be subject to a late stage viability review to capture any uplift.

In the ensuing discussion, members took note of the promotion of a car club to residents including the offer of two years' initial membership but requested whether this period could be increased to 3 years through the S106 Agreement. This was agreed. Members noted that there were adequate measures within the construction management plan to preserve residential amenity. Prior to voting, Alice Lester (Operational Director of Regeneration) reiterated the legal advice pending the outcome of the request for a call in to the secretary of State.

DECISION: Minded to grant planning consent as recommended subject to the Secretary of State's decision not to call in the application, and amended Heads of Terms within the Section 106 Agreement to include:

3-year Car Club membership,

Mitigate the shortfall in external amenity space to include an off-site contribution of £10,000 towards improvements to Barham Park and may include enhanced accessibility to or within the park and other open space/play improvement.

(Voting on the amended recommendation was: For 6; Abstention 1)

#### **4. 290B Ealing Road, Wembley, HA0 4LL Ref. 19/1761)**

PROPOSAL: Demolition of the existing warehouse building (Use class B8) and erection of part-one, part-three storey residential development providing nine self-contained dwellings (8 x 2-bed and 1 x 1-bed) with associated cycle storage, bin stores, landscaping and amenity space.

RECOMMENDATION: To GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if by the "expiry date" of the planning application the legal agreement has not been completed the Head of Planning be granted delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Mr Liam McFadden (Planning Officer) introduced the report and answered Members' questions.

Mrs Carla Quail objected to the proposed development because it would be overbearing, giving rise to loss of light and loss of privacy. She also raised concerns regarding changes that had been made to the scheme.

Mr Andrew Boothby (objector's agent) submitted that neighbours and surrounding occupiers had not had an opportunity to review and comment on the amendments to the scheme. He also objected to the proposal because of its height, which would result in overlooking, loss of privacy and harm to residential amenities

Mr Simon Owen (applicant's agent) highlighted key aspects of the scheme and referenced the changes to it including design and waste management, following consultation with Alperton Community School. He added that privacy and outlook were addressed within the design of the scheme and were no longer an issue.

In response to Members' questions, officers discussed and clarified issues raised by members on recycling, overlooking, traffic impact including access for

emergency vehicles and servicing arrangements. Members heard that as a permit free development, the scheme would not give rise to significant parking issues. Officers highlighted the relevance of the Inspector's appeal decision adding that the Planning Inspector had considered some of the concerns that Members were raising.

At the Chair's invitation, Members who wished to vote against the application stated their reasons as follows; obstruction to parking, access for emergency vehicles, outlook and overlooking. With a split vote, the Chair exercised his casting vote in favour of the recommendation to grant permission.

DECISION: Granted planning permission as recommended subject to a condition to ensure the proposed obscured glazing was maintained.  
(Voting was recorded as follows: For 4, Against 3, Abstention 1)

#### **5. Any Other Urgent Business**

None.

The meeting closed at 7.55 pm

COUNCILLOR R. JOHNSON  
Vice Chair (In the Chair)

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## APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Brent comprises the following documents:
  - London Plan March 2016
  - Brent Core Strategy 2010
  - Brent Site Specific Allocations 2011
  - West London Waste Plan 2015
  - Wembley Action Area Plan 2015
  - Sudbury Town Neighbourhood Plan 2015
  - Saved 2004 Unitary Development Plan Policies 2014
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that

adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

#### **Provision of infrastructure**

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail. Similarly, Brent Council's CIL is also payable. These would be paid on the commencement of the development.
13. Brent Council's CIL provides an income stream to the Council to fund (either in whole or in part) the provision, improvement, replacement, operation or maintenance of the following types of new and existing infrastructure:
  - public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
14. except unless the need for specific infrastructure contributions is identified in the Section 106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. Full details are in the Regulation 123 List is available from the Council's website: [www.brent.gov.uk](http://www.brent.gov.uk).

16. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

**Further information**

17. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

**Public speaking**

18. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

**Recommendation**

19. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
03  
17/3059

## SITE INFORMATION

RECEIVED	7 July, 2017
WARD	
PLANNING AREA	Brent Connects Wembley
LOCATION	All Units, Stadium Retail Park, Wembley Park Drive & 128 Wembley Park Drive (fountain studios), HA9
PROPOSAL	<p>Outline planning permission for demolition of existing buildings on site and provision of up to 85,000 sqm (Gross External Area, GEA) of new land use floorspace (across 1.679 ha) within a series of buildings, with the maximum quantum as follows:</p> <ul style="list-style-type: none"> <li>• A1-A4 Retail and/or B1 Office and/or D1 (Non-Residential Institutions) and/or D2 Leisure and Assembly: up to 6,600 sqm; and</li> <li>• C3 Residential: up to 78,400 sqm gross (approximately 995 units);</li> </ul> <p>No occupied residential accommodation will be at ground level or below.</p> <p>The development will also provide associated open space and landscaping; car parking spaces and cycle storage; pedestrian, cycle and vehicle access; associated highway works; and associated infrastructure including water attenuation tanks, and the diversion of any utilities and services to accommodate the development. Internal plant, refuse, cycle stores, residential lobbies, circulation and other ancillary space will comprise a maximum of 10,000 sqm gross external in addition to the 85,000 sqm total set out above.</p>
PLAN NO'S	Approved documents have been listed within the conditions.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_135264">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_135264</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/3059" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

To resolve to grant planning permission, subject to the Stage 2 referral to the Mayor of London and subject to the completion of a satisfactory Section 106 or other legal agreement, and the conditions and informatives recommended in this report, and to delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer.

A. That the Committee resolve to GRANT planning permission subject to:

1. Any direction by the London Mayor pursuant to the Mayor of London Order
2. Any direction by the Secretary of State pursuant to the Consultation Direction
3. The prior completion of a legal agreement to secure the following obligations:
  - a. Payment of the Council's legal and other professional costs;
  - b. Notification of a material start 28 days prior to commencement;
  - c. The provision of a minimum of 25% of the total NIA floorspace of the dwellings (indicatively 28.1% by habitable room) as affordable housing;
  - d. To provide sustainability improvements;
  - e. To restrict occupation of more than 500 units until the NW09/10 Health Centre is practically completed;
  - f. To provide Training and Employment opportunities;
  - g. To provide a CPZ Contribution;
  - h. To provide a Bus Service Contribution;
  - i. To restrict Parking Permits to future occupiers;
  - j. To provide Highway Improvement Works;
  - k. To provide a Public Art Strategy;
  - l. To provide Travel Plans;
  - m. Any other as deemed necessary.

B. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

C. That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:

1. Time Limits for Reserved Matters
2. Approval of Reserved Matters details
3. Time Limits for Commencement of Development
4. Approved drawings and documents
5. Use of residential car parking spaces
6. Reinstatement of crossovers
7. Maximum heights
8. Transmission of noise
9. No C3 to C4 conversions without planning permission
10. Wheelchair adaptable accommodation
11. Residential design standards
12. Phasing Plan
13. Land Contamination (Remediation Strategy)
14. Drainage strategy
15. Sustainable drainage scheme
16. Construction Method Statement and Construction Environmental Management Plan
17. Construction Logistics Plan
18. Piling Method Statement
19. Removal and storage of BEE lion heads
20. Details of parapets

21. Sound insulation
22. Sound attenuation measures
23. Landscape works and treatment
24. Details of facades
25. Details of materials, plant, layout etc
26. Highways details
27. Air quality assessment
28. Waste and Recycling
29. Counter-terrorism measures
30. Reinstatement and retention of BEE lion heads
31. Play and recreational space
32. Wind mitigation measures
33. Residential Amenity Space Strategy
34. Extract ventilation and odour control
35. Verification report
36. External spaces maintenance plan
37. Delivery and servicing plan

D. Informatives as detailed at the end of this report.

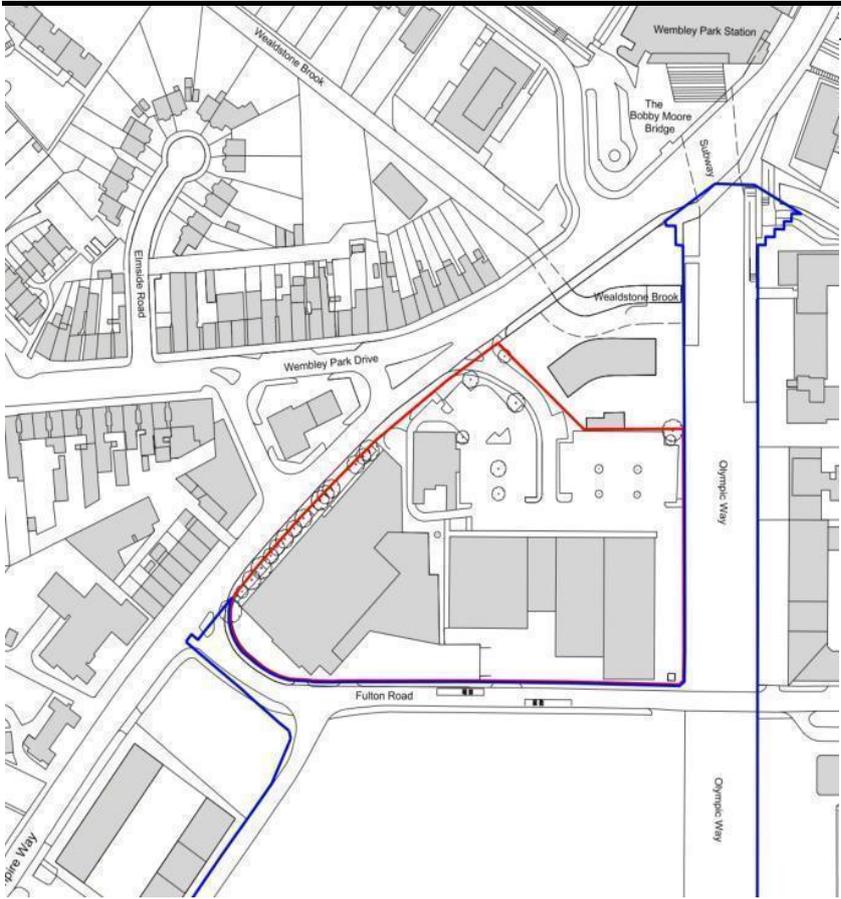
E. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

F. If the legal agreement has not been completed prior to the target determination date of this application the Head of Planning is delegated authority to refuse planning permission.

G. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planning of trees as required by Section 197 of the Town and Country Planning Act 1990.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: All Units, Stadium Retail Park, Wembley Park Drive &amp; 128 Wembley Park Drive (fountain studios), HA9</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

The application for the proposed development is submitted in Outline, with all matters reserved.

When it was originally submitted, in July 2017, the application sought a flexible consent allowing a mix of residential units, educational floorspace and student accommodation alongside A1-A4 Retail, B1 Office and/or D2 Leisure and assembly uses at lower levels. This application would have allowed up to approximately 995 residential units, if the educational floorspace and student accommodation were not delivered.

The application was subsequently amended to seek approval for the provision of up to 85,000 sqm (Gross External Area, GEA) of new land use floorspace (across 1.679 ha) within a series of buildings, with the maximum quantum as follows:

- A1-A4 Retail and/or B1 Office and/or D1 (Non-Residential Institutions) and/or D2 Leisure and Assembly: up to 6,600 sqm; and
- C3 Residential: up to 78,400 sqm gross (approximately 995 units);

No occupied residential accommodation would be at ground level or below, although these levels would include residential accesses, lobbies and ancillary space.

The submission indicates that the buildings would range in height from 8 storeys to 25 storeys. It is proposed that a parameter plan indicating maximum AOD (above ordnance datum) heights would form one of the approved documents, should planning permission be granted.

The development would also provide:

- associated open space and landscaping;
- car parking spaces;
- cycle storage;
- pedestrian, cycle and vehicle access;
- associated highway works; and
- associated infrastructure including water attenuation tanks, and the diversion of any utilities and services to accommodate the development;

Internal plant, refuse, cycle stores, residential lobbies, circulation and other ancillary space would comprise a maximum of 10,000 sqm gross external in addition to the 85,000 sqm total set out above.

The outline element of the development is defined through a Development Specification document and through Parameter Plans setting out the following:

- Parameter Plan 01: Site Location Plan,
- Parameter Plan 02: Proposed Plot Maxima,
- Parameter Plan 03: Proposed Ground Levels,
- Parameter Plan 04: Proposed Circulation,
- Parameter Plan 05: Proposed Access,
- Parameter Plan 06: Proposed Uses at Lower Levels,
- Parameter Plan 07: Proposed Car Parking Extent
- Parameter Plan 08: Proposed Max Heights
- Parameter Plan 09: Proposed Uses at Upper Levels
- Parameter Plan 10: Proposed Open Space at Upper Levels and Roof, and
- Parameter Plan 11: Tree Removal Plan

## EXISTING

The subject site comprises approximately 1.68 Hectares of land and is situated within the Wembley Opportunity Area as designated within the London Plan and the Wembley Growth Area as identified within the Brent Core Strategy and Wembley Area Action Plan (WAAP). With regard to the WAAP Site Proposals, the site falls within the Comprehensive Development Area. There are no conservation areas or listed buildings within or adjoining the application site.

The site occupies a prominent, highly accessible location within Wembley Park and is a strategically important site for delivering the vision for the wider Wembley Regeneration Area.

The site is situated to the west of Olympic Way, to the north of Fulton Road, to the east of Wembley Park Drive and to the south of the College of North West London site. The site is currently occupied by the former Fountain Studios site which is now operating under a temporary planning consent as a theatre and the Stadium Retail Park. The Stadium Retail Park includes 4 large retail units, a drive through restaurant and an associated surface car park.

To the south of the site, on the other side of Fulton Road, is the 'North West Lands' development site. The northern section of this site comprises plots NW09 and NW10, for which reserved matters application reference 18/4422 was granted consent in February 2019, and plot NW11 which accommodates Boxpark (under 10 year temporary consent 17/4877). The proposals for plots NW09 and NW10 include a health centre to the west of the site, other non-residential ground floor uses and residential development on upper floors. These plots are situated within the Wembley Masterplan consent area.

Stadium Retail Park is accessed by pedestrians from Wembley Park Drive, and from Olympic Way. Vehicular access for customers is from the single access/egress point to the northwest corner of the site onto Wembley Park Drive. The retail units are serviced from Fulton Road to the south, with each unit having a service yard adjacent to this road. Fountain Studios (now in use as a theatre) has pedestrian access from Empire Way and vehicular / cycle access via a service yard from Fulton Road.

The topography of the site is relatively level, although it does slope down from the north western boundary to the centre of the site and slopes up around one metre towards the southern and western boundary. Parts of the site are within flood zones 2 and 3a and susceptible to surface water flooding.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. One letter of objection was received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

**Comments received:** One letter of objection has been received, which raises concerns regarding changing the nature of the area from residential to commercial and the impact on neighbouring residents. This is addressed in the Consultation section below.

**Principle of land uses:** The proposed residential led redevelopment of the site with commercial or community uses on the lower floors and residential uses on upper floors is considered to be acceptable and in line with the aspirations of London Plan and Local Plan policies. The existing

employment floorspace would be replaced with up to 6,600 sqm of floorspace in A1-A4 Retail and/or B1 Office and/or D1 (Non-Residential Institutions) and/or D2 Leisure and Assembly, of which a minimum of 3,500sqm GEA permanent floorspace would be in class A1-A4 and/or B1 use. In addition, up to 78,400 sqm gross (approximately 995 units) of C3 residential uses would occupy upper floors.

**Affordable housing and Financial Viability:** The proposal includes a minimum of 25% of the total NIA floorspace of the dwellings (indicatively 28.1% by habitable room) as Affordable Housing, provided as 70% Affordable Rented Units and 30% Shared Ownership / Intermediate Units. The applicants' viability assessment has been tested by the Council's independent advisors and it has been demonstrated to officers' satisfaction that this is the maximum reasonable amount that could be provided on site. The GLA have reviewed the financial viability appraisal and agree with the conclusions reached on the affordable housing levels which could be provided within the scheme. The applicants have agreed to the Council's key requirements with regard to the delivery of the affordable units and review mechanisms to be secured through a section 106 legal agreement.

**Dwelling Mix:** The proposed development would provide 169 x studio flats, 369 x 1 bed flats, 343 x 2 bed flats, 107 x 3 bed flats and 7 x 4 bed flats. This would amount to 11.5% family sized accommodation by number of units, comprising 114 x 3 or 4 bedroom dwellings, which is below the target of 25% of new dwellings to be family sized, set out in the Wembley Area Action Plan (as informed by Policy CP2 of the Brent Core Strategy). However, the scheme proposes that a minimum of 46% of the affordable rented units (66 dwellings) would be 3 or 4 bed which is welcomed owing to the contribution these units would make towards providing affordable homes which could be occupied by families. A number of financial viability scenarios have been assessed and officers consider that an appropriate balance has been struck between securing a good number of larger units and the type and quantity of affordable housing that could be delivered across the site. It is considered by officers that, on balance, the scheme would provide a suitable amount of family sized accommodation.

**Design, Scale and Layout:** The approach to the design and layout of the buildings and public realm results in a coherent and legible scheme. The boundaries of the site would be appropriately defined and areas of public realm and pedestrian access routes would connect the site appropriately to the wider area. The provision of reduced height, lower level buildings on Wembley Park Drive would respond appropriately to the lower level building heights to this side of the site and would help protect existing residential amenity. The creation of active frontages across all sides of the site is welcomed and represents an improvement over some of the existing frontages which are largely inactive.

**Density:** The proposed development would have a density of 592 dwellings per hectare. Given the site's excellent public transport accessibility and connections to the walking and cycling network, it is considered that the proposed density of the development is acceptable. The scheme is capable of delivering a good standard of residential accommodation, with an acceptable level of impact on the existing surrounding occupiers, while delivering much needed homes and employment opportunities.

**Protected views of the Stadium Arch:** The dominance of the arch of the stadium is considered to be retained within the protected views set out in the Wembley Area Action Plan.

**Quality of accommodation:** The submission has shown indicative layouts which demonstrate that the units within the scheme are capable of meeting all national, regional and local planning policy and guidance with regard to internal layouts and room sizes and that they would have

acceptable access to outlook, daylight and sunlight. Further details of each phase of the scheme would be required to ensure the detailed layout achieves the relevant standards for residential accommodation.

**Amenity Space:** While a shortfall in defined private outdoor amenity space in relation to the target set within the DMP is acknowledged, due to the high quality of the private amenity space proposed, along with the provision of around 1,160sqm of public open space within the site, and the availability of larger areas of public open space within close vicinity to the application site, it is considered that on balance, the proposed development would provide an acceptable amount of both high quality private and public open space.

**Impact on amenities of surrounding properties:** Daylight and sunlight analysis has been undertaken for the scale and massing of the Fulton Quarter. The proposed development would result in the loss of light to some windows of surrounding properties, which is largely unavoidable for a development on this scale. However on balance, the overall impact of the development in terms of the light received by neighbouring dwellings is considered acceptable, in view of the wider regenerative benefits of the scheme, including the provision of a significant number of new homes.

**Heritage:** There are no designated or non-designated heritage assets located on, or directly adjacent to, the application site. The proposed scheme incorporates measures to commemorate the heritage of the site consisting of remounting two historic lion head sculptures on facades within the site and installing heritage information panels.

**Landscaping, Open Space & Trees:** All 27 of the existing trees on site are proposed to be removed but none are considered to be of high quality and they would be replaced by around 36 trees at street level and over 100 trees at podium level. The proposal includes landscaping and open space provision which would result in net improvements to both the quality and quantity of the landscaping and open space in the area and to the ecological value of the application site.

**Sustainability and Energy:** The measures outlined by the applicants achieve the required improvement on carbon savings within London Plan policy. The proposed development would deliver efficient water use for residential units, and conditions and section 106 obligations would require further consideration of carbon savings prior to implementation, along with BREEAM 'Excellent' certification for non-residential floorspace.

**Transportation and Highways:** The Council's Highways Officers consider the proposal to be acceptable on transportation and highways grounds, subject to the various conditions and section 106 obligations which are set out in this report.

**MONITORING**

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

**Floorspace Breakdown**

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Assembly and leisure	4831		4831	0	-4831
Dwelling houses	0			82167	82167
Restaurants and cafes	242		242	0	-242
Shops	3441	0	3441	6061	2620

## **Monitoring Residential Breakdown**

<b>Description</b>	<b>1Bed</b>	<b>2Bed</b>	<b>3Bed</b>	<b>4Bed</b>	<b>5Bed</b>	<b>6Bed</b>	<b>7Bed</b>	<b>8Bed</b>	<b>Unk</b>	<b>Total</b>
EXISTING ( Flats û Market )										0
EXISTING ( Flats û Intermediate )										0
EXISTING ( Affordable Rent Flat )										0
PROPOSED ( Flats û Market )	476	250	48							774
PROPOSED ( Flats û Intermediate )	44	34								78
PROPOSED ( Affordable Rent Flat )	18	59	59	7						143

## **RELEVANT SITE HISTORY**

The planning history on the application site relates to the existing retail units, drive-through restaurant and the Former Fountain Studios, including:

### **17/4701 Granted 16/03/2018**

Temporary change of use for a period of seven years from television studio (Use class B1) into a theatre (Use class Sui Generis) and formation of an external seating area at ground floor level adjacent to Fulton Road

## **CONSULTATIONS**

Press Notice date: 27/07/2017

Site Notices put up on: 24/07/2017

The owners/occupiers of 1780 nearby and neighbouring properties were notified of the development on 20/07/2017. One representation had been received from a neighbouring resident at the time of writing this report. The objection states that the proposal will ruin the livelihood of the residents of Wembley Park Drive, Brook Avenue, Elmside Road and Oakington Avenue. It asserts that this is quiet residential neighbourhood and the company is changing it to a commercial area for a quick and huge profit.

The principle of the proposed development and its compliance with the aims of planning policy will be discussed within this report. The report will also set out measures which would be taken, should permission be granted, to ensure that the development would have an acceptable impact on neighbouring residents, including in terms of noise, light spillage and traffic generation. The report will also highlight benefits it is considered the development would bring to the area including the provision of new homes, tree planting, public realm and pedestrian route improvements and place making benefits.

### **External consultees:**

**Thames Water** – recommended conditions and informatives to be attached to planning permission.

**Affinity Water** – no objections raised.

**TfL** – bus contributions agreed with applicants, to be incorporated into Section 106 agreement

**CCG (Clinical Commissioning Group)** – discussions ongoing between local planning authority and CCG regarding future application for CIL funding.

**Metropolitan Police** – issues raised would be addressed through proposed conditions

**Environment Agency** – no objections raised. Range of informatives recommended.

**London Fire Brigade** – no objections raised, based on level of detail submitted.

**Internal Consultees:**

**Environmental Health** - no objections raised. Range of conditions recommended.

**Sustainability** – various provisions to be secured through Section 106 agreement.

**Recycling and Waste** – no objections raised to information submitted. Further details to be assessed at Reserved matters stage.

**Lead Local Flood Officer** - no objections raised.

**GLA Stage 1 referral**

The Stage 1 referral letter was received from the GLA dated 05 November 2018. This was sent to the local planning authority at the time when student accommodation was still amongst the range of uses envisaged. The key areas covered within the GLA's Stage 1 report were:

**Principle of development:** redevelopment of the site for a mixed use residential led scheme is strongly supported.

**Affordable housing:** 15% (by floor area) split 30% intermediate shared ownership and 70% affordable rent. This offer, on a site within an Opportunity Area and a Housing Zone is unacceptable and should be significantly increased. GLA officers will robustly scrutinise the viability assessment to maximise affordable housing provision. Early and late stage reviews must be secured in accordance with the SPG Community Involvement.

*These issues are discussed within the Affordable Housing section of this committee report, where it is explained that the affordable housing offer has been increased considerably since the GLA Stage 1 report was prepared.*

**Urban Design:** The proposed masterplan is supported in design terms and would enable the delivery a high quality, permeable development that achieves the aspirations of the Wembley Area Action Plan.

**Energy:** Connection to the existing district heat network must be secured. The applicant must explore the potential for additional measures to deliver further carbon dioxide reductions. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

*These issues are discussed within the Energy and Sustainability section of this committee report.*

**Transport:** The development will generate a significant number of additional bus trips in the peak hours and it is critical that these trips are mitigated accordingly. Car and cycle parking should be revised to ensure the standards in the draft London Plan are met. Conditions and section 106 obligations are required to secure the following; public transport, pedestrian and cycle improvements; vehicle access; car parking design and management plan; details of cycle parking; travel plan; electric vehicle charging points; delivery and servicing plan; and construction and logistics plan.

*These issues are discussed within the Transport section of this committee report.*

## Statement of Community Involvement (SCI)

A Statement of Community Involvement (SCI) has been submitted which provides detail of the community engagement undertaken by the applicant to inform the application proposals.

In accordance with the NPPF and Brent SCI, the approach to engagement has been tailored to the nature of the development proposed. This has exceeded the minimum recommendations of the Brent SCI, and full details are provided within the submitted SCI and the Planning Supporting Statement.

The consultation included two stages of public exhibitions, in March and April 2017, that ran for four and three days respectively within a unit of the London Designer Outlet on Wembley Park Boulevard. These exhibitions were fully staffed by members of the Project Team and were widely publicised to residents in the borough. The exhibitions were designed to provide an update on the on-going regeneration of Wembley Park and the applicants' designs for the application site. Material was exhibited on display boards and attendees were encouraged to log their feedback on comment cards, via a consultation email or by a freephone telephone number.

Advertising of the exhibitions included:

- press adverts
- online banner advertising
- letters sent to local politicians
- promotional flyers distributed to around 12,000 local households and businesses
- a press release issued to local media
- information on the 'yourwembleypark.com' website

As well as community engagement, the applicant held formal pre application consultation with Brent Council officers and the GLA, and engaged widely with other stakeholders.

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area comprises:

Brent LDF Core Strategy 2010

Brent Development Management Policies Document 2016

Wembley Area Action Plan 2015

London Plan (Consolidated with Alterations since 2011) March 2016

The following are also relevant material considerations in the determination of the current application:

National Planning Policy Framework 2019 (NPPF)

Technical Guidance to the National Planning Policy Framework

National Planning Practice Guidance (NPPG)

London Mayor's Housing Supplementary Planning Guidance (SPG) (2016)

London Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (SPG) (2012)

Brent's New Local Plan, Consultation Draft (November 2018)

Draft New London Plan (December 2017)

Brent Design Guide SPD1 (2018)

The Consultation Draft of Brent's new Local Plan was published in November 2018, whilst the

draft London Plan has recently been subject to an Examination in Public. These documents carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

## **DETAILED CONSIDERATIONS**

### **Introduction**

- 1 The 'Fulton Quarter Masterplan application' has been put forward in Outline with all matters reserved for future phases. The form of the development would be defined by the set of Parameter Plans submitted. A Development Specification has also been submitted which sets out the parameters and principles for the proposed development, to enable the outline application to be determined prior to future reserved matters applications being submitted for determination.
- 2 The application also includes a suite of supporting reports, including a Townscape and Views Assessment, a Sustainability and Energy Statement and a Viability Report. The Viability Report has been subject to scrutiny by independent assessors.
- 3 Prior to submission of the application the applicants requested a Screening Opinion as to whether the proposed development should be subject to an environmental impact assessment (EIA) pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, as amended. The London Borough of Brent concluded that, taking into account the scheme's scale, nature and location, associated proposed assessments and mitigation measures together with the cumulative impact of the wider site allocations and other known development sites in the vicinity it was not anticipated that the proposed development would result in significant environmental effects and therefore an EIA was not required.
- 4 The submission of this planning application followed pre-application discussions with the London Borough of Brent (LBB), the Greater London Authority (GLA), Transport for London and other statutory and non-statutory consultees. It also followed public consultation during 2017, detailed within the Statement of Community Involvement submitted with the application.

### **Land Use Principles**

- 5 The subject site is located within the Wembley Opportunity Area as designated within the London Plan and the Wembley Growth Area as identified within the Brent Core Strategy and Wembley Area Action Plan (WAAP). The site is located within the Wembley Park Town Centre. Wembley is also highlighted as a Strategic Cultural Area within the London Plan.
- 6 The emerging Brent Local Plan designates the site as 'Site Allocation BCSA2: Stadium Retail Park and Fountain Studios', within the Central Place area. The allocated use is a residential-led mixed-use development, with an indicative capacity of 966 homes. The emerging Local plan states that the site forms part of Wembley Park Town Centre and sits within the wider Wembley Growth Area, making it suitable for all main town centre uses, plus residential/student accommodation. It states that any development should seek to maximise the re-provision of the existing retail floorspace, whilst the Fountain Studios would ideally be replaced with another cultural facility. The emerging Local Plan acknowledges that significant social infrastructure is being provided nearby as part of the Wembley masterplan and there are therefore no specific infrastructure requirements apart from those

usually required on large residential sites, including green and sustainable infrastructure.

- 7 The emerging Local plan states that the principle of tall buildings is acceptable on this site, and building heights and massing should build upon the established rhythm in this part of the Wembley Park regeneration scheme, with the density achieved reflecting the site's high PTAL score. However, building heights should not adversely affect protected views of the stadium, and the frontage along Wembley Park Drive should see a reduction in scale to heights shown elsewhere by new development along Empire Way. Active frontages should be provided at ground floor level, particularly along Wembley Park Drive, Olympic Way and Fulton Road and the site should retain an element of permeability to support pedestrian movement from Olympic Way to Wembley Park Drive.
- 8 The emerging Local Plan also highlights that parts of the site are within flood zones 2 and 3a and susceptible to surface water flooding. Therefore proposed development will require a detailed Flood Risk Assessment (FRA) and more vulnerable development such as residential uses should be accommodated within lower risk parts of the site.
- 9 The position of the application site to the south of the College of North West London site (which is also an allocation) is also highlighted and it is noted that ideally the two sites should be planned as one, to increase the potential efficiency of land use and optimise place making, but at the very least development should not compromise the ability of that site to be developed in an efficient manner.
- 10 The Wembley Area Action Plan (WAAP), adopted in 2015, designates the eastern part of the application site (excluding Fountain Studios which was still functioning as a studios when the WAAP was adopted) as site W13 'Stadium Retail Park'. The site allocation sought a mixed use development with predominantly commercial and other uses at lower levels and with residential development in upper storeys. It states that proposals should maximise opportunities for development that would benefit from a town centre location with excellent public transport access and the close proximity to bus, rail and underground transport interchanges.
- 11 Permission is sought for a range of uses on the lower floors across the development site to allow flexibility for different retail, workspace or community uses to be considered. This would ensure that a critical mass of viable uses can be provided. Residential floorspace would be delivered within the upper floors of buildings.
- 12 A minimum of 3,500sqm GEA permanent floorspace would be in class A1-A4 and/or B1 use. This would be captured within the section 106 agreement currently under discussion with the applicants. The provision of this floorspace is considered to be acceptable given that this site is located within the designated town centre.
- 13 This approach is considered to be in line with the site allocation vision within both the Wembley Area Action Plan and the emerging Brent Local Plan.

## Context

- 14 The table below provides a summary of the floorspace of the different uses proposed under the current scheme:

Use	Use class	Floorspace	GIA
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		<b>(m2)</b>
Residential	C3	up to 78,400 sqm
Retail/Commercial	Retail (Use Class A1), Financial and Professional (Use Class A2), Food and Drink (Use Class A3 and A4), Business (Use Class B1), Non-residential Institutions (Use Class D1) and Assembly and Leisure (Use Class D2)	up to 6,600 sqm

- 15 The ground floors of the units would be permitted for uses falling within use classes B1, A1-A4, D1 and D2 (Retail/Commercial/Community Use). Floorspace in these uses would provide active frontages on the ground floor of all blocks, which would add visual interest and enhance the vitality of the area.

### **Design principles**

- 16 The applicants state that the proposals seek to create:
- A gateway into the estate to provide an enticing and exciting arrival into the area;
  - A mix of uses including apartments, workspace, and shops to create active streets and a vibrant community;
  - A place that responds to those who live there, visit or just pass through, as well as those who live or work in the surrounding area;
  - A set of buildings that relate to the scale and massing of their existing and emerging context to create an exciting townscape;
  - A design that relates to its location on the strategic route between Wembley Park station and the Stadium; and
  - A public realm that connects the existing context to the west and east and the emerging context to the south and provides pedestrian friendly streets and spaces.
- 17 Car parking and plant / bins / bike stores would be located, where possible, within the centre of the development blocks so that these uses are hidden away and active frontages could be maximised.

### **Residential Accommodation (Use Class C3)**

- 18 The majority of the floorspace is proposed to be used for residential units (up to 78,400 square metres which is around 995 units). The Brent LDF Core Strategy and London Plan set targets for the delivery of new homes within Wembley, specifying that 11,500 new homes should be delivered within the period to 2026. Site Proposal W13 within the Wembley Area Action Plan states that the site should be brought forward as a mixed use development, including residential. The designation in the emerging Local Plan gives an indicative capacity of 966 homes for the site. This figure provides an indication of the likely number of homes that can be accommodated on the plot and is used by the Council to demonstrate that there is sufficient land to accommodate the projected number of homes in the borough and thus meet the housing targets referred to above.

- 19 The principle of the proposed residential provision within the application accords with policy and is considered to be acceptable. Other matters relating to the residential units are discussed later in this report.
- 20 995 homes are proposed as a mix of 1, 2, 3 and 4 bedroom homes distributed across the site. The proposal is 25% affordable by net internal area, which amounts indicatively to 28.1% affordable by habitable room.
- 21 Indicative quantum and mix figures for the residential uses on upper levels have been submitted with the application. These are subject to further discussion with the Council in connection with ongoing affordable housing and viability discussions. This mix of unit sizes is considered acceptable in the context of the wide benefits of the scheme including the provision of a significant number of new affordable homes, 46% of which are proposed to be 3 or 4 bedroom homes.

### ***Affordable Housing & Financial Viability***

- 22 London Plan Policies 3.11 and 3.12 seek to maximise the delivery of affordable housing and set a strategic target of 50% provision. Boroughs are required to maximise affordable housing on private and mixed use developments, having regard to a number of factors, including development viability. The draft London Plan establishes a threshold approach to affordable housing, and identifies a minimum threshold of 35% (by habitable room), with a threshold of 50% for SIL sites deemed appropriate for release.
- 23 Core Strategy Policy CP2 and Development Management Policy DMP15 indicate a strategic target for 50% of new homes in the borough to be delivered as affordable. Where a reduction to provision is sought on economic grounds a development appraisal should demonstrate that schemes are maximising affordable housing output.
- 24 Across the development, the scheme proposes 221 affordable homes, representing 25% affordable housing by floorspace, which indicatively equates to 28.1% affordable housing (by habitable room) and 22.2% affordable housing by unit, due to the concentration of larger family sized accommodation within the affordable element of the scheme. The development would be tenure blind.
- 25 The application was accompanied by a Financial Viability Appraisal (FVA) dated June 2017, which presented the applicants' initial offer of 10% affordable housing by floor-space. BNP Paribas were appointed to independently assess the FVA submission. Following negotiations, the applicant increased their offer to 15% affordable housing by floorspace in April 2018, and to 25% affordable housing by floorspace in October 2018. These increased affordable housing offers were driven by the applicant accepting changes to the assumptions underpinning the FVA, including a shortened construction programme, reduced construction costs, consequent reduced finance costs and professional fees, and a reduced 13.3% profit margin on an un-grown Internal Rate of Return (IRR) basis.
- 26 Officers accepted in May 2019 that the proposed 25% affordable housing by net internal area (NIA), indicatively 28.1% affordable housing by habitable room, is the maximum reasonable proportion of affordable housing that can be achieved on site, subject to appropriate pre- and post- implementation s106 agreement financial reviews.
- 27 The Council would specify upward-only pre- and post- implementation affordable housing review mechanisms within the s106 agreement, to ensure that affordable housing levels would increase if financial viability for the scheme improved over time, for example through the generation of cost savings or actual sales values outstripping current assumptions. Reviews would be against the agreed FVA base appraisals, £26.2m Benchmark Land Value and 13.3% IRR profit margin. A system of review mechanisms - which would include

their potential triggers - has broadly been agreed in principle, however, discussions are ongoing and would be concluded prior to the final signing of the s106 agreement. This is considered an appropriate approach for what is a large strategically important scheme, which would most likely be delivered in phases over a number of years.

- 28 As the development would be delivered and reviewed in phases, the s106 agreement would also require an Affordable Housing Statement to be submitted with each reserved matters application, to ensure that all the affordable housing would be delivered to an appropriate timescale in relation to the different phases of the scheme and to the Council's satisfaction.
- 29 Of the affordable homes, it is proposed that 70% would be for affordable rent and 30% intermediate on a habitable room basis, with affordability levels reflecting local needs. The tenure split accords with the target at Policy DMP15 and draft London Plan policy H7 and is therefore fully supported.
- 30 With regard to affordable rent levels, the s106 agreement would secure that the proposed 70% Affordable Rented Units would be at the following rent levels:
- (i) For 1 Bed and 2 Bed Units – Affordable Rents (inclusive of service charges) no more than 80% of local open market rent, and capped at Local Housing Allowance rates, and to be agreed in writing by the Council (such agreement to not unreasonably be withheld)
  - (ii) For 3 Bed and 4 Bed Units – Social Rent Target Rents (exclusive of service charges) determined through the national rent regime and set annually by the Homes and Communities Agency or any successor body, and to be agreed in writing by the Council (such agreement to not unreasonably be withheld)
- 31 The s106 agreement would also specify that the terms on which the Shared Ownership / Intermediate Units are disposed of or let, must meet London Plan intermediate income thresholds.
- 32 It is proposed that the affordable housing would be provided as:
- 70% Affordable Rented Units
  - 30% Shared Ownership / Intermediate Units.
- 33 It is proposed that the Affordable Rented Units would be delivered by floorspace in accordance with the following table;

UNIT TYPE	Affordable rent
Studio	0%
1 Bed	13% (max)
2 Bed	41% (+/- 3%)
3 Bed	41% (min)
4 Bed	5% (min)
TOTAL	100%

- 34 It is proposed that the Shared Ownership / Intermediate Units would be delivered by floorspace in accordance with the following table:

UNIT TYPE	Shared Ownership/ Intermediate
Studio	0%
1 Bed	56%
2 Bed	44%
3 Bed	0%
4 Bed	0%
TOTAL	100%

- 35 It is proposed that the residential unit mix by tenure would be as follows:

UNIT TYPE	Private (NIA)	Intermediate (NIA)	Affordable Rent (NIA)	Total
Studio	22%	0%	0%	17%
1 Bed	40%	56%	13%	37.1%
2 Bed	32%	44%	41%	34.5%
3 Bed	6%	0%	41%	10.8%
4 Bed	0%	0%	5%	0.7%
TOTAL	100%	100%	100%	100.1%*

\*discrepancy due to rounding

- 36 The above mix would give the following indicative unit numbers:

UNIT TYPE	Private (NIA)	Intermediate (NIA)	Affordable Rent (NIA)	Total
Studio	169	0	0	169
1 Bed	307	44	18	369
2 Bed	250	34	59	343
3 Bed	48	0	59	107
4 Bed	0	0	7	7
TOTAL	774	78	143	995

- 37 The GLA have reviewed the financial viability appraisal and agree with the conclusions reached on the affordable housing levels which could be provided within the scheme. They have also confirmed that they consider the proposed approach to viability review mechanisms to be acceptable.

- 38 In summary, the development would deliver a significant level of affordable housing in the local area as part of the wider benefits of the scheme and would provide a range of products resulting in choice and a balanced community, which is supported by Brent and Mayoral policy.

**Unit Mix**

- 39 Policy CP21 of the Brent Core Strategy seeks to maintain and provide for developments to provide a balanced housing stock by ensuring that new housing contributes to an appropriate range and mix of self-contained accommodation types and sizes, including family sized accommodation on suitable sites providing 10 or more homes. Policy CP2 states that at least 25% of new homes across the borough should be family sized (3 or more bedrooms), and this figure is also included in relation to Wembley within policy WEM19 of the Wembley Area Action Plan. London Plan Policy 3.8 requires different sizes and types of dwellings to meet different needs and Policy 3.11 states that within affordable housing provision, priority should be accorded to family housing.
- 40 The development proposes a mix of studio apartments and 1, 2, 3 and 4 bedroom apartments. The indicative mix of units, and the minimum size of each type of unit, are set out in the table below.

Type of apartment	Minimum size	Number	Percentage
Studio	37 sqm	169	17%
1 bed	50 sqm	369	37.1%
2 bed	61 sqm	343	34.5%
3 bed	74 sqm	107	10.8%
4 bed	90 sqm	7	0.7%

- 41 The scheme is considered to provide a wide range of benefits including the provision of a significant number of new affordable homes, in a new mixed and inclusive environment. Given the urban nature and central location of the site and its high excellent public transport accessibility and connections to the walking and cycling network, it is considered that a higher proportion of one and two bed units is generally appropriate and the scheme has been designed to optimise housing potential on the site, which is welcomed.
- 42 It is proposed that the development would provide a minimum of 11.5% family sized accommodation by number of units, amounting to 114 x 3 or 4 bedroom dwellings. This would amount to 17% family sized accommodation by net internal area (NIA) and 19% by habitable room. The Wembley Area Action Plan states that at least 25% of new homes in Wembley should be family sized, with 3 bedrooms or more. The current scheme proposes 59 affordable rent 3 bed units and 7 affordable rent 4 bed units. This translates into a minimum of 46% of the overall number of affordable rented units which would be 3 or 4 bed which is welcomed. Furthermore these would be affordable rented rather than intermediate and so they would make a valuable contribution towards meeting the affordable housing needs of families. Different financial viability scenarios have been tested and officers consider that an appropriate balance has been struck between securing a good number of larger units and the type and quantity of affordable housing that could be delivered across the site.
- 43 In these circumstances, it is considered that the development would provide an acceptable amount of family sized accommodation which represents the quantum which can realistically be attained in the market without fundamentally undermining other local plan policy outcomes and objectives referred to in this report. Furthermore, the housing

mix would be in general accordance with Mayoral policy. As such it is considered that an acceptable mix of dwelling sizes is proposed.

## **Layout and scale**

### **Layout**

- 44 The proposed buildings have been shaped to create an interesting and varied townscape that aids legibility through the area. For example, the shaped building in the centre of the site has a townscape role in 'turning the corner' of the through route allowing pedestrians to find their way through the site. It would also contrast with the more regularly shaped buildings on the site to mark the location of the Fulton Square public space which is not otherwise visible from the busier surrounding streets.
- 45 At present, the site features largely blank frontages on three sides of the site which contribute to a poor pedestrian environment. The current proposals would provide much more active façades around all sides of the site, connecting it effectively, both visually and functionally to the surrounding area. Car parking would be accommodated within areas internal to the buildings, so they would not be readily visible from the surrounding area.

### **The plots, streets and open spaces**

- 46 The Fulton Quarter scheme has been designed so that separate plots could be created within the site which could be phased for delivery at different times. The scheme is comprised of different 'character areas' to form a mixed use quarter with the architectural design of the buildings reflecting the variety of uses present and providing different places with distinct identities. Six 'character areas' are proposed:

- · Olympic Way
- · Fountain Way
- · Wembley Park Drive/Empire Way
- · Fulton Road
- · Fulton Square
- · Residential gardens (at podium level)

### **Olympic Way**

- 47 The ground level has been designed to continue the treatment found in the two plots to the south with large footprint mixed-use units presenting double height glazed facades to Olympic Way. It is expected that these would be marketed as retail units. Signage, ventilation and entrance door locations would be integrated into the shopfront design and coordinated with the other plots and the return façade of the retail units to the northern and southern edges would continue the same treatment to create active and visible corners. Landscaping would coordinate with the Olympic Way proposals. At the upper levels, this block would be set back from the podium edge to respect the key local views to the stadium. The residential uses above would relate to neighbouring buildings to the south and maintain the quality of design necessary to border the ceremonial route of Olympic Way.

### **Fountain Way**

- 48 This part of the site faces towards the existing College of North West London education site to the north. Glazed façades are proposed to allow extensive views into the building along the eastern and northern façade. There is an opportunity for this part of the site to create a strong relationship with the site to the north currently in education use, with the frontages, public realm and landscape design in this location allowing coordination

between the two sites, on the assumption that a proposal for the redevelopment of the CNWL site will come forward in due course. The current proposals have been designed with a view to ensuring that future development on the CNWL site would not be hindered.

### **Wembley Park Drive / Empire Way**

- 49 Smaller workspace or retail units could be located along this edge of the Fulton Quarter to relate to the smaller existing shops located on the other side of the road. There would be flexibility so that these units could be easily separated or combined to meet the changing needs of the market. The landscape treatment along this edge would serve to soften the street and allow for new street trees where possible, with residential entrances to each building clearly identifiable and set back from the building line to create some sheltered arrival space. It is proposed that these buildings would have a maximum height of eight storeys to ensure that they are of a lower scale that relates appropriately to other developments along Empire Way and existing uses to the north west. The upper storeys would be in residential use.

### **Fulton Road**

- 50 The current proposals, in combination with the North West Lands plots to the immediate south, would be crucial in changing the nature of this road from a vehicle dominated inactive highway to a pedestrian friendly active street. Whilst Fulton Road would accommodate delivery bays and car park access points necessary to service the development, these would be well integrated into the public realm. Vehicle entrances would be the minimum width possible and designed to limit views into the car park.
- 51 It is proposed that commercial space with glazed frontages along with residential entrances would be carefully located and coordinated with the development to the south to ensure that these adjacent schemes would work well together.

### **'Fulton Square' public square and internal streets/spaces**

- 52 In the quieter areas within the centre of the site it is likely that this would be predominantly workspace, with some local shopping units or a cafe. Locating workspace here could create a new office district to provide an active streetscape to complement the residential above. The mixed use spaces would be provided as a variety of different sizes and shapes to encourage both small businesses which may need less area and thus thinner space as well as deeper footprints to suit larger businesses. There would be flexibility so that these units could be easily separated or combined to meet the changing needs of the market.
- 53 The public realm within the site would be the central interface between all the character areas. Therefore the different characters of the buildings within Fulton Quarter would need to be carefully composed so that they would work together when seen from the public space and the routes running through the centre of the site.

### **Residential gardens (at podium level) providing amenity space**

- 54 It is proposed that the 'internal' faces of the buildings would border the communal gardens at podium level and adequate widths of spaces would be maintained to ensure that these external spaces would be well lit and privacy between dwellings would be maintained. The façades of the buildings lining the gardens would be simpler than the buildings' front façades, and lighter materials may be used on these building faces to maximise the reflectance of light into the gardens.

## **Lower levels**

- 55 The illustrative masterplan seeks to establish at the lower levels a vibrant mixed use neighbourhood, with large amounts of active frontage. It aims to demonstrate how a range of uses and unit sizes could be accommodated across the site, whilst concealing the necessary parking areas and plant. Retail, local shops, restaurants, cafés as well as community uses and workspace could potentially extend into the external spaces around the site. The layout aims to provide a range of different configurations of commercial space to suit different uses and different types of businesses, including small start-up businesses which would typically only require a floorspace of around 15-20 square metres.

## **Upper levels**

- 56 The upper levels would be in residential use with groups of dwellings positioned around a lift and stair core. The submitted plans indicate that these would be laid out to achieve a mix of dwelling types and sizes within each block, with units arranged to give the majority of dwellings a view of the courtyard gardens or public realm.

## **Roof levels**

- 57 It is proposed that the roofs of all the buildings except the tallest one (block 3B) would accommodate amenity roof spaces for the use of the residents within the corresponding building. As noted below in the 'Private Amenity Space' section, these would be predominantly hard landscaped, with raised planters and ornamental trees to create an attractive and functionally environment. Building 3B (the tallest building) is the only roof where access would not be permitted to residents. An area is proposed for photovoltaic (PV) systems on the southern portion of the roof. The remaining portion of the roof could potentially be used for brown / green roofs as a low maintenance, biodiverse landscape component.

## **Fulton Road Junction Upgrades**

- 58 The planning permission for North West Lands (ref: 10/3032) to the south included improvements and increased widths to the junction between Fulton Road and Empire Way. These were required to meet the demand for a multi-storey car park on the NW Lands which is no longer proposed and so may not need to be fully implemented, but nevertheless land on the Fulton Quarter site has been set aside to accommodate this. The building line is set back away from Empire Way and the western end of Fulton Road to allow these roads to be widened onto the site and a minimum of 2.5m footpath would still be provided. There is the potential for further public realm landscaping in this area, if less land is required for the highways improvements.

## **Pedestrian Improvements**

- 59 The proposals include a raised table pedestrian crossing at the mid-point of Fulton Road where the pedestrian route from Fulton Square would lead towards the North West Lands development to the south. This would assist pedestrian flow in the area and improve the connectivity of these adjacent sites.

## **Appearance**

- 60 Illustrative views have been submitted with the application, and details submitted indicate that the development would be predominantly brick built with aluminium details. A range of brick tones would be used and the design and use of materials would aim to ensure that the buildings within the development would be read as a 'family', but with variation of colour,

texture and design detail giving each building or group a distinct character. A significant amount of tree planting within the site, which would be readily visible from outside the site, would enhance local, street level views of the development. The avenue of trees already planted along Olympic Way would run alongside the edge of the development, helping to soften the impact of the development along this frontage.

- 61 Full details of the appearance of the buildings and the public realm areas would need to be submitted for approval at Reserved Matters stage and the materials proposed would need to be approved through a condition discharge planning application.

## Scale

- 62 It is considered that the scale and massing of Fulton Quarter would respond appropriately to its context, to create an interesting and varied townscape. The scheme has also been designed to ensure that an appropriate microclimate would be created and an adequate amount of sunlight and daylight would reach the surrounding buildings, the proposed buildings and the spaces on the site.
- 63 The buildings would respond to the surrounding townscape as well as key routes and vistas, including views of the stadium from the surrounding area. The two buildings proposed along the Olympic Way frontage would step down in scale from the taller 22 storey high building (+106.3m AOD) to the north (closer to the underground station) to the lower 10 storey high building (+69.7m AOD) on the corner of Olympic Way and Fulton Road. The tallest building within the scheme, at 25 storeys in height (+113.9m AOD), would be located within the centre of the site, set back from the central viewing path towards the stadium arch.
- 64 16 storey high (+87.8m AOD) and 18 storey high (+92.0m AOD) buildings would front Fulton Road, opposite the consented scheme on plots NW09 and NW10. The buildings on Wembley Park Drive/Empire Way would be around 8 storeys high (+61.2m AOD), to maintain the lower pattern of development already established along this edge of the Wembley Park estate, where buildings are typically between 7 and 9 storeys high.
- 65 To provide some context, with regard to the buildings on the adjacent plot further south along Olympic Way, the maximum approved parameter height for the building which has been approved to replace Boxpark is 14 storeys high (+79.1m AOD). The tallest building consented on plot NW09 to the south behind the Olympic Way frontage is consented at 21 storeys in height (+96.92m AOD). Similarly, a scheme to redevelop the Network Homes building on the eastern side of Olympic Way was granted consent (subject to the completion of a legal agreement) in July 2018 for a building of 21 storeys (+ 102.3m AOD) on the corner of Olympic Way and Fulton Road. Meanwhile, the stadium presents four critical datum heights, namely; its concourse at +52m AOD; its shoulder at +80m AOD; the top of its roof at +103m AOD; and the peak of its arch at +183m AOD.
- 66 The building heights proposed are considered to be appropriate for this area and in line with the vision of the Wembley Area Action Plan which envisages the creation of a dense urban landscape featuring taller buildings. The proposed scheme is also considered to be in accordance with Core Strategy policy CP6 which sets out that where design is of the highest or exemplary standard, higher densities will be considered. Key height-related planning considerations have been assessed including the impact of the scheme on views to Wembley Stadium (discussed in paragraphs 103 to 105 below) and the impact of the proposed scheme on daylight/sunlight levels at neighbouring properties (discussed in paragraphs 92 to 97 below).

## Density

- 67 The application site has an area of 1.679 hectares and the proposal comprises 995 units. This equates to a scheme density of around 592 dwellings per hectare. The application site is within a “Central” location which is defined within the London Plan (Policy 3.4) as an area ‘with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre’. Table 3.2 of the London Plan suggests densities of up to 405 units per hectare for Central areas with a PTAL score of between 4 and 6. However, the London Plan recognises that densities above the relevant density range may be justified in certain circumstances and the emerging London Plan particularly emphasises design led development and no longer contains a density matrix. The Mayor’s SPG (section 1.3.51) sets out that schemes which exceed the ranges in the density matrix must be of a high design quality and must address important qualitative concerns.
- 68 The site is within close proximity to a range of public transport connections and has an excellent Public Transport Accessibility Level (PTAL) of 5-6a. It is within the ‘Wembley Opportunity Area’ as identified by the London Plan as having significant capacity for housing and commercial development. The site is situated within an emerging townscape with a dense, highly urban character featuring a number of building heights of 18 storeys and over on built and consented neighbouring developments. Furthermore, it is considered that the development would achieve high quality design standards in terms of liveability, public realm and residential and environmental quality. Officers consider that the residential development capacity has been optimised in accordance with London Plan policy 3.4 and that the density of development is acceptable in these circumstances.

### **Quality of accommodation**

- 69 A variety of unit types are proposed ranging from studios to 4 bedroom apartments. The Development Specification submitted makes the following commitments:
- All residential units would be designed to be tenure blind externally.
  - All housing would be designed to the minimum space standards as defined by the Mayor’s Housing SPG 2012 and the Nationally Described Space Standards 2015 in terms of internal space standards and floor to ceiling heights of a minimum of 2.5m.
  - Balconies of a minimum size and depth of 5 sqm, and 1.5m respectively, would be provided to principal living areas of all residential units at upper floors (or bedrooms where this is not possible). Alternatively, private amenity space meeting a similar minimum standard would be provided in the form of a roof terrace.
  - Residential accommodation would be designed to ensure that single aspect north facing accommodation is limited to a maximum of 5% of units (by unit number) with a sole aspect (from habitable rooms) within 45 degrees of north.
- 70 The plans submitted with the application include illustrative layouts showing between 6 and 12 dwellings per core. With regard to the orientation of homes, the indicative layouts show no single aspect homes which would directly face north, whilst many homes would benefit from dual aspect layouts. A condition is recommended which requires reserved matters applications to demonstrate how certain design standards are met for the residential development to ensure that a good standard of residential accommodation is provided (unless details are submitted to and approved in writing demonstrating to the satisfaction of the Local Planning Authority that a good standard of residential accommodation would be achieved despite not fully complying with the below standards having regard to relevant planning policy and guidance at the time of

submission in relation to this condition). This includes 'No more than 8 units provided per core per floor'. The indicative layouts would be subject to change when reserved matters applications were subsequently submitted. Officers are satisfied that the parameter plans which have been submitted for approval at this stage, would not prejudice the submission of a detailed scheme securing a development providing an acceptable quality of accommodation for all units.

### *Wheelchair accessible homes*

- 71 Policy 3.8 of the London Plan (Housing Choice) states that a range of housing choice should be provided in respect to housing type and size. The Development Specification states that 90% of the dwellings provided would meet Building Regulation requirement M4 (2) for 'accessible and adaptable dwellings' and 10% of the new dwellings would meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', that is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This would be in accordance with Policy 3.8 of the London Plan.

### **Landscape and amenity**

#### **Public open space**

- 72 The development proposes a substantial level of public realm to be provided at ground floor level, accessible to pedestrians from the surrounding Empire Way, Fulton Road and Olympic Way. It is proposed that, in total, 5,489sqm of public realm, including public open space, would be provided within the site which would amount to 32.6% of the site area. The public realm provision would be predominantly a paved streetscape designed to provide a welcoming, accessible and safe pedestrian environment across the site. In the centre would be 'Fulton Square', a larger grassed area with trees of 725sqm. Planters are proposed to provide form to the site, to soften the streetscape with greenery and to line pedestrian routes. Several seating areas would be provided. Soft landscaping areas are also proposed to increase biodiversity and provide permeable surfaces throughout the site.
- 73 The public open space as proposed includes a 'pocket park' along the northern edge of the site, with an area of 435sqm. This would serve a similar function to other pocket parks across the Wembley Park estate, by serving as a small, quieter place to pause and rest, a short distance away from Olympic Way. Fulton Square and the pocket parks are also intended to serve as 'attractors', drawing people into the space and thereby increasing footfall and activity. Fulton Square and the pocket park would together provide 1,160sqm of publicly accessible landscaped open space within the site.
- 74 There are currently 27 trees on the site, but all but one of these is graded as 'category C' or below (low quality), whilst just one is graded 'category B' (moderate quality). None of these trees are subject to tree protection orders. These trees would be replaced by around 36 trees at street level and over 100 trees at podium level. The trees at street level would include around 31 large tree species and 5 small tree species, some of which would be semi-mature at planting stage. The replacement trees would include a range of species including distinctive 'feature' street trees within Fulton Square at the centre of the development. The trees at podium level, many of which would be visible in views from the surrounding area, would be small, medium and large species. Tree species would be selected to provide seasonal character, visual interest, shade and biodiversity benefits. Brent's Tree Officer considers the plans to be acceptable.

## Private amenity space

- 75 It is proposed that all dwellings within the scheme would have private balconies or private terraces. The terraces at podium level would front onto the central area but be separated by a privacy zone of buffer planting and timber fences.
- 76 Two communal podium level gardens are proposed - one central to the cluster of blocks 1A, 1B and 1C and the other central to the cluster of blocks 3B, 3C, 3D and 3E. These areas would feature open lawns, creating a parkland environment including play space and structured soft-landscaping. A range of medium scale trees would be grouped and positioned to provide privacy, enhance enclosure, and frame selective views to landmarks such as the Wembley Stadium arch. It is considered that these areas would provide an attractive environment, catering for the differing needs of residents of all ages. The residents of block 3A would not have direct access to either podium garden from their internal circulation area, but they would have access to at least one of the podiums. Access arrangements would be agreed at reserved matters stage through a Residents' amenity space strategy.
- 77 In addition, approximately 4,100sqm of amenity roof space would be provided. The amenity roof spaces would be for the sole use of the residents within the corresponding building and would be predominantly hard landscaped, with raised planters and ornamental trees used to enhance the aesthetic and landscape quality of these areas. It is proposed that roof terraces would be provided to all blocks except Block 3B, the roof space of which would instead be used to accommodate photovoltaic panels.
- 78 In relation to block 3A, it is noted that the residents of Block 3A would have direct access to a roof terrace and private balconies/terraces in addition to public open space, but Block 3A would not have on site play provision and therefore it is proposed that residents would have access to the landscaped podiums. The distance from the entrance lobby of block 3A to the podium central to blocks 3B, 3C, 3D and 3E would be around 60 metres or around one minute's travelling time. This arrangement is considered acceptable given the range and accessibility of amenity space available to the residents of Block 3A. A planning condition is recommended to require the submission and approval of a Residents' amenity space strategy with each reserved matters application, to ensure that amenity space of a sufficient quantity and quality would be available for all residents.
- 79 The proposals indicate that each dwelling would have private amenity space of at least 5sqm in the form of a balcony or private terrace, in line with the Mayor's Housing SPG. By blocks, Blocks 1A, 1B and 1C would have access to a landscaped podium and communal roof terraces, providing 3,387 sqm of communal space in addition to the private spaces, which (on an apportioned basis) would amount to a minimum of 17.5sqm for any one dwelling. Residents of blocks 3A, 3B, 3C, 3D and 3E would have access to a landscaped podium and communal roof terraces, with 5,467 sqm of communal space provided in addition to the private spaces which (on an apportioned basis) would amount to a minimum of 12.6sqm for any one dwelling. There would also be 1,160 sqm of public open space which would benefit both residents and visitors to the area. Added on an apportioned basis to the dwellings per block, residents of Blocks 1A, 1B and 1C would have access to at least 18.67 sqm of amenity space per unit and residents of blocks 3A, 3B, 3C, 3D and 3E would have access to at least 13.77 sqm of amenity space per unit. These figures represent the minimum amount of amenity space the occupiers of a unit would have access to. Units with balconies or private roof terraces larger than 5sqm would have access to larger amounts of amenity space on an apportioned basis than the

above indicative totals.

- 80 For the majority of the units, the level of provision would fall short of the Council's target of 20sqm / 50 sqm per dwelling set out in policy DMP19. However, with regard to the level of amenity space for the development as a whole, in addition to the private amenity space, and the high quality public open space across the site, there would also be a number of easily accessible parks nearby including Elvin Square Gardens and the new 'Southern Park'. On balance, it is considered that given the range and quality of private, communal and public amenity areas both on site and nearby which would be available to residents, this level of provision is acceptable in these circumstances.

### **Play and recreation**

- 81 The child yield of the proposed development has been estimated to be up to 195 children aged 0-11 years old, calculated using the Mayor's SPG calculator tool). Based on the GLA's standard of 10sqm per 0-11 year old child, the requirement for on-site play space would be 1,950m<sup>2</sup>. The submission confirms that local play space (for under 12s) would be provided across the two podium gardens. In accordance with the mayor's SPG, provision for the 12+ age group would be provided off-site but within an 800 metre catchment of the development. The requirement would be met within the network of open spaces close to the site, such as Chalkhill Park, additional new spaces brought forward as part of the Wembley Masterplan proposals, and King Edward VII Park (slightly more than 800 m walking distance from the site).
- 82 A condition is recommended which requires the submission of details of play space with each Reserved Matters application. These submissions would be required to include details of play space within the plot and, if required, details of how the play space target would be met through off site provision.

### **Ecology**

- 83 The proposals include the provision of large landscaped podium gardens and the planting of over 130 trees across the development. These proposals would increase biodiversity on site in line with planning policy, namely London Plan policy 7.19 'Biodiversity and Access to Nature', Brent Core Strategy 'Open Space & the Environment' Objective 9 and CP 18 'Protection and Enhancement of Open Space, Sports and Biodiversity'.
- 84 Appropriate and ongoing management of these new landscaped areas (which would be secured by condition) would enhance the biodiversity of the area, and strengthen the contribution it would make to connectivity within the green infrastructure of the wider area.

### **Heritage**

- 85 There are no designated or non-designated heritage assets within or immediately adjacent to the application site and no heritage assets would be impacted by the proposals.
- 86 In the 1920s Wembley was used for the British Empire Exhibition (BEE) and the site of the current application site accommodated the North Entrance Gardens. These Gardens housed the BEE's premier restaurant, the Lucullus, whose building featured two BEE lion heads. When this building was demolished in 1989, the two lion heads were preserved and displayed on the walls on either side the entrance to the Wembley Park Studios building. Under the current proposals, the Lion Heads would be preserved and

incorporated into the architectural façade facing on to Fulton Square.

- 87 Two historic interpretative panels are also proposed within the public realm areas of the site. One would tell the story of Wembley Park, covering its historic estate landscaping by Humphry Repton in 1793, its conversion from a private estate to public pleasure grounds 100 years later, and its use as the site for the British Empire Exhibition in 1924–25. The other would tell the story of Wembley Park Studios covering its time as a film studio and television production company (1928–2016).

### **Energy and Sustainability**

- 88 The proposed development would comply with the following energy and sustainability measures:
- Non-residential floorspace would be constructed to BREEAM Excellent Standard or better. This would be secured through the s106 agreement.
  - The new buildings would be connected to a Decentralised Energy / Heat Network. The details of this would need to be set out in a Decentralised Energy / Heat Network Connection Strategy, which would require the Council's approval before a material start was made on the development.
  - A minimum 35% improvement on Part L 2013 Building Regulations Target Emission Rate ('TER') for carbon dioxide emissions would be achieved. Further reductions, to zero carbon level, would be captured through a carbon offsetting contribution secured through the Section 106 legal agreement.
  - The Mayor of London's Priority Standards as set out in the Sustainable Design and Construction SPG (April 2014), would be achieved.
- 89 The submitted documents state that glazing design and configuration would balance the twin needs of benefiting from passive solar heating in winter and minimising overheating via solar gain in summer. The roof the tallest block would have photovoltaic (PV) panels installed on its roof top.

### **Water consumption**

- 90 Policy 5.15 of the London Plan states that development should minimise the use of mains water by incorporating water saving measures and equipment and designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day.
- 91 The Energy and Sustainability Statement submitted with the application confirms that in order to meet the target requirements, the sanitary fittings within each residential unit would include low water use WCs, showers, taps, baths and (where installed) white goods to comply with an average household water consumption of less than 105 litres per person per day.

### **Daylight and sunlight levels for neighbouring properties**

- 92 The daylight and sunlight report submitted with this application assesses the impact of the proposed development on existing habitable rooms in neighbouring properties. The

buildings analysed were those that were considered, due to their location relative to the application site, to have any prospect of seeing an impact on their existing light. This included blocks on adjacent redevelopment sites that have consent for residential buildings. The properties tested included 1-36 Imperial Court, 10-16 Empire Way, 103-147 (odds) Wembley Park Drive and Quintain blocks NW09 and NW10 to the south of the application site.

- 93 In line with BRE guidelines, the adequacy of daylight received by existing neighbouring dwellings was measured using two methods of measurement. First, the Vertical Sky Component (VSC) was measured using the mid-point on the external face of each window serving a habitable room. The measurement shows the availability of light from the sky from over the "existing" and "proposed" obstruction caused by buildings or structures in front of the window. Secondly the internal Daylight Distribution was measured by plotting the position of the 'existing' and 'proposed' no sky line contour to show those areas within a room, measured on a horizontal working plane set at table top level, where there is direct sky visibility.
- 94 The proposed development would inevitably lead to a reduction in the levels of light reaching some neighbouring properties. The properties which would be most affected are the flats above the retail units along Wembley Park Drive. It is acknowledged that a number of rooms would see a significant reduction in VSC, that is, light available at the window pane. Certain window panes within existing properties would see a loss of up to 55% VSC, although in this worst case, other window panes within the same window would see considerably lower reductions. For a number of these properties, the lounges have three faceted windows and where one facet of the bay passes the BRE test but others do not, it is considered that these rooms would not see a significantly noticeable reduction in daylight. However, reductions in VSC would, in some instances, be considerably in excess of the level of reduction which the BRE guidelines suggest would not be readily noticeable.
- 95 The proposed buildings opposite the most affected properties would be around 8 storeys in height. The scale and massing of these buildings is in line with the policy designation for this area and the impact of these buildings on light levels is what might reasonably be expected from buildings of this scale. The loss of light which some properties would experience is therefore considered acceptable within this emerging context of new development schemes which would play a key role in delivering much needed housing and commercial space.
- 96 With regard to consented developments on plots NW09 and NW10 within the Masterplan area, there would be an impact on a number of rooms within consented blocks, particularly for apartments on lower floors, but it is considered that the overall level of daylight availability would be acceptable in this emerging context of urban development.
- 97 In order to ensure that daylight and sunlight levels enjoyed by neighbouring properties would be within acceptable limits, details of these levels would need to be submitted for approval with any reserved matters applications.

### **Daylight and sunlight levels for the proposed scheme**

- 98 Analysis has been undertaken to assess the level of average daylight factor and daylight distribution within rooms of the proposed scheme. Given modern urban densities and the need to provide amenity space for all dwellings, achieving 100% compliance for British

Standard Internal Daylighting is difficult in all large schemes. It is generally accepted that at least 95% of all rooms should achieve an Average Daylight Factor (ADF) of 1.5% in respect of living spaces and 1.0% for bedrooms. This would ensure that there would be very few rooms within any block that did not achieve compliance.

- 99 Block A, at the northern edge of the site, would achieve a 96% pass rate with only seven bedrooms falling below 1.0% ADF, although none of these would achieve less than 0.8 % ADF. Block B, which is the long block fronting onto Wembley Hill Road, would achieve a 94.9% pass rate. All the lounges which are currently shown to fail have windows set below balconies which inevitably leads to a reduction in daylight availability. In this instance, the provision of private external amenity space is considered to be of such benefit that it outweighs the degree of harm caused by failure to fully meet light level targets resulting from the presence of balconies.
- 100 With regard to the three blocks to the centre of the site, Block C has an overall pass rate of 97.2%, whilst there is a 99% pass rate for Block D and 98% for Block E. Block F which fronts Olympic Way, has a 94.8% pass rate, with failures predominantly relating to the positioning of balconies, but this rate would be only very marginally below the 95% target.
- 101 Considering the results flexibly as mentioned within the BRE guide, and given the urban setting and the high density of this development within a relatively constrained site, the results are considered acceptable in this context.
- 102 The open spaces proposed within the scheme have been analysed and the results confirm that over 50% of the total amenity space on the site would receive two or more hours of sunlight on 21 March, which is in line with BRE guidance.

#### **Views, including protected views**

- 103 Policy WEM 5 of the Wembley Area Action Plan 2015 states that tall buildings will be acceptable where they can demonstrate the highest architectural quality, and that where they are proposed, the submission of a key views assessment will need to accompany planning applications. Map 4.4 identifies areas as 'appropriate for' and 'sensitive to' tall buildings. The majority of the application site, comprising the north and east of the site, is within the area defined as being appropriate for tall buildings. Tall buildings are classed as buildings over 30m in height which equates to buildings of over around 10 storeys. This includes the area in the centre of the site on which the tallest element of the scheme, the building of 25 storeys in height is proposed (+113.9m AOD and around 82 metres above ground level).
- 104 The south west section of the site is within an area identified as 'sensitive to tall buildings'. The Wembley Area Action Plan states that areas designated as 'sensitive to tall buildings' may have some scope for a tall building, but due to adjacent properties, site assembly or location of the site (orientation, etc.) further work will be required to establish an appropriate form of development. The buildings proposed along the western perimeter of the site would be scaled down to respect the lower heights of adjacent buildings and would be no more than 8 storeys in height (+61.2m AOD and around 28 metres above ground). One tall building of 18 storeys in height (+92.0m AOD and around 59 metres above ground level) is proposed within the area designated as 'sensitive to tall buildings'. However, this would be positioned more centrally within the site, around 60 metres from the nearest existing properties along Wembley Park Drive and adjacent to Plot NW09 within which consent has been granted for a building up to 21 storeys in height (+96.92m

AOD). It is considered that, in view of its position within the site and distance from adjacent existing properties, along with the scale of buildings consented on the adjacent plot NW09, a building of this height would be acceptable in this location.

- 105 Policy WEM 6 defines protected views of the Stadium, relevant for the consideration of tall building proposals. Policy WEM7 states that development on Olympic Way must be carefully designed and scaled to respect the predominance of Wembley Stadium and its arch. A series of images have been submitted with the application which indicate the impact on views to the Stadium from the protected and other viewpoints, including those along Olympic Way. The Townscape Assessment demonstrates that the proposed scheme would not have an impact on views of the stadium arch from along Olympic Way. Furthermore, in protected views from further afield, the impact on views of the arch would be very limited, particularly where the proposals are seen against the other tall developments within Wembley Park as a whole.

### **Separation distances and outlook**

- 106 With regard to the Olympic Way frontage, the properties opposite include the Novotel Hotel and office accommodation. The proposed buildings would be positioned at least 42 metres from the frontages of these properties owing to their separation by the wide, 'ceremonial' route of Olympic Way. To the south would be the mixed use buildings on the consented plot NW09/10. The plans indicate that a distance of at least 17 metres would separate facing frontages which would not be an unusual relationship for buildings facing one another across a street frontage in an urban context. To the west of the application site is Wembley Park Drive to the north and Empire Way to the south. The proposed development would be at least 25 metres from the nearest building frontages on Wembley Park Drive and at least 22 metres from those on Empire Way. This relationship is considered typical for an urban area of this sort. The plans indicate that the blocks to the north of the site would be separated from the College of North West London crescent building by at least 21 metres. It is considered that these separation distances would be sufficient to ensure that the proposed development would be appropriately positioned within its plot to ensure adequate outlook from, and privacy in relation to, adjacent properties. At reserved matters stage, detailed plans would be assessed in relation to precise separation distances between blocks both within the proposed scheme and in terms of its relationship with neighbouring sites to ensure that adequate residential amenity levels were maintained for all existing and future residents.

### **Wind environment**

- 107 The wind microclimate has been assessed through wind tunnel testing. The Wind Microclimate Study tested wind conditions in and around the proposed development in the context of both the existing surrounds and the existing surrounds with the consented Masterplan developments in place.
- 108 The landscape strategy would play an important role in reducing the overall impact of wind on site. The wind study concluded that wind conditions would generally be rated as suitable, in terms of both pedestrian safety and comfort, for their intended usage throughout the year, after the introduction of wind mitigation measures such as tree planting.

### **Noise**

- 109 Noise impacts would occur from road traffic noise, event noise including pedestrian

movements on the local routes to and from Wembley Stadium and Wembley SSE Arena (including Olympic Way), noise from the petrol filling station located within the Wembley Park Drive 'gyratory' and temporary noise from construction work on neighbouring sites. In addition, noise would be generated internally from building services plant, residents and commercial units.

- 110 An assessment of non-event day and event day noise has been undertaken. The submitted report states that a combination of acoustic double glazing and acoustic trickle vents would be used to mitigate against noise and provide suitable ventilation. The use of assisted ventilation would be required for certain dwellings to negate the need for residents to open windows. The submitted report confirms that at reserved matters application stage, a detailed assessment would be undertaken which would include consideration of the acoustic makeup of façades, internal acoustics (separating wall and floor elements) and building services.
- 111 The submitted Noise Assessment report has been reviewed by the Council's Environmental Health team who have raised no objections. Conditions are recommended which would help ensure that acceptable noise levels were achieved within the proposed residential units and that the noise generated by plant and ancillary equipment at the development would be within acceptable limits.

### **Air Quality Assessment**

- 112 The site is located within an Air Quality Management Area (AQMA). An Air Quality Assessment has been submitted which includes an assessment of air quality and potential impacts both during construction and once the development is operational, as well as the requirement for any mitigation measures.
- 113 The Council's Environmental Health Officer has reviewed the Air Quality Assessment and notes that mitigation measures required include construction dust mitigation measures, the installation of low nitrogen oxide emission boilers and the provision of electric charging points for vehicles.
- 114 The Assessment concludes that a package of mitigation measures to minimise dust emissions during the construction works would be required and would be incorporated into a construction management strategy. With the recommended best practice mitigation measures in place, the overall impacts during construction would be 'not significant'. A condition to secure the submission and approval of a Construction Environmental Management Plan (CEMP) is recommended and the Council's Environmental Health Officer is satisfied with this approach.
- 115 The Assessment also considers the impact of connecting the development to heat and power from the Energy Centre (consisting of multiple boilers and CHP units) located within the North West Lands (NWL) development. The assessment demonstrates that emissions from the Energy Centre would not affect nearby, existing properties. As noted in this report, details of the connection of the new buildings to a Decentralised Energy / Heat Network would require approval prior to works starting on the development and so potential emissions would be thoroughly assessed at that stage. The Assessment considers the air quality conditions for new residents within the proposed development and predicts that pollutant concentrations would meet the air quality objectives at the worst-case locations assessed, and air quality conditions for new residents would be acceptable.

- 116 On the basis of the analyses carried out to date, it is considered that air quality impacts to and as a result of the development would be acceptably in accordance with national policy in the NPPF, as well as local and Mayoral policy requirements. Conditions are recommended to ensure that all measures identified in the air quality assessment would be implemented. A condition would also require the submission and approval of an updated air quality neutral assessment prior to the commencement of works on the superstructure of the relevant phases of the development, along with a requirement that mitigation measures identified would be implemented.

## **Highways and Transportation**

### **PTAL 5-6 (very good/excellent)**

- 117 The scale of this outline development is such that it could have a significant impact on local transport networks. A Transport Assessment has therefore been prepared to accompany the planning application.

## **Parking**

### **Car parking**

- 118 The site lies within the Wembley Masterplan area, so the car parking standards set out in the Wembley Area Action Plan apply to the site.
- 119 As the site has very good access to public transport services, maximum residential parking allowances of 0.4 spaces per 1-/2-bed flat and 0.6 spaces per 3-/4-bed flat apply. There are further allowances for the office (one space per 400m<sup>2</sup>) and retail uses (one space per 100-200m<sup>2</sup>).
- 120 A total of 995 flats would have an allowance of up to 398 spaces, with between 17-70 spaces allowed for office and retail floorspace. The proposed provision of a maximum of 179 spaces would therefore fully accord with maximum standards under all scenarios.
- 121 Policy DMP12 of the adopted Development Management Policies also requires that any overspill parking that is generated can be safely accommodated on-street in the area. In this respect, the site frontages are not capable of accommodating overspill parking, so there is potential concern over the impact that any overspill parking would have on local streets, particularly in the absence of a year-round Controlled Parking Zone for the area.
- 122 Introduction of a CPZ would enable any overspill parking from the development to be controlled. This is because it is proposed that a 'parking permit restricted' agreement, withdrawing the right of most future residents to on-street parking permits would be implemented, ensuring that residents are properly notified of this before moving into any property. A clause has been included in the draft section 106 agreement to secure this.
- 123 To help facilitate the introduction of a CPZ, a sum of about £100k is recommended towards this, in line with sums secured from other developments in the area.
- 124 Whilst parking is only shown indicatively within the current plans, of the spaces that are proposed, at least 10% (18 spaces) need to be widened and marked for disabled persons in order to accord with DMP standards and the indicative plans show this. The emerging London Plan policy would increase the disabled parking requirement to 1 space per 3%

of units which would result in a requirement for 30 disabled spaces. This level of parking provision would ensure that there would be capacity to accommodate an appropriate amount of disabled parking, to serve both the residential and commercial uses.

- 125 To address this, all spaces should be leased on a needs-basis priority basis from the outset, to ensure sufficient spaces can always be made available to meet demand from Blue Badge holders. It is recommended that a Car Parking Management Plan be submitted and approved for the car parks prior to occupation.
- 126 At least 40% of spaces (35 active and 35 passive) also need to be provided with electric vehicle charging points and this has been acknowledged in the Transport Assessment.
- 127 The London Plan requires at least one bicycle parking space per 1-bed flat and two spaces per 2+ bed flat, plus a short stay space for every 40 flats. Requirements for the other uses vary. Details of bicycle parking provision can be addressed on a plot-by-plot basis within future reserved matters applications.

## **Servicing**

- 128 In terms of servicing, a central shared surface spine road is proposed through the site, operating in a one-way direction from Fulton Road northwards to Wembley Park Drive, from which deliveries can be made and refuse collected clear of the public highway. Indicative plans show eight parallel loading bays for 10m rigid vehicles alongside the route. The route would also serve as an access for fire appliances in an emergency and tracking diagrams have been provided to show the route is accessible by delivery vehicles.
- 129 In addition, a 4m wide, 24m long loading bay is indicated within the northern footway of Fulton Road towards the eastern end of the site, with the highway widened to allow a 3.5m footway to be retained along the rear of the loading bay to maintain pedestrian access when the bay is in use. In principle, the provision of this facility is fine, but its siting and design would need to take account of any future traffic calming or gated treatment on Fulton Road in the vicinity of Olympic Way. Works would need to be carried out through a S38/S278 Agreement.
- 130 An assessment of likely servicing trips has been made using data from a similar development in London, on the basis of a worst-case development mix that maximises the volume of retail floorspace. This exercise results in an estimated 196 delivery vehicle movements to the site per day, which have then been broken down by hour and by duration of stay for retail and residential deliveries. A peak demand for loading has been assessed at 13 bays, mostly for light goods vehicles. The proposed level of servicing within the site (8 x 12m bays/16 x 6m bays) would cater for this level of demand.
- 131 A Delivery & Servicing Plan (DSP) is also proposed to be introduced for the site to help to manage delivery movements to the development. This would include the provision of a concierge to receive deliveries for residents and co-ordinate occupation of residential units. No potential measures have been set out for the commercial floorspace yet though.
- 132 As the central spine road may become a very busy commercial street if flanked by retail units, consideration may also need to be given to restricting the times of access for delivery vehicles, particularly on Wembley Stadium event days. A condition is recommended requiring the submission and approval of a full DSP prior to occupation of

the development.

## **Waste**

- 133 The outline scheme has been designed to ensure that the strategy for the storage and collection of waste can be developed to adhere to London Borough of Brent's (LBB) waste guidance document as well as the relevant parts of the Building Regulations. This would ensure that residents and commercial premises would have convenient access to appropriate waste recycling and storage areas, and that waste collection from the site would be both efficient and safe. The Council's Recycling and Waste officers have assessed the proposals and raised no objections.

## **Access**

- 134 The indicative car parking layouts are considered acceptable, with suitable dimensions shown for parking spaces and aisles. Both car parks would be accessed via Fulton Road, which is acceptable in principle.
- 135 The indicative layout plan shows the western block's car park access directly opposite the junction with Harbutt Road which would result in additional conflicting traffic turning movements. Detailed plans would need to be submitted at reserved matters stage and the access details would be subject to a full S278 design process including a Road Safety Audit. The exact positioning of the car park access could therefore be determined at that stage, taking into account the findings of the Road Safety Audit and the other uses on this stretch of road, including bus stops and the access and egress points for plot NW09/10 to the south.
- 136 For the central spine road, a raised table is proposed at its junction with Fulton Road to enhance pedestrian safety and movement across Fulton Road, which is welcomed. It is also proposed to relocate two existing bus stops in Fulton Road slightly westwards to better serve the development, which is also welcomed. These should also be provided with new shelters and seats as part of the scheme, as highlighted in the review of bus waiting facilities in the area. Vehicles would enter the site from the south (Fulton Road) and head northward along the one-way route, exiting onto Wembley Park Drive. The service route would be important as it would allow access for deliveries to the residential and commercial occupants, emergency vehicle access, rubbish collection and maintenance access. However, the proposed development has been designed so that the primary function of the public realm at the centre of the development is to establish a streetscape that provides a safe pedestrian environment that is both welcoming and functional, whilst supporting the needs of the adjacent commercial, retail and workspace uses.
- 137 Otherwise, the number of access points to the site would be reduced, which is welcomed. Of particular benefit would be the removal of the existing access to the retail car park from Wembley Park Drive, which is not well positioned in relation to the gyratory junction of Wembley Park Drive and Empire Way, requiring a right-turn ghost island lane. Removal of the right-turn lane would allow the central traffic island to potentially be widened, which would be a potential benefit to pedestrian movement (see comments below).
- 138 It is proposed that an egress would be retained in this location though and like the existing egress, this would be aligned and signed to allow left-turn only movements out of the site. The egress would also be at the same level as the footway along Wembley Park

Drive to indicate priority for pedestrians.

- 139 All other existing redundant accesses to the site would need to be removed and reinstated to footway at the developer's expense, and a clause within the draft section 106 agreement would secure this.
- 140 It is proposed that pedestrian access through the site would use the central shared surface spine road, with further east-west connections through from Olympic Way and Wembley Park Drive. These routes would provide a good level of permeability through the site and are therefore welcomed. Tree positions, planters and changes in materials would indicate the separation of pedestrian corridors from vehicular movement corridors.
- 141 Parameter plan P5 also confirms that the new buildings would be set back from the existing highway boundaries of Wembley Park Drive, Empire Way and Fulton Road in order to allow the footway/ forecourt widths for pedestrian movement to be increased significantly. This is particularly welcomed at the corner of Fulton Road and Empire Way, where the footway is narrow and would be tightened further if the junction is modified in future to remove the existing right-turn ban from Empire Way to Fulton Road identified in the Wembley Area Action Plan.
- 142 Any dedication of additional land to widen the public footways adjoining the site to at least 3.5m would be welcomed. It may also be useful to safeguard land to widen the carriageway of Empire Way fronting the site, in the event that the results of the Western Corridor traffic study show potential future capacity problems along this short link. These amendments are secured as part of the highway improvement measures required as part of the S106 agreement for the Wembley Park Masterplan, but the exact detailed layout is still to be finalised in agreement with the Council. Under the terms of this agreement, these works would be required to be completed prior to the occupation of the development on plot NW09/10.
- 143 With regard to the accessibility of the scheme for all individuals, an Access Statement has been submitted.

### **Transport Impact**

- 144 To establish existing traffic flows to and from the retail park, traffic surveys were undertaken in July 2016 during weekday morning and evening peak hours. These identified 110 arrivals/89 departures in the morning peak hour (8-9am) and 158 arrivals/178 departures in the evening peak hour (5-6pm).
- 145 A further allowance for traffic to and from the (now closed) TV studio has been estimated using data from a similar facility in Norfolk (no comparable data is available for TV studio sites in London).
- 146 Data from the nearby residential development at Emerald Gardens (Plot NW01 in the Wembley Masterplan development, on the north eastern corner of the junction of Empire Way and Engineers Way) has then been used to produce estimates of likely future trips to and from the residential flats on this development. Although it is not usual to use just one site to produce estimates, this particular site is extremely relevant to these proposals in terms of location and development type.
- 147 In terms of vehicular journeys, this suggests that for 995 flats, 11 arrivals/19 departures and 30 arrivals/13 departures would be expected in the morning (8-9am) and evening

(5-6pm) weekday peak hours respectively.

- 148 As no off-street car parking is proposed for users of the non-residential uses within the development, these uses are not considered likely to generate any vehicular trips (although some trips may make use of on-street parking or public car parks in the area).
- 149 As such, the predicted number of vehicular trips to and from the site would still be considerably lower than the total observed entering and leaving the existing retail park. An assessment has also been made of the net change in flows on all road links around the site. This shows all links and junction arms experiencing a fall in traffic flows as a result of the development.
- 150 On this basis, subject to parking being restrained as planned, the development would have the effect of reducing traffic flows on the local highway network, so would release capacity. The development should therefore offer a benefit in highway capacity terms.
- 151 The predicted increase in bus passengers is considered significant enough to have a noticeable effect on bus capacity. Transport for London have therefore requested funding towards proposals to enhance bus service provision in the Wembley area and this request is supported. It is proposed that bus contributions would be secured through the s106 legal agreement.
- 152 Combined rail and underground trips are estimated at 134 arrivals/89 departures in the morning peak hour (8-9am) and 99 arrivals/193 departures in the evening peak hour (5-6pm). This equates to an average of 2-4 additional passengers per rail service in the area. Analysis of likely destinations based on Census data suggests that the biggest impact would be on Chiltern line railway services towards London Marylebone in the morning peak hour, when an additional six passengers per train can be expected. TfL have confirmed that they are satisfied that this level of additional patronage can be absorbed on existing rail and Underground services.
- 153 Pedestrian trips are estimated at 55 arrivals/74 departures in the morning peak hour (8-9am) and 73 arrivals/93 departures in the evening peak hour (5-6pm), with cyclist trips estimated at 9 movements in the morning peak hour and 15 movements in the afternoon peak.
- 154 In terms of pedestrian and cyclist access, previously undertaken PERS and CERS audits were reviewed and extended to also consider routes from the development northwards. With the pedestrianized Olympic Way to the east of the site providing a traffic-free route to the north and south, connections are generally very good.
- 155 Minor potential improvements have been identified though (e.g. increased rest points, improved security at bus stops, better on road cycle facilities to the east and along the Empire Way corridor) and these should be considered when directing priorities for expenditure in the area.
- 156 The road accident history of the area has been examined for the five-year period September 2011 – July 2016. This identified a total of 24 accidents on the roads adjoining or very close to the site (i.e. on Fulton Road and Wembley Park Drive).
- 157 Of particular note is a cluster of 18 accidents in and around the gyratory system at the junction of Wembley Park Drive and Empire Way, of which 11 involved pedestrians (nine whilst crossing Wembley Park Drive close to the petrol station). The Transport

Assessment recognises that this high rate of accidents could be due a lack of crossing facilities, so proposes improvements.

- 158 However, the suggested improvements comprise only dropped kerbs, tactile paving and a kerb build-out on the northern side of Wembley Park, using the existing central island at the northeastern end of the gyratory system (which is potentially shown widened). This is not considered sufficient to address the existing accident problem or to safely cater for new pedestrian movements to and from the development. Given the 'low-car' residential nature of the development (as opposed to the existing car-dominant retail use), it is considered especially important that suitable crossing facilities to the site are provided on Wembley Park Drive to the local shops and bus stops on the opposite side of Wembley Park Drive gyratory. Enhancements to pedestrian crossing facilities should therefore comprise a formal crossing (i.e. zebra, pelican/puffin/toucan etc.).
- 159 It is proposed that the provision of improved crossing facilities would be secured through a legal agreement, with the design to be finalised in agreement with the Council. Discussions are ongoing with the Council's Transportation and Highways officers on a number of relevant matters.

### **Travel Plan**

- 160 Given the scale of the proposal, Travel Plans would be required to help to manage travel to and from the site. In this respect, the restraint on car parking would in itself act as a significant tool in minimising car use. A Framework Travel Plan has been submitted with the current application. Travel Plans for each individual use would be required prior to the occupation of each part of the development (secured through a S106 Agreement). The Travel Plan may be linked to, or covered by, an overarching, Strategic Travel Plan for the wider Wembley Park area.

### **Construction Logistics**

- 161 The Transport Assessment sets out an overview of the likely construction traffic impact. This anticipates up to 80 daily deliveries (160 vehicle movements) at its construction peak (over three months), which averages 16 movements per hour. Vehicles would be routed to and from the North Circular Road via Great Central Way, Wembley Industrial Estate and Fulton Road, which is welcomed. The submission and approval of a detailed Construction Logistics Plan would be secured by condition.
- 162 In view of the above, it is proposed that a S106 Agreement or conditions would secure:-
- 163 A financial contribution of £100,000 towards the introduction of a CPZ in the area, including consultation and implementation;
- 164 A 'parking permit restricted' agreement withdrawing the right of most future occupiers of the development to on-street parking permits;
- 165 Highway works would be undertaken through relevant legal agreements to: (i) widen the Fulton Road and Empire Way footways; (ii) provide a footway loading bay on Fulton Road in the southeastern corner of the site; (iii) reposition the two bus stops on Fulton Road adjoining the site, including the provision of seats and shelters; (iv) install a formal pedestrian crossing on Wembley Park Drive at the northern end of the gyratory junction with Empire Way with a kerb build-out on the northern side of the road and a widened central island, to a design to be agreed following the undertaking of the Western Corridor

Study; (v) provide new site accesses and egresses to and from Fulton Road; (vi) provide a speed table on Fulton Road spanning the width of the proposed central spine road junction; (vii) reinstate all existing redundant crossovers to the site to footway; and (viii) remove the right-turning lane into the site on Wembley Park Drive;

- 166 A financial contribution of £475,000 towards bus service enhancements in the area (as agreed with TfL);
- (a) A Framework Travel Plan to be approved prior to commencement of the development, with individual Travel Plans to be approved prior to occupation of each Plot;
  - (b) A Delivery & Servicing Plan to be approved prior to occupation of the development;
  - (c) A Construction Logistics Plan to be approved prior to commencement of the development;
  - (d) A Car Park Management Plan to be approved prior to occupation of the development, including leasing arrangements for all parking spaces;
  - (e) Provision of bicycle parking in accordance with London Plan standards;

### **Safety and security considerations**

- 167 The proposed scheme has been designed to respond to safety and security guidance. Proposed features include residential entrances being well lit, clearly defined and free of 'hiding places' and controlled with fobs, alongside video intercom systems to control access. A centralised concierge would act as a parcel holding service to avoid non-residents circulating through the buildings unattended. Lift lobbies would be visible from the street and access to individual floors would be fob controlled. Proposed vehicle entrances would be gated, clearly defined and well lit, with access controlled with fobs
- 168 The Metropolitan Police have reviewed the scheme proposals and highlighted key points to address, such as the importance of active street frontages to provide adequate natural surveillance throughout the development and the need to incorporate appropriate security measures into the scheme. A condition is proposed to require the approval of detailed plans of the ground floor façades to ensure that satisfactory levels of natural surveillance are achieved at ground level, whilst the provision of balconies at upper levels would also provide natural surveillance of public areas. In addition, further details of safety and security measures would need to be submitted for approval at condition discharge stage and these would be assessed in consultation with the Metropolitan Police.

### **Fire safety**

- 169 The London Fire Brigade have reviewed the application and raised no objections to the proposals based on the current level of detail submitted, but the importance of their review of the scheme once more detailed proposals are submitted is acknowledged. With regard to fire safety, the applicants state that proposals have been designed to ensure that when detailed proposals come forward at reserved matters stage, they would be able to meet all aspects of the Building Regulations, including Part L relating to Environmental Design and Part B relating to fire safety. The site layout has been arranged so that access for emergency vehicles could be provided to all elevations of every building, and the buildings are designed to be of a size where the provision for safe means of escape

can be readily provided. The applicants have confirmed that the proposals are being developed with the input and advice of a specialist fire safety consultant, who has been involved from an early stage in the design process, to ensure that all fire engineering matters are taken into account.

### **Flood Risk**

- 170 As recognised through the West London Strategic Flood Risk Assessment parts of the site are in flood zones 2 and 3a and susceptible to surface water flooding. A Flood Risk Assessment has been submitted with the application. The private surface water drainage network would discharge into Thames Water's local drainage network before discharging into the Wealdstone Brook. The Wembley Area Action Plan states that the 'sequential approach' at site level should be applied to steer more vulnerable development such as residential, student accommodation, hotels, and certain community uses towards areas of lowest risk within the site; north west area and southern edge. Density should be varied to reduce the number of vulnerable units in high risk areas.
- 171 The Council's Lead Local Flood Officer has commented that the Flood Risk Assessment (FRA) report supplied with the application meets Brent's requirements. The existing site is fully impermeable and surface water from the existing roofs and paved area discharges directly to the public sewer network and eventually to Wealdstone Brook. There are no historical records or incidents of flooding in the vicinity of this site. The proposed development would provide adequate green spaces and green roofs are also proposed. This would reduce the surface water discharge and also improve the water quality. The proposed discharge would be reduced by 75% and this would provide great benefits and reduce the risk of flooding. Surface water flow from roofs and paved areas would be stored in attenuation tanks and released with controlled discharge. He concludes that the development would reduce the flooding risks in this area and improve water quality and therefore the proposals are acceptable in terms of flood risk. The Environment Agency have reviewed the plans submitted and have raised no objections but have provided advice regarding flood risk, groundwater protection and contamination risk.
- 172 The scheme has been designed so that no occupied residential accommodation would be at ground level or below.

### **Utilities**

- 173 A Utilities Statement has been submitted with the application which outlines the maximum estimated utility demands for electrical, gas, district heating, telecommunications services and potable water supply for the proposed development, the maximum estimated foul drainage discharge, reinforcement requirements to the existing network, if confirmed by the utility providers, the proposed new connections and how utility services would be distributed through the site. A condition is recommended to require the submission for approval of details of the location of services, including the grouping of services where feasible.

### **Other planning considerations**

- 174 A wide range of matters including groundwater, soils and contamination, water resources, flood risk, ecology, acoustics, construction management and logistics, safety and security considerations, local employment and training opportunities and cycle parking would all be covered by planning conditions. Full details would therefore be required for assessment either at Reserved Matters stage, or through subsequent conditions

discharge applications.

## Conclusion

175 The proposed development for the Fulton Quarter would create a high quality development that responds well to its context and setting and follows the aspirations and key principles of the Wembley Park regeneration project. The scheme materially accords with the relevant planning policies and guidance and it is recommended that the proposal is approved.

## Section 106 Summary

The application would require a Section 106 Agreement in order to secure the following benefits:-

### 1. Costs

1.1.1. Payment of the Council's legal and other professional costs on completion of the deed in (i) preparing and completing the agreement; and  
(ii) monitoring its performance;

### 2. Notice

2.1.1. Notification of material start 28 days prior to commencement;

### 3. Affordable Housing

3.1.1. The Owner will provide a minimum of 25% of the total NIA floorspace of the dwellings (indicatively 28.1% by habitable room) within the Development as Affordable Housing (each phase to include a minimum 25% Affordable Housing) on a nil grant basis.

3.1.1.1. Tenure:

- 70% Affordable Rented units at a rent of more than 80% of local market rent (including service charge where applicable) and capped at Local Housing Allowance rates;
- 30% Shared Ownership/Intermediate Units;

3.1.1.2. Freehold (or minimum 125 year leasehold) disposal of all Affordable Units to an approved Registered Provider;

3.1.1.3. 100% Council nomination rights to all Affordable Rented Units on first lettings, 75% nomination rights on subsequent lettings, secured under appropriate Nominations Agreement;

3.1.1.4. A shared ownership nominations agreement will also be required giving reasonable priority to local people.

3.1.1.5. No More than 50% of the Private Dwellings per Phase shall be occupied until the Affordable Housing has been constructed and transferred to an approved RP (freehold or 125 year lease). Ready for occupation prior to 70% of Private Dwellings being occupied.

#### **4. Viability Review**

4.1. Upward only financial viability reviews requiring a pre implementation review for any plot not substantially commenced within 48 months of the date of grant of planning permission. In addition an upward only post-implementation viability review will be required on practical completion of every plot.

4.2. Each viability review will update the Application FVA with phase specific information reassessing actual costs and values. Any additional Surplus (above a development IRR of 13.31%) to be secured for additional affordable housing units or a commuted payment (if approved by the Council).

4.3. Base Land Value of £26.225m and IRR of 13.31% in accordance with the Application FVA, with potential for other base assumptions to be agreed (finance costs, professional fees, marketing costs etc.), and in any case all assumed build costs and residential and commercial revenues to be reviewed on an open book basis against actuals.

4.4. Appropriate restrictions on further implementation of development / occupation until resolution of all preceding financial viability reviews on preceding phases.

#### **5. Sustainability/Carbon**

5.1.1. Development to connect to the Wembley Park Decentralised Energy/Heat Network, in accordance with a connection strategy (to be approved before a material start on site);

5.1.2. All residential units will be constructed to be compliant with minimum standards for water consumption (105 litres/person/day);

5.1.3. All residential units to meet zero carbon target (off-site energy efficiency measures or a cash-in-lieu payment for failure to meet);

5.1.4. All non-residential units to achieve a 35% reduction in carbon emissions over Building Regulations Part L 2013 (off-site energy efficiency measures or a cash-in-lieu payment for failure to meet);

5.1.5. All non-residential buildings including fit out shall be constructed to BREEAM 'excellent' standard or better and all non-residential buildings which do not include full fit out shall be constructed to BREEAM 'excellent' standard or better at shell and core only.

5.1.6. Payment of initial carbon offset contribution and if required, final carbon offset contribution.

#### **6. Health Care Facility**

6.1.1. Health care facility provided pursuant to Masterplan s106 Agreement (15/5550) must be practically completed prior to occupation of more than 500 dwellings (unless otherwise agreed with the Council in writing).

## **7. Training and Employment**

7.1.1. To prepare and gain approval of a Construction Employment and Training Plan prior to a material start on site, and appoint a Construction Liaison Officer prior to submission of that plan;

7.1.2. To prepare and gain approval of an Operational Employment and Training Plan at least 6 months prior to practical completion of a relevant phase, including:

7.1.2.1. an obligation to use reasonable endeavours to achieve a minimum of 20% of jobs in the operational phase of the Development being filled by local people; and

7.1.2.2. an obligation to use reasonable endeavours to ensure that business occupiers notify Brent Works of job, apprenticeship and training vacancies, and to direct such opportunities to local people.

## **8. Employment Land**

8.1.1. Provision of a minimum of 3,500m<sup>2</sup> (GIA) of employment floorspace across the development, falling within use classes A1 - A4 and B1, prior to practical completion of the Development.

## **9. CPZ Contribution**

9.1.1. A contribution of £100,000 to be paid towards new and extended CPZs in the vicinity of the site within 10 working days of receipt of a consultation notice from the Council.

## **10. Bus Service Contribution**

10.1.1. A contribution of £475,000 to be paid towards the provision of bus service improvements in the vicinity of the Development.

## **11. Parking Permit Restriction**

11.1.1. A parking permit restriction agreement withdrawing the right of future occupiers (apart from persons entitled to a Disabled Persons Badge) of the development to on-street parking permits

## **12. Highway Works**

12.1.1. Widening of the Fulton Road and Empire Way footways and the widened footways to be offered to Brent Council for adoption as highway maintainable at public expense;

12.1.2. Provision of footway loading bay on Fulton Road in the south eastern corner of the site with a footway to the rear;

12.1.3. Repositioning the two bus stops on Fulton Road adjoining the site, including the

provision of seats and shelters;

12.1.4. Installation of a formal pedestrian crossing on Wembley Park Drive at the northern end of the gyratory junction with Empire Way with a kerb build-out on the northern side of the road and a widened central island;

12.1.5. Provision of new site accesses and egresses to and from Fulton Road;

12.1.6. Provision of a speed table on Fulton Road spanning the width of the proposed central spine road junction;

12.1.7. Reinstatement of all existing redundant crossovers to the site to footway;

12.1.8. Removal of the right-turning lane into the site on Wembley Park Drive;

12.1.9. Any other ancillary accommodation or other works to statutory undertakers' equipment required as a result of the other works.

### 13. Other

13.1.1. Public Art Strategy required

13.1.2. Residential and commercial travel plans to be approved and implemented

13.1.3. Any other as deemed necessary during the planning application process

## SUSTAINABILITY ASSESSMENT

All residential units are required to meet Code for Sustainable Homes Level 4 minimum water targets, which require an average household water consumption of <105 litres/person/day.

All fully fitted out, non-residential floorspace comprising more than 10% of the plot area is to be constructed to BREEAM Excellent Standard where connected to a heat network and BREEAM Very Good Standard prior to connection.

Due to phasing, location and to allow flexibility in how the site is brought forward, a standalone site-wide energy solution will be developed for this site, details of which will be submitted at a subsequent phase of the development process. This will be developed to meet the Mayor's carbon reduction targets through demand reduction, efficient heating infrastructure and on-site renewable energy.

All buildings will be connected to the central site-wide energy solution. The scheme will need to achieve an overall 35% carbon emission reduction on plot.

GLA Zero Carbon Homes will be followed with the aim to meet zero carbon for residential buildings in line with London plan policy 5.2. Any on-site carbon reduction shortfall will look to be provided either off-site within Quintain's estate and/or through a cash in lieu contribution, the details of which are to be agreed with the LB Brent.

The Mayor of London's Priorities, as set out in the London Plan Policy 5.3, and the Sustainable Design and Construction SPG 2014 will need to be met.

## S106 DETAILS

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

**1. Costs**

1. Payment of the Council's legal and other professional costs on completion of the deed in (i) preparing and completing the agreement; and (ii) monitoring its performance;

**2. Notice**

2. Notification of material start 28 days prior to commencement;

**3. Affordable Housing**

3. The Owner will provide a minimum of 25% of the total NIA floorspace of the dwellings (indicatively 28.1% by habitable room) within the Development as Affordable Housing (each phase to include a minimum 25% Affordable Housing) on a nil grant basis.

1. Tenure:

- 70% Affordable Rented units at a rent of more than 80% of local market rent (including service charge where applicable) and capped at Local Housing Allowance rates;
- 30% Shared Ownership/Intermediate Units;

2. Freehold (or minimum 125 year leasehold) disposal of all Affordable Units to an approved Registered Provider;
3. 100% Council nomination rights to all Affordable Rented Units on first lettings, 75% nomination rights on subsequent lettings, secured under appropriate Nominations Agreement;
4. A shared ownership nominations agreement will also be required giving reasonable priority to local people.
5. No More than 50% of the Private Dwellings per Phase shall be occupied until the Affordable Housing has been constructed and transferred to an approved RP (freehold or 125 year lease). Ready for occupation prior to 70% of Private Dwellings being occupied.

**4. Sustainability/Carbon**

4. Development to connect to the Wembley Park Decentralised Energy/Heat Network, in accordance with a connection strategy (to be approved before a material start on site);
5. All residential units will be constructed to be compliant with minimum standards for water consumption (105 litres/person/day);
6. All residential units to meet zero carbon target (off-site energy efficiency measures or a cash-in-lieu payment for failure to meet);
7. All non-residential units to achieve a 35% reduction in carbon emissions over Building Regulations Part L 2013 (off-site energy efficiency measures or a

cash-in-lieu payment for failure to meet);

8. All non-residential buildings including fit out shall be constructed to BREEAM 'excellent' standard or better and all non-residential buildings which do not include full fit out shall be constructed to BREEAM 'excellent' standard or better at shell and core only.
9. Payment of initial carbon offset contribution and if required, final carbon offset contribution.

#### **5. Health Care Facility**

10. Health care facility provided pursuant to Masterplan s106 Agreement (15/5550) must be practically completed prior to occupation of more than 500 dwellings (unless otherwise agreed with the Council in writing).

#### **6. Training and Employment**

11. To prepare and gain approval of a Construction Employment and Training Plan prior to a material start on site, and appoint a Construction Liaison Officer prior to submission of that plan;
12. To prepare and gain approval of an Operational Employment and Training Plan at least 6 months prior to practical completion of a relevant phase, including:
  6. an obligation to use reasonable endeavours to achieve a minimum of 20% of jobs in the operational phase of the Development being filled by local people; and
  7. an obligation to use reasonable endeavours to ensure that business occupiers notify Brent Works of job, apprenticeship and training vacancies, and to direct such opportunities to local people.

#### **7. Employment Land**

13. Provision of a minimum of 3,500m<sup>2</sup> (GIA) of employment floorspace across the development, falling within use classes A1 - A4 and B1, prior to practical completion of the Development.

#### **8. CPZ Contribution**

14. A contribution of £100,000 to be paid towards new and extended CPZs in the vicinity of the site within 10 working days of receipt of a consultation notice from the Council.

#### **9. Bus Service Contribution**

15. A contribution of £475,000 to be paid towards the provision of bus service improvements in the vicinity of the Development.

#### **10. Parking Permit Restriction**

16. A parking permit restriction agreement withdrawing the right of future occupiers of the development to on-street parking permits

#### **11. Highway Works**

17. Widening of the Fulton Road and Empire Way footways and the widened footways to be offered to Brent Council for adoption as highway maintainable at public expense;
  18. Provision of footway loading bay on Fulton Road in the south eastern corner of the site with a footway to the rear;
  19. Repositioning the two bus stops on Fulton Road adjoining the site, including the provision of seats and shelters;
  20. Installation of a formal pedestrian crossing on Wembley Park Drive at the northern end of the gyratory junction with Empire Way with a kerb build-out on the northern side of the road and a widened central island;
  21. Provision of new site accesses and egresses to and from Fulton Road;
  22. Provision of a speed table on Fulton Road spanning the width of the proposed central spine road junction;
  23. Reinstatement of all existing redundant crossovers to the site to footway;
  24. Removal of the right-turning lane into the site on Wembley Park Drive;
  25. Any other ancillary accommodation or other works to statutory undertakers' equipment required as a result of the other works.
12. **Other**
26. Public Art Strategy required
  27. Residential and commercial travel plans to be approved and implemented
  28. Any other as deemed necessary during the planning application process

## CIL DETAILS

This application is liable to pay **£27,382,772.73** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 8514 sq. m.

Total amount of floorspace on completion (G): 88228 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	82167		74237.89	£200.00	£0.00	£22,271,365.91	£0.00
(Brent) Shops	6061		5476.11	£40.00	£0.00	£328,566.82	£0.00
(Mayoral) Dwelling houses	82167		74237.89	£0.00	£60.00	£0.00	£4,454,273.18
(Mayoral) Shops	6061		5476.11	£0.00	£60.00	£0.00	£328,566.82

BCIS figure for year in which the charging schedule took effect (Ic) | 224

| 336

BCIS figure for year in which the planning permission was granted (Ip)	336	
<b>TOTAL CHARGEABLE AMOUNT</b>	£22,599,932.73	£4,782,840.00

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Application No: 17/3059

To: Miss Paula Carney  
WYG  
London

W1G 9NY

I refer to your application dated **07/07/2017** proposing the following:

Outline planning permission for demolition of existing buildings on site and provision of up to 85,000 sqm (Gross External Area, GEA) of new land use floorspace (across 1.679 ha) within a series of buildings, with the maximum quantum as follows:

- A1-A4 Retail and/or B1 Office and/or D1 (Non-Residential Institutions) and/or D2 Leisure and Assembly: up to 6,600 sqm; and
- C3 Residential: up to 78,400 sqm gross (approximately 995 units);

No occupied residential accommodation will be at ground level or below.

The development will also provide associated open space and landscaping; car parking spaces and cycle storage; pedestrian, cycle and vehicle access; associated highway works; and associated infrastructure including water attenuation tanks, and the diversion of any utilities and services to accommodate the development. Internal plant, refuse, cycle stores, residential lobbies, circulation and other ancillary space will comprise a maximum of 10,000 sqm gross external in addition to the 85,000 sqm total set out above.

and accompanied by plans or documents listed here:  
Approved documents have been listed within the conditions.

at **All Units, Stadium Retail Park, Wembley Park Drive & 128 Wembley Park Drive (fountain studios), HA9**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/12/2019

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

- 1 The proposed development is in general accordance with the:-  
National Planning Policy Framework 2019  
London Plan (consolidated with alterations since 2011)  
Wembley Area Action Plan 2015  
Brent LDF Core Strategy 2010  
Council's and Mayoral Supplementary Planning Guidance

- 1 All applications for Reserved Matters pursuant to Condition No. 1 shall be made to the Local Planning Authority, before the expiration of 10 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 10 years is considered to be a reasonable time limit in view of the extent and timescale of the proposal.

- 2 The relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the relevant part 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 material compliance 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.

- 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 three 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 accordance with the following approved drawing(s) and/or document(s):

**EXISTING / LOCATION PLANS**

P1 Parameter Plan 01: Site Location Plan

**PARAMETER PLANS (PROPOSALS)**

P2 Parameter Plan 02: Proposed Plot Maxima

P3 Parameter Plan 03: Proposed Ground Levels

P4 Parameter Plan 04: Proposed Circulation

P5 Parameter Plan 05: Proposed Access

P6 Rev A: Parameter Plan 06: Proposed Uses at Lower Levels  
P7 Parameter Plan 07: Proposed Car Parking Extent  
P8 Parameter Plan 08: Proposed Max Heights  
P9 Rev A: Parameter Plan 09: Proposed Uses at Upper Levels  
P10 Parameter Plan 10: Proposed Open Space at Upper Levels and Roof

#### OTHER PLANS

P11 Tree Removal Plan

Development Specification, dated May 2019  
Planning Statement, dated May 2019  
Design and Access Statement, Revision B, dated February 2019  
Statement of Community Involvement, dated 23 June 2017  
Energy and Sustainability Statement, dated 8 February 2019  
Utilities Statement, dated 30 January 2019  
Outline Operational Waste Strategy, dated 28 January 2019  
Townscape Heritage and Visual Impact Assessment, dated June 2017  
Daylight and Sunlight Report, dated June 2017  
Wind Microclimate Study, dated 30<sup>th</sup> June 2017  
Transport Assessment, dated May 2019 and including Framework Delivery and Servicing Plan and Framework Construction Logistics Plan  
Framework Travel Plan, dated June 2017  
Noise Assessment, dated 13 December 2018  
Air Quality Assessment, dated June 2017  
Geoenvironmental and Geotechnical Desk Study, dated 20 November 2018  
Archaeological Baseline and Impact Assessment, dated 8<sup>th</sup> June 2017  
Arboricultural Impact Assessment Report, dated 23<sup>rd</sup> May 2019  
Flood Risk Assessment, dated 10 January 2019

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

- 5 The residential car parking spaces shall be used for the parking of vehicles associated with the residential units within this development and shall not be used for any other purpose unless otherwise agreed in writing .

Reason: In the interest of highway flow and safety.

- 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 Head of Transportation, or other duly authorised person, prior to the occupation of the relevant part of the development.

Reason: In the interests of traffic and pedestrian safety.

- 7 The construction tolerances referred to within drawing P8 "Proposed Max Heights" shall only relate to the final constructed heights of building. The buildings as proposed within applications for the approval of Reserved Matters shall be designed to comply with the maximum heights as denoted on this drawing, as altered by the additional height specified for lift motor rooms, plant and extract, and the additional height specified for parapet levels.

Reason: In the interest of visual amenity and townscape.

- 8 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. Prior to the installation of plant, an

assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details

Reason: To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Brent Policy DMP1 and Policy 7.15 of the London Plan (2016)

- 9 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units.

- 10 A minimum of 10% of all residential units hereby approved shall be provided as wheelchair easily adaptable accommodation (Part M4(3)(2)(a)) for residents who are wheelchair users unless otherwise agreed in writing by the Local Planning Authority. Reserved matters applications that include such accommodation shall demonstrate that these minimum targets will be achieved.

Reason: To ensure that the development is suitably accessible.

- 11 Applications for the approval of Reserved Matters relating to buildings that include residential floorspace (Use Class C3) shall demonstrate how the following design standards are met for the residential development to ensure that a good standard of residential accommodation is provided (unless details are submitted to and approved in writing demonstrating to the satisfaction of the Local Planning Authority that a good standard of residential accommodation will be achieved despite not fully complying with the below standards having regard to relevant planning policy and guidance at the time of submission in relation to this condition);
- No more than 8 units provided per core per floor;
  - Floor to ceiling height at a minimum of 2.5m;
  - No studio units shall have sole aspect;
  - All habitable rooms shall have adequate ventilation, privacy and daylight.

Reason: To ensure a satisfactory standard of residential accommodation.

- 12 The development hereby approved shall not commence until a phasing plan showing the location of phases, the sequencing for those phases and indicative timescales for their delivery has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plan thereby approved. The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge and/or reserved matters, to ensure coordination between the phasing plan as approved and the triggers in any relevant agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) and to define the extent of a CIL phase for the purposes of the CIL Regulations 2019.

- 13 The relevant phase of the development hereby approved shall not commence unless a site investigation is carried out and remediation strategy is prepared by an appropriate person in

accordance with of BS 10175:2011 + A2:2017 and 'Model Procedures for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11) (or other such updated British Standard) to determine the nature and extent of any contamination present, which shall be in accordance with the BH Geoenvironmental and Geotechnical Desk Study dated 20 November 2018. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works for that relevant phase of the development, 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. 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with Policy 5.21 of the London Plan (2016)

- 14 Development for each phase, excluding site preparation works, shall not commence until a drainage strategy for each phase, based on the 'Fulton Quarter Flood Risk Assessment' reference 035480 dated 10 January 2019 produced by Burohappold Engineering and 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 unless otherwise agreed in writing with the Local Planning Authority. No discharge of foul or surface water from the relevant phase shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: 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.

- 15 Prior to the commencement of works for each phase, excluding site preparation works, details of the design, implementation, maintenance and management of the sustainable drainage scheme (SUDs) for each phase, based on the 'Fulton Quarter Flood Risk Assessment' reference 035480 dated 10 January 2019 produced by Burohappold Engineering shall be submitted to, and approved in writing by, the Local Planning Authority. Those details shall include:
- a) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - c) Flood water exceedance routes, both on and off site;
  - d) A timetable for its implementation, and
  - e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

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 in accordance with Policy 5.13 of the London Plan 2016.

- 16 Prior to the commencement of a relevant phase of the development, a Construction Method Statement (CMS) shall be submitted to and agreed by the Local Planning Authority for that phase which will outline the different activities and procedures to be undertaken in order to complete the various construction works within the relevant phase, unless otherwise agreed in writing by the Local Planning Authority. The CMS shall include the following items:
1. The detailed construction programme for works, highlighting the various stages and their context within the project, including a full schedule of plant, vehicles and equipment schedules;
  2. Site layout arrangements (including requirements for temporary works), plans for storage, accommodation, vehicular parking areas, wheel washing facilities, delivery and site access and egress;
  3. Details of operations that are likely to result in disturbance, in particular dust and noise, with an indication of the expected duration of operations with key dates, including a procedure for prior notification of the Local Planning Authority and relevant statutory and non-statutory parties so that local arrangements can be agreed; and,
  4. Any consultation undertaken on the enabling works, demolition and construction methods and plant type to be used for works that are within 3 metres of the Thames Water sewer networks; and,
  5. A Construction Environmental Management Plan (CEMP) which shall provide details of how construction works for that phase are to be undertaken and shall include the following (unless otherwise agreed in writing by the Local Planning Authority),
    - a) Details of the controls with regard to general site layout and operations, working hours, site lighting, security, community engagement arrangements, emergency planning and response, fire prevention and control, utility works, and worker access and welfare; and,
    - b) Specific management measures and mitigation on matters such as noise and air quality management (including Air Quality Dust Management Plan), pollution incident response, lighting management, traffic management, water management, ecology, trees and landscape management and heritage management, as required.

The development shall be carried out in accordance with the approved details and mitigation measures identified in the CMS and CEMP.

Additionally, the site Contractor Company must be registered with the Considerate Constructors Scheme and proof of registration must be sent to the Local Planning Authority prior to any works being carried out on the site. All sub-contractors shall be required to adhere to the policies and procedures set out within the CMS and CEMP.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance and in the interest of highway and pedestrian flow and safety

- 17 Prior to the commencement of works within a relevant phase of development, a Construction Logistics Plan (CLP), which has been based on the Framework Construction Logistics Plan approved as part of the 'Fulton Quarter Transport Assessment' May 2019 produced by WSP, shall be submitted to and approved in writing by the Local Planning Authority for that phase. The approved CLP shall be implemented for the duration of the demolition works and the construction of each phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian flow and safety.

- 18 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been

submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 19 Prior to demolition works at the former Fountain Studios site, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details how the two British Empire Exhibition lion heads will be removed from the walls adjacent to the north western entrance to the former Fountain Studios and how they will be stored in a manner to ensure that they are suitably protected and preserved, prior to their reinstatement within the development hereby approved. The works and storage shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that assets with heritage value are safeguarded during the demolition phase and are appropriately stored prior to their reinstatement within the development hereby approved.

- 20 Details of any parapet that projects more than one metre above the relevant maximum height specified within drawing P8 "Proposed Max Heights" shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the superstructure of the relevant building.

Reason: To ensure a high standard of design and appearance.

- 21 A scheme of sound insulation measures to address potential noise transfer between non-residential uses and residential uses within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the superstructure of buildings that include both non-residential and residential uses. The approved measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Brent Policy DMP1 and Policy 7.15 of the London Plan (2016)

- 22 Part A: Prior to the commencement of superstructure for each phase of the development hereby approved, details of the sound attenuation to protect against externally generated (environmental) noise sources so as to achieve the internal ambient noise levels detailed in BS8233:2014 shall be submitted to and approved in writing by, the Local Planning Authority. The measured or calculated noise levels shall be determined in accordance to the latest British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings. These criteria apply with windows shut and with an appropriate ventilation system installed. Any mechanical ventilation system shall not give rise to a noise level greater than the above internal noise standards, or a noise rating of NR25 within bedrooms, and NR30 within living/dining rooms.

Part B: The approved works shall be completed prior to occupation of the residential development for that phase and retained for the lifetime of the development for that phase.

Part C: Prior to first occupation of any relevant phase, a Post Completion Report demonstrating compliance with the mitigation measures in A above shall be submitted to and approved in writing by the Local Planning Authority for that phase.

Reason: In order to safeguard the amenities, health and safety of neighbouring properties and occupiers and of the area generally, and to ensure compliance with Policy 7.15 of the London Plan (2016).

- 23 Prior to the commencement of works on the superstructure of a relevant phase of the development hereby approved, a scheme for the landscape works and treatment of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant phase 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) details of root management systems for all trees;
  - c) proposed walls and fences, indicating siting, materials and heights;
  - d) any proposed contours and ground levels;
  - e) areas of hard landscape works and external furniture, and proposed materials;
  - f) the detailing and provision of green/brown roof(s);
  - g) measures to enhance the ecological value of the site;
  - h) Details of the proposed arrangements for the maintenance of the landscape works; and,
  - i) Details of the proposed lighting design and arrangements for these areas, including a light spillage plan.

Any trees or shrubs that are part of the approved scheme that, within a period of five years after planting, are removed, die or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species 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

- 24 Prior to the commencement of works on the superstructure of a relevant phase of the development hereby approved, detailed plans of the ground floor façades (including shopfronts, residential entrances and servicing areas) to be installed within that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant phase of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance for the proposed development and to ensure that satisfactory levels of natural surveillance are achieved, in the interests of amenity and the safety of residents and others in the surrounding area.

- 25 Prior to the commencement of works on the superstructure of a relevant phase of the development hereby approved, excluding site preparation works, details of the following as they relate to that part of the development shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters applications (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority.

- a) Details of materials for all external surfaces, including samples which shall be made available for viewing on site or in another location as agreed;
- b) Details of any external plant, including locations, external appearance and any proposed screening;
- c) Details of any external CCTV;
- d) Details of the on plot connections to a district heat network and relative to the indicative or actual routing of the site wide network;

- e) The location of services, including the grouping of services where feasible;
- f) 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;
- g) Details of the levels of daylight received for habitable room windows of the residential dwellings within the relevant part of the development;
- h) 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, in the interest of residential amenity, design quality and visual appearance, highway flow and safety and sustainable development.

- 26 Prior to commencement of works on the superstructure of a relevant phase of the development hereby approved excluding site preparation works, details of the following as they relate to that part of the development shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters applications (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority.

- a) Highway, footpath and cycle way layout, within the relevant phase of the development including connections and traffic management measures, sub-surface details, surfacing materials and street furniture;
- b) Means of access for vehicles, pedestrians and cyclists to and from the relevant part of the development;
- c) Details of cycle storage, including the number and type of spaces (including spaces to accommodate larger cycles and mobility scooters), structures, layout, equipment, access, security and weather proofing appropriate to the type of cycle storage (which shall be in accordance with the London Cycle Design Standards) and in line with the requirements of the currently adopted version of the London Plan in place at the time of the submission for approval of the reserved matters;
- d) Details of any motorcycle and car parking provision, including layouts, cumulative (site-wide) parking provision to include disabled parking provision comprising 10 % of allocation for residential parking spaces and 5 % allocation for commercial premises; comprising both designated bays and enlarged bays, unless alternative figures are required by the currently adopted version of the London Plan in place at the time of the submission for approval of the reserved matters.
- e) Details of electric vehicle charging points, which shall comprise a minimum of:
  - i. 20% of car parking spaces with active and 20% with passive charging points for residential development;
  - ii. 20% active and 10% passive for office development;
  - iii. 10% active and 10% passive for retail parking spaces; and
  - iv. 10% active and 10% passive for leisure
 unless alternative figures are required by the currently adopted version of the London Plan in place at the time of the submission for approval of the reserved matters.
- f) A Car Parking Design and Management Plan, which should include details of arrangements on event days and non-event days, management of disabled persons' parking and confirmation that spaces will be leased rather than sold.

Reason: To ensure compliance with Brent policy DMP12.

- 27 Part A : Prior to the commencement of works on the superstructure of a relevant phase of the development hereby approved, excluding site preparation works, an updated air quality neutral assessment in accordance with Policy 7.14 of the London Plan (2016) shall be submitted and approved by the Local Planning Authority for that phase unless otherwise agreed in writing with

the Local Planning Authority.

Part B: All mitigation measures as identified within the approved air quality assessment (dated June 2017) and any approved updated air quality neutral assessment, that are to be installed during the course of the development for the relevant phase, shall be carried out in full in relation to the relevant part of the development.

Part C: All measures identified within the approved air quality assessment (dated June 2017) and any approved updated air quality neutral assessment that are to be implemented or continue to be implemented after the completion of the relevant development shall be completed within agreed timescales. A report demonstrating that all such measures have been installed shall be provided to the satisfaction of and approved in writing by the Local Planning Authority upon completion of the development.

Reason: To protect local air quality, in accordance with Policy 7.14 of the London Plan (2016), and to protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

- 28 Details of a scheme setting out the collection and storage of waste and recycled materials for each part of the development shall be submitted in writing to and for approval by the Local Planning Authority prior to the commencement of any superstructure works excluding site preparation works, for the relevant part of the development, unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include details of:

- 1) Waste and recycling collection frequency, following liaison with Brent's Waste Management Team
- 2) The collection storage areas
- 3) Temporary waste facilities

The details shall be implemented as approved prior to the occupation of the development for residential purposes, and maintained thereafter.

Reason: To protect the amenity of the locality.

- 29 Details of any proposed counter-terrorism measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police prior to the commencement of works on the superstructure of the relevant part of the development and the approved details shall be implemented in full prior to completion of the relevant part of the development hereby approved.

Reason: To ensure that the development accords with Policy 7.13 of the London Plan

- 30 Prior to the commencement of works on the superstructure of the relevant part of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details how and in what location the two British Empire Exhibition lion heads referred to in condition 19 will be reinstated within the development hereby approved, in a manner which ensures they are suitably protected and preserved. The works shall be carried out in accordance with the approved details, and the lion heads shall be retained in their approved positions thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that assets with heritage value are appropriately reinstated and preserved within the development hereby approved.

- 31 Applications for the approval of Reserved Matters that include residential floorspaces (within Use Class C3) shall be accompanied by details of the provision of play and recreational space and any associated equipment within the communal parts of the relevant part of the development and shall adhere to the minimum standards for play provision as set out in Wembley AAP Policy WEM38 which is in line with the Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance' (2012) unless otherwise agreed in writing with the Local Planning Authority. The approved play and recreational space and any associated equipment situated within the relevant part of the development site shall be implemented prior to first occupation of the relevant part of the development. The playspace shall thereafter be retained and maintained in accordance with the manufacturer's specifications.

Reason: To ensure that a good quality of accommodation is provided for future residents

- 32 Details of the wind mitigation measures, based on the Wind Microclimate Study, dated 30<sup>th</sup> June 2017, including any screening or other measures around balconies or communal amenity areas and how the design of blocks respond to micro-climate issues shall be submitted to and approved in writing by the Local Planning Authority with the submission of each reserved matters application unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the outdoor amenity areas hereby approved are usable and that the wind microclimate is acceptable within the development and in the immediately surrounding area.

- 33 Applications for the approval of Reserved Matters relating to buildings that include residential floorspace (Use Class C3) shall be accompanied by a Residents' Amenity Space Strategy for that phase, which shall demonstrate to the satisfaction of the Local Planning Authority how the proposed provision will ensure that a sufficient quantity and standard of amenity space will be provided.

Reason: To ensure that residents' amenity space of a sufficient quantity and quality is provided.

- 34 Details of the extract ventilation system and odour control equipment for any commercial kitchens, including all details of external ducting, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. The approved equipment shall be installed prior to the commencement of the relevant use and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of existing and future residential occupiers.

- 35 Prior to first residential occupation of a relevant phase, or the commencement of the use within the relevant part of the development hereby approved, a verification report written by a suitably qualified person in accordance with BS 10175:2011 + A2:2017 and 'Model Procedures for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11) (or other such updated British Standard) shall be submitted to and approved in writing by the Local Planning Authority stating that remediation has been carried out in accordance with the remediation scheme approved pursuant to condition 10 and that the site is safe for end use.

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with Policy 5.21 of the London Plan (2016).

- 36 A management plan, detailing the maintenance and cleaning regime for the public and communal external spaces within each relevant phase of development, shall be submitted to

and approved in writing by the Local Planning Authority prior to first use of the public or communal spaces within that phase of development. The approved plan shall be updated where required and implemented for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a good quality of environment is provided.

- 37 Prior to first occupation of a relevant phase of development, a Delivery and Servicing Plan (DSP), including details of on-street servicing, based on the Framework Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase and the approved DSP shall be implemented for the life of the development unless otherwise agreed in writing by the Local Planning Authority. .

Reason: In the interest of highway and pedestrian flow and safety.

## INFORMATIVES

- 1 In dealing with this application, the London Borough of Brent has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to foster the delivery of sustainable development in a positive and proactive manner.
- 2 The Community Infrastructure Levy will be collected by Brent after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index
- 3 The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:  
- 8.00am - 6.00pm Monday to Friday  
- 8.00am - 1.00pm Saturday  
and not at all on Sundays and Bank Holidays.
- 4 The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.
- 5 In accordance with Policy D11 of the draft London Plan, the applicant should submit a Fire Statement, produced by a suitably qualified third party assessor, with each Reserved Matters planning application.
- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developers to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Attenuation of Storm Flows. Combined Sewer drain to nearest manhole.
- 7 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a

public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

- 8 There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover). Water Main Crossing Diversion (Thames Water).
- 9 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
- 10 Commercial Businesses must ensure all waste produced on site is disposed of responsibly under their duty of care within Environmental Protection Act 1990. It is for the business to arrange a properly documented process for waste collection from a licensed contractor of their choice. Documentation must be kept by the business and be produced on request of an authorised Local Planning Authority Official under section 34 of the Act. Failure to do so may result in a fixed penalty fine or prosecution through the criminal Court system.
- 11 The applicant is advised that prior to demolition of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.
- 12 The new development will require naming. The applicant should contact LBB Local Land Charges at least six weeks before the development is occupied on 020 8489 5573 to arrange for the allocation of a suitable address.
- 13 The following highways licences may be required: crane licence, hoarding licence, on-street parking suspensions. The applicant must check and follow the processes and apply to the Highways Authority.
- 14 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. The Council will not accept soil quality certificates from the soil supplier as proof of soil quality.
- 15 Site Preparation Works comprise site preparation and temporary works including but not limited to the demolition of existing buildings and structures; surveys; site clearance; archaeological works; ground investigation; remediation; the erection of fencing or hoardings; the provision of security measures and lighting; the erection of temporary buildings or structures associated with the development; the laying, removal or diversion of services; construction of temporary access; temporary highway works; and temporary internal site roads.
- 16 The management and maintenance plan for the sustainable drainage scheme for the lifetime of the development will be a live document that will be updated as and when each phase of the development comes forward for development.

17 **Definitions**

Substructure:

Substructure works are defined as building foundations or underlying building supporting substructure.

Superstructure:

Superstructure works are defined as part of the building above its foundations.

Phase:

This is a phased development for the purposes of the CIL Regulations 2019. A phase of development comprises a phase defined for the purposes of CIL and/or a phase defined for the purposes of an application for reserved matters and/or a phase defined for the purposes of the discharge of planning conditions and/or a construction phase or sub-phase, and for the purposes of discharging relevant planning obligations. A phase can comprise site preparation works, demolition works, sub-structures, and/or buildings, plots or groups of plots.

Any person wishing to inspect the above papers should contact Colin Leadbeater, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2232

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
04  
19/0395

## SITE INFORMATION

<b>RECEIVED</b>	<b>4 February, 2019</b>
<b>WARD</b>	<b>Tokynghon</b>
<b>PLANNING AREA</b>	
<b>LOCATION</b>	<b>1 Olympic Way, Wembley, HA9 0NP</b>
<b>PROPOSAL</b>	Erection of upto 7 storey roof top extension to the existing building to create 90 flats; erection of a rear extension to existing building to create a new 15 storey block (including a 2 storey under-croft for vehicular and pedestrian access) to create 26 flats, conversion of existing 8th floor office space to create 3 flats, creating a total of 119 self-contained flats; infilling of ground floor undercroft of existing building to form new ground floor uses comprising retail floorspace (A1, A3, A4) and office floorspace (B1), creation of first floor podium above existing car parking space to provide a landscaped amenity space for residents with associated cycle and refuse storage, creation of public access alongside Wealdstone Brook and refurbishment of existing building facades to No. 1 Olympic Way (including replacement of windows) (Revised description)
<b>PLAN NO'S</b>	Refer to condition 2.
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143760">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143760</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/0395" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

Referral to the Mayor of London (stage 2 referral)

The prior completion of a legal agreement to secure the following planning obligations:

- Payment of Council's legal and professional costs
- Notification of commencement 28 days prior to material start
- Provision of 26% affordable housing by unit (36% affordable housing by habitable room) on a nil grant basis, broken down as:  
  
22 units for London Affordable Rent  
9 units for London Shared Ownership
- Late stage viability review to be submitted and approved securing affordable housing contributions to ensure the delivery of the maximum reasonable proportion of Affordable Housing should scheme viability improve
- Early stage viability review to be submitted and approved in the event that commencement is not within 2 years of consent.
- Contribution towards carbon offsetting in line with GLA formula
- Parking permit restricted scheme
- The approval and implementation of details in relation to a car club, including free membership for new residents for a period of three year
- Council to adopt small parcel of land alongside North End Road to facilitate works to later deliver a vehicular connection between North End Road and Bridge Road
- Submission of an improved Travel Plan and its implementation and monitoring
- Submission, approval and implementation of a waste management plan including commitment to fund and arrange independent collections from the site. Collections for the private units must be entirely privately funded and arranged unless an alternative plan showing a revised layout is submitted and agreed with the LPA which meets Veolia's requirements in respect of carrying distances.
- The submission, approval and implementation of a Training and Employment Plan for Brent residents (construction)
- Any other planning obligation(s) considered necessary by the Head of Planning.

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. 3 Years to commence development
2. Development to be built in accordance with approved plans
3. Pedestrian route to be kept public
4. No vehicular access to pedestrian route to/from Olympic Way, except emergency vehicles

5. 10% of homes to be wheelchair accessible
6. Disabled parking spaces and refuse storage to be provided
7. Water consumption to be limited in line with policy
8. Communal satellite to be provided
9. Flats to have C4 permitted development rights revoked
10. Non-road mobile machinery to be limited in terms of power output
11. Details of microclimate report secured
12. Details of ecology report secured
13. Details of drainage and flood reports secured
14. Submit construction logistics plan
15. Submit construction method statement
16. Submit air quality updated for scheme revisions
17. Submit formal tree survey
18. Submit land contamination assessment
19. Submit structural surveys of brook culvert
20. Submit details and samples of materials
21. Submit details of counter terrorism measures
22. Submit details of pedestrian route
23. Submit landscaping and play details
24. Submit details of extraction in event of retail units utilising commercial kitchen
25. Submit details of external lighting
26. Submit more details of bicycle storage, confirming compliance with LCDS
27. Submit parking management plan
28. Submit refuse management plan
29. Submit delivery and servicing plan
30. Submit details confirming boiler emissions suitably limited
31. Submit noise impact assessment updated for stadium concert events
32. Submit landscaping management plan for the 8m brook buffer zone for approval in consultation with EA

#### Informatives

- a) CIL liable approval
- b) Party Wall
- c) Building near boundary
- d) Environment Agency guidance notes
- e) Thames Water guidance notes

- f) London Living Wage
- g) Fire Safety

That the Head of Planning is delegated authority to make changes to the wording of the committee’s decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That, if by the “expiry date” of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

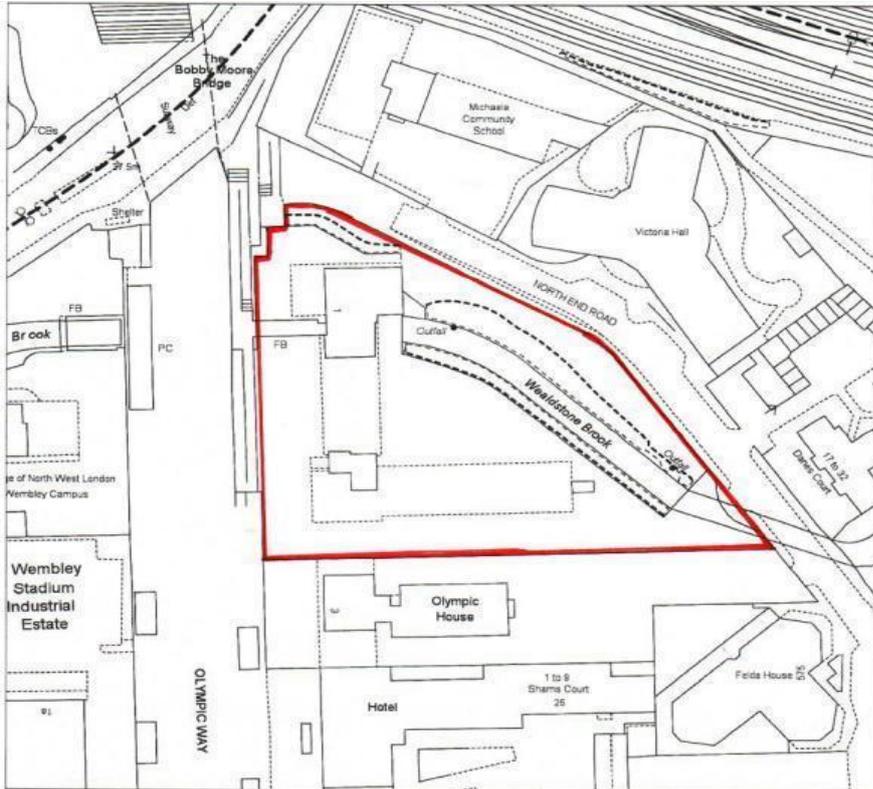
## SITE MAP



### Planning Committee Map

Site address: 1 Olympic Way, Wembley, HA9 0NP

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This map is indicative only.

## EXISTING

The site contains an office building at the northern end of Olympic Way. The building is formed of 12 floors, all of which were previously used as office space. The site lies within a prominent location in the Wembley Park area and is accessed via Olympic Way and North End Road. The building is not listed nor is it in a conservation area.

## AMENDMENTS SINCE SUBMISSION

The scheme has been amended in the following ways since submission:

- The removal of a proposal for 92 car parking spaces at ground floor level and replacement of this ground floor area with proposals for two street fronting retail units, a street fronting office unit and internalised bin and bicycle storage.
- The addition of the podium garden atop the infilled ground floor space, and the establishment of on site play space.
- The reconfiguration of flats in the proposed floors in the southern wing of the existing building, to establish an open corridor and flats which have through dual aspect to the north and south.
- The addition of heat pumps as a low carbon energy source, reducing carbon emission rates relative to Part L of the Building Regulations from <50% improvement to an 80% improvement.
- Changed the use of projecting balconies to internalised winter gardens so as to ensure a cleaner and more uniform facade.
- Proposed an alternative facade treatment for the building which would see sandstone coloured cladding with a low gloss level in an effort to achieve a more natural appearance for the building's external facade.
- Proposed a series of improvements to the east-west route along the southern side of the site, including shared surfacing, lighting, use of an entrance canopy and tree planting.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

1. Representations received: 355 properties were consulted. 9 objections were received. Objections were generally made on grounds of character, massing, overshadowing, privacy and crime.
2. Principle: The majority of the existing building (with the exception of floor 8) has prior approval for the conversion of the office floor space to residential use, comprising 227 flats. The conversion works are currently being undertaken. The principle of extending this building is accepted, subject to being in accordance with other policy and guidance. The site lies within the Wembley Growth Area and the boundaries of Wembley Town Centre. As such, the principle of residential extensions together with town centre uses at ground level, is in accordance with policy. The location adjacent to a station presents as an obvious location to increase density. The development will establish a new pedestrian route between Olympic Way and North End Road, in line with the aspirations of the Wembley Area Action Plan.
3. Residential provisions and affordable housing: - The development would provide 119 new residential units, 30% of which will be family sized units and 26% of which will be affordable units (36% when measured by habitable room), in line with Brent's target tenure split. This exceeds Brent's targets in respect of family unit provision and meets Brent's policies in respect of affordable housing as the amount of affordable housing as been scrutinised and agreed as the maximum reasonable. Early and late stage reviews will ensure commuted sums are paid where the development surplus is in excess of that projected.
4. Character and appearance: The proposal's design is considered to have regard to the character of its surroundings and to not inappropriately challenge or dominate surrounding development. Protected views of Wembley Stadium's arch will not be detrimentally affected by this development.
5. Standard of accommodation: The living conditions of future occupiers of the development would be acceptable and would meet the relevant standards, although some shortfall in the standard would be experienced in respect of onsite amenity space, with flats having access to a minimum 12sqm of amenity space, which is under the targets set out in DMP19. However, this is comparable with other consented high density schemes within the Wembley Growth Area. .

6. **Impact on neighbouring amenity:** The proposal is considered to have an acceptable impact on the surrounding properties in terms of loss of light and outlook, with largely positive results when tested under the BRE criteria on surrounding properties.
7. **Parking & servicing:** The development is car free, aside from 3% disabled parking provision. Cycle parking is provided to draft London Plan standards and servicing is provided on site. Minimal impact to the highway and wider transport network is anticipated.
8. **Trees & landscaping:** The site has two formally protected Oak Trees which will be protected and not damaged by the proposal. Comprehensive planting and tree planting is proposed with a condition securing more detail of this at a later stage. This aspect of the scheme is acceptable.
9. **Energy & sustainability:** Heat pumps are proposed as a low carbon energy solution and PV panels are proposed across the roof to improve the sustainability credentials of the building. This reduces the operational carbon emissions by 80% from the baseline requirement in Part L of the Building Regulations, far in excess of the 35% target. The remaining emissions are to be financially offset.
10. **Environmental Health:** The development is acceptable from noise impact, construction management, air quality and contaminated land perspectives, subject to conditions.
11. **Ecology & trees:** - The development proposes naturalisation of the brook side environment along the Wealdstone Brook and making this space accessible for residents. A first floor podium garden is also proposed. Tree planting alongside other ecology enhancements to improve the onsite landscaping value and biodiversity. The tree planting is also providing mitigation from a micro-climate perspective.
12. **Flooding and drainage:** The development includes SuDS measures and agreement with the Environment Agency has been reached on a number of matters, confirming that flood risk and drainage has been suitably addressed.

Officers recommend that Members approve this development, subject to conditions, s106 obligations and a stage 2 referral to the GLA.

## MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
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### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats ú Market )										
PROPOSED ( Flats ú Market )	12	63	15	29						119

## RELEVANT SITE HISTORY

**19/1721:** Non-material amendment (car parking spaces) of Prior Approval - Office to Residential reference 17/4538 dated 19 December 2017 – Granted, 26/06/2019.

**17/4538:** Prior approval for change of use of floors 1-7 and 9-12 from offices (Use class B1) into residential (Use class C3) involving the creation of 68 one-bed flats and 159 studio flats – Prior approval required and granted, 19/12/2017.

## CONSULTATIONS

### External public consultation

This application was advertised in the local press in early 2019 and again on 08/08/2019, following substantial revisions to the scheme.

355 nearby properties were notified of this proposal by letter on 11/02/2019 and then again on 12/08/2019,

following substantial revisions to the scheme.

A site notice advertising this application was erected outside the building along Olympic Way on 05/04/2019 and then again on 10/09/2019, following substantial revisions to the scheme.

8 neighbouring properties and Quintain Ltd objected to the application. Neighbouring residents who objected resided in Empire Court (1 objector), Danes Court (6 objectors) and Danes Lodge (1 objector).

The objections received are summarised as follows:

Ground of objection	Officer response
Danes Court has been dwarfed by developments in Wembley Park and this would increase this effect	Notwithstanding the height difference between Danes Court and this proposal, the development is noticeably smaller in height compared to many of the neighbouring developments. The development is considered to be acceptable in this regard and this is discussed in more detail below.
Natural light to flats along North End Road has been reduced significantly – it has also resulted in waterlogging to gardens	A daylight and sunlight test has been carried out for this proposal, which shows a broadly positive result on the surrounding properties.  In respect of Danes Court, 79% of windows that were potentially affected complied with standards for daylight and all shortcomings in this respect were marginal. 100% of windows complied with internal daylight distribution standards and 6 rooms (facing North End Road at the north west end of the building) fell short of standards for sunlight. All garden spaces continued to comply with standards.
Local open spaces are used by new residents who don't have their own	This development will provide inset balconies for each flat and a large podium garden and brook-side garden together amounting to around 0.15 hectares in size. Other open spaces are being provided across the Wembley Park area as part of the wider regeneration.
An increase in local crime has been seen as a result of development in Wembley Park	There is no evidence to suggest that the proposal will increase crime within the area. This development will increase natural surveillance across North End Road and footfall on local roads, which could assist with crime prevention.
The development will not have a communal open space	The proposal was amended to now include a podium garden which addresses this concern.
The 15 storey block at the rear will block light significantly to 17-32 Danes Court and will breach privacy by establishing windows at a close distance	There will remain a significant distance between Danes Court and the new block (>40m) which far exceeds the Brent standards for private separations between facing windows. The buildings will also face each other at indirect angles.

The lack of light is of detriment to wildlife	The applicant has assessed local ecological impact and this is discussed below.
The new building will result in additional rubbish	The development contains suitable refuse storage to contain all likely refuse needs on site.
There will be additional disturbance associated with the building works	This is temporary and is a reality of all development. A construction management plan will ensure that disruption is kept to a minimum.
There will be an increase in local noise levels	Any extenuating noise disturbances would need to be referred to Brent's nuisance control team.
The proposal has poor quality design, appearance and materials which cause the increased scale, bulk and massing of the building to have a significant detrimental impact on the character and appearance of the area	The grey rainscreen cladding is to be replaced across the building façade which will likely result in a more pleasing appearance for the building than at present. Nonetheless, Brent agrees that the façade treatment should appear of a better quality in this location and an alternative, higher quality approach to the façade arrangement will be required through condition.
The ground floor commercial space is not deliverable as Quintain (who owns the ramps/steps in front of the façade) have no plans to remove the infrastructure as it provides a valuable step free means of movement between Bridge Road and Olympic Way	The proposal would be functional and deliverable with or without removal of the ramp/step infrastructure.

#### Internal consultation

Environmental Health – No objections, conditions recommended in relation to noise, construction management, air quality, non-road mobile machinery and contaminated land.

Local Lead Flood Authority – No objections

#### External statutory and professional body consultation

The Greater London Authority (GLA) – No objections, conditions required in relation to parking design and management plan, delivery and servicing plan and s106 obligations in relation to improving the travel plan and securing the affordable housing and eligibility criteria as well as an early stage review, in the event construction does not commence within 2 years of consent.

Transport for London (TfL) – No objections, conditions/obligations required in relation to securing construction method statement, travel plan, detailed cycle parking.

The Environment Agency – No objections subject to conditions and informatives

Thames Water – No objections, although it is advised if any subsequent connection to the public network is sought by the development, a material amendment to the application would need to be applied for and Thames Water consulted. An informative is to advise the applicant of this. Two further informatives recommended in relation to property protection and groundwater discharge.

Metropolitan Police – Recommendations have been issued and the plans have been updated in respect of Secure by Design considerations.

## **POLICY CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, the 2015 Wembley Area Action Plan and the 2016 London Plan (Consolidated with Alterations since 2011).

Key relevant policies include:

### **Regional**

#### **The London Plan consolidated with alterations since 2011 (March 2016)**

- 3.3 - Increasing Housing Supply
- 3.5 - Quality and Design of Housing Developments
- 3.6 - Children and Young People's Play and Informal Recreation Facilities
- 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 5.2 - Minimising Climate Change
- 5.6 - Decentralised Energy in Development Proposals
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.9 - Cycling
- 7.2 - An inclusive environment
- 7.7 - Location and Design of Tall and Large Buildings

### **Local**

#### **Wembley Area Action Plan 2015**

- WEM 1 – Urban Form
- WEM 2 – Gateways to Wembley
- WEM 3 – Public Realm
- WEM 5 – Tall Buildings
- WEM 6 – Protection of Stadium Views
- WEM 7 – Character of Olympic Way
- WEM 8 – Securing Design Quality
- WEM 9 – Offices
- WEM 14 – Car Parking Strategy
- WEM 15 – Car Parking Standards
- WEM 16 – Walking and Cycling
- WEM 18 – Housing Mix
- WEM 19 – Family Housing
- WEM 24 – New Retail Development
- WEM 33 – Flood Risk
- WEM 38 – Play Provision
- WEM 40 – River Brent and Wealdstone Brook

#### **Brent Development Management Policies 2016**

- DMP 1 – General Development Management Policy
- DMP 9 - Waterside Development
- DMP 9b – On Site Water Management and Surface Water Attenuation
- DMP 11 – Forming an Access on to a Road
- DMP 13 – Movement of Goods and Materials
- DMP 15 – Affordable Housing
- DMP 18 – Dwelling Size and Residential Outbuildings
- DMP 19 – Residential Amenity Space

#### **Brent Local Development Framework Core Strategy 2010**

- CP 1 - Spatial Development Strategy
- CP 2 - Population and Housing Growth
- CP 8 – Wembley Growth Area

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. In addition, the Consultation Draft of Brent's new Local Plan was published in November 2018, whilst the draft London Plan has recently been subject to an Examination in Public. These documents carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

## **DETAILED CONSIDERATIONS**

### **Principle of development**

1. Policy 3.3 of the London Plan and Policy GG2 of the draft London Plan both identify the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent's Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the site is located within the Wembley Opportunity Area (as designated within the London Plan), and the Wembley Growth Area. Policy CP7 sets out a target of delivering at least 11,500 new homes within the Wembley Growth Area with this target set to increase to 15,000 new homes as part of policy BP1 of the emerging Local Plan. The increase in housing targets responds to the increase to upto around 2,900 per annum within Brent for the period 2019/20-2028/29 in Policy H1 of the draft London Plan recognising the increasing demand for delivery of new homes across London.
2. The site sits within an allocated development, W16 (1 Olympic Way) within the Wembley Area Action Plan. Key among the requirements of developments in this plot is a need to ensure that development continues to uphold Olympic Way as an internationally recognised processional route to Wembley Stadium and, critically, that development should re-provide office floor space. The site allocation does not specify other uses (such as residential) as being required and therefore anticipates the continued use of the plot as office space. However, given that prior approval works to implement residential have been undertaken, a precedent for residential use of this building has now been clearly established. Subject to an extension being consistent with other material planning considerations, expansion and intensification of that residential use is to be accepted in principle. The new homes would be a welcome addition to the borough's supply in a context of increasingly challenging targets for homes.
3. The site allocation identifies the flood risk status of the site, being within flood zones 1-3 by virtue of its proximity to the Wealdstone Brook at the rear. A detailed flood risk assessment and close working with the Environment Agency is therefore acknowledged as important to any redevelopment. A minimum 8 metres buffer zone for the waterway is required and development should contribute to re-naturalisation of the brook. The site allocation also requires development to contribute to an upgrading of the northern part of Olympic Way. Within the preferred options Draft Local Plan (2018), the site allocation has been discontinued. However, the site is acknowledged as being a 'major site with planning permission for housing'.
4. Floor 8 of the existing building does not have prior approval for use as residential space and remains as office space. It should be noted that an Article 4 Direction to remove permitted development rights from offices (B1a) to residential use (C3) was introduced within the Wembley Growth Area in August 2018, meaning that any future change of use from B1a to C3 would require the benefit of planning permission. The proposal seeks to convert the 8<sup>th</sup> floor from office space to residential use as part of this planning application. Given that the 8<sup>th</sup> floor stands out as a somewhat anomalous tract of office space in an

otherwise residential building, there is logic in removing this office space from the building and taking the opportunity to maximise new housing provision. Policy WEM9 of the WAAP supports the provision of new office floorspace as part of mixed use development, and supports the loss of office floorspace where it can be demonstrated that there is no prospects of occupation in the medium term. The circa 250sqm of office space removed from the 8<sup>th</sup> floor would be re-provided to about the same amount on the ground floor, with a direct street facing frontage to the side of the building. It is considered that the re-provision of the office floorspace will meet the objectives of policy WEM9 and would provide office space of greater usability and desirability.

5. Overall, the principle of developing the site for residential purposes is accepted, given that the building now has a residential nature through permitted development rights. The intensification of the site to provide additional units would be supported subject to adherence to other material planning considerations.
6. The scheme also proposes to introduce retail floorspace (use classes A1 to A4) at ground floor level by infilling the existing undercroft car park. The principle of new retail floorspace at ground floor level is acceptable given the site's location within the boundaries of Wembley Town Centre, in line with policies CP7 and WEM24.

### **Design considerations for the proposal**

#### **New ground floor**

7. The existing building at 1 Olympic Way has no internal ground floor, with the remainder of the building above sitting on stilts that extend across the ground floor space. The proposal seeks to infill the existing undercroft parking area to create a new internal ground floor for the building. The ground floor would extend not only under the L-shaped footprint of the existing building but also across all of the space in between these main building wings, which is currently an open air car park. This would ultimately result in the displacement of surplus parking spaces which would be welcomed and would present an opportunity to improve the building's relationship with its surrounding public realm and improve the vitality of Wembley town centre.
8. The proposed uses for the ground floor are two retail units, a larger unit at 581sqm along the western arm of the building alongside Olympic Way and a smaller retail unit at 178sqm located on the corner between the western arm and southern arm of the building plus a 241sqm B1 commercial space on the southern arm of the building. It is proposed that this B1 space on the southern side would front a new pedestrian thoroughfare linking Olympic Way and North End Road. This link between the two roads already exists but has a private and uninviting appearance at present. This route would clearly gain additional importance and footfall as a result of this development. This would be a positive development which would improve permeability in Wembley Park and help to establish more useable east-west routes through the district, identified in the WAAP as a weakness of the area.
9. The plans indicate that the existing boundary wall separating the car park within the site and Olympic Way would be retained. The retention of this boundary wall would amount to a significant missed opportunity to drastically improve the public realm along Olympic Way and would retain a severed relationship between Olympic Way and the 1 Olympic Way building. Nonetheless, officers acknowledge that the boundary wall and associated ramps/walkways does not fall within applicant ownership and therefore cannot be required as part of this development. These ramps and stairs fall outside of the development site although the Council aspires to remove this infrastructure, subject to an alternative means of disabled access between Olympic Way and Bridge Road being achievable. The proposal remains acceptable irrespective of if or when removal of the ramps and stairs is undertaken, however officers would note that the benefits of the scheme would be notably greater if and when this is achieved.
10. The plans indicate that the ground floor level along the Olympic Way fronting side would be extended outwards towards Olympic Way by 2.65m on the South Western corner and by 6m on the main frontage between the North Western and South Western cores. This will result in a flush western facade for the building at ground level which will still sit 9.5m from the boundary wall and associated stairs/ramp infrastructure on the edge of the site. The remaining floors of the building will retain the existing facade building lines.

#### **New pedestrian thoroughfare between Olympic Way and North End Road**

- 11.** A lack of east-west routes across the Wembley Park area has been identified as a weakness of the district and the principle of establishing an additional route on this axis to improve pedestrian permeability, whilst not required within the site specific allocation, is welcomed. Beyond the existence of the route itself, significant benefits could be brought about through the new active frontage proposed at ground level and the associated amenities, as the proposed B1 floorspace would directly front onto this new route.
12. The new thoroughfare will need to be subject to high quality design, which would clearly function as an inviting and safe pedestrian route but which would also accommodate emergency vehicle access when needed.
13. The plans indicate that a key feature of the pedestrian route would be its positioning within an undercroft of the proposed 15 storey building, which is proposed to sit atop the pedestrian walkway close to the southeastern edge of the site. Subject to good design and a good lighting solution, the undercroft could be a highly attractive feature of the development, rather than something that raises safety and security concerns. A double height undercroft would help to improve the attractiveness and sense of openness of the undercroft. A condition will require that specific details of undercroft treatment and lighting are provided to demonstrate how a high quality environment will be achieved atop the extended building. Indicative drawings and CGIs have clearly shown how the proposed active commercial frontage, shared surface, street landscaping/tree planting, entrance canopy for the residential access and a schedule of lighting could achieve a good quality pedestrian environment in this location.

### **Vertical extension of the building**

#### **Massing**

- 14.** The existing building sits with a 13 storey maximum height (+ plant) with a lower 8 storey part fronting Olympic Way. The proposal seeks to increase the height of the main 13 storey massing to 16 storeys and to remove the plant atop of it. The lower part of the frontage is to be increased from 8 storeys to 13 storeys, and the southern part of this lower frontage (which projects slightly forward) would see a greater increase in height from 8 storeys to 15 storeys. This would result in a U-shaped massing when viewed from the street. When the plant atop the tallest element is taken into account, the proposed building would be about 4 metres taller than the existing building at its highest point. Much of the extension would raise the lower levels of the building up to a height more similar to the current 13 storey component on the north side of the building. The building would therefore have a more uniform height across its width and appear noticeably larger than the existing building but in a way that relates comfortably and remains subservient to much of its surroundings. The building's height would appear comfortable in the context of the emerging growth area in which it sits, which is formed of a number of established and emerging buildings which are notably greater in height than that which is proposed. The site is also designated within the Wembley Area Action Plan as being appropriate for tall buildings.

#### **Protected Views**

- 15.** Wire line drawings indicate how the building would impact on Brent's protected views of the Wembley Stadium Arch. From Barn Hill Open Space, the building would sit directly under the arch, although the building remains of a modest height and does not appear to compete with the arch for prominence nor come close to obscuring any part of the arch from this view. From the Bobby Moore Bridge and the Wembley Park Station steps, the massing of the extension would obscure parts of the northern flank of the Novotel building, however the building line of 1 Olympic Way would not be altered and the building remains sufficiently set back such that it would not obscure the visible extent of the arch. As such, officers are satisfied that relevant protected views would not be detrimentally affected by this proposal.

#### **Façade Treatment**

- 16.** The addition of a large new component to this building has the potential to result in an incoherent façade treatment, with a newer cladding sitting above an older one. The applicants have therefore proposed to re-clad the whole building to establish a coherent uniform appearance for the extended building. The submitted CGIs indicate a light coloured appearance that is proposed for the building's external facades. The CGIs indicate a clear continuation of the building's existing window banding up to a greater height. The additional height and reinforced uniform banding would give the building a slenderer appearance from certain viewing points, such as from the junction of Bridge Road, Forty Lane and Barn Hill (CGI 1).

This would also be enhanced by the loss of the existing visible plant atop the existing building, which is proposed to be removed as part of the proposal in favour of a cleaner, rectilinear finish.

17. The replacement of the existing cladding with a newer similar form will likely improve the appearance of the building although is thought to appear quite stark and basic given the prominence of this location. The applicants have ruled out the use of an alternative external material (e.g. brick slips) on the grounds of it not being viable structurally, however an alternative approach to the cladding in terms of materiality and colour has been put forward. The revised cladding is of M7758 Sandstone colour and has a minimal 15%-30% gloss which would result in a matt finish that would likely appear more natural than the shinier cladding shown within the submitted CGIs. Through means of a condition, the LPA would work with the applicants to agree an acceptable facade treatment and would review samples of this appropriately.
18. Another challenge in creating a uniform appearance for the building relates to the treatment of balconies/terraces within the new flats in the extended part of the building when the existing flats in the floors below are not equipped with balconies (outdoor amenity spaces are not a requirement of residential accommodation approved through permitted development). A solution which utilises winter gardens instead of balconies has been adopted. This would ensure that the proposed flats within the extension can still be provided with external amenity spaces, but in a way which interplays with the below façade effectively.

**New residential block at the south eastern edge of the site**

19. A separate residential block is proposed at the rear of the site, close to the boundary with Olympic House and close to the Wealdstone Brook. The plans indicate that this block would be 15 storeys in height, will sit atop the new pedestrian route along the southern side of the site and would provide solely affordable housing. The 15 storey height is a comfortable addition given the context and sits slightly below the 16 storey high point of the development. Once again, it lies within an area that is designated as appropriate for tall buildings within the Wembley Area Action Plan. The building will read as a coherent part of the existing building when seen from most perspectives and will utilise the same material treatment. The façade arrangement will be changed slightly with separate window openings and a stronger vertical emphasis, this will provide a suitable counterpoint to the horizontal banding seen across the rest of the building and would not erode the appearance of the building as a whole.
20. Unlike the remainder of the development, this part of the proposal is bound by some more acute constraints. The Site Specific Allocation specifies an 8 metre buffer zone, taken from the Wealdstone Brook, within which development is not permitted. This is to ensure that access to the brook is not reduced or cut off by new developments and would be an aspiration shared by the Environment Agency. The applicants have upheld this requirement through the use of a double height undercroft at ground floor level for the new block, which leaves the ground level within the buffer zone of the brook undeveloped (aside from and retains access to land surrounding all edges of the building. It is acknowledged that access to the brook at present is very limited and the creation of a new pedestrian route which intersects with the brook improves the public interaction with this waterway. In addition, the green space to the east of the brook is to be further naturalised and made accessible as communal amenity space for residents. Officers’ acceptance of this approach would be contingent on a high quality public realm being delivered and a condition would require suitable detailing that demonstrates that the new public realm, within an undercroft environment would provide a positive pedestrian environment.
21. The building is located very close to the southern boundary of the site and it is important that none of the accommodation provided has sole habitable room windows facing south towards the neighbouring site at Olympic House, as this could prejudice the ability of the neighbouring site to deliver a scheme that sits close to its northern boundary in the future. The plans confirm that this is the case.

**Unit Mix and Affordable housing**

22. The scheme provides a total of 119 new residential units. 90 of the new units will be in the vertical extension, 3 of the units converted from 8th floor office space and 26 of the new units in the new residential block on the south east side of the site.
23. A summary of the mix is set out below:

Units	Private	London Affordable	London Shared	Total
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		<b>Rent</b>	<b>Ownership</b>	
<b>Studio</b>	16 (18% of pvt tenure)	0 (0% of LAR tenure)	0 (0% of LSO tenure)	16 (13%)
<b>1 bed</b>	54 (61% of pvt tenure)	0 (0% of LAR tenure)	0 (0% of LSO tenure)	54 (45%)
<b>2 bed</b>	0 (0% of pvt tenure)	11 (50% of LAR tenure)	2 (23% of LSO tenure)	13 (11%)
<b>3 bed</b>	18 (21% of pvt tenure)	11 (50% of LAR tenure)	7 (77% of LSO tenure)	36 (30%)
<b>Total</b>	88 (74% of scheme)	22 (18% of scheme)	9 (8% of scheme)	119 (100%)
<b>Total Private: 74% (88/119)</b>		<b>Total Affordable: 26% (31/119) weighted 71% (22) LAR and 29% (9) LSO</b>		

24. The scheme proposes 36 flats as 3 bedroom flats which equates to 30%. Brent's Core Strategy policy CP2 and WEM19 within the WAAP set a target of 25% family sized units (three bedrooms or more) being delivered within the Borough. The proposal exceeds this target,

#### *Affordable housing*

25. The scheme proposes 36% affordable housing measured by habitable room (26% when measured by unit), comprising a total of 31 dwellings out of 119 new residential units. 22 dwellings would be for London Affordable Rent (11 x 2 bedroom units and 11 x 3 bedroom units) and 4 dwellings would be for London Shared Ownership (2 x 2 bedroom units and 2 x 3 bedroom units), comprising all of the development within the new residential block. A further 5 London Shared Ownership dwellings would be provided in the vertical extension (5 x 3 bedroom units), with one flat per floor between levels 7 and 11. The affordable tenure split equates to 71% London Affordable Rent and 29% London Shared Ownership.

26. Adopted DMP policy DMP 15 confirms the Core Strategy target (policy CP2) that 50% of all new homes in the borough will be affordable. The maximum reasonable amount will be sought on sites capable of providing 10 units or more, such as this scheme. 70% of new affordable housing should be social/affordable rented housing and 30% intermediate housing at affordability levels meeting local needs. Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a viability appraisal to demonstrate that schemes are maximising affordable housing output.

27. London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on schemes and that negotiation on sites should take account of their individual circumstances including development viability.

28. A financial viability assessment (FVA) has been submitted with the application and has been assessed by external consultants for robustness. The above offer is agreed as the maximum reasonable amount of affordable housing as financial modelling agreed between the parties sees the development proposal generating a modest surplus for the scheme of approx. £30,000 under these assumptions, far less than the cost of converting an additional private unit to an affordable unit. The tenure split is welcomed and falls closely in line with target 70/30 split specified in Brent's DMP15 policy. Given the overall percentage falling short of policy DMP15's requirements and the small surplus that has been identified, a late stage review is to be applied and secured within the s106 agreement which would require payment of any surplus beyond the agreed reasonable profit level which would be used for the enablement of offsite affordable housing.

29. There would be no separate affordable entrance to the building, with residents of affordable tenures using the same accesses as other residents, and, in the case of the new block, accessing a dedicated core from within the building. This means there will be no 'poor doors' as such within the scheme and is strongly welcomed.

## **Quality of Accommodation**

- 30.** All flats are required to meet the London Plan's minimum space standards internally, as set out in Policy 3.5 of that document. All flats should also achieve a good outlook from all habitable rooms and a high percentage of the flats should achieve dual aspect outlook. Officers welcome the use of cross ventilated dual aspect units along the southern wing of the building, which will address issues which could have potentially arisen as a result of the flats being solely orientated to the north or south. All of the flats meet London Plan space standards and 71 of the flats (60%) will have dual or triple aspect which is considered to be an acceptable amount within this form of development. As a self-contained scheme, the development will generally provide 8 or fewer units per core per floor across the proposed floors, meeting the Mayor's guidelines, however on floor 8, two of the three cores will provide access to 9 units. This slightly exceeds the Mayor's guidance on limiting flats per core in the interests of close community cohesion although one of the 9 unit cores has its main corridor in an outdoor setting which helps to mitigate this shortcoming. Internal daylight and sunlight testing has been carried out which shows a good level of compliance with BRE standards across the development (307 habitable rooms in the development with 246 meeting BRE standards for the average daylight factor (80%)).
31. 10% of the proposed flats are to be provided as wheelchair accessible flats.
32. The development should provide 20sqm of external amenity space per flat and 50sqm of external amenity space for family units (three bedrooms or more), in accordance with the requirements of policy DMP18. The policy recognises that where the above targets can not be delivered solely through private external amenity space, then the use of communal external space can be provided to achieve this target.
33. The approach to setting in the building massing and providing inset balconies on the edges of the building with winter garden style screening as proposed is a logical approach to achieving this, and ensures a coherent appearance with the lower parts of the building which do not have balconies/terraces. All flats proposed include a terrace, with terraces ranging between 5sqm and 12sqm in size and larger terraces being focussed on the flats with larger occupancies. The average private terrace size across the development is 7.4sqm.
34. The proposal includes two communal amenity spaces, one 563sqm podium garden space, which is to be built at first floor level and enclose the ground floor environment below it, and another 1,073sqm to a brook-side space, which sits on the east bank of the Wealdstone Brook across from the development itself. The provided landscaping plan indicates a good landscaped environment for both of these spaces and details of the landscaping will be required through condition. The establishment of space alongside the brook is especially positive and enhances the asset, in line with the aspirations of Brent policy DMP9. The two communal spaces together provide 1,636sqm of communal amenity space for residents and it is confirmed that these communal spaces will be shared with the residents of the 227 flats in the permitted development scheme. This means that the average amenity space provision for the proposed flats, including when sharing the communal spaces with all permitted development flats, will be 12.1sqm. This represents about 61% of the amenity space target set out in Brent's SPD1 guidance and is considered positive given the town centre location.
35. The London Plan calculator calculates that the housing mix (119 units) will accommodate 49.5 children (aged 0-17). On site play spaces for 0-3 and 4-10 year olds would amount to a requirement for 360sqm of on-site play. Given that the podium space is much closer to the flats than the brook-side garden, all of this play space is proposed to be contained within the podium. This will leave 203sqm of general podium amenity space around the edge of the play area. The larger brook-side garden will be a general space and could accommodate play for the 11+ groups. The 11+ groups would also be within close walking distance of public parks, including Elvin Square Gardens, the emerging Quintain delivered Northern

Lawns and Southern Terraces open spaces and Chalkhill Park. Detailed plans of the play space design will be required by condition, as part of the detailed landscaping plan.

36. Given that the applicant is applying just for the 119 additional flats it wouldn't be a reasonable requirement to include the child yield anticipated for the flats delivered under permitted development in play space provisions; however given that these flats are smaller and all on the open market it is unlikely that their child yield would be significant. Officers therefore acknowledge that the play-space will fall short of the requirements for the total user base, but that the benefit of allowing access to the podium for everyone across the building outweighs the drawback of not providing a full play space quantum to address both schemes.

### **Amenity impact**

#### *Privacy*

- 37.** The site borders Olympic Way to the west, North End Road to the north and east and 3 Olympic Way (Olympic House) and associated pedestrian route separating these sites to the south. Since this proposal is for a vertical extension of an existing residential building, the proposal will not introduce windows in any new locations, instead new windows will only be introduced at greater heights. The exception to this is the new block being introduced to the south east of the existing building, which will introduce windows in a new location close to the rear of the site. The tower will introduce windows to the north and east, albeit at significant distances from other neighbouring sites. The closest site to the new east facing windows would be Danes Court, whose front garden area would sit more than 35m from these windows. A sensitive relationship exists with 3 Olympic Way; whose boundary the new tower element will sit along. However, there are no windows proposed in this façade and this site will therefore not be relied on for outlook. The 3 Olympic Way site is therefore not considered to be compromised in terms of its potential to be redeveloped. The development will sit 9m from the boundary with 3 Olympic Way to the south, and facing habitable windows will have outlook here. The 9m separation accords with SPD1 guidance for an appropriate separation to mitigate privacy issues. In addition, the lower floors, which have prior approval for residential use, already establish this relationship at the same distance.

#### *Daylight and Sunlight*

38. The Impact of the proposal on daylight and sunlight has been considered by the applicant. The following properties were considered for impact:

- Shams Court
- 3 Olympic Way (Olympic House)
- Felda House
- 1-32 Danes Court
- Victoria Hall

**39. Shams Court**

- This is a residential buildings whose north elevation faces towards the site from the south. However, the north facing windows serve either communal flat access corridors, bathrooms or habitable rooms with a shared southern aspect. As such, limited weight is given to the results of daylight/sunlight testing at this property.
- 34 windows were tested and 8 passed the VSC requirements – the failed ones are spread across the floors. Of the 26 that do not pass, 18 achieve a marginal result between 0.7 and 0.8 times the former VSC value where 0.8 is the target for meeting VSC. This means that 9 windows out of 34 (26%) do not meet the VSC to a material extent. The lowest value is 0.62 times the former VSC.
- No windows within 90 degrees due south and do not require APSH testing.
- 3 rooms in the property do not meet NSL/DD testing, but they all have a score of 0.71 which is only a small margin short of the 0.8 target.
- There are no gardens or amenity spaces located north of the development proposal and thus no

further imposition of overshadowing to garden spaces.

#### 40. **3 Olympic Way (Olympic House)**

- This building is an office building which is currently vacant. The building does benefit from an office to residential prior approval consent (17/3789) and as such may in the future have a residential use in its current form, although there is no existing standard of accommodation that is experienced at the property which would warrant consideration. It is understood that a more comprehensive re-development of this site involving demolition and rebuilding is likely.
- The applicants have still carried out a BRE assessment for this building as if it were a residential building. However, given the above observations, officers would afford more limited weight to this given the vacant office status of the building. The BRE assessment is included below for completeness.
- 79 windows were tested for impact and 35 passed VSC testing (44%) leaving 44 which did not pass. 6 of the windows that did not pass only fell marginally short, with a result between 0.7 and 0.8 times the former value. 6 further windows which did not pass serve rooms which have four windows, meaning that the internal daylight will likely be acceptable. This means that 32 of the 79 tested windows (40.5%) do not pass the VSC testing. The lowest value is 0.23 times the former VSC value and this window serves one of four windows to a habitable room.
- This building saw full compliance with BRE in terms of APSH testing.
- 22 rooms do not pass NSL/DD testing, with 2 of those rooms only seeing a marginal failure to do so, with a result of 0.73 times the former value.

#### 41. **Felda House**

- This is a student accommodation block within close proximity to the south east of the development.
- 181 windows were tested for impact and 171 passed VSC testing (94%) leaving 10 (6%) which did not pass. All of those which did not pass achieve a result of no less than 0.77 times the former value, indicating that the shortness of standard is marginal versus the target (0.8).
- APSH testing was not required as windows within Felda House are not within 90 degrees due south of the development proposal.
- 22 rooms do not pass NSL/DD testing, with 2 of these rooms achieving a value of no less than 0.7, within the marginal range.

- **1-32 Danes Court**

**42.** This is a lower scale residential context to the east and has the potential to be one of the more sensitively affected buildings.

- 43 windows were tested for impact and 34 passed VSC testing (79%) leaving 9 (21%) which did not pass. All of those which did not pass achieve a result of no less than 0.77 times the former value, which is considered to be marginal compared to the benchmark.
- APSH testing found that 6 windows to Danes Court would fall short of the benchmark Annual Probable Sunlight Hours.
- With regard to NSL/DD testing, full compliance is reported for this property.
- No gardens will be overshadowed unduly (i.e. all will retain at least 2 hours of daylight across 50% or more of their extents based on sunlight received on 21<sup>st</sup> March).

- **Victoria Hall**

**43.** This is a student accommodation block nearby to the north east of the development.

- 290 windows were tested for impact and 235 passed VSC testing (81%) leaving 55 (19%) which did not pass. All of the windows which did not pass serve rooms between ground and third floor, with all other windows passing. These windows which do not pass are considered to be very marginal in

terms of non-compliance, given that their ratio with the existing scenario is at least 0.75 times the former VSC value in the majority of cases, with the exception of 2 windows at 0.2 times their former value.

- Full compliance is achieved under APSH testing.
- NSL/DD testing saw 171 rooms tested for compliance and 131 (77%) passed NSL/DD testing with the other 40 (23%) falling short. 15 out of the 40 rooms which did not pass achieved a result of at least 0.7, considered marginal against the benchmark, leaving 25 which fall short more noticeably.
- Overall, given the urban setting of the site and the surroundings, and in knowledge that the BRE guidelines are accepted as a benchmark for low density environments and which warrant flexibility and judgement, especially in the context of dense town centre environments, the daylight and sunlight impact modelled is considered to be acceptable given the benefits of the proposal.

### **Highways considerations**

**44.** The existing vehicular access to the site is from North End Lane (with additional vehicle access for emergency vehicles only from Olympic Way), with pedestrian access from both Olympic Way and North End Lane. These arrangements will continue as part of this application. Fulton Road and North End Road are local commercial access roads with no waiting or loading at any time along most of Fulton Road and North End Road. The site lies within the Wembley Event Day zone whereby parking is restricted to permit holders only on Stadium event days. The site has excellent access to public transport services (PTAL 6a), with Wembley Park (Metropolitan and Jubilee lines) station nearby and 6 bus routes within walking distance.

#### *Car parking*

**45.** The maximum car parking standards for this development are set out in policy WEM15 of the Wembley Area Action Plan (2015). Given the high local PTAL, 1-2 bed units are allowed 0.4 spaces each and 3 bed units are allowed 0.6 spaces each. When combining both the current scheme and the prior approval scheme, 145 car parking spaces would represent the maximum standard. Another core component of policy WEM15 is that the Council will promote minimal car parking where it can be associated with good public transport accessibility. Given the very close proximity of bus routes and Wembley Park Station, a significant reduction levels of car parking for this site would be encouraged (provision of disabled parking spaces only). However, consideration also needs to be given to any potential impact of overspill parking. To address this, the scheme will be subject to applying a parking permit restriction on all units within the development (as has already been secured for the prior approval scheme). This will be secured within the legal agreement and will cover both the existing Wembley Event Day Parking Zone in addition to any future all year CPZ being introduced in the area. A CPZ on North End Road is soon to be implemented and has been fully funded (including its consultation process) through other development. As such, a financial contribution towards CPZ expansion cannot reasonably be sought in this instance.

**46.** The Draft London Plan sets out a requirement for car free developments to still provide between 3% and 10% of units with a car parking space for the use of blue badge holders. Eleven disabled car parking spaces for residential use are proposed along the east-west route, at the south side of the site. 5 are to be located close to the entrance to the route from North End Road, 2 are to be located on the north side of the route within the proposed undercroft, by the entrance to the south east residential core and 4 are to be located on the south side of the route directly across from the commercial unit frontage. These spaces will be sufficiently clear of the centre of the route so as not to contravene ease of deliveries and refuse collection and are minimal in number, meaning that the route would largely retain the feeling of pedestrian priority. A shared surface for cars and pedestrians is envisaged for this route and a condition will ensure that details of the route are submitted ahead of completion. The 11 spaces would represent parking provision for 3.2% of the flats across both the permitted development scheme and the proposed scheme and therefore accord with draft London Plan standards, which sets a minimum level of disabled parking at 3%.

**47.** The previous prior approval scheme and its non-material amendment approved under 19/1721 was approved with 13 disabled car parking spaces. In the context of the 227 flats proposed through the prior approval process this represented a 5.7% parking provision, also in line with the Draft London Plan guidance of between 3% and 10% disabled parking. Therefore, whilst disabled parking levels have

reduced overall compared to the prior approval consent at this site, the proposal still meets relevant London Plan requirements. The approach to reasonably minimising onsite parking is welcomed given officers' desires to see the east-west route along which the parking is to be located as a route which encourages and prioritises pedestrian use.

### *Cycle Parking*

48. With regard to cycle parking, the draft London Plan would require 198 long term cycle parking spaces, which, when added to the existing provision of 260 (for the permitted development flats) would equate to 458 spaces in total. Provision of the full cycle parking draft standards (458) has been provided which is positive and this is all to occupy a significant part of the ground floor of the development, underneath the podium space. The layout of the cycle storage area is considered to be acceptable by Brent's highways officers, however TfL have requested a condition for more detail to be submitted prior to occupation to confirm spacings and circulation in accordance with LCDS standards, which will form part of the consent. 17 of the bike spaces are accessible spaces and located within a separate room for this purpose with spacious individual storage areas. An additional 12 Sheffield stands are proposed as short stay cycle parking, located outside the western frontage of the building, close to the boundary with Olympic Way. 10 of these spaces are allocated for uses associated with the residential component and 2 of these spaces are allocated for uses associated with the commercial component. Finally, 16 long stay spaces for the commercial uses are provided in a separate store close to the rear of the B1 unit. The residential cycle parking will be accessible to the residents of the permitted development flats and the proposed flats. A parking design and management plan has been requested by the GLA for submission by condition.

### *Vehicular Movement, Refuse and Servicing*

49. The proposal indicates that refuse and delivery/servicing vehicles would travel into the site from North End Road and would have an internal stationing area alongside the main bin store. The commercial floor space could also be serviced from this stationing area and suitable turning space is shown to ensure these vehicles can egress back on to North End Road in a forward gear. The delivery/servicing/refuse vehicles would only use a small extent of the east-west route, which is largely intended as a pedestrian link; the majority of this route would remain car free for most of the time. The east-west route is to remain a pedestrian route at all times, with the exception of refuse / servicing vehicles and disabled users (such vehicles can access and egress the route from North End Road) and emergency vehicles (such vehicles can access and egress the route from both North End Road and Olympic Way). A condition will require that no vehicular access is to be made possible from/to Olympic Way, except for emergency vehicles. A schedule of enhancements to this route will be required by condition, in terms of establishing a suitable schedule of landscaping and resurfacing for the route.

50. The main refuse store is large enough to meet requirements for all residents in the block and a separate bin holding area is to be provided at the base of the building's north core to ensure that residents in the northern part of the building do not have to walk more than 30m to deposit their refuse. Management arrangements will ensure that the refuse held at the northern core is moved to the main bin store in time for collections and this can be firmed up through a refuse management plan. The applicants have confirmed that refuse collections will be privately arranged. A refuse management plan will be required by condition and the terms of the private refuse collection arrangement will need to be agreed and secured through a Section 106 obligation. In the event that a private refuse collection is not appropriate for the affordable flats, a separate bin store which is adjacent to the refuse vehicle loading bay already forms part of the proposal, housing appropriate refuse storage space for the affordable units. The entirety of the refuse store for affordable units is well within 10m of the stationing area for refuse collection vehicles and would meet the requirements for the Council's refuse service collections.

51. A delivery and servicing plan has been submitted up front but relates to the previous version of the scheme (without ground floor commercial). As such, a revised delivery and servicing plan is to be required and approved through condition.

52. A construction logistics plan has been requested for submission by the GLA and will be secured by condition.

### *Travel Plan*

53. A Travel Plan has been submitted, however, some of it references 92 car parking spaces which are no longer proposed. It intends to carry out TRICS compliant travel plan monitoring in years 1, 3 & 5, which is acceptable. It also has acceptable targets for car drivers, although it is considered that both walking and cycling targets are too low. A commitment to improve the travel plan and to then implement it will be secured in the s106, as is often a standard requirement.
54. A car club operation will need to form part of the travel plan arrangements. Given the close proximity to existing car club bays (notably in Brent Civic Centre), funding of membership of residents for three years will be required but it may not be necessary for additional bays to be provided. If the car club confirms that an additional bay is not needed then membership funding will be the only obligation in relation to this. This will form part of the s106.

#### *Trip Generation, Modal Split and Highways Impact*

55. The applicant has carried out trip generation and modal split forecasting within their Transport Assessment which has been agreed as appropriate by TfL. The Transport Assessment indicates that the development will generate 28 additional tube journeys in the AM peak and 26 additional tube journeys in the PM peak, 8 additional rail journeys in the AM peak and 7 additional rail journeys in the PM peak and 11 additional local bus journeys in the AM peak and 10 additional local bus journeys in the PM peak. Given the car free nature of the scheme, it is not anticipated that any additional car movements will be experienced during the AM or PM peaks.
56. TfL have confirmed that they consider the net trip generation on the tube and bus networks to be too small to justify the payment of contributions to improving bus or tube capacity in this case.

#### **Sustainability and Energy**

**57.** An energy statement confirms the sustainability strategy for the proposal, in line with the Mayor's be lean, be clean, be green strategy set out in Policy 5.2 of the London Plan. The roof extension and new block have been treated separately for the purposes of this assessment, given the very different nature of the proposals. The three stages for each have been addressed as follows:

##### 58. *Be Lean*

The energy demand and efficiency has been reduced through improving insulation to external walls, doors and floors. The overall saving is:

-1% saving (1 tonne of CO2 per annum)

##### 59. *Be Clean*

Heat Pumps are proposed as a low carbon technology to combined space and water heating This results in a substantial saving as follows:

- 59% saving (68 tonnes of CO2 per annum)

##### 60. *Be Green*

PV panels have been deemed viable for inclusion and an array has been proposed across the majority of the roofscape of the development for maximisation of savings. This achieves the following savings:

- 20% saving (23 tonnes of CO2 per annum)

##### 61. *Cumulative*

Combining the three stages, savings are as follows:

- Be lean: (1 tonne saving per annum, 1%) - 1% total improvement on building regulations target
- Be clean: (68 tonnes saving per annum, 59%) - 60% total improvement on building regulations target
- Be green: (23 tonnes saving per annum, 20%) - 80% total improvement on building regulations target

62. London Plan policy 5.2 requires a 35% reduction in the emissions standard required through Part L of the building regulations. A substantial reduction of 80%, far in excess of the policy requirement has been achieved. It is also acknowledged that the use of PV panels has been evidently maximised, with most rooftop space utilised for this purpose.

63. The second stage of applying LP policy 5.2 is ensuring that all of the remaining carbon following

reduction is financially offset. The policy stipulates a carbon offsetting amount of £60 per tonne of carbon dioxide per year, covering a 30-year period. In the context of the remaining carbon emissions following 80% reduction, a payment of circa £42,000 would be required for this purpose and a s106 obligation will secure this.

64. Policy CP19 of Brent's core strategy stipulates a requirement for all major non-residential floorspace (where the cumulative non-residential floorspace exceeds 1000sqm) to achieve a BREEAM rating of 'Excellent'. The commercial floorspace falls below 1000sqm and is not subject to this requirement.

### **Drainage and Flooding**

65. The applicants have submitted a report outlining the strategy for the development in respect of surface water and foul drainage. The foul drainage strategy proposes to use the existing connections to the public foul sewer at 1 Olympic Way and it is noted that sufficient capacity is in the system for this to be achieved, with reductions in discharge proposed through the development. The surface water drainage strategy will achieve a reduction in surface water run-off rates on the site from 137.7 litres per second to 9.6 litres per second for an equivalent storm event. The reduction in run off rate is to be achieved through SuDS measures, namely through a stormwater attenuation tank with volume of 330 cubic metres to allow for an extreme storm event + 40% allowance for climate change and through the use of permeable paving. The details of this report will be secured through condition.
66. A flood risk assessment has also been submitted and reports that, subject to appropriate mitigation (including warning procedures), the proposed development is considered to have suitably managed flood risk for the lifetime of its development. The report notes that the existing building and proposed block are located in flood zone 2, there are no historic records of fluvial flooding on the site, there are no residential units on ground level and that safe refuge would be available on all proposed residential floors on the site with safe access/egress possible from the west of the site in the event of a flood event. The details of this report will be secured through condition.
67. Thames Water and Brent's Local Lead Flood Authority have reviewed these strategies and do not raise objections to them, confirming compliance with policies 5.12 and SI.12 in the London Plan. The GLA also agrees with this in respect of flood risk although has requested further information regarding consideration of the drainage hierarchy in confirming that these policy requirements have been met in respect of the drainage strategy. This will be addressed by the applicant in advance of a Stage 2 referral.
68. A condition will require that required water consumption targets are met within the new development.
69. The Environment Agency (EA) has reviewed the proposal in depth, particularly given that the proposed block's undercroft would be constructed within 8m of the Wealdstone Brook culvert. The EA supports the scheme subject to conditions requiring the submission of:
70. A baseline structural survey of the brook culvert and, if necessary, an associated schedule of repair works should the survey report that the culvert's condition would not be structurally sound for the lifetime of the development.
- A verification structural survey within six months of completion of the works and a requirement to carry out repairs where the structural integrity of the culvert has been compromised.
  - A landscaping management plan showing landscaping improvements within the 8m wide buffer zone alongside the brook, details of its management and other details such as footpaths, fencing and lighting.
- The EA has also provided guidance notes for the applicant, including advisory notes in relation to Water Framework Directive improvements that could be made to the brook and in relation to the need to apply for a Flood Risk Activity Permit from the EA. Informatives will advise the applicant of this accordingly.

### **Noise Impact**

71. The applicant has submitted a noise impact assessment which has identified suitable mitigation for the residences in terms of glazing and ventilation based on noise conditions in the local environment. The noise level readings that informed this mitigation were taken when a football match was on at Wembley Stadium, representing among the greatest noise levels that are likely to be experienced in this environment. Based on these noise levels, it was reported that a robust glazing specification will ensure

all internal flats will experience an internal noise environment which accords with relevant British Standards (BS8233).

72. Brent's Regulatory Services have reviewed this assessment and agree with its methodology. A query has been raised in relation to whether the testing would take into account the noise environment that would be experienced during times when music concert events are on at the Stadium. A condition will require that, prior to occupation, the noise impact assessment is revised to take into account this scenario and to update any mitigation recommendations accordingly. The condition will also secure the mitigation and require it to be implemented prior to occupation and maintained thereafter.

### **Construction Management**

73. A construction management plan has been submitted however this reflects proposals for an earlier iteration of the scheme which did not include the ground floor infill and the creation of a podium garden. Given the significant implications that this change to the scheme could have from a construction management perspective, a condition will require that details of construction are resubmitted and approved at a later date. The plan will need to account for the control of dust, noise and other environmental impacts of the development.

### **Air Quality**

74. The applicant has submitted an air quality assessment which sets out the predicted impact of the development with regard to this aspect. There is no anticipated change to current traffic flows as a result of the development and therefore air pollutant concentrations are not expected to worsen. This indicates an 'air quality neutral' impact, complying with the Mayor's guidance. The development, whilst not utilising low carbon technologies such as combined heat and power or air source heat pumps, will use CSH/BREEAM Ultra-Low NOx gas boilers to serve each flat.
75. Brent's Regulatory Services have reviewed the assessment and agree with the methodology. A condition is recommended securing the maximum emission rates of boilers, to ensure that the air quality objectives are delivered as proposed.
76. Given that the air quality report was submitted with the original version of this scheme (i.e. no ground floor commercial uses proposed), a separate condition will require that this report is updated to account for any change in the air quality implications, the revised energy strategy and to ensure that the development has an appropriate air quality neutral strategy as required in the London Plan. This will need to include details of any relevant additional mitigation to meet standards and for these details to be approved by the LPA in consultation with Brent's Regulatory Services officers.
77. Separate from the air quality assessment, a condition will ensure that non-road mobile machinery complies with emissions standards so as to further limit the development's environmental and air quality impact.

### **Contaminated Land**

70. A contamination assessment has been submitted. The assessment found contamination to be an issue of minimal importance given that the proposal was for upper floor accommodation only at the point of submission. The proposal now includes the creation of ground floor commercial space and will involve digging into the soil below the site to a much greater extent. As such, a revised contamination study should be submitted and a condition will require that this is carried out and that any remediation required by the LPA is carried out and confirmed through an additional condition.

### **Ecology and Trees**

78. The applicants submitted a preliminary ecological assessment at the point of submission. The report establishes the existing ecological value of the site and sets out a strategy for protecting and enhancing existing biodiversity on site. Statutorily protected species (including badgers, bats, nesting birds, great crested newts and reptiles) were found to have negligible potential of being present on site (or low in the case of breeding birds). In addition, the Wealdstone Brook was identified as a non-statutory site of ecological value, being important as a possible bat commuting or foraging route.
79. The Wealdstone Brook passes through the site to the rear and this particular section is notable in that the banks are vegetated with semi-improved grassland. No aquatic vegetation was noted. There are also

some trees on site, including Birch at the front of the site and shrubbery and Ash trees at the rear of the site, close to the boundary with North End Road.

80. Overall, site observations lead to a consideration that the development will not be of detriment to any statutory protected habitat. Biodiversity enhancements have been suggested including additional native planting of shrubs and trees close to the brook, provision of at least 3 nest boxes suitable for sparrows, away from windows and doors and facing vegetation and the provision of bat bricks within suitable locations within the fabric of the new building. These ecological enhancements will be secured through condition.
81. Brent's tree officer notes that no trees are intended to be removed as part of this development and that inter-planting between the existing trees is proposed to the rear of the building. This proposal is welcomed and will help to enhance the biodiversity and general amenity offer of the site. The tree officer requests a full tree report of the site in accordance with BS5837, including a tree impact assessment as well as a schedule of planting and landscaping proposals. As a result, two conditions, one relating to the tree survey and impact and another relating to the detailed landscaping proposals, will form part of the consent.

### **External Lighting**

82. A detailed plan of the proposed lighting has been submitted. This plan reflects the scenario of the original submission (i.e. no ground floor uses). Given the significant change to the scheme, a condition will require a revised external lighting plan to be submitted, with particular detail shown within the undercroft area, close to the North End Road end of the new east-west route, in the interests of establishing an inviting and safe environment in this location.

### **Wind and Microclimate**

83. A wind and microclimate report has been submitted. Two different analyses have been carried out, part 1 has looked at local wind data statistical analysis and part two has performed a wind microclimate model of the site against which the local wind data can be modelled. The results of the testing have found some areas of higher wind velocities which are proposed to be mitigated through new landscaping. Proposals for new trees planting will wind velocities and thus the wind impact on the building.
84. The results of the testing and associated mitigating landscaping result in a development that is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrians) and that the development does not introduce any critical impact on the surrounding areas and on the existing buildings.

### **Safety and Security**

85. The scheme has been designed to respond to safety and security guidance and has been reviewed and commented on by a counter terrorism advisor within the Metropolitan Police. It is understood that, in the interests of designing out the potential for crime, one of the recommendations from the Metropolitan Police has been to prevent the new route along the south side of the development from being publically accessible. However, officers would resist this suggestion, noting that this link already exists (although is unattractive for use and within private land) and that the WAAP strongly seeks the establishment of more public east-west routes within Wembley Park. This existing route between the two sites has the strong potential to be improved by this development and to become a welcoming and safe route with a largely active commercial frontage being provided which could be further enhanced through an appropriate scheme of lighting, clear definition, fob control access for the residential entrance and video intercom systems.
86. Conditions will require that clear details of improvements to the pedestrian route shall be submitted to and approved in writing by the Local Planning Authority. Another condition will require that details of proposed counter-terrorism measures are submitted to and approved by Brent, in consultation with the Metropolitan Police.

### **Television and Radio Reception Impact**

87. The applicant has submitted an assessment which has looked at the impact to Digital Terrestrial Television, Digital Satellite Television and VHF(FM) Radio. The study confirms that no interference with these signals is expected and thus no mitigation is required to retain the broadcast quality of these

services.

## **Conclusion**

88. Officers consider that the development should be supported, subject to all planning obligations identified in the above discussions. The proposal accords with the development plan having regard to all material planning considerations.

89. Approval of the scheme is therefore recommended.

## **Equalities**

90. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

## **CIL DETAILS**

This application is liable to pay **£3,889,691.52** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 11434 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Businesses and offices	1059		1059	£40.00	£0.00	£63,540.00	£0.00
(Brent) Dwelling houses	10375		10375	£200.00	£0.00	£3,112,500.00	£0.00
(Mayoral) Businesses and offices	1059		1059	£0.00	£60.00	£0.00	£66,097.34
(Mayoral) Dwelling houses	10375		10375	£0.00	£60.00	£0.00	£647,554.18

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	336	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£3,176,040.00</b>	<b>£713,651.52</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.





Application No: 19/0395

To: Mr Tarzey  
Pegasus Group  
10 Albemarle Street  
London  
W1S 4HH

I refer to your application dated **04/02/2019** proposing the following:

Erection of upto 7 storey roof top extension to the existing building to create 90 flats; erection of a rear extension to existing building to create a new 15 storey block (including a 2 storey under-croft for vehicular and pedestrian access) to create 26 flats, conversion of existing 8th floor office space to create 3 flats, creating a total of 119 self-contained flats; infilling of ground floor undercroft of existing building to form new ground floor uses comprising retail floorspace (A1, A3, A4) and office floorspace (B1), creation of first floor podium above existing car parking space to provide a landscaped amenity space for residents with associated cycle and refuse storage, creation of public access alongside Wealdstone Brook and refurbishment of existing building facades to No. 1 Olympic Way (including replacement of windows)  
(Revised description)

and accompanied by plans or documents listed here:  
Refer to condition 2.

at **1 Olympic Way, Wembley, HA9 0NP**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/12/2019

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG



## SUMMARY OF REASONS FOR APPROVAL

- 1 The development is in general accordance with the following policy and guidance documents:

National Planning Policy Framework (2018)  
London Plan consolidate with alterations since 2011 (2016)  
Draft London Plan (2017)  
Wembley Area Action Plan (2015)  
Development Management Policies (2016)  
Core Strategy (2010)  
SPD1 - Design Guide for New Development (2018)

- 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):

Unnumbered Location Plan

S00 – Existing Block Plan  
S01 – Existing Ground Floor  
S02 – Existing First to Fifth Floor  
S03 – Existing Sixth to Seventh Floor  
S04 – Existing Eighth to Twelfth Floor  
S05 – Existing Thirteenth Floor and Roof  
S10 – Existing Elevation 1 & 1A  
S11 – Existing Elevation 2 & 3  
S12 – Existing Elevation 4 & 5  
S20 – Existing Sections

P00 – Proposed Block Plan  
P01 Rev F – Proposed Ground Floor  
P02 Rev C – Proposed First to Fifth Floor  
P03 Rev B – Proposed Sixth to Seventh Floor  
P04 Rev B – Proposed Eighth Floor  
P05 – Proposed Twelfth to Thirteenth Floor  
P06 – Proposed Fourteenth to Fifteenth Floor  
P07 – Proposed Roof  
P10 Rev C – Proposed Elevation 1 & 1A  
P11 Rev B – Proposed Elevation 2 & 3  
P12 Rev B – Proposed Elevation 4 & 5, 6, 7, 8, 9  
P13 Rev C – Proposed Street Elevation  
P20 Rev A – Proposed Sections

100 P11 (Black & White) – Landscape Layout (B&W)  
100 P11 (Colour) – Landscape Layout (Colour)  
700 P06 – Landscape Cross Section

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

- 3 The pedestrian route between the building on the site and the southern boundary of the site

shall remain unobstructed and publically accessible for pedestrians at all times for at least 364 (three hundred and sixty-four) days per calendar year, except during discrete temporary periods of footway maintenance.

Reason: To ensure the development improves local pedestrian permeability for the benefit of local residents and visitors.

- 4 With the exception of emergency vehicles, there shall be no means of vehicular access between Olympic Way and the pedestrian route between the building on the site and the southern boundary of the site.

Reason: To ensure that the pedestrianised environment along Olympic Way is retained.

- 5 The development hereby approved should be built so that 90% of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 10% of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ with the exception of the relevant disabled car parking spaces which shall provide a 1200mm space on one side of the parking space.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8

- 6 The 11 disabled car parking spaces and residential and commercial refuse stores shown on Plan P01 Rev E shall be provided and made available prior to the first occupation of the development hereby approved. These provisions shall thereafter be maintained for the lifetime of the development.

Reason: To ensure that the development complies with parking and refuse requirements.

- 7 The development hereby approved shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 8 A communal television aerial and satellite dish system shall be provided, linking to all residential units within the development unless otherwise agreed in writing by the local planning authority. No further television aerial or satellite dishes shall be erected on the premises.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- 9 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 10 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA’s supplementary planning guidance “Control of Dust and Emissions During Construction and Demolition” dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall

be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14.

- 11 Unless alternative details are first approved in writing by the Local Planning Authority, the details of mitigation identified within the submitted wind and microclimate modelling report (prepared by B-Fluid Ltd, dated February 2019) shall be fully implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the development mitigates microclimate impact.

- 12 Unless alternative details are first approved in writing by the Local Planning Authority, the biodiversity enhancements identified in section 7.13 of the submitted Preliminary Ecological Assessment (prepared by Green Shoots Ecology, dated February 2019) shall be implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure that the development enhances local ecology and biodiversity.

- 13 Unless alternative details are first agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the mitigation measures set out in the Flood Risk Assessment (prepared by Ambient Environmental Assessment, dated January 2019) and in the Foul and Surface Water Drainage Strategy (prepared by Barrett Mahony Consulting Engineers, dated January 2019) ref: 18727-RP-01.

Reason: To ensure that the development appropriate mitigates drainage and flood risk.

- 14 Prior to commencement of the development hereby approved, a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved construction logistics plan.

Reason: To ensure the development is constructed in an acceptable manner.

Pre-commencement Reason: The condition relates to details of construction, which need to be known before commencement of that construction.

- 15 Prior to the commencement of the development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall outline measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works. All agreed actions shall be carried out in full.

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

Pre-commencement Reason: The details relate to construction and therefore must be agreed prior to commencement of that construction.

- 16 Notwithstanding the details of the submitted air quality assessment (prepared by Aether, dated January 2019) Ref: AQ\_assessment/2019/Olympic Way, prior to the commencement of the development, an updated report shall be submitted outlining any changes to the air quality assessment, compliance with Air Quality Neutral criteria and any necessary additional mitigation measures that arise as a result of the revisions to the scheme, including the addition of commercial ground floor space and podium garden.

The development shall thereafter be implemented in accordance with the approved details.

Reason: to ensure an acceptable impact from the development.

Pre-commencement Reason: The air quality impact of the development could be impacted during construction and details should therefore be known up front.

- 17 Prior to commencement of the development hereby approved, a BS8537 Tree Survey and Impact Assessment for the site shall be submitted to and approved in writing by the Local Planning Authority. Any tree protection and/or mitigation measures identified within the report shall be adhered to in full throughout the development.

Reason: To ensure that existing trees can be retained or mitigated where it is shown that their retention is unviable.

Pre-commencement Reason: The impact assessment will look to assess impact caused during construction and will therefore need to be addressed prior to commencement.

- 18 a) No development shall take place until a structural survey of the culvert has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The structural survey should provide details on the current condition of the culvert in order to provide a baseline prior to the commencement of works. If the findings of the survey demonstrate the culvert condition is not sufficient to last the lifetime of the development, a scheme of repair works should be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency, demonstrating how the culvert will be repaired to a suitable standard prior to the commencement of works. The scheme shall then be implemented as agreed prior to commencement of works.

b) Within 6 months of the completion of works, a second structural survey shall be carried out, the findings of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. Any identified damage to, or deterioration in condition of, the culvert shall, within 12 months of the completion of works, be repaired to, at a minimum, the condition of the culvert as identified in the initial structural survey or to a sufficient standard to last the lifetime of the development, whichever is higher.

Reason: To protect the structural integrity of the existing culvert thereby ensuring the development does unacceptably increase the risk of flooding. In addition, this will ensure the culvert is safe for the lifetime of the development, as well as provide a baseline for, and ensure the completion of, any necessary repairs.

Pre-commencement Reason: To ensure that the proposed development does not commence without posing an unacceptable flood risk to future site residents/users and the local area.

- 19 a) Prior to the commencement of the development (excluding demolition), 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 the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. Vapour monitoring shall be undertaken as part of the assessment.

b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required). The remediation works shall be carried out in full prior to first occupation of the development hereby approved.

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

- 20 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing above ground level. 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.

- 21 Details of any proposed counter-terrorism measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police within three months of the commencement of the development and the approved details shall be implemented in full prior to completion of the development hereby approved.

Reason: To ensure that the development accords with Policy 7.13 of the London Plan

- 22 Within six months of the commencement of the development, details of landscaping improvements, external lighting, surfacing materials and details of retractable bollards at the western end to be used along the east-west route between the building on site and the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate a safe and high quality environment along the route, including within the undercroft area. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure a safe and inviting environment is established along the new pedestrian route forming part of the proposal.

- 23 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall identify all plant species, densities of planting as well as species and soil densities for all proposed trees. The submitted scheme shall also show detailed plans of the podium play space.

The approved landscaping shall be completed prior to first occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- 24 In the event that one or more of the commercial units within red lines and annotated as 'Retail' on approved plan P01 Rev E are occupied by a business that makes use of a commercial kitchen, details of the extract ventilation system and odour control equipment for the commercial kitchen, including all details of any external or internal ducting, must be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of any use of the commercial kitchen. The development shall thereafter be operated at all times during the operating hours of the use and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents

- 25 Within six months of commencement of development, details of any external lighting shall be

submitted to and approved in writing by the Local Planning Authority prior the installation of the lighting. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not unduly spill onto the Wealdstone Brook. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area.

- 26 Notwithstanding the details hereby approved, further details of the ground floor cycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential component of the development. The details shall show an acceptable level of compliance with London Cycling Design Standards (LCDS).

The approved details shall thereafter be implemented prior to first occupation of the residential component of the development and thereafter maintained for the lifetime of the development.

Reason: To ensure the development is fit for purpose and is suitably encouraging of sustainable transport modes.

- 27 Prior to occupation of the development hereby approved, a parking design and management plan be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved parking design and management plan.

Reason: To ensure the development provides a safe and efficient environment in respect of pedestrian and vehicular movement across and within the site.

- 28 Prior to occupation of the development hereby approved, a refuse management plan be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved refuse management plan

Reason: To ensure the development provides suitable waste facilities.

- 29 Prior to occupation of the development hereby approved, a delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved delivery and servicing plan.

Reason: To ensure the development provides a safe and efficient environment in respect of the interplay between pedestrians and delivery/servicing vehicles.

- 30 Prior to the commencement of the residential use hereby approved, the applicant shall submit to and have approved in writing by the Local Planning Authority details of all domestic boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NOx) do not exceed 30 mg/kWh.

Reason: To protect local air quality.

- 31 Notwithstanding the details hereby approved, the noise impact assessment (prepared by KP Acoustics, dated January 2019) ref: 18402.NIA.02 Rev A shall be updated to consider the implications of noise impact when music concerts are taking place at Wembley Stadium. The updated noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.

All of the mitigation measures set out within the original version of this report, as well as any additional measures set out within the revised approved report, shall be implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure the development appropriately mitigates noise impact for future residents.

- 32 Within six months of the commencement of the development, a scheme for the provision and management of the 8 metre wide buffer zone alongside the Wealdstone Brook shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority in consultation with the Environment Agency where relevant.

Aside from the structural works relating to the new residential block at the rear, the buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include, but not be limited to:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example demonstrating native species)
- details demonstrating how the buffer zone will be managed after the development has come into use
- details of any proposed footpaths, fencing, lighting, etc.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This Condition is required to ensure the protection of wildlife and supporting habitat, and to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and Policy DMP 9 of the London Borough of Brent Local Plan November 2016.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The Environment Agency advises the applicant of the following:

### Water Framework Directive (WFD) mitigation

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. We have concerns regarding the proposal's ecological impact as the development will extend the lifespan of the existing building and reduce future opportunities for opening up the culvert. This may prevent a water body quality element from attaining good status or potential in the Wealdstone Brook. We recommend the applicant completes a WFD assessment

This can be mitigated for through the implementation of WFD actions specific to this stretch of the Wealdstone Brook, with one such action being to improve fish passage downstream from

Woodcock Park. The weir immediately downstream of the culvert does fall within the red-line boundary of the development and has been identified as an impounding structure. Consideration should be given for the weir to be modified or removed to provide improved fish passage.

#### Surface water misconnections

There are additional WFD actions to investigate and rectify surface water misconnections into the Wealdstone Brook. We advise the applicant ensures as part of this development that any such misconnections located within the site are identified and rectified prior to the development coming into use.

#### Flood Risk Activity Permit

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Wealdstone Brook, designated as a 'main river'. Details of lower risk activities that may be Excluded or

Exempt from the Permitting Regulations can be found at [www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits). Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk) for more information.

- 5 The applicant is advised of the following by Thames Water:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.thameswater.co.uk\\_wastewaterquality&d=DwIFAw&c=OMjwGp47Ad5otWlO\\_\\_lpOg&r=G\\_hzVvySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=MIDbTp00m\\_5IUe\\_fNMwwmISw7\\_-nGg\\_L6dJ4DHsN7Sc&s=P5S5DyOjsv n7gs6sl0Uz1Hjd72rOUmdRE1sMLQpAWmQ&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk_wastewaterquality&d=DwIFAw&c=OMjwGp47Ad5otWlO__lpOg&r=G_hzVvySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=MIDbTp00m_5IUe_fNMwwmISw7_-nGg_L6dJ4DHsN7Sc&s=P5S5DyOjsv n7gs6sl0Uz1Hjd72rOUmdRE1sMLQpAWmQ&e=).

- 6 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
05  
19/2459

## SITE INFORMATION

RECEIVED	9 July, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	435-441 & 441A High Road, Wembley, HA9 7AB
PROPOSAL	Demolition and redevelopment to provide a building of upto 8 storeys comprising 44 flats with basement level, retail space (Use Class A1) and community centre (Use Class D1) on ground and first floors, new vehicular access onto London Road, provision of car and cycle parking and refuse storage
PLAN NO'S	Please see Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146077">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146077</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/2459" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

1 That the Committee resolve to GRANT planning permission subject to:

A. The prior completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement.
3. Affordable Housing – Provision of four Discount Market Rent (DMR) units with rents equivalent to London Living Rent levels. The DMR units will comprise of three x 1 bedroom units and one x 2 bedroom unit. Nomination agreement to be secured for key worker prioritisation for the affordable units under the 'Marketing & Lettings Plan'
4. Pre implementation financial review mechanism if construction works do not commence within 24 months of the committee resolution to grant permission, to reasonably capture any improvement in viability for deferred affordable housing planning obligations. Post implementation financial review mechanism to be submitted upon disposal of 60% of Open Market Dwellings or 6 months prior to anticipated date of practical completion, whichever is the earliest
5. Financial contribution of £12,000 towards replacement tree planting of six trees
6. Training and employment of Brent residents - Prior to a material start to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works. And, prior to a Material Start to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and in relation to the operational phase of the Development.
7. Carbon Off-setting – Pre-construction: submission of revised Energy Assessment to achieve London Plan Policy 5.2 standards, initial financial contribution to Brent's carbon offsetting scheme. Post-completion: submission of revised Assessment, final financial contribution.

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Three year rule
2. .Approved plans
3. Withdraw PD rights for C3 to C4
4. Car-free development
5. Roller shutter doors to remain open during day
6. Access, parking etc to be provided pre-occupation
7. Restrictions on Non Road Mobile Machinery
8. Water efficiency restriction
9. Tree Protection Measures
10. Pre-commencement Construction Logistics Plan
- 11 Pre-commencement construction method statement
12. Pilling method statement
13. Site Contamination investigation and remediation works
14. Noise mitigation
15. Sound insulation
16. Electric Vehicle Charging Points
17. Highway works
18. Bin store doors not to open out onto highway and basement access
19. Details of materials

20. Wheelchair accessible units
21. Landscaping scheme
22. Details of external lighting
23. Details of sedum roof and PV panels
24. Revised Delivery and Servicing Plan
25. Details of D1 use
26. Revised Travel Plan to include car club membership
27. Plant noise
28. Revised BREEAM Assessment
29. Evidence of air quality mitigation measures

#### Informatives

1. CIL Liability
2. Building near boundary
3. Party wall
4. Imported soil
5. Temporary vehicle crossover and parking bay suspension
6. Discharge to public sewer
7. Groundwater discharge
8. Petrol / oil interceptors
9. Notify Highways before starting work
10. London Living Wage
11. Fire safety standards

## SITE MAP



### Planning Committee Map

Site address: 435-441 & 441A High Road, Wembley, HA9 7AB

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This map is indicative only.

## PROPOSAL IN DETAIL

The application seeks permission to demolish the existing building and construct a building ranging in height from three to eight stories. The ground floor would provide a large retail unit and small concession unit to replace the existing retail units, together with the entrances to a community centre occupying part of the first and second floors and to 44 residential units (15 x 1bed, 18 x 2bed and 11 x 3bed) on the remainder of the upper floors. The basement would provide parking, servicing and ancillary facilities.

A communal residential podium garden would be located at first floor level above the retail floorspace, and the proposal would also include replacement of three street trees on London Road.

## EXISTING

The existing site consists of a part single-storey part two-storey building, of which the ground floor is in retail use. There is an extensive basement used for retail storage and staff facilities, and part of the first floor consists of ancillary office space which is currently unused. The first floor also contains two x 2bed flats, which are accessed via a walkway over the flat roof and external stairs down to a service road which leads off Rosemead Avenue, a residential side street to the rear.

The site is located on the southern side of Wembley High Road on its junction with London Road. The site forms part of the Primary Shopping Frontage in Wembley Town Centre and is in close proximity to Wembley Central station. The site is not in a conservation area and the building is not listed.

## AMENDMENTS SINCE SUBMISSION

Amended plans were submitted on 23 September 2019, removing a number of windows located on the southeastern boundary. These amendments did not materially alter the scheme and did not require a further period of consultation.

## SUMMARY OF KEY ISSUES

**The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.**

**Objections:** Two objections have been received from members of the public relating to impact on the proposal on infrastructure capacity and impact of the proposal on existing traffic congestion.

**Principle of development:** The proposal is to redevelop a site within the Wembley Growth Area allocated in the Wembley Area Action Plan and would provide replacement A1 retail floorspace at ground floor level (although there is a net loss in floorspace), together with additional floorspace for D1 community uses and 44 new residential units to contribute towards Brent's housing targets. The proposal is acceptable in principle.

**Affordable housing and housing mix:** The proposal has been subject to viability testing scrutinised by officers and their specialist advisors, and officers accept that the development has complied with the requirements of Policy DMP15 and cannot viably support any affordable housing provision. Nevertheless, four affordable units are proposed at London Living Rent levels. A two-stage viability review mechanism to secure additional affordable housing if the viability of the scheme improves would be secured through the Section 106 Agreement. The proposal includes 25% 3bed family-sized dwellings to comply with Policies CP2 and CP21.

**Design, scale and appearance:** The proposed building is considered to be of an appropriate height, scale and appearance for this town centre Growth Area location. The combination of a three-storey base and six- to eight-storey taller element would maintain an active frontage and human scale on the street, and would respect the character of the surrounding area whilst creating a clear focal point on the prominent corner location. Materials and architectural detailing would be of high quality so as to successfully modulate the bulk and scale of the building and create visual interest within the street scene. Overall the building is considered to be of high quality in design terms.

**Residential living standards:** All residential units would comply with minimum internal space standards. Around half of units would be dual aspect and a number of the family-sized units would be duplexes with direct access onto the communal amenity space, which is considered to provide a pleasant environment for

families. Whilst the scheme does not meet the target of 20sqm and 50sqm of external amenity space as set out in DMP19, the combination of private balconies and communal amenity space would maximise the provision of external amenity space across the site, and is considered acceptable for the urban context.

**Impact on neighbouring properties:** A Daylight & Sunlight Report has been submitted and demonstrates that the building would not cause unacceptable loss of light to any neighbouring properties. Adequate separation distances would be maintained to ensure privacy, and balcony screening would be required by condition to prevent any overlooking onto neighbouring sites.

**Heritage assets:** Part of the site is within an Area of Archaeological Importance and the adjoining building has been proposed to be locally listed. Greater London Archaeological Advisory Service and Brent's conservation officer have confirmed that there would be no adverse impacts on any archaeological interest or any buildings of historic merit.

**Impact on trees and biodiversity:** Three street trees on London Road would require replacing, and a financial contribution to enable six replacement trees would be secured through the s106 agreement.

**Environmental health considerations:** Measures to ensure air quality, noise mitigation and contaminated land are adequately addressed would be secured by conditions requested by Environmental Health officers. A Construction Method Statement would be required prior to commencement to control the impacts of the construction process.

**Sustainability and energy:** The development would achieve a 58.9% reduction in carbon emissions over the Building Regulations 2013 baseline, which exceeds the policy requirement. The Energy Assessment would be secured through the s106 agreement, together with a financial contribution to Brent's carbon offsetting fund to offset the remaining emissions. A BREEAM Assessment has been submitted, targeting a Very Good rating for the retail floorspace, and the Sustainability and Energy officer has agreed that a revised Assessment targeting an Excellent rating to comply with Brent's Policy CP19 can be required by condition.

**Transport considerations:** Six disabled parking spaces for residents would be provided on site, together with cycle parking to comply with London Plan standards, and a parking permit restriction to prevent residents from applying for on-street parking permits. Policy DMP12 supports this approach in this highly accessible location. A revised Delivery and Servicing Plan, together with highway works to create the proposed access from London Road, would be secured by conditions.

## MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Assembly and leisure	0		0	140	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	0		0	0	
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	
General industrial	0		0	0	
Hot food take away (2004)	0		0	0	
Hotels	0		0	0	
Non-residential institutions	0		0	0	
Residential institutions	0		0	0	
Restaurants and cafes	0		0	0	
Shops	2530		2530	-1320	
Storage and distribution	0		0	0	

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Market )		2								2
PROPOSED ( Flats û Market )	15	18	11							44

## RELEVANT SITE HISTORY

No relevant planning history.

## CONSULTATIONS

350 neighbouring properties were consulted by letter on 7 August 2019 for a period of 21 days.

A press notice was published on 1 August 2019 and a site notice was posted on 6 September 2019.

Two objections were received and are summarised as follows:

Comment	Officer response
Impact of proposal on infrastructure capacity	New developments provide funding through the Community Infrastructure Levy towards infrastructure improvements. However, no specific requirements for infrastructure upgrades have been identified as a result of this proposal.
Impact of proposal on existing traffic congestion	The proposal is not expected to generate significant amounts of additional traffic. See paragraphs 72 to 74.

### External consultees

Thames Water: No objection subject to various informatives, and condition requiring piling method statement.

Secure by Design officer: Concerns raised regarding location of residential entrances, configuration of bin stores and cycle stores, and residential delivery arrangements. These are discussed in the main body of the report.

Greater London Archaeological Advisory Service: No objection.

### Internal Consultees

Environmental Health: No objection subject to conditions.

Sustainability officer: No objection subject to revised BREEAM Assessment targeting BREEAM Excellent being secured by condition.

Local Lead Flood Authority: No objections raised.

## POLICY CONSIDERATIONS

### Policy Considerations

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, the 2015 Wembley Area Action Plan and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies include:

#### London Plan 2016

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 – Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities

3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes  
5.2 - Minimising Carbon Dioxide emissions  
5.12 - Flood Risk Management  
5.13 - Sustainable Drainage  
5.15 - Water Use and Supplies  
6.3 - Assessing effects of development on transport capacity  
6.9 - Cycling  
6.10 - Walking  
7.2 - An inclusive environment

#### Brent's Core Strategy 2010

CP1: Spatial Development Strategy  
CP2: Population and Housing Growth  
CP7: Wembley Growth Area  
CP16: Town Centres and Sequential Approach to Development  
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP21: A Balanced Housing Stock  
CP23: Protection of existing and provision of new Community and Cultural Facilities

#### Brent's Development Management Policies 2016

DMP 1: Development Management General Policy  
DMP2: Supporting Strong Centres  
DMP7: Brent's Heritage Assets  
DMP 9 B: On Site Water Management and Surface Water Attenuation  
DMP 11: Forming an Access on to a Road  
DMP 13: Movement of Goods and Materials  
DMP 15: Affordable Housing  
DMP 18: Dwelling Size and Residential Outbuildings  
DMP 19: Residential Amenity Space

#### Wembley Area Action Plan 2015

WEM1: Urban Form  
WEM2: Gateways to Wembley  
WEM3: Public Realm  
WEM6: Protection of Stadium Views  
WEM15: Car Parking Standards  
WEM16: Walking and Cycling  
WEM19: Family Housing  
WEM21: Wheelchair Housing and Supported Housing  
WEM24: New retail development  
WEM29: Community Facilities  
WEM30: Decentralised Energy  
WEM32: Urban Greening  
WEM33: Flood Risk  
WEM38: Play Provision  
Site W2: London Road

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018

Shopfronts SPD3 2018

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. In addition, the Consultation Draft of Brent's new Local Plan was published in November 2018,

whilst the draft London Plan has recently been subject to an Examination in Public. These documents carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

## DETAILED CONSIDERATIONS

### Principle of development

1. The NPPF seeks the effective use of land and gives substantial weight to the use of suitable brownfield land within settlements to provide housing and other identified needs, and London Plan Policy 3.3 also seeks to increase housing supply. Core Strategy Policy CP2 builds on this policy aim, setting out a target for delivering 22,000 new homes over the 2007-2026 period and focusing the bulk of new housing development in the the Growth Area. This site lies within the Wembley Growth Area.
2. Measures to promote the vitality and viability of town centres are also encouraged in the NPPF and London Plan Policy 2.15, whilst Core Strategy Policy CP16 identifies Wembley as a Major Town Centre and promotes it as the preferred destination for major new retail development. Wembley Area Action Plan Policy WEM24 also directs new retail development towards the town centre.
3. The site is located within a Primary Shopping Frontage but is also identified in the Wembley Area Action Plan as an underused site that could accommodate higher density development (Site W2). The proposal includes retail floorspace at ground floor level. Whilst there is a net loss in retail floorspace, the existing basement storage area is underused and the ancillary offices on the first floor have been vacant for many years. The loss of these spaces from retail use is considered acceptable in this case as they are ancillary to the retail use. Suitable staff facilities, ancillary and storage space would be provided in a mezzanine level located to the rear of the unit, which would ensure its effective functioning.
4. The redevelopment of the site for a mixed use scheme comprising retail floorspace at ground floor level with residential uses above would be fully in accordance with the requirements of the site allocation and is considered to be appropriate in this location. The provision of new community facilities to support new residential development is also strongly supported by the policy context at national, regional and local level. Policy CP23 seeks new community facilities at a rate of 370sqm per 1,000 new population, and Policy WEM29 specifically supports social infrastructure in accessible locations such as this. Further details of the proposed community use would be required by condition.
5. Overall the general principle of the proposed development is considered to be acceptable in principle.

### Affordable housing and housing mix

#### *Affordable housing*

6. Brent's Policy DMP15 requires 50% affordable housing on sites with the capacity to provide 10 or more homes, on a tenure split of 70:30 between social /affordable rented housing and intermediate housing is sought. Any shortfall on the policy target of 50% or a non-conforming tenure split would be subject to a financial viability assessment, demonstrating that the scheme is delivering the maximum reasonable amount of affordable housing. This is reinforced in London Plan Policy 3.12.
7. The scheme as originally submitted proposed no affordable housing. The applicant has submitted a Viability Assessment Report which specifies that the scheme would generate a deficit of £5.07m against the benchmark land value and could not support any affordable housing provision. This report has been reviewed on behalf of the Council by independent viability consultants, who have challenged a number of assumptions in the report but have concluded that even on the basis of more favourable assumptions the scheme would still be in deficit by £1.88m.
8. Officers have accepted therefore that the proposal cannot viably support any affordable housing provision. Notwithstanding the conclusions of the FVA, the applicant has advised that they are willing to make an offer of affordable housing on-site of four x Discounted Market Rent (DMR) units, with rents equivalent to London Living Rent levels. The DMR units would comprise of 3 x 1 bedroom units and 1 x 2 bedroom unit. Nominations would be secured in the Section 106 Agreement for key worker prioritisation for the affordable units under a 'Marketing & Lettings Plan'. Whilst your officers would normally seek to secure more conventional affordable housing products managed through a Registered Provider, in this instance, given that the FVA concludes that the scheme cannot viably deliver any

affordable housing, your officers consider this to be a reasonable offer.

9. A two-stage viability review mechanism would be secured through the s106 agreement, to secure a further viability appraisal if the scheme is not implemented within 24 months of permission being granted, and a post-implementation review to secure contributions to affordable housing in the event that the viability of the development improves following construction. Subject to these provisions being secured in the s106 agreement, officers consider that the proposal complies with Policy DMP15 and that a refusal on the grounds of the lack of affordable housing provision could not be substantiated in this case.

#### *Housing mix*

10. The mix of units comprises 15 x one-bed, 18 x two-bed and 11 x three-bed dwellings. The three bedroom dwellings represent 25% family-sized housing. Core Strategy Policy CP2 sets a target of 25% family-sized units within new housing developments, and Policy CP21 requires family-sized units on major developments whilst Policy WEM19 of the Wembley Area Action Plan also applies the 25% target to new homes in Wembley. This complies with the policy target and is considered an acceptable housing mix.

#### **Design, scale and appearance**

11. Policy DMP1 requires the scale, type and design of development to complement the locality, and the Brent Design Guide SPD1 provides further advice on general design principles. The NPPF also emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. The Wembley Area Action Plan seeks active ground floor frontages and relatively dense residential development on Wembley High Road.

#### Height, mass and scale

12. The character of the area along the High Road is predominantly defined by the terraces of three-storey early twentieth century retail developments with residential flats above, whilst the surrounding side streets have a predominantly two-storey residential character although immediately to the south on London Road, the telephone exchange is a large three-storey building. However the character of the area is currently undergoing rapid change and a greater variation in building height is becoming apparent as a result of recent and ongoing developments. Other recent developments in the vicinity include the 14-storey buildings around Wembley Central station and the 18-storey West One development on Montrose Crescent, and the 26-storey development currently under construction on the former Chesterfield House site.
13. The proposed building would have two elements. A three-storey element would wrap around the High Road and London Road frontages, enclosing a podium garden at first floor level. A taller element would rise to a total height of eight stories on the open corner of the site, stepping down to seven and then six stories along London Road. The three-storey element would relate well to the adjoining older terraces and the taller element would create a clear focal point to emphasise the corner junction whilst also providing a gradual transition towards the smaller scale of the buildings on London Road.
14. The three-storey element would create a clear base for the building and the upper floors would be set back from the main building line on both the High Road and London Road frontages, providing a clear distinction between the base and middle of the building and giving a subservient character to the latter. The top floor would be set back further behind the building frame to provide a more open quality and this would give a subtle distinction to define the top of the building. The taller element would be offset from the terrace, providing sufficient separation to avoid appearing overbearing, and the reducing height of this section would break it up visually into three parts, further modulating the bulk and mass of the building overall.
15. The Design & Access Statement submitted includes a visual analysis of existing and proposed views along the High Road and from London Road and other residential roads to the south. This suggests that the building would be effectively integrated within the emerging street scene and would not appear incongruous or obtrusive. Your officers consider the overall height, mass and scale of the building to be appropriate to this prominent corner site within the emerging context of high density redevelopment.

#### Layout and relationship with street

16. The proposal would provide active street frontages on both the High Road and London Road elevation, activating the prominent corner location. On the High Road, entrances to the community space, the retail concession and the main retail space would benefit from high footfall in the town centre location, whilst the residential entrances on London Road would provide an appropriate transition to the more residential character of London Road. Areas of inactive frontage on the London Road elevation to provide bin storage and other ancillary facilities would be effectively minimised and visual interest would be maintained by high quality decorative treatments of these areas.
17. The proposal would introduce a contemporary shopfront design which would respond well to the scale and architectural language of the surrounding shopfronts in terms of the overall height and rhythm of window openings, and would provide a human scale at street level. The existing shopfront has no specific historic or architectural merit that would warrant its retention. Any signage or advertising proposed would be subject to the controls set out in Advertisement Regulations.

#### Materials and architectural detailing

18. In terms of materials, the building would consist of a brick frame combining dominant and subservient elements to create a series of equally proportioned bays, and the bays in turn would be subdivided into windows and decorative brick panels to create a strongly vertical emphasis and a continuity across the building as a whole. Different types of decorative brick detailing are proposed throughout the building, including variations in colour, texture and bond, responding to existing brickwork patterns in the surrounding area. Red brick would be the predominant material on the three-storey element, to closely reflect the materiality of the surrounding area, and brown brick on the taller element.
19. The materials proposed are considered to produce an external appearance of high quality that would enhance the street scene and provide considerable visual interest. Further details of materials would be required by condition.

#### Secure by Design

20. The design incorporates standard security measures such as internal lighting and CCTV to communal areas, a tailgating alarm and second roller shutter on the vehicular entrance to discourage tailgating, access controlled residential lobbies, a separate entrance to the car park for cyclists, security doors to prevent unauthorised access between different parts of the building. Several amendments were made following consultation with the Secure by Design officer and these are summarised in the Design & Access Statement. The Delivery & Servicing Plan also makes reference to arrangements for deliveries to the retail and residential elements of the scheme.
21. The Secure by Design officer has expressed additional concerns regarding the location of the residential delivery bays in the car park, as delivery drivers could potentially gain access to this area without presenting any identification. In order to address this concern (and other concerns raised by Transport officers) a more detailed Delivery & Servicing Plan would be required by condition, and would need to include robust arrangements for ensuring that any delivery drivers were adequately supervised whilst in the building.

#### Conclusion

22. Overall, subject to conditions as noted above, your officers consider the proposed building to be of a high standard of design that would contribute positively to the emerging street scene of the Wembley Central area.

#### **Residential living standards**

23. All development is required to comply with standards set out in the Mayor's Housing SPG (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which requires private amenity space of 20sqm per 1bed or 2bed flat and 50sqm for family housing including ground floor 3bed or larger flats. Any shortfall in private amenity space may be made up through the provision of communal space. London Plan Policy 3.6 requires play and recreation facilities to be provided based on the expected child yield. Balconies should have a minimum width and depth of 1.5m to be considered usable, and single aspect units should be avoided, particularly if north-facing.
24. All of the units would comply with or exceed minimum internal floorspace standards and would have

access to private external amenity space in the form of balconies or podium level courtyards, and the internal layouts are considered to make efficient use of the space.

25. Half of the flats would be single aspect but these would all be northeast-or southwest-facing other than one northwest-facing 1b2p unit, and so the scheme generally would avoid the problems associated with north- and south-facing single aspect units. The northeast facing units would all have a pleasant outlook onto the podium garden, including five x 3bed duplexes with entrances directly onto the podium via their own private amenity space, and these in particular are considered to provide high quality family accommodation. All of the single aspect units would have side doors onto balconies that would help to provide cross-ventilation of the internal space.
26. The Mayor's Housing SPG also requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards. Compliance with these requirements would be required by condition. It is noted that the plans indicate a total of five units to be wheelchair accessible which satisfies the 10% requirement, and that these would all be generously sized in comparison to minimum standards.
27. The podium garden would provide approx 400sqm of communal amenity space which would represent an average of 9sqm per flat and would be attractively landscaped to include 158sqm doorstep play space for under 5s in addition to external seating, tree and shrub planting and areas of lawn. The duplex units facing onto the garden would have private amenity areas, which would also provide defensible space to habitable room windows at podium level. The private amenity spaces would total approx 484sqm, within which each flat would have at least 5sqm of private space. The amenity space provision would fall below DMP19 levels. However, it compares well with other recently consented high density urban developments and is considered to provide an acceptable level and quality of provision.
28. The planting proposals for the podium garden are considered to be of an appropriate standard but further details are required regarding the soil composition, which should be a minimum of 900mm in soil depth and include an element of subsoil in the bottom 300-400mm to emulate a more natural environment for root growth and ensure greater success and longevity for trees in the landscape. These details could be required by condition as part of a more detailed landscaping scheme.
29. Overall, the proposal is considered to provide high quality living accommodation given the dense urban context of the site.

### **Impact on neighbouring properties**

30. Any development should maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1 (9m to the boundary with private rear gardens and 18m between directly facing rear habitable room windows). SPD1 also states that new developments should sit within a line drawn at 30 degree from neighbouring rear habitable room windows (measured at 2m above internal floor level) and sit within a line drawn at 45 degrees from the edge of the rear garden (measured at 2m high above garden level). Whilst residential properties are located along Lonsdale Avenue, they do not directly adjoin the application site and due to their orientation the rear habitable room windows do not directly face onto the application site. It is therefore not considered necessary to directly apply the 30 and 45 degree rules as set out in SPD1. However, consideration needs to be given to daylight and sunlight consideration to these residential properties alongside other residential properties in proximity to the site, in line with the BRE's Site layout planning for daylight and sunlight: a guide to good practice 2011. The 1:2 rule should be applied in respect of extending to the rear of adjacent dwellings (the rear building line should not project further to the rear than half the distance between the proposed flank wall and the centre point of the nearest existing rear habitable room window).

### Light and outlook

31. The Daylight & Sunlight Report submitted analysed the impact of the proposed building on seven neighbouring properties, in accordance with the guidelines set out in the BRE guidance. The results indicate that there would be no material impact on properties at 63 - 65 Lonsdale Avenue to the south east, or on the residential upper floors of 431-433 High Road to the east, or of 486-488 High Road to the north. The building at 490 High Road has not been assessed as there are no council tax records pertaining to this property that would indicate any part of it being in residential use.
32. Regarding 443 High Road, this property to the west of the site has commercial uses at ground floor and residential uses on the upper floors. Of the 22 windows assessed, 15 would retain Vertical Sky

Component (VSC) levels of at least 0.8 times their former value, and six of the remaining seven would serve rooms with at least one other window meeting the target, so that these rooms would still experience high levels of light. One third floor window currently has an exceptionally open outlook, resulting in a disproportionately large loss as a result of the proposal, but would still retain an absolute VSC level of 23%, which is considered acceptable for a dense urban location. Six of the eight windows assessed for impact on No Skyline Contour (NSC) would retain at least 0.8 times their former value, and as no room layouts have been available it is considered that VSC levels should remain the primary test. All windows would continue to receive high levels of sunlight.

33. Regarding 492 – 500 High Road, this property is situated across the High Road to the northwest of the site and has residential accommodation on the upper floors. Of the 24 windows assessed, 22 would retain VSC levels of at least 0.8 times their former value, with the remaining two having VSC levels 0.7 times their former value, just short of the BRE recommended target level. However, there would be no material impact on the NSC levels and all windows would continue to receive high levels of direct sunlight. Such minor isolated deviations are not considered material within the overall context of the scheme, and the absolute retained VSC values of 22% of these two windows are considered to be very acceptable for an urban location, whilst below BRE target levels.
34. The proposed building line on the High Road frontage would be aligned with the rear building line of the second floor of the adjoining building at 431-433 High Road, and so there would be no breach of the 1:2 rule in respect of this property.

#### Privacy and separation distances

35. A distance of over 9m is maintained from the residential flats to the boundary with the adjoining site at 431 to 435 High Road and the rear gardens of 64A and B and 65 Lonsdale Avenue. The first floor podium garden would be provided with suitable boundary treatments to prevent any overlooking from this area, and this would be secured through the conditioned landscape scheme. Details of balcony screens would be required as part of the materials condition, and any balconies on the southeast elevation facing onto the Telephone Exchange site would be required to be obscured and at least 1.8m in height, to prevent overlooking onto this site.

#### Conclusion

36. Overall, subject to the submission of amended plans, the proposal is considered to have an acceptable relationship with neighbouring properties and not to raise any concerns in relation to impacts on light, outlook or privacy.

#### **Impact on heritage assets**

37. The NPPF requires the effect of a proposed development on the significance of a non-designated heritage asset to be taken into account in determining the application. Brent's Policy DMP7 requires proposals affecting heritage assets to analyse and justify the potential impact.
38. The site includes part of an Area of Archaeological Interest, which is considered to be a non-designated heritage asset and is of less significance than Archaeological Priority Areas. The adjacent building (431-433 High Road) has recently been proposed to be added to Brent's Local List of Buildings or Structures of Architectural or Historic Interest, and would also be classified as a non-designated heritage asset if added to the List.
39. An Archaeological Desk Based Assessment has been submitted, together with a consultation response from Greater London Archaeological Advisory Service (GLASS). The Assessment concludes that the construction of the existing buildings in this area including the basement on site will have disturbed any archaeological remains and that the site is unlikely to yield any remains of high significance. GLASS have confirmed their agreement with these conclusions and consider that no further assessment or conditions are required. Brent's conservation officer has been consulted and also agrees with these conclusions.
40. The conservation officer has also been consulted in relation to the impact on the adjacent building, and is satisfied that this would not be detrimental, given that the front building line and overall height of the element closest to the adjacent building would be in keeping with it in terms of scale and bulk. In any case it is noted that the adjacent building does not currently have locally listed status.

## **Impact on trees and biodiversity**

41. The proposal has been supported by a tree survey, arboricultural impact assessment and tree protection plan. The proposal would necessitate the loss of three street trees on the London Road frontage, comprising a mature and heavily maintained London Plane and two young, recently planted specimens. One street tree further south on London Road and two trees in the rear garden of 65 Lonsdale Avenue would be unaffected by the development, subject to adequate tree protection measures being put in place as identified on the tree protection plan.
42. There is no objection to the loss of the three trees, subject to a financial contribution of £12,000 to allow the planting of six replacement street trees of approximately 14-16cm or 18-20cm girth with associated tree pits, guying, irrigation tubes, tree pit finish and 2-3 years watering maintenance. It is considered that this would adequately compensate for the loss of the existing trees and the intensification of the built form on site, enhancing the visual character of the street scene and providing additional eco-system benefits for all those living within and travelling through the area. This contribution would be secured through the s106 agreement.
43. A preliminary ecological appraisal was submitted and concludes that the site has no habitats of any significant value and negligible potential to support any notable or protected species. Therefore there are no ecological constraints affecting the redevelopment of the site. Officers agree with this conclusion and welcome the proposals to enhance biodiversity value on the site by incorporating sedum roofs, bird and bat boxes and wildlife friendly planting, further details of which could be required as part of the landscaping condition.
44. Overall, and subject to further details being provided by condition and a financial contribution being made towards replacement street trees, the proposal is considered to be acceptable in terms of its impact on trees and biodiversity.

## **Environmental health considerations**

45. The site is in an Air Quality Management Area and an air quality impact assessment has been submitted with the planning application. This assessment reviews air quality risks from the demolition and construction phase, from traffic and from building services. Demolition and construction have the potential to result in medium risks to dust soiling and human health, and measures to mitigate these are proposed. In terms of traffic, the development would result in an increase in emissions from road transport due to the increase in the number of residents, however as the retail floorspace would not be increased and only minimal parking would be provided the emissions would be below the required Transport Emissions Benchmark. Emissions from building services would primarily relate to the communal gas-condensing boilers and would also be below the required benchmark level.
46. The proposed residential units would be located at first floor and above, and the assessment also analyses the levels of air quality for future residents. It finds that the recommended level of NO<sub>2</sub> would be exceeded for five of the units (two on the first floor and three on the second floor) if all of the fresh air was provided by natural ventilation through openable windows and balconies. However, the proposed building would include mechanical ventilation with NO<sub>x</sub> filtration systems to reduce NO<sub>2</sub> levels and, whilst residents would still be able to open windows and use the balconies when required, the provision of filtered air at other times would maintain acceptable levels of air quality for these units. Environmental Health have been consulted and have confirmed that the assessment is acceptable, subject to the recommended mitigation measures being implemented and evidence of this being submitted prior to occupation, which would be secured by condition.
47. A construction method statement is also required, to incorporate the air quality and dust management measures identified in the air quality assessment, together with controls on non-road mobile machinery, to ensure adequate controls are in place during the construction process. These measures would be required as a pre-commencement condition, to which the applicant has agreed.
48. An environmental noise survey was carried out on behalf of the applicant, and the results submitted with the application. This identified the surrounding road network as the dominant source of noise. It demonstrates that the 'worst case' habitable rooms in the north-facing High Road elevation would, with partially opened windows, exceed recommended noise levels but with closed windows and the recommended sound insulation measures would comply with these levels. It should be noted that these noise levels are associated with external road traffic and also affect any existing and proposed residential units facing onto the High Road, and are commonly experienced in such busy urban areas. A condition

is recommended, to provide further details of sound insulation measures to achieve adequate internal noise levels.

49. The site has been identified as being previously contaminated and a site investigation would be required, together with proposals to remediate any contamination identified and verification that remediation works have been satisfactorily carried out prior to occupation of the development. These matters would be secured by condition.

### **Flood risk and drainage**

50. Brent Policy DMP9B requires sustainable drainage measures for major developments, whilst London Plan Policy 5.13 requires new development to aim for greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible based on a hierarchy of approaches to drainage.
51. A SUDs Strategy has been submitted, which proposes attenuation storage and discharge to the nearest surface water sewer, together with green roofs and the podium garden landscaping to reduce surface water flooding. Whilst the site does not lie within an Environment Agency Flood Zone the West London Strategic Flood Risk Assessment 2019 shows the site and surrounding road network being in land that is liable to surface water flooding, although it is not in a Critical Drainage Area requiring the EA to be notified. The local lead flood authority has been consulted and has confirmed that they raise no objections to the proposed sustainable drainage strategy.

### **Sustainability and energy**

52. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with the energy hierarchy set out in London Plan Policy 5.2. For non-domestic floorspace, the policy target is a 35% on-site reduction, which needs to be evidenced separately in the Energy Assessment submitted. Any shortfall in achieving the target emissions standards needs to be compensated for by a financial contribution to Brent's carbon offsetting Fund, based on the updated carbon offset price per tonne of carbon of £95 (as proposed in the draft new London Plan). Major commercial floorspace is also required to achieve a BREEAM Excellent rating and this also needs to be appropriately evidenced.
53. The Energy Assessment submitted demonstrates that the proposal would achieve a 58.9% reduction in carbon dioxide emissions (a combination of 46.7% for the commercial floorspace and 67.9% for the residential floorspace) based on passive design measures, energy efficient services, use of a communal boiler for the residential units, air source heat pump and rooftop PV panels. This would comply with the target on-site reductions set out in London Plan Policy. The resultant financial contribution to Brent's carbon offsetting fund has been calculated as £93,500.
54. A construction stage Energy Assessment based on detailed construction drawings would be secured prior to commencement through the s106 agreement, and a final assessment based on the completed development at post-completion stage. Half of the financial contribution identified in the revised Assessment would be required to be paid at the pre-commencement stage, with the balance payable prior to occupation. This approach is intended to incentivise improved carbon performance during the detailed design and construction stages, by providing opportunities to reduce the financial contribution ultimately payable.
55. The BREEAM Assessment submitted sets out details of a shell-and-core assessment of the retail floorspace with a target of a 'Very Good' rating. This does not comply with the Council's policy in this respect, and the Council's Sustainability and Energy Officer considers that the scheme provides adequate scope to achieve an 'Excellent' rating. It is acknowledged that BREEAM 2018 requirements are more exacting than BREEAM 2014, and that achieving 'Excellent' on a shell-and-core assessment is challenging. However your officers consider that the higher standards of BREEAM 2018 reflect the increased take up of sustainable design and construction methods and continued performance improvements, and that an 'Excellent' rating should still be required.
56. Officers have suggested to the applicant that a full fit-out assessment should be carried out, as this would provide more scope for an 'Excellent' rating. However the applicant is not yet in a position to confirm the tenants for the retail units and therefore a full fit-out specification cannot be confirmed at this stage. Officers have agreed that a revised Assessment to achieve an 'Excellent' rating based on full fit-out could be required by condition prior to occupation of the retail units.

57. The Sustainability Statement submitted summarises other sustainable features of the development, including a water consumption target of 105 litres per person per day for the proposed homes through the implementation of water efficiency measures, and a sustainable materials procurement policy and efficient waste strategy on site. These features would help to ensure that the development follows sustainable design and construction principles.

### **Transport considerations**

58. Wembley High Road is a London distributor road and bus route, whilst London Road is a local residential access road. The site falls within Controlled Parking Zone C, with parking restricted between 8am and 6.30pm on Monday to Saturday and 8pm to midnight on Wembley Stadium event days. There is a pelican crossing on the High Road frontage which prohibits stopping at any time. There are three pay-and-display parking bays, two disabled bays and motorcycle bays along the London Road frontage. London Road is not noted as being heavily parked at night. The PTAL (public transport accessibility level) rating is 6 (excellent).

### Parking provision

59. As the site is located within the Wembley Area Action Plan boundary, car parking allowances for locations with high PTAL ratings as set out in this document apply. The 44 proposed flats would therefore be allowed up to 19.8 off-street parking spaces, whilst the retail unit would be allowed up to 12 spaces (assuming it would be a non-food use). There are no parking allowances identified for community floorspace, and the borough-wide standards set out in Appendix 1 to the Development Management Policies 2016 require any off-street parking for this use to be justified through a Transport Assessment.

60. The proposed provision of just six parking bays for disabled persons would therefore accord with maximum standards, whilst also meeting minimum London Plan requirements for Blue Badge parking. At least three of the spaces (two active and one passive) should be provided with electric vehicle charging points, and this would be secured by condition, together with a car park management plan.

61. However, to restrain car use in this town centre location in line with the objectives of the Wembley Area Action Plan and to ensure the development does not lead to overspill parking problems in the wider area, a parking permit restriction agreement is sought, withdrawing the right of future residents to on-street parking permits. This has been accepted by the applicant and would be secured by condition, placing a duty on the owner to notify all prospective residents of the permit restrictions.

62. The London Plan requires a minimum of 73 secure cycle parking spaces for residents, in addition to five spaces for staff. The proposed provision of secure stores in the basement and at ground floor level for 87 cycles (82 residential and five staff) in a mixture of single- and two-tier stands meets this requirement.

63. Short-stay parking for 12 cycles for residential visitors and retail customers is also required to meet London Plan standards. As with the existing building, the proposed building would be largely built out to the highway boundary, making the provision of publicly accessible cycle parking difficult. However, there are a number of cycle stands located nearby within Central Square, and it is considered that these would be sufficiently conveniently located to provide for visitors to the development.

### Servicing and deliveries

64. With regard to deliveries, non-food retail units would require servicing by transit-sized vans, whilst food retail units would require servicing by 12m rigid vehicles. Two transit-sized loading bays are indicated within the basement car park for deliveries, although these are labelled specifically for residential use and are not well located in relation to the retail unit's service lift. Nevertheless, there would be further space available at the southern end of the basement for transit sized vans and box vans to stand closer to the retail service lift to make deliveries. The minimum headroom in the basement is shown at 3.5m, accommodating access by delivery vans, as well as high-top conversion vehicles for wheelchairs.

65. Any larger delivery vehicles for a food retailer would need to deliver from the street, as is the case with the existing retail store. To accommodate this requirement, it is proposed to remove the three pay-and-display parking bays fronting the site to provide an on-street loading bay. Transport officers have accepted this arrangement, subject to the cost of the necessary Traffic Regulation Orders and construction costs for the vehicle crossover being met by the developer. A condition is recommended to

require the developer to enter into a Section 278 agreement with the highway authority to this effect.

66. Increased headroom of 5m is shown at the entrance to the car park to help larger delivery vehicles turn in London Road, so that they would not need to travel along the residential London Road to leave the area. This has been welcomed by Transport officers, and tracking diagrams have been provided to show that a 10m long rigid lorry would be able to make a three-point turn within the car park entrance.
67. A residential bin store is proposed along the London Road frontage of the site, between the two entrance cores. This would have sufficient capacity to meet Brent's refuse storage guidance for the 44 flats and is conveniently sited for both residents and refuse collection staff, with refuse vehicles able to use the proposed on-street loading bay. However, the doors to the store are shown as opening out onto the footway, and Transport officers have requested a condition to prevent them from doing so as this would be in contravention of the Highway Act 1980. A further bin store is shown in the basement for the commercial units, with a service lift to the street frontage to aid collection.
68. Given the limited space available for servicing, a Delivery & Servicing Plan would be required to help to manage delivery schedules. A plan has been submitted with the application, and sets out objectives and aims including to schedule deliveries outside of peak hours (8.00am - 9.00am and 5.00pm - 6.00pm), to keep delivery times to a minimum, to ensure that information is provided on where deliveries can be made from and that the space is kept clear from obstruction, and to encourage future use of electric vehicles. However, detailed measures setting out how the above aims would be met (for example by agreeing pre-booked delivery schedules with occupants), how the measures would be enforced or how the plan would be surveyed, monitored, reviewed and revised as necessary, are lacking. The plan submitted is not therefore considered to be robust enough in its current form to give comfort that it would achieve its aims and a revised plan would therefore be required by condition.

#### Access

69. With regard to access, the width of the basement ramp would comfortably allow two vehicles to pass one another. Kerbed margins of 450mm width are required to either side to protect the structure of the building, and these would be required by condition. Two sets of roller shutter doors are shown to the basement, one set at the highway boundary and one at a distance of 5m into the car park, which would help to prevent residents and other users being tailgated into the basement. To help to minimise disruption to traffic and pedestrian movement along London Road whilst waiting for the shutters to open, the shutters at the highway boundary should be kept open during daytime hours and only closed after dark for security reasons. This would also be secured by condition. The gradient of the access ramp is proposed at 15.7%, with 5m long transition lengths to a 5% gradient at either end. This accords with recommended design guidance for ramps dropping up to 1.5m.
70. The retail and community units would be directly accessed on foot from the High Road, whilst the residential cores would be accessed from London Road. This would aid emergency access to individual flats, whilst a high reach pump would be able to stand around 50% of the building perimeter, in accordance with London Fire Brigade access requirements. The existing rear service road access via Rosemead Avenue would be retained to provide an additional emergency exit route.

#### Transport assessment

71. With regard to trip generation, the proposed retail floorspace would essentially replace existing retail floorspace on the site, so is not considered likely to generate new trips. The community use would attract new trips to the site, but these are expected to be local and would be limited in number, particularly in the morning peak hour.
72. For the residential units, comparison with survey results for nine other similarly-sized blocks of private flats in town centre and edge-of-centre locations in London suggest that the development would generate three arrivals and 15 departures in the morning peak hour (8am - 9am), and ten arrivals and four departures in the evening peak hour (5pm - 6pm) by all modes of transport. Census data for the area from 2011 has then been used to identify travel modes, but adjusted to reflect the fact that only six disabled parking spaces are proposed. As such, only two car trips per hour are expected in the peak hours, which is not sufficient to have any noticeable impact on traffic conditions in the area. Similarly for public transport trips, five to eight peak hour trips are estimated to be made by rail or underground, with four to five bus trips per peak hour. These amount to less than one additional passenger per bus and train passing through the area, which is not significant enough to warrant any further assessment of impact. Walking and cycling trips are also estimated to be too low to have any adverse impact on the

local highway network.

73. The road accident history for streets in the immediate vicinity of the site has been examined for the five-year period 2013-2017. This showed 12 personal injury accidents over that period, of which two were serious, which is high as would be expected for a town centre area such as this. Only limited details of the accidents have been provided, so it is not possible to draw any firm conclusions. However, there are no intrinsic aspects of this proposal that would be likely to directly worsen the road safety record in the area.

### Travel Plan

74. A Residential Travel Plan has been submitted with the application, setting out a range of measures (promotion of walking and cycling benefits, provision of maps and journey planning information and promotion of local Car Clubs within a Travel Pack) to be implemented by a Travel Plan Co-ordinator. The aim would be to ensure car use does not increase, whilst also increasing walking and cycling trips by 10% at the expense of public transport trips over a period of five years.
75. The number of proposed flats is below the threshold at which a full Travel Plan would usually be required, and transport officers recommend that the document acts as a Travel Plan Statement of Intent without the need for detailed future monitoring and review, subject to its being amended to include an offer of two years' free membership of a local Car Club for all new residents. This would also be secured by condition.

### **Pre-application community engagement**

76. A public exhibition was held in a nearby venue in Wembley in July 2018, and is also described in the Design and Access Statement. This is considered to meet the requirements for developer consultation set out in Brent's Statement of Community Involvement.

### **Conclusions**

77. The proposal materially complies with the development plan and it is recommended that consent is granted subject to conditions and obligations as set out in this report.

### **Equalities**

78. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

## **CIL DETAILS**

This application is liable to pay **£1,091,092.78** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 3324 sq. m.

Total amount of floorspace on completion (G): 6931 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Shops	1377		716.61	£40.00	£0.00	£42,996.73	£0.00
(Brent) Dwelling houses	5327		2772.25	£200.00	£0.00	£831,676.05	£0.00
(Brent)	227		118.13	£0.00	£0.00	£0.00	£0.00

Non-residential institutions							
(Mayoral) Shops	1377		716.61	£0.00	£60.00	£0.00	£42,996.73
(Mayoral) Dwelling houses	5327		2772.25	£0.00	£60.00	£0.00	£166,335.21
(Mayoral) Non-residential institutions	227		118.13	£0.00	£60.00	£0.00	£7,088.06

BCIS figure for year in which the charging schedule took effect (Ic)	224	336
BCIS figure for year in which the planning permission was granted (Ip)	336	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£874,672.78</b>	<b>£216,420.00</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



**Brent**

**DECISION NOTICE – APPROVAL**

Application No: 19/2459

To: Mr Tsavellas  
Savills  
Fourth Floor  
33 Margaret Street  
LONDON  
W1G 0JD

I refer to your application dated **09/07/2019** proposing the following:

Demolition and redevelopment to provide a building of upto 8 storeys comprising 44 flats with basement level, retail space (Use Class A1) and community centre (Use Class D1) on ground and first floors, new vehicular access onto London Road, provision of car and cycle parking and refuse storage

and accompanied by plans or documents listed here:  
Please see Condition 2.

at **435-441 & 441A High Road, Wembley, HA9 7AB**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/12/2019

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2019  
London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Wembley Area Action Plan 2015

- 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):

271 001 PL\_01  
271 002 PL\_01  
271 010 PL\_01  
271 011 PL\_01  
271 012 PL\_02  
271 031 PL\_01  
271 032 PL\_01  
271 033 PL\_01  
271 034 PL\_01  
271 050 PL\_01  
271 099 PL\_01  
271 A100 PL\_01  
271 100 PL\_01  
271 101 PL\_01  
271 102 PL\_02  
271 103 PL\_02  
271 104 PL\_02  
271 105 PL\_02  
271 106 PL\_03  
271 107 PL\_02  
271 108 PL\_02  
271 109 PL\_01  
271 110 PL\_01  
271 111 PL\_01  
271 113 PL\_02  
271 201 PL\_01  
271 202 PL\_01  
271 203 PL\_01  
271 311 PL\_01  
271 312 PL\_01  
271 313 PL\_01  
271 314 PL\_01  
271 800 PL\_01  
2237-01  
2237-02  
2237-03  
2237-04

80803 001 REV A

Air Quality Assessment (Eight Associates, Issue 2, 30 October 2019)  
Arboricultural Implication Assessment (Eight Associates, 28 September 2018)  
Arboricultural Method Statement (Eight Associates, 28 September 2018)  
Daylight & Sunlight Report (eb7, 22 October 2018)  
Delivery and Servicing Plan (TPP Consulting, April 2018)  
Demolition Method Statement (MEF Construction Services Ltd, 8 December 2018, revision 00)  
Design and Access Statement (Clive Sall Architects, April 2019)  
Energy Assessment (Eight Associates, Issue 3, 23 September 2019)  
Environmental Noise Survey and Acoustic Design Statement Report, Hann Tucker Associates, 17 September 2018, ref 25275/ADS1)  
Overheating Analysis (Eight Associates, 9 April 2019)  
Sustainability Statement (Eight Associates, 9 April 2019)  
Letter of Clarity (Eight Associates, 10 April 2019, ref 1904-10jd)  
Preliminary Assessment BREEAM 2018 New Construction (Eight Associates, 4 April 2019)  
SuDS Strategy (Eight Associates, Issue 3, 1 October 2019)  
Landscape Design Statement (Davis Landscape Architecture, ref L0561DS01B)  
Planning Statement (Savills, June 2019)  
Preliminary Ecological Assessment (Greengage, September 2018, ref 551140dpSept18FV01\_PEA)  
Transport Assessment (TPP Consulting, April 2019)  
Residential Travel Plan (TPP Consulting, April 2019)  
Viability Assessment Report (Savills, June 2019)

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

- 3 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 4 Occupiers of the residential development hereby approved shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 5 The outer set of roller shutter doors to the basement car park shall be kept in an open position throughout hours of daylight.

Reason: To allow vehicles to wait on site and to prevent any obstruction to the highway from waiting vehicles.

- 6 All access arrangements, parking, cycle parking, delivery areas and bin storage shown on the approved plans Nos 271 099 PL\_01 and 271 100 PL\_01 shall be provided in full accordance with the approved plans prior to first occupation or use of the development and shall be retained

for these purposes thereafter.

Reason: To ensure adequate access, parking, cycle parking, delivery areas and bin storage are provided to serve the needs of the development. In accordance with Brent Policies DMP1 and DMP12.

- 7 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's Control of Dust and Emissions During Construction and Demolition SPG 2014 or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies 5.3 and 7.14.

- 8 The buildings shall be designed so that mains water consumption for the residential units does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 9 The approved Tree Protection Measures as shown on plan reference: 001 Rev A, shall be adhered to throughout all stages of construction works, or in accordance with alternative details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protecting retained trees in proximity to the application site.

- 10 Prior to commencement of any works on site (including demolition works) a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be carried out in full accordance with the approved details.

Reason: In order to minimise any adverse impacts of the construction process upon the highway network in the area.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 11 Prior to the commencement of the development (including demolition works) a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development during the demolition and construction process. The Statement shall include details of measures that will be employed to mitigate the impacts of dust and fine particles generated by the operation. The development shall be carried out in full accordance with the approved details.

Reason: To ensure adequate controls are in place to control dust, noise and other environmental impacts of construction.

Reason for pre-commencement condition: The adverse environmental impacts of the construction process could occur at any time following commencement of development, and adequate controls need to be in place from this time.

- 12 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling

to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works would be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 13 (A) Following the demolition of the existing building and prior to the commencement of construction works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present, and a written report of the investigation shall be submitted to and approved in writing by the local planning authority. The investigation shall be carried out in accordance with the principles of BS 10175:2011. The report shall include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(B) Prior to first occupation or use of the development, any soil contamination remediation measures required by the local planning authority shall be carried out in full and a verification report shall be submitted to and approved in writing by the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and that the site is suitable 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

- 14 (a) Prior to the commencement of the development hereby approved, (excluding any demolition, site clearance and the laying of foundations), details of the sound attenuation to protect against externally generated (environmental) noise sources so as to achieve the internal ambient noise levels detailed in BS8233:2014 shall be submitted to and approved in writing by, the Local Planning Authority. The measured or calculated noise levels shall be determined in accordance to the latest British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings. These criteria apply with windows shut and with an appropriate ventilation system installed. Any mechanical ventilation system shall not give rise to a noise level greater than the above internal noise standards, or a noise rating of NR25 within bedrooms, and NR30 within living/dining rooms. The approved works are to be completed prior to occupation of the residential units.

(b) Prior to first occupation of the residential units hereby approved, a Post Completion Report demonstrating compliance with the mitigation measures in A above shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities, health and safety of neighbouring properties and occupiers and of the area generally, and to ensure compliance with DMP1 of Brent's Development Management Policies 2016.

- 15 A scheme of sound insulation measures to address potential noise transfer between the retail use, community use and residential uses within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding any demolition, site clearance and the laying of foundations). The approved measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Policy 7.15 of the London Plan (2016)

- 16 Prior to commencement of development (excluding any demolition or site clearance and the

laying of foundations), further details of provision for Electric Vehicle Charging Points (to include a minimum of two active and one passive points) shall be submitted to and approved in writing by the local planning authority, and thereafter implemented in accordance with the approved details.

Reason: To encourage sustainable modes of transport, in accordance with London Plan Policy 6.13.

- 17 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the applicant shall make appropriate arrangements in writing to enter into an agreement with the Local Highway Authority to provide the following highway works at the applicant's expense:

- formation of the approved vehicular access from London Road
- removal of the three pay and display parking bays fronting the site and their replacement with a loading bay.

The development shall not be occupied (or other timescales to be agreed in writing by the Local Planning Authority) until the above works have been completed to the satisfaction of the Local Highway Authority and have been certified in writing as being substantially complete by or on behalf of the Local Planning Authority.

Reason: In order to ensure adequate access and servicing arrangements, in accordance with Brent Policies DMP11 and DMP12.

- 18 Notwithstanding the details shown on Drawing 271-100-PL 01, prior to commencement of works (excluding any demolition, site clearance and the laying of foundations) further details shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

- (a) the doors to the residential bin store shall not open outwards onto the public footway
- (b) the access ramp to the basement shall be constructed with kerbed margins of 450mm width to either side.

The scheme shall thereafter be completed in accordance with the approved details.

Reason: To prevent obstruction to pedestrians and users of the public footway, in accordance with the Highways Act 1980. To prevent damage from vehicles occurring to the structure of the building.

- 19 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 (excluding any demolition, site clearance and the laying of foundations). The details shall include balustrades to all balconies (of which any balustrades on the first to fifth floor southeast elevation shall be obscured and to a height of at least 1.8m above finished floor level). 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 and to prevent overlooking onto neighbouring properties.

- 20 Prior to the commencement of works (excluding any demolition, site clearance and the laying of foundations), further details of how the development will be built so that 90% of the residential units will achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings' and that the remaining 10% of the residential units will be easily adaptable to achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings' shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8.

- 21 Within 6 months of commencement of works above ground level, a scheme of hard and soft landscaping works for the external amenity space and ground floor planted areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (a) details of: soil composition to ensure adequate environment for tree root growth,
  - (b) wildlife-friendly planting, bird and bat boxes,
  - (c) proposed boundary treatments (including materials and heights);
  - (d) any signage to be provided; external furniture and informal seating;
  - (e) ongoing maintenance and management plan.

The hard and soft landscaped works shall thereafter be completed in accordance with the approved details prior to first use or occupation of the development hereby approved (or other timescales to be agreed in writing by the Local Planning Authority).

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 22 Within six months of commencement of works above ground level, full details of any external lighting proposed to be installed (including details of light spillage plans to residential windows within the application site and neighbouring residential properties) shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be provided in full accordance with the approved details prior to first occupation/use of the development.

Reason: To prevent nuisance to existing and future residents from external lighting, in accordance with Brent Policy DMP1.

- 23 Prior to topping out on the building, further details shall be submitted of the proposed sedum roof and photovoltaic (PV) panels to be installed on the sixth, seventh and eighth storey roofs. The details shall demonstrate that the PV array will achieve the contribution towards carbon emissions reduction set out in the revised Energy Assessment.

Reason: To ensure the development is acceptable in terms of biodiversity enhancement and carbon performance.

- 24 Prior to first occupation or use of the development, a revised Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include the avoidance of crime and the fear of crime as an objective, and shall include detailed measures setting out how the objectives will be met (for example by agreeing pre-booked delivery schedules with occupiers), details of how these measures shall be enforced and how the Plan will be surveyed, monitored, reviewed and revised as necessary. The approved Plan shall be complied with thereafter.

Reason: In order to ensure adequate arrangements are in place for deliveries and servicing of the development.

- 25 Prior to first occupation or use of the community floorspace hereby approved, details regarding the proposed D1 use shall be submitted to and approved in writing by the local planning authority. The premises shall only be used for the approved D1 use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To secure well-managed, safe community access to the community floorspace, to ensure sufficient benefit to the local community and to accord with Local Plan Policy CP23.

- 26 Prior to first occupation of the residential units hereby approved, the submitted Residential Travel Plan shall be revised to include the offer of two years' free membership to a local car club for all initial residents. The development shall thereafter be operated in accordance with the revised Travel Plan.

Reason: In order to encourage sustainable modes of transport.

- 27 Prior to installation of any plant equipment, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the following:

The following plant noise emission criteria shall be achieved at 1 metre from the nearest noise sensitive residential window. The criteria are to be achieved with all of the proposed plant operating simultaneously.

**Plant noise emission criteria (dB re 2x10<sup>-5</sup> Pa)**

Position	Daytime (07:00 - 23:00 hours)	Nighttime (23:00 - 07.00 hours)
1	51	33
2	42	38

The plant equipment shall thereafter be installed in accordance with the approved details and thereafter maintained in accordance with the approved details throughout the lifetime of the development.

Reason: To protect the amenity of neighbouring and nearby residential occupiers, in accordance with Brent Policy DMP1.

- 28 Prior to first occupation or use of the retail floorspace hereby approved, and notwithstanding Condition 2, a revised BREEAM Assessment and Post Construction Certificate, demonstrating compliance with the BREEAM Certification Process for non-domestic buildings and the achievement of a BREEAM Excellent rating, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the retail floorspace is constructed in accordance with sustainable design and construction principles, in accordance with Core Strategy Policy CP19.

- 29 Prior to first occupation or use of the development, a report providing evidence that the mitigation measures described in the approved Air Quality Impact Assessment have been implemented shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be retained thereafter.

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use, in accordance with Core Strategy Policy CP19 and London Plan Policy 7.14.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank

walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 5 The applicant is advised to contact the Council's Environmental Health and Highways departments to make arrangements for a temporary vehicle crossover and temporary suspension of pay and display parking bays on London Road (as proposed in the Demolition Method Statement) prior to commencing works on site.
- 6 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The applicant is advised to refer to Thames Water's website for further information at: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wasewater-services/Connecting-to-a-sewer>
- 7 From 01 September 2019, Groundwater discharges from building sites or other trade premises are classed as Trade Effluent and will require a Trade Effluent Discharge Consent. Groundwater Permits and Permit Extensions will no longer be issued. For further information, refer to Thames Water's website at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent>
- 8 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 9 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 10 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 11 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
07  
19/0834

## SITE INFORMATION

RECEIVED	5 March, 2019
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	162 Willesden Lane, Kilburn, London, NW6 7PQ
PROPOSAL	Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained flats with associated car parking, cycle storage and landscaping.
PLAN NO'S	see Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144244">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144244</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/0834" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

To resolve to grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement, and the conditions and informatives recommended in this report, and to delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer.

A. That the Committee resolve the GRANT of planning permission subject to:

1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
2. Notice of commencement of works
3. The securing of the one affordable unit (LG.5) together with financial contribution
4. Post-implementation viability review
5. Training and employment
6. Carbon offsetting contribution of £13,554.00 towards achieving a zero carbon development based upon the carbon reduction measures set out in the Energy & Sustainability Statement dated 6th August 2019.
7. Considerate Constructors Scheme

B. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

C. That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:

1. Time Limited Permission
2. Approved Plans
3. Details of Materials
4. No External Plant or Fittings
5. Accessible / Adaptable Dwellings
6. Restriction of Change of Use to C4
7. Non-Road Mobile Machinery
8. Noise
9. Air Quality Neutral
10. Details of External Lighting
11. Parking/Serviceing
12. Construction Methodology/Traffic Management Plan
13. Construction Waste Management Plan
14. Details of Zero / Low Carbon Technologies
15. Water Efficiency
16. SUDS1
17. SUDS2
18. Tree Protection
19. Nesting Birds
20. Arboricultural Site Supervision
21. Soft and Hard Landscaping
22. Bird Boxes
23. Satellite Dish/TV Antenna

D. Informatives as detailed at the end of this of this report.

E. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee not that such change(s) could reasonably have led to a different decision having been reached by the committee.

F. That, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning is delegated authority to refuse

planning permission.

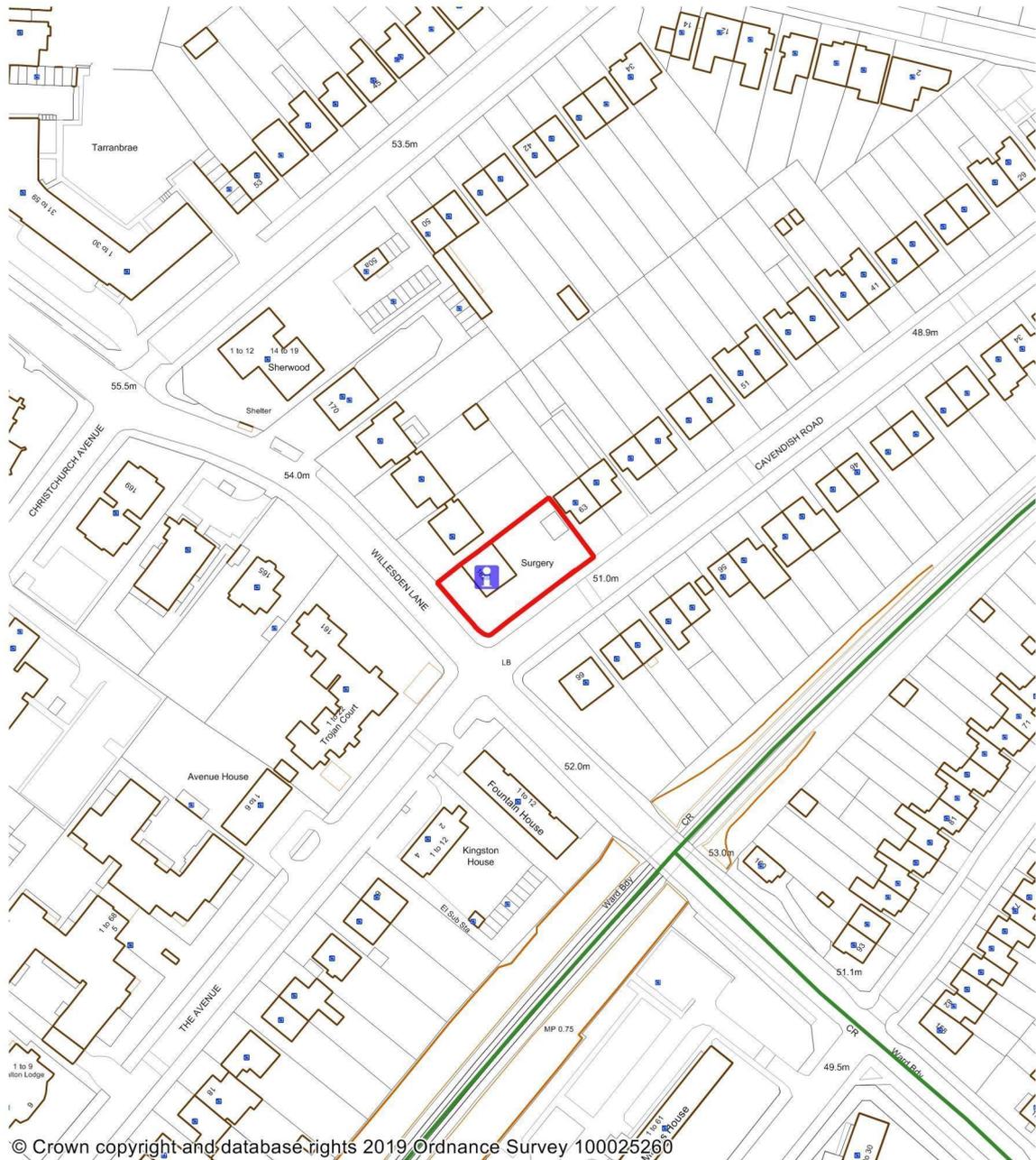
## SITE MAP



### Planning Committee Map

Site address: 162 Willesden Lane, Kilburn, London, NW6 7PQ

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This map is indicative only.

## PROPOSAL IN DETAIL

Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained dwellings (2 x 1-bed, 10 x 2-bed and 6 x 3-bed), with associated car parking, cycle storage and landscaping.

The proposed building will have a maximum width along its Willesden Lane frontage of approximately 19m, and extending along its Cavendish Road frontage of approximately 28m. The maximum height above ground level will be approximately 14m, stepping down to 12.6m near to 61-63 Cavendish Road.

The main pedestrian entrance will be via Cavendish Road, along a centrally positioned entrance, however the two duplex dwellings located at the eastern end of the building, will each be provided with their own entrances.

Vehicular access from Cavendish Road will be maintained, leading to a disabled person's parking space, with a turning head located near to the vehicle entrance. Cycle parking is proposed within the basement for x36 bicycles.

## EXISTING

An existing detached, three-storey building located on the corner of Willesden Lane and Cavendish Road. The building, similar to other buildings in the area, has a lower ground floor level, and benefits from the conversion into 10 units.

The building is sited on the common boundary with No.164 Willesden Lane to the north, with existing pedestrian access onto Willesden Lane but vehicular access off Cavendish Road, near to the common boundary with No.63 Cavendish Road to the east, and hardstanding which extends up to the boundary with 164 Willesden Lane. A high brick-built boundary wall encloses the site.

The site benefits from a significant level of vegetation coverage, which provides a substantial amount of screening of the building from the highway.

The surrounding area is residential in character, with buildings of a similar scale. Directly opposite (No.161 Willesden Lane) is a locally listed building.

## AMENDMENTS SINCE SUBMISSION

The following amendments have been made since the original submission:

- Room layouts amended to ensure all comply with the Technical Standards
- Rooftop amenity space amended
- Lighter parapet material provided away from corner element to make corner more prominent
- PV panels added
- Kitchens/Living/Dining rooms within proposed maisonettes moved to upper ground floor level, with direct access to amenity space
- One lower ground floor unit removed and replaced by the cycle store previously proposed in the basement and basement reduced in size to only accommodate a plant room with stair and lift access
- Lower ground floor amenity space for unit LG5 enlarged to 40sqm (from 14sqm)
- The creation of an additional maisonette

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

- a. **Principle:** The existing building is in use as 10 Flats and is an area characterised by residential

development. Therefore, the principle of redevelopment for residential purposes is acceptable. In addition, it would result in the provision of additional housing to help meet borough and London targets.

- b. **Heritage Assets:** The development site, whilst not occupied by a listed building or within a Conservation Area, is near to two locally listed buildings, (Trojan Court No.161 Willesden Lane and 167 Willesden Lane) and a grade II listed church (Christ Church). The development has been assessed against these undesignated and designated heritage assets and it has been concluded that there is no harm to the setting or significance of any of them.
- c. **Affordable Housing:** The development is proposing one unit (5.6%) for on-site affordable housing provision plus an off-site contribution of £99,532. This offer has been tested independently and it is concluded that this is the maximum reasonable amount which can be made. In addition, because the offer is not Policy compliant, it will be subject to a post-implementation review.
- d. **Design:** The overall design is considered acceptable as it is considered to have appropriate regard to the surrounding development and will offer residents an acceptable level of accommodation.
- e. **Scale/Bulk/Neighbour Impact:** The overall scale and bulk of the building is greater than the existing building, however it has been designed to comply with adopted standards to ensure sufficient space is retained around the building and to neighbouring properties.

## RELEVANT SITE HISTORY

18/0188/PRE - Demolition of the existing property containing 10 self-contained flats and replacement with a purpose built block of 21 flats. The principle of the redevelopment of the site for residential purposes is accepted. Concerns raised in relation to the design, size, scale, bulk, and the resulting impact on neighbouring occupiers and the streetscene, amenity space, the loss of vegetation in general (and the impact on TPO'd trees)

## CONSULTATIONS

### Environmental Health

It has been advised that in relation to air quality, the submitted Assessments are acceptable and it is agreed that air quality should not be a constraint. Conditions in relation to air quality are not necessary provided the development remains car free and the heating is through air-to-water heat pumps.

### Heritage Officer

It has been advised that although not within a conservation area, the street has substantial villas and has been identified for future designation, therefore comments provided are made with this in mind. No objections are raised subject to a review of the parapet on the tower element which could perhaps be omitted. The overall design, appearance, layout and materials is considered acceptable.

### Tree Officer

Whilst there are no objections to the development, the following points are made:

- Even category C trees (of low quality) when growing in linear boundary groups as found on this site provide considerable visual and ecological amenity at a local level.
- The overgrown nature of the site provides a number of albeit temporary habitats for a range of biodiversity.
- It would be almost impossible and undesirable to retain the current tree stock in any reasonable shape or form. Therefore, I welcome the tree planting proposals but suggest that a few of the species are changed and that perhaps the sizes are reduced slightly in order to guarantee establishment.
- Clarification on the retention of the two protected Lime trees, identified in the report as T1 and T2 is required. If either T1 or T2 is to be removed, I suggest it is replaced with a semi-mature tree such as a *Carpinus betulus* 'Frans Fontaine', but not a Lime. If T1 and T2 are to remain, I would expect the proposed tree protection plan and construction methodology to be imposed as a condition.
- A full landscape and management plan to include planting pit details and soil volumes to ensure that

- all new planting realises its full potential is required.
- I agree with all other tree protection specification including the hoarding around our two street trees, T14 and T15.

#### Sustainability Officer

Conditions should be imposed to ensure that the air source heat pump, pv panels, and overheating reduction measures are provided. In addition, a noise assessment should be provided for the heat pump.

#### Thames Water

It is advised that with regard to the water network and water treatment infrastructure capacity, together with the waste water network and waste water process infrastructure capacity, no objections are raised.

#### **Public Consultation**

Letters were sent to the occupiers of 284 neighbouring and nearby properties in addition to site publicity. Eleven letters of objection were received and 1 petition against the scheme. Objectors raised some or all of the following comments:

<b><u>Comment</u></b>	<b><u>Response</u></b>
<b>Heritage Matters</b>	
Potential extension of Brondesbury Conservation Area to include this site. The council should strive to maintain original features as it is close to the Conservation Area	A potential extension of the CA has not yet been consulted on therefore it is not a material planning consideration. However, the application has been assessed against nearby heritage assets. Please see the Heritage section of this Report
<b>Design Matters</b>	
Too big for the footprint of the site	The proposed development is considered to be of an acceptable design and scale. Please see the Design section of this Report
It will dwarf neighbours and look out of place	The proposed development is considered to be of an acceptable design and scale. Please see the Design section of this Report.
Similar larger development on The Avenue. Do we need another one?	The development proposal would contribute to the borough meeting with its housing targets.
Would be better to replace with a building of similar size and more in keeping architecturally	Adopted policies seek to make the most efficient use of land. The architectural language is considered acceptable.
Massing is twice the size of the existing	The building is greater in bulk and scale but complies with adopted design guidance. Please see the Design section of this Report.
Out of proportion to other properties and to the site	The development is considered to be of an acceptable bulk and scale. Please see the Design section of this Report.
Architecturally, it is like a halfway house between a modern/modernist building and the attempt to pick up elements from the	Please see the Design section of this Report.

surrounding buildings, such as bays	
Rounded corners look out of place	The development is considered to be of appropriate design. Please see the Design section of this Report.
Intrusive concrete block will be a blot on the landscape	The development is considered to be of appropriate design, scale and bulk. Please see the Design section of this Report.
A proposal similar to the new flats mid-way down Cavendish Road (size and styling to existing properties) would be far more appropriate.	The proposed development is considered to be of an acceptable design and scale. Please see the Design section of this Report.
Overdevelopment of the site	The development is considered to be of appropriate design and scale. Please see the Design section of this Report.
Out of keeping and character. Insensitive and unsympathetic.	The development is considered to be of appropriate design. Please see the Design section of this Report.
Layout and density disproportionate	Please see the Design section of this Report.
No problems with the look of the new building, which is a big improvement on the existing house	Please see the Design section of this Report.
Object to main entrance being on Cavendish Road	Please see the Design section of this Report.
<b>Amenity Matters</b>	
Block sunlight and light to dwellings on Cavendish road and Willesden Lane	Please see the Design section of this Report.
Overlooking and loss of privacy	Please see the Design section of this Report.
Overlooking of gardens and windows at No.166 Willesden Lane	Please see the Design section of this Report.
Lack of sunlight to gardens	Please see the Design section of this Report.
Three windows at 164 Willesden Lane which will be completely devoid of light	Please see the Design section of this Report.
<b>Sustainability Matters</b>	
Many trees would be lost	Only two of the existing trees are covered by a Tree Protection Order and these will be retained. The majority of the remaining trees are frontage trees and are not classified Category C trees. Please see the Sustainable Design section of this Report
To lose wildlife because of a modern development will be criminal	Please see the Sustainable Design section of this Report
Loss of green space, gardens and trees	Please see the Sustainable Design section

	of this Report
<b>Highways Matters</b>	
It will add to traffic congestion	Please see the Highway Safety section of this Report
Concerned about the volume of large lorries etc. with limited parking	Please see the Highway Safety section of this Report
Inadequate parking provision	Please see the Highway Safety section of this Report
<b>Other Matters Raised</b>	
Impact of additional residents on infrastructure and services	The Community Infrastructure Levy funds necessary infrastructure as detailed on the Councils Regulation 123 list.
Construction process will presumably take much longer and the mess will be much greater than a more suitable sized redevelopment	Standard conditions are proposed to minimise the impact of construction on neighbours.
Development on The Avenue uncovered an unexploded WWII ordnance. How many more will be uncovered?	This is not a planning matter, however a Directive can be included with any approval, advising the applicant of the potential of unexploded WWII ordnance in light of the one discovered on The Avenue two years previously.
Unaffordable housing	Notwithstanding the affordable unit proposed together with an off-site contribution, sales values of the remaining (market) units are set by the market.

## POLICY CONSIDERATIONS

### The London Plan

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing
- Policy 3.13 Affordable housing thresholds
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management  
 Policy 5.13 Sustainable drainage  
 Policy 5.14 Water quality and wastewater infrastructure  
 Policy 5.15 Water use and supplies  
 Policy 5.16 Waste net self-sufficiency  
 Policy 5.18 Construction, excavation and demolition waste  
 Policy 6.3 Assessing the effects of development on transport capacity  
 Policy 6.9 Cycling  
 Policy 6.12 Road network capacity  
 Policy 6.13 Parking  
 Policy 7.1 Lifetime neighbourhoods  
 Policy 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture  
 Policy 7.8 Heritage assets and archaeology  
 Policy 7.14 Improving air quality  
 Policy 7.15 Reducing noise and enhancing soundscapes  
 Policy 7.18 Protecting open space and addressing deficiency  
 Policy 7.19 Biodiversity and access to nature

### Core Strategy

CP1 Spatial Development Strategy  
 CP2 Population and Housing Growth  
 CP6 Design & Density in Place Shaping  
 CP15 Infrastructure to Support Development  
 CP17 Protecting and Enhancing the Suburban Character of Brent  
 CP18 Protection and Enhancement of Open Space, Sports and Biodiversity  
 CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures  
 CP21 A Balanced Housing Stock

### Development Management Document

DMP 1 Development Management General Policy  
 DMP9a Managing Flood Risk  
 DMP9b On Site Water Management and Surface Water Attenuation  
 DMP12 Parking  
 DMP13 Movement of Goods and Materials  
 DMP15 Affordable Housing  
 DMP18 Dwelling Size and Outbuildings  
 DMP19 Residential Amenity Space

### Other Relevant Policy Considerations

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 Technical housing standards - nationally described space standards (2015)  
 draft London Plan (2017)  
 Mayor of London - A City for all Londoners  
 LB Brent S106 Planning Obligations SPD (2013)  
 LB Brent Design Guide for New Development (SPD1)  
 LB Brent Residential Extensions & Alterations (SPD2) (Jan 2018)  
 LB Brent Basement SPD (Jun 2017)  
 LB Brent Waste Planning Guide SPG  
 Community Infrastructure Levy Regulations 2010  
 London Cycling Design Standards

## **DETAILED CONSIDERATIONS**

### Heritage Considerations

1. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Buildings Act”) confirm that special attention shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “*considerable importance and weight*”. Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).
2. Section 16 of the NPPF (“Conserving and enhancing the historic environment”) (paras.184 to 202) advises Local Planning Authorities to recognise heritage assets as an “irreplaceable resource” and to “conserve them in a manner appropriate to their significance” (para.184).
3. When considering the impact of a proposed development on the significance of a designated heritage asset, it is advised at para.193 that “*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.195). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.196) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.197).
4. It is also important for Members to note that with regard to the legislation, the term “setting” only refers to listed buildings, which is defined in the NPPF as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

#### *The Local Plan*

5. Policy 7.8 of the London Plan (“Heritage Assets and Archaeology”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. The supporting text to Policy CP17 (“Protecting and Enhancing the Suburban Character of Brent”) of the Core Strategy confirms that the Borough’s historical assets need to be protected and conserved. Policies DMP1 (“Development Management General Policy”) and DMP7 (“Brent’s Heritage Assets”) confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.
6. There are several heritage assets against which the proposed development should again be considered. These include:
  - Christ Church (grade II listed)
  - 161 Willesden Lane (Locally Listed);
  - 167 Willesden Lane (Locally Listed);
7. The site is near to, but not in, the Brondesbury Conservation Area. It is worth noting that although there is a proposal to extend the boundary of the Conservation Area to include both sides of Cavendish Road, and the aforementioned designated and non-designated heritage assets, consultation has not begun on this and no weight can yet be given to this. Further consideration of the impact on the character and appearance of the Conservation Area is therefore not necessary at this point in time.
8. What must be determined is whether the proposed development will harm the significance of the

above-mentioned designated and non-designated heritage assets, having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72).

#### Assessment Against Significance of Heritage Assets

##### *Christ Church (grade II listed)*

9. Christ Church is located approximately 120 north-west of the site and due to the bend in the road, only the spire is visible from the site. In its listing in 1979, it is described as:

*1866. Designed by Charles R B King. Spacious cruciform church in Decorated Revival style. Ragstone with freestone dressings; tall tower with spire at north-east corner; decorated tracery to aisle and transept windows; paired lancets to clerestory. Additions to original structure by King 1888; vestry added 1909; restored 1948 by E B Glanfield after war damage*

10. Whilst the site is relatively near to this heritage asset, the intervening buildings obscures all views of it, apart from the spire. It is considered that the identified heritage asset will not be harmed from the proposed development and that its significance, character and setting will continue to be preserved.

##### *161 and 167 Willesden Lane*

11. These two buildings are located approximately 38m and 73m distant from the application site, on the opposite side of Willesden Lane and are substantial, detached buildings in their own right. No.161 Willesden Lane has been extended (Trojan Court) with a three-storey addition on the return frontage with The Avenue. Having regard to the scale of the proposed development and those of the locally listed buildings, together with the levels of distancing, it is considered that the proposed development will not harm their significance or setting.

#### **Design Considerations**

##### Density

12. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
13. The site (approximately 900sqm) is located within an area with a public transport accessibility level ("PTAL") of 4 on a scale of 1-6, with 1 being the least accessible and 6 being the most accessible. The PTAL score suggests that an appropriate level of density for this suburban location is in the range of 200-350 habitable rooms per hectare (hr/ha) or 45-130 units per hectare (u/ha).
14. With 18 dwellings and 58 habitable rooms proposed, this would equate to a proposed density level of 644hr/ha or 200u/ha. Although the calculation exceeds the suggested range, adopted policy acknowledges that a numerical assessment is but one factor to consider in assessing whether the site is capable of accommodating the proposed development. Consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highways matters. These are considered below.

##### Design/Scale/Character/Appearance/Proximity to Boundaries

15. There is clear guidance on the approach to the matter of design. The NPPF (section 12) confirms that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development. This is reinforced by the recently published National Design Guide. Policy 7.1 of the London Plan ("Lifetime Neighbourhoods") advises that the design of new buildings and the spaces created by them should "help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood" while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Core Policy 6 ("Design & Density in Place

Shaping”) confirms the importance of design and where design is of the highest or exemplary standard, higher densities will be considered. Additional design guidance is found in DMP1 (“Development Management General Policy”) and within SPDs 1 and 2.

16. It is recognised that any form of redevelopment which seeks to address both street frontages will effect a change on how this site relates to the street scene. A key factor in this proposal would be the removal of many trees around the site frontages, revealing a substantial building which does not look like those of its immediate neighbours. Whilst this would represent a significant change in the street scene, it is considered that this in itself would not be sufficient grounds to consider a refusal because as advised above, section 12 of the NPPF, together with the National Design Guide and local Policies, indicate what should be considered in relation to achieving a good design. Moreover, there is an overriding strategic need to increase housing supply within the Borough and in London. In principle, it would be difficult to argue that this is not a site which could accommodate a more intensive form of development but the question, illustrated through the objections from the local community, is whether this is the right form for that development.
17. Existing developments within the area, are predominantly characterised by “traditional-looking” brick-built buildings, with hipped or multi-pitched roofs, bay windows, front dormer windows, and accommodation at lower ground floor levels. There are also many examples, inclusive of those immediately surrounding the site, of buildings which have either converted into Flats or are purpose-built. There are also many examples of more recent, flat-roofed developments such as at 170 and 172-174 Willesden Lane, The Avenue, and Christchurch Avenue. The proposed development successfully draws upon all of the features described above in one coherent design. It should also be noted that a full basement level for a plant room will also be provided and that this is acceptable, having regard to the Council’s Basements SPD.
18. In terms of height, the existing building is approximately 12.6m to ridge level from natural ground level. The proposed building will be taller (14.2m to the top of the corner feature) but it respects the heights of those immediately adjacent at No.164 Willesden Lane and 61-63 Cavendish Road before stepping up, away from those adjacent developments. From a streetscene perspective, the stepping up of the development to the corner is considered acceptable. New developments should also comply with the guidance contained within SPD’s 1 & 2 in relation to the building envelope not compromising the 30-degree and 45-degree lines. Whilst there are no issues with the front block, the Cavendish Road block has been amended in an attempt to comply with the 45-degree line (Drawing No. 378-PL-202 Rev.G) in order to not unduly impact on the amenity space at the adjacent property on Willesden Lane. Whilst the drawing shows that the line is compromised by railings at second floor roof level and by a small corner of the roof at third floor level, the level of infraction is considered negligible and would not unduly harm the adjacent amenity space.
19. Supplementary Planning Document 1 (“SPD1”) confirms that the 2:1 guidance for 2-storey extensions within SPD2 (“Residential Extensions & Alterations”), would also be applicable, that is, new buildings should not extend beyond the neighbouring building line by more than half the distance to the centre of the nearest habitable room window at the neighbouring property. There are no issues with regards to the front block because it respects the front and rear building lines, however, the application of the guidance within the SPD’s would suggest that the maximum rearward projection beyond the rear of No.164 Willesden Lane will be approximately 2.6m but the proposed building compromising this by approximately 12.5m. However, the creation of a perimeter block, to address both street frontages is considered the correct approach to this site, therefore the projection beyond the rear building line with No.164 Willesden Lane is considered appropriate in this instance, although its overall acceptability is also dependent on the potential impact on neighbouring occupiers (discussed below).
20. The siting of the buildings nearer to the road frontages than the existing dwelling houses is considered acceptable albeit more prominent, as this enables the buildings to address the road and have some presence. The block fronting Cavendish Road sits forward of the properties on Cavendish Road and in this instance, is considered acceptable because of the level of distancing retained to No.63 Cavendish Road (8.1m), and because the retention of the TPO’d trees along that boundary will continue to provide some screening. The layout is considered to be an appropriate design response to this corner plot, the site constraints, and to address the street.
21. Although there have been adverse comments by objectors in relation to the design and to the re-location of the pedestrian entrance to Cavendish Road, it is considered that the design response is the correct approach. The corner element is a traditional way of finishing a corner and adds visual interest to the streetscene. As discussed above, it is acknowledged that the overall scale and bulk is much greater than

the existing and due to the loss of the existing tree screen, will feature more prominently within the streetscene, however, it is considered that the proposed building, through its overall design and materials (to be secured by appropriately worded condition), is of a sufficient quality to ensure that it will positively contribute to the character and appearance of the surrounding area and not harm the visual amenities of the streetscene.

#### Quality of Residential Accommodation

22. To improve the quality of new housing, new development must meet or exceed the minimum internal space standards contained within the London Plan (Policy 3.5 Quality and design of housing developments), the Mayor's Housing SPG, and the nationally described space standards ("Technical Standards"). The Council's Design SPD (SPD1) also advises on the appropriate stacking of rooms to avoid noise and disturbance, and the Basement SPD ensures that the accommodation at this level is acceptable. The GIA of each of the proposed dwellings and respective rooms within, will either meet with or exceed the respective minimum floor areas contained within the Technical Standards, and is therefore acceptable in this respect. Sixteen of the eighteen proposed dwellings are dual aspect.

#### *Internal Daylight/Sunlight*

23. Of particular concern are the dwellings at lower ground level. To support their application, an Internal Daylight Analysis has been submitted. The results of the Analysis confirm that all rooms satisfy BRE recommendations in relation to ADF and room depth. It acknowledges that some rooms at lower ground floor level with rooms facing courtyards fail to meet the NSL criteria but that given their lower ground floor position, it is "extremely difficult" to achieve the criteria in tight urban contexts.
24. Site context is an important consideration and although it is acknowledged that it is not always possible to ensure that every habitable room satisfies the relevant daylight/sunlight tests, a scheme should be able to minimise any infraction. It should also be noted that the modelling for the *Assessment* did include the balconies. The Table provided at Appendix B of the *Analysis* highlights the rooms which have passed/failed, and it is noted that of the 21 rooms tested from lower ground level to first floor level, all rooms tested met the ADF test. In relation to the no sky limit test, 7 rooms failed.
25. Although the failure of some bedrooms to meet with the tests is unfortunate, they are considered to be not as sensitive as Living/Dining/Kitchen rooms which are utilised more throughout the day/evening, as it is these rooms which provide the social and communal living space within each unit. Since the submission of the *Assessment* the scheme has been revised, as discussed above and it is therefore considered that on balance, the proposed dwellings should receive adequate amounts of daylight and sunlight.

#### *Amenity Space*

26. Policy DMP19 confirms that Flats should be providing a minimum of 20sqm, or 50 sqm for 3-bedroom flats, with any shortfall being provided through communal provision. Each dwelling will be provided with amenity space in the form of either balconies, terraces, or garden space. Although some of the dwellings will significantly exceed the minimum standard, the majority fall short. To compensate, rooftop communal space (60.2sqm) is provided. In addition, 17 of the proposed 18 dwellings exceed the minimum internal floor space standards (the 18<sup>th</sup> dwelling meets its relevant standard) and it is also recognised that it is more difficult to meet the minimum standard in modern flatted developments. On balance, having regard to the oversized dwellings, and the communal space, it is considered that the quantum of amenity space proposed is acceptable.
27. Some concern had been raised in relation to the areas of amenity space at lower ground floor level on the northern and southern elevations of the building because the *Daylight and Sunlight Assessment* illustrated that those areas would not receive any sunlight. Moreover, those areas were initially presented as being the main areas of amenity space for the respective units (LG.4 and LG.5) and to add to the overall poor quality of the spaces, outlook was not considered acceptable due to the close proximity of boundary fences. Moreover, due to respective levels, it was also considered that there would have been a greater sense of enclosure and a sense of being unduly overbearing for occupiers. To address these concerns, bedrooms for the affected dwellings were moved to lower ground floor level, and their respective kitchen/lounge/dining rooms moved the upper ground floor level to take advantage of improved light and outlook, in addition to direct access to better quality outdoor space. Lower ground level amenity space is still provided but as these are now not the main areas of amenity space, on balance, the quality of the useable amenity space is considered acceptable.

## Impact on Neighbour Amenity

### Loss of Outlook / Overlooking / Loss of Privacy

28. In terms of the proposed relationship to No.164 Willesden Lane, the block fronting Willesden Lane, similar to the existing, would be constructed along the common boundary with that adjacent property, and as discussed above, is of a similar height. In addition, this element of the development respects the front and rear building lines of No.164 Willesden Lane. Having regard to all of the above, there is no greater harm on the amenity of those adjacent occupiers in terms of distancing, outlook, overlooking, and privacy than the existing, and is therefore considered acceptable. As discussed above, the block fronting Cavendish Road
29. With regard to distancing, the proposed development, as discussed above, complies with the guidance contained in the SPD's and is therefore considered acceptable on this element.

### Loss of light

30. A *Daylight and Sunlight Impact Assessment* has been provided to demonstrate the impact of the proposed scheme on neighbouring properties and confirms that it has been undertaken in accordance with the recommendations of the Building Research Establishment ("BRE") report *Site Layout Planning for Daylight & Sunlight: a guide to good practice 2011*. Ten properties have been assessed (159, 161, 164 and 166 Willesden Lane; 61-63, 50-52, 54-56, 58-60, 61-63, 62-64 and 66 Cavendish Road).
31. In assessing the loss of light from the sky to the living room, kitchen and bedroom of existing buildings, the Vertical Sky Component ("VSC") and No Sky Limit ("NSL") tests are employed. VSC is a measure of the ratio of the direct sky illuminance on the centre of the outside pane of a window, to the simultaneous illuminance on an unobstructed horizontal plane. This must be greater than 27% or more than 0.8 times its former value. Results of less than these values will result in dimly lit rooms with a greater reliance placed on artificial lighting. NSL is the outline of the area that has a direct view of the sky on a working plane. Where room layouts are known, in each of the main rooms, the area that receives direct light from the sky must be more than 0.8 times its former value.
32. In the assessment of sunlight, the Annual Probable Sunlight Hours ("ASPH") test is used. This is the average of total number of hours during a year in which direct sunlight reaches the centre of a window, which must be more than 25% of the total Annual sunlight hours (unobstructed horizontal plane), including at least 5% of the total annual sunlight hours (unobstructed horizontal plane) in the winter months (21 September – 21 March) or more than 0.8 times its former value for the whole year and the winter period. For sunlight to gardens and open spaces: at least 50% of that space should receive at least 2 hours of sunlight on 21<sup>st</sup> March; that area receiving the aforementioned 2 hours is more than 0.8 times its former area; and when a detailed calculation cannot be undertaken, the centre of the garden should receive 2 hours of sunlight on 21<sup>st</sup> March.
33. The Assessment also advises of another test to be applied where an existing building has windows close to the site boundary and is taking more of its fair share of light, the VSC and ASPH targets for these windows could be set from a 'mirror-image' building of the same height and size, and equal distance away on the other side of the boundary. The rationale being to ensure that new development matches the height and proportion of existing buildings.
34. Of all the properties/windows analysed, only some of the windows at No.164 Willesden Lane and No.63 Cavendish Road will experience some adverse effect. With regard to VSC, one habitable window on each of the two properties do not meet the BRE guidelines, however, when the mirror image building analysis is also applied, only the window (a second floor flank window) at No.164 Willesden Lane remains affected. Having regard to the NSL analysis, two additional windows (located in the gable-ended roof) are affected at No.164 Willesden Lane while all windows at No.63 Cavendish Road meet with the BRE guidance. All windows meet with the ASPH guidance.
35. With regard to the sunlight hours for gardens, it is recognised that in general, those gardens immediately to the north of their neighbour will usually be affected in some way and this is illustrated within the Daylight / Sunlight Assessment. The only garden to be affected in any way from the proposed development is at No.164 Willesden Lane. The Assessment concludes that 41% of that garden will receive 2 hours of sunlight on 21<sup>st</sup> March. Although below the 50% guidance, regard should be given to

the location within a reasonably tight suburban location, the time of year (winter) whereby gardens are not used as much, the desire to address both street frontages, the increased housing provision, which taken together, is considered to outweigh the potential harm to one garden.

## **Housing**

### Tenure / Mix / Affordable Housing

36. Core Policy 2 (“Population and Housing Growth”) confirms that at least 25% of new homes will be family size dwellings, which is defined as 3 or more bedrooms, and CP21 (“A Balanced Housing Stock”) confirms the need to provide an appropriate range and mix of self-contained dwellings. Six 3-bed dwellings are proposed (33%), thus ensuring that the development is policy compliant in this respect.
37. Core Policy 2 also confirms that the Borough will aim to achieve the London Plan’s target of 50% affordable housing. DMP15 (“Affordable Housing”) seeks 70% of new affordable dwellings to be social/affordable rented and 30% intermediate housing at affordability levels meeting local needs. For the scheme as currently proposed, this will equate to 9 affordable dwellings, with a tenure split of x6 social/affordable rented and x3 intermediate dwellings.
38. The applicant, following their own financial appraisal, has offered one maisonette (Unit LG.5 (2b3p)), which equates to 5.6% affordable provision, and a contribution of £99,532 towards the off-site provision of affordable housing. Council’s own independent review of the scheme confirms that the above is the maximum which can be reasonably provided and Officers recommend that this should be secured by way of a legal agreement. It is also recommended that given that the offer still falls considerably short of the Policy target of 50% on-site provision, a post-implementation review is also secured through a legal agreement in order to capture any uplift in value through actual sales values.

### **Highways Considerations**

39. Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (Policy 6.12) and parking (Policy 6.13). Policies DMP11 and 12 provide the criteria upon which developments will be assessed with regard to layout and access / servicing / parking standards.

### Parking

40. The lower parking standards contained within Table 6, Appendix 1, of the DMP apply because of the good PTAL of the site. The provision of one space (a blue badge space) would therefore accord with the adopted standards. Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. In this regard, although there are five bays available along Cavendish Road, these would not be sufficient to accommodate the predicted overspill of up to 13 parked cars from the site (based on an approximation of 75% of the maximum parking allowance). However, Policy DMP12 also encourages ‘car-free’ development in areas with good access to public transport services, such as the application site. Having regard to this, it is recommended that a ‘car-free’ agreement is applied to the development to withdraw the right of future residents to on-street parking permits. This has been acknowledged in the submitted Transport Statement and should be secured either through an appropriately condition or legal agreement.
41. It has been suggested that the disabled parking bay should be re-sited nearer to the entrance, to minimise the amount of hardstanding. Although that could be beneficial, the hardstanding already exists, therefore not worsening the situation. In addition, moving it may impede access to the bin store for residents, and on collection days. In addition, the turning head near the vehicular entrance is not of a sufficient size to accommodate the disabled bay. Moreover, its proposed siting is least likely to impact on the amenity of residents.

### Cycle Parking

42. The London Plan requires a minimum of 35 secure bicycle parking spaces, therefore the indicated provision of 38 spaces on a two-tier rack within the basement, plus two further external spaces, would comply with adopted standards. Although it has been suggested that the cycle store should be located at ground floor level, there is no space to do so. Shortening the driveway is not considered appropriate because there would be conflict with access to the bin store, and the turning head is of an insufficient size

for a blue badge space. Cycle storage is not an uncommon feature in new developments and the lift is of a sufficient size to accommodate a bike.

### Traffic Generation

43. The submitted Transport Statement has considered likely future trips to and from the development, based on comparisons with eight other residential blocks of flats in well-served areas of London. This suggests that 2 arrivals/8 departures in the morning peak hour (8-9am) and 6 arrivals/4 departures in the evening peak hour (5-6pm) would be expected by all modes of transport; half of which would already be travelling to and from the 10 existing flats on the site.
44. As the development is proposed to be almost entirely 'car-free' (aside from one disabled space), vehicular movements are likely to be negligible. Otherwise, the 2011 Census data for journeys to work has been examined to identify likely trips by other modes of travel (adjusted to reallocate car journeys to alternative modes).
45. This suggests that 69% of trips would be made by rail/Underground and 15% by bus. These totals would amount to less than one additional passenger per service passing in the vicinity of the site, which is not considered significant enough to give rise to concern of public transport capacity.
46. A further 12% of trips are predicted to be made by foot or bicycle, meaning that 90% of journeys would initially be made by foot (public transport journeys being on foot initially to reach the bus stop/station). In this respect, it is noted that the adjoining signalised junction of Willesden Lane/Cavendish Road/ The Avenue does not incorporate any pedestrian phases, which is a shortcoming of the highway. Funding of improvements to the junction to include an all-red pedestrian phase would derive from the overall CIL contribution.

### Access and Servicing

47. Vehicular access from Cavendish Road remains unchanged, and is therefore considered acceptable. Pedestrian access will move to Cavendish Road, to be centrally positioned along that frontage, as described above. Although one of the objections against the development is specific to this element, there is no sound planning reason to resist this.
48. The proposed location of four Eurobins at the rear of the building will allow easy access for refuse collection staff from Cavendish Road. However, the amount of storage proposed would need to be increased by at least four wheeled bins to provide capacity in line with Brent's standards

### **Sustainable Design & Construction**

49. Chapter five of the London Plan sets out a comprehensive range of policies to underpin London's response to climate change. This is supported by policies within the Core Strategy and the DMP (Chapter 7).

### Energy / Energy Efficiency

50. Policies 5.2 ("Minimising Carbon Dioxide Emissions") and 5.3 ("Sustainable Design and Construction") of the London Plan confirm the need to minimise CO<sub>2</sub> emissions in developments. The expected energy and carbon dioxide emission savings from energy efficiency and renewable energy measures incorporated into the development should be demonstrated, in accordance with the energy hierarchy. Major developments are required to achieve carbon emissions reduction targets leading to zero carbon. Any shortfall should be met via a contribution, secured by legal agreement, to the Council's carbon offsetting fund.
51. The submitted *Energy and Sustainability Statement* outlines the approach to carbon emission savings and renewable energy, which is to minimise energy consumption through passive design, fabric performance and energy efficiency measures.
52. There is also a requirement to reduce CO<sub>2</sub> emissions across the development using renewable or low-carbon energy sources, where practical and feasible. The *Statement* has considered the feasibility of the following technologies:

- Wind turbines
- Solar hot water
- Photovoltaic systems
- Biomass heating
- CHP (Combined heat and power)
- Ground & Air source heat pumps (GSHP & ASHP)

53. The results of the assessment of suitable technologies relative to the nature, locations and type of development suggest that the preferred solution to be the installation of a 28 panel PV array, producing approximately 790-800wh/annum. ASHP's will also be used, which would contribute approximately 17% towards overall CO2 reductions. The remaining technologies considered were discounted for various reasons such as the potential impact on neighbouring occupiers from the necessary plant, impact on streetscene, or the lack of available space on the site or building to accommodate bore holes for heating systems.

54. The Statement confirms that the residential element should achieve a 64.67% saving, thus exceeding the minimum on site 35% reduction required. However, in accordance with the London Plan (policy 5.2E *Minimising carbon dioxide emissions*) the remaining regulated carbon dioxide emissions, to 100%, are required to be off-set through a cash in lieu contribution (£13,554) to secure delivery of carbon dioxide savings elsewhere.

#### Overheating

55. London Plan policy 5.9 requires that consideration is given to the effects of overheating, with major schemes encouraged to reduce their reliance on air conditioning systems. A cooling hierarchy is provided at part B of the Policy. Appendix E of the submitted *Energy & Sustainability Statement* discusses how the proposed development has addressed this matter. The following design measures have been incorporated into the scheme:

- a parapet to reduce solar gain through the roof
- the introduction of concealed motorised external roller blinds for the top two floors of the tower element to block solar gains at peak times
- deep of window reveals
- top hung windows and patio doors to increase the through-flow of air (passive ventilation)
- the use of specific glazing products (such as Pilkington Suncool 70/30 or equivalent) to reduce heat gain whilst maximising light transmission

#### Flood Risk/Drainage/Water Consumption

56. London Plan policies 5.12, 5.13 and 5.15 require the consideration of the effects of development on flood risk, sustainable drainage, and water consumption, respectively. Policy DMP9A ("Managing Flood Risk") confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. A *Flood Risk Statement & SuDS Report* has been submitted, detailing the potential risk for flooding.

57. The *Report* confirms that the site is at low risk from fluvial flooding as it lies within Flood Zone 1. A review of the West London Strategic Flood Risk Assessment confirms that the site would not be at risk from surface water flooding.

58. With regard to drainage, the impermeable areas of the existing site will increase from 293sqm to 534sqm (total site area is 904sqm). With a primary goal of managing surface water runoff as close to the source as possible and having regard to the underlying ground conditions, the use of soakaways is considered to be inappropriate due to the underlying London Clay. Instead, the *Report* confirms the use of permeable paving underlain by a hydrocarbon removing geotextile membrane at the entrance road area, in order to deal with the surface water run-off. The surface water run-off from any sloped hard standing areas will be

caught by slot drains. Any overflow will be attenuated into a 19.9m<sup>3</sup> storage tank prior to discharge into the combined water network on Cavendish Road. The *Report* also suggests that green roofs will also be provided. Due to those areas also being utilised as amenity space, it is assumed that the proposed green roof would be an intensive green roof. Further details of all of the SuDS measures will be required and these can be reasonably secured by condition. A verification report should also be secured to ensure that the SuDS measures are installed, and in accordance with manufacturer instructions to ensure optimum benefit.

59. In order to minimise any impact on water supply, major developments should be limiting mains water consumption to a target of 105 litres or less per person, per day. The *Energy and Sustainability Statement* confirms that internal potable water use will be limited through the use of low flow fittings, dual flush toilets, and through the use of white goods with maximum water efficiency ratings. A condition will be imposed to secure the targeted 105 litres or less.

### Trees

60. Policies 5.10 (“Urban Greening”) and 7.19 (“Biodiversity and access to nature”) of the London Plan requires development proposals to contribute to mitigating the effects of climate change by considering integrating green infrastructure and to make a positive contribution, where possible, to the protection, enhancement, creation, and management of biodiversity. Core Policy 18 (“Protection and Enhancement of Open Space, Sports and Biodiversity”) of the Core Strategy confirms that support will be given to the improvement of the built environment for biodiversity and nature conservation. Policy DMP1 (“Development Management General Policy”), paras.4.10 to 4.13 of the DMP and LBB SPD1 all confirm the need to provide effective landscaping proposals.
61. A Phase II Arboricultural Impact Assessment has been provided to help inform the decision making process. Twenty trees and two groups of trees have been identified, with all trees categorised in accordance with BS5837:2012 to establish their condition, age and quality. Category A trees are of high quality, contribute to local amenity, and should be retained if possible. Category B trees are of moderate quality with an estimated life expectancy of at least 20 years. Category C trees are considered to be of low quality, with either a limited life expectancy, or very young trees with a stem diameter of not more than 150mm, or very little contribution to local amenity. Category U trees are ones in such a poor condition that they cannot realistically be retained as living trees. It is also noted that two trees are covered by a Tree Protection Order (TPO), both Common Limes and categorised as B and C.
62. The majority of the existing vegetation is of an insufficient quality to warrant their retention but the two TPO’d trees, both located along the common boundary with No.63 Cavendish Road, will be retained in the development proposal. A condition securing the protection measures proposed for these two trees, in addition to the two street trees, will be imposed. Replacement planting will be sought through a landscaping condition. The proposal also involves the replacement of the existing drive and it should be noted that this extends over the root protection area of the two TPO’d trees. To mitigate any potential adverse impact, it is proposed that a cellular confinement system is installed using a minimal/no-dig installation. This methodology will be secured by an appropriately worded condition.

### Landscaping

63. The existing site is heavily vegetated, although as noted above, not many of the existing trees are high quality specimens. The submitted Landscape Strategy broadly outlines the approach to be adopted, such as the planting of six semi-mature trees (replacement Lime trees, or any alternative to be agreed with the LPA) and eight ornamental, multi-stemmed trees. The Strategy is welcomed, although there are some concerns over the close proximity of some of the semi-mature trees to the building, as this could result in additional pressure to cut back the canopy. Notwithstanding, a full landscaping strategy, which would provide details of species and details of the management of the landscaping, can be reasonably secured by condition.

### Air Quality

64. An Air Quality Assessment has been submitted in support of the application as the site is within an Air Quality Management Area. The Assessment acknowledges that the development has the potential to generate dust and emissions during the construction phase due to on-site activities and exhaust emissions from construction vehicles and plant, as detailed within Section 5 of the Assessment. Due to the proximity of sensitive receptors near to the site boundary, conditions will be imposed to secure details of measures to control dust emissions and the emissions from non-road mobile machinery.

65. Dispersion modelling was also undertaken to establish the potential exposure of future residents to elevated levels. Across all levels of the ground floor, NO<sub>2</sub> and annual mean PM<sub>10</sub> concentrations were below guidance levels, therefore not being a cause for concern. It wasn't considered necessary to provide further assessments at other levels of the development. The site is classified as having an Air Pollution Exposure Category of "A" in accordance with the London Councils Air Quality and Planning Guidance and is therefore considered suitable for the proposed use. Environmental Health has confirmed that no mitigation is required in this instance.

#### *Air Quality Neutral Assessment*

66. The Air Quality Neutral Assessment confirms that this assessment was undertaken in accordance with GLA guidance. The development is considered to be air quality neutral because heating will be provided through an air-source heat pump (ASHP) and it is a car-free development. Environmental Health have confirmed that as long as that these two elements of the scheme are provided, the development will be air quality neutral. These matters are secured by way of conditions, in relation to the ASHP and through the legal agreement with regard to remaining car-free.

#### Construction Site Waste Management

67. Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London's waste within London by 2031, creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2031. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition (CE&D) waste of 95% by 2020. In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans (SWMP) to arrange for the efficient handling of construction, excavation and demolition waste and materials. The supporting text to CP19 ("Brent Strategic Climate Change Mitigation and Adaptation Measures") of the Core Strategy confirms that developers will be expected to play their part in reducing the overall waste arising and is managed towards the upper end of the waste hierarchy.

68. The applicant has indicated, through the *Sustainability Statement*, that any waste generated will be segregated for recycling/collection/re-used, and any hazardous waste will be disposed of appropriately. An appropriately worded condition will secure details.

#### **Equalities**

69. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

#### **Conclusions**

70. Having regard to all of the above, it is considered that on balance, planning permission should be granted for the following reasons:

1. Having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting, the proposal has been assessed against the identified designated and undesignated heritage assets and their significance as set out above. It is considered that the development proposal will not lead to any harm to those assets having regard to Policy 7.8 of the London Plan, Core Policy 17, Policies DMP1 and DMP7 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
2. The proposed development would contribute to increasing London's supply of housing, having regard to Policies 3.3, 3.4 & 3.14 of The London Plan, Core Policies 1, 2, 6, 18 & 21 of the Core Strategy, Policies DMP1 & 15 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
3. The proposed development, due to its design, size, scale and siting, does not unduly detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan Policy, Core Policies 5, 6 & 17, DMP Policies 1 & 19 of the

Development Management Policies, and with guidance contained within the National Planning Policy Framework, and with guidance contained within the National Planning Policy Framework.

4. The proposed development, due to its siting does not unduly impact on the existing amenities of the occupiers of nearby properties in terms of loss of light, outlook or privacy and in this respect complies with Policy 7.6 of the London Plan, Core Policy 17, DMP Policy 1 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
5. Having regard to conditions attached to this permission, the proposal makes appropriate provision for servicing, access, parking, including cycle parking and visibility splays, and in this respect complies with Policies 6.3, 6.9, 6.12 & 6.13 of the London Plan, DMP Policies 11 & 12 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
6. The proposed development, by virtue of measures proposed and conditions imposed, will contribute to the mitigation of and adaptation to climate change, having regard to Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10, 5.12, 5.13 & 5.15 of the London Plan, Core Policies 20, 32 and 36, DMP Policies 8, 9a & 9b of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.

## S106 DETAILS

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

1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
2. Notice of Commencement of works
3. The securing of the two affordable units
4. Post implementation viability review
5. Training and employment
6. Carbon offsetting (Contribution of £13,554 towards a local carbon off-setting scheme to achieve a zero carbon development based upon the carbon reduction measures set out in the Energy & Sustainability Statement dated 6 August 2019)
7. 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.

## CIL DETAILS

This application is liable to pay **£487,232.33** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 460 sq. m.

Total amount of floorspace on completion (G): 1820.17 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	1820.17		1360.17	£200.00	£0.00	£405,622.13	£0.00
(Mayoral) Dwelling houses	1820.17		1360.17	£0.00	£60.00	£0.00	£81,610.20

BCIS figure for year in which the charging schedule took effect (Ic)	224	334
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£405,622.13</b>	<b>£81,610.20</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Application No: 19/0834

To: Hill  
Maddox Associates  
68 Hanbury Street  
London  
E1 5JL

I refer to your application dated **05/03/2019** proposing the following:

Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained flats with associated car parking, cycle storage and landscaping.

and accompanied by plans or documents listed here:  
see Condition 2

at **162 Willesden Lane, Kilburn, London, NW6 7PQ**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/12/2019

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

- 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):

378-PL-001 Existing Site Location Plan  
 378-PL-010 Existing Elevations  
 378-PL-002 Existing Site Block Plan  
 378-PL-003 Existing Site Plan  
 378-PL-004 Demolition Plan  
 378-PL-005 Existing Lower Ground Floor Plan  
 378-PL-006 Existing Ground Floor Plan  
 378-PL-007 Existing First Floor Plan  
 378-PL-008 Existing Second Floor Plan  
 378-PL-009 Existing Roof Plan  
 378-PL-101 Rev.B Proposed Site Plan  
 378-PL-102 Rev.I Proposed Basement & Lower Ground Floor Plan  
 378-PL-103 Rev.H Proposed Upper Ground & First Floor Plan  
 378-PL-104 Rev.H Proposed Second & Third Floor Plan  
 378-PL-105 Rev.H Proposed Roof Plan  
 378-PL-201 Rev.E Proposed Street Elevations  
 378-PL-202 Rev.G Proposed Rear and Side Elevations  
 378-PL-203 Rev.B Proposed Willesden Lane Elevation Façade Study  
 378-PL-204 Rev.B Proposed Cavendish Road Elevation Façade Study  
 378-PL-205 Rev.B Proposed Rear Elevation Façade Study  
 378-PL-206 Rev.B Proposed Side Elevation Façade Study  
 378-PL-207 Rev.A Materiality  
 378-PL-208 Rev.B Detail of Typical Willesden Lane Window  
 378-PL-301 Rev.C Proposed Sections AA & BB  
 378-PL-303 Rev.B Proposed Sections CC & DD  
 378-PL-304 Rev.B Proposed Sections EE & FF

Accommodation Schedule  
 Air Quality Assessment (5th July 2019)  
 Arboricultural Impact Assessment  
 Daylight and Sunlight Impact Assessment  
 Design and Access Statement  
 Energy & Sustainability Statement  
 Flood Risk Assessment & SuDS Report  
 Heritage Statement  
 Interior Daylight Assessment  
 Landscape Strategy  
 Thames Water Drainage & Water Search  
 Transport Statement

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

- 3 No external plant, fittings, plumbing or pipes shall be fixed to any external element of the buildings unless otherwise approved in writing by the Local Planning Authority in advance of any work being carried out.

Reason: To ensure an acceptable appearance.

- 4 No less than two of the units hereby approved shall be constructed as wheelchair user dwellings (Requirement M4(3) of the Building Regulations) and the remainder (x17 units) shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation, evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the needs of all users are met and optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP21 of the Core Strategy, DMP1 of the Development Management Document and Policy 3.8 of the London Plan.

- 5 Notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, without the express planning permission having first been granted in writing by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 6 Unless specified by any other condition attached to this permission, development shall only be undertaken in accordance with the methodology and recommendations specified within the Phase II Arboricultural Impact Assessment (AIA) by Arbol Euroconsulting (Ref.101329) dated 25/01/2019.

Reason: To ensure that the retained trees and other vegetation on the site or on adjacent sites are not adversely affected by any aspect of the development.

- 7 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: Nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended), this condition will ensure that wildlife is not adversely affected by the proposed development in accordance with DMP8 of the Development Management Policies, CP18 of the Core Strategy, and Policies 5.10, 5.11 and 7.19 the London Plan.

- 8 Prior to any superstructure works commencing, details of materials for all external work, including sample panels which shall be made available for viewing on site or within another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

- 9 No works shall commence on the site until the details of all plant and machinery to be used at the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. Evidence is required to meet Stage IIIA of EU Directive 97/68/EC for both NOx and PM. No works shall be carried out on site until all Non-road mobile machinery (NRMM) and plant to be used on the site of net power 37kW and 560kW has been registered at <http://nrmm.london>. Proof of registration must be submitted to the Local Planning Authority prior

to the commencement of any works on site.

Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and the GLA NRMM Low Emission Zone.

Reason for pre-commencement condition: These details are required pre-commencement because the impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

10

- A. Prior to any superstructure works commencing, a detailed report in relation to any mechanical plant to be installed, including but not limited to ventilation systems, air source heat pumps, kitchen extract systems, shall be provided to the Local Planning Authority and approved in writing, setting out in detail the following:
  - i) The particulars and or specification of noise and vibration levels for the proposed mechanical plant
  - ii) Details demonstrating that any noise generated shall be 10 dB(A) or greater below the typical background noise level (LA90) during the time of plant operation at 1m from the nearest on and off-site NSR: the method of assessment should be carried out in accordance with BS4142:20147 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
  - iii) Include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)
  - iv) Include a scheme of mitigation in the event the predicted vibration levels of the plant exceed acceptable norms
  - v) A management/maintenance plan for the chosen mechanical plant
- B. The approved mechanical plant shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development
- C. A verification report, written by an appropriately qualified person, shall be submitted to the Local Planning Authority for approval in writing prior to first occupation demonstrating that the approved mechanical plant has been installed in accordance with Part A of this condition.

Reason: To ensure that any mechanical plant to be installed will prevent noise nuisance in the interest of safeguarding amenity.

- 11 Unless required by any other condition attached, the development shall be undertaken in accordance with the recommendations and mitigation measures set out within the Air Quality Assessment Report produced by Redmore Environmental (ref:2960r1) dated 5th July 2019, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect local air quality, having regard to the contents of the approved Air Quality Assessment.

- 12 Within three months of the commencement of above ground works, details of any external lighting to be provided, inclusive of the design, height, siting, and lux levels shall be submitted to the Local Planning Authority for approval in writing. The submitted details shall also include how the external lighting scheme has been designed to minimise light spillage and its impact on wildlife particularly along the northern boundary of the site. The external lighting shall be provided prior to first occupation and maintained at all times thereafter.

Reason: In the interests of visual amenity, safety, residential amenity and to ensure that light sensitive receptors are not unduly affected.

- 13 Unless required by any other condition attached to this permission, the parking space, cycle storage and refuse storage as shown on the approved plans shall be provided in full prior to first occupation of the development and shall be permanently retained, kept free from obstruction

and used solely in connection with the development hereby approved and for the purposes approved unless permission is otherwise granted in writing.

The approved cycle storage shall be permanently maintained, kept free from obstruction and available for the parking of bicycles only.

Reason: To ensure that the approved highway works and standards of parking provision and servicing are provided and maintained in the interests of local amenity and the free flow of traffic in the vicinity, and to encourage sustainable travel.

- 14 Prior to development commencing, details to be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) a photographic condition survey of the roads, footways and verges leading to the site;
  - b) wheel cleaning methodology and facilities (inclusive of how waste water will be collected /managed on site);
  - c) the estimated number and type of vehicles per day/week;
  - d) details of any vehicle holding area;
  - e) details of any vehicle call up procedure;
  - f) Coordination with other development projects in the vicinity;
  - g) Hours of deliveries / collections, to avoid conflict with school drop-off/pick-up times (Christ Church C of E Primary School);
  - h) Hours of work;
  - i) A Construction Management Plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition'.

The development shall be carried out in accordance with the approved detail.

Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability, to ensure the implementation of the development does not lead to damage to the existing highway, and to minimise disruption to neighbouring properties and the environment.

Pre commencement reason: These details are required pre-commencement impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

- 15 Prior to any development commencing, inclusive of site clearance, details of a Construction Site Waste Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Site Waste Management Plan shall include as a minimum:
- (a) Target benchmarks for resource efficiency set in accordance with best practice;
  - (b) Procedures and commitments to minimize non-hazardous construction waste at design stage. Specify waste minimisation actions relating to at least 3 waste groups and support them by appropriate monitoring of waste;
  - (c) Procedures for minimising hazardous waste;
  - (d) Monitoring, measuring and reporting of hazardous and non-hazardous site waste production according to the defined waste groups (according to the waste streams generated by the scope of the works);
  - (e) Procedures and commitments to sort and divert waste from landfill in accordance with the waste hierarchy (reduce; reuse; recycle; recover) according to the defined waste groups; and
  - (f) No less than 95% by weight or by volume of non-hazardous construction, excavation and demolition waste generated by the development has been diverted from landfill

Reason: To maximise the amount of waste diverted from landfill consistent with the waste hierarchy and strategic targets set by Policies 5.17, 5.18, 5.19 of the London Plan.

Reason for pre-commencement condition: These details are required pre-commencement because the impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly, arises at this time.

- 16 Prior to superstructure works commencing, details of the zero / low carbon technologies to be used in the development shall be provided to the Local Planning Authority.
- (a) The submitted detail shall demonstrate compliance with the approved renewable energy strategy as outlined within the approved Energy & Sustainability Statement and must include the design, size, siting, and a maintenance strategy / schedule, inclusive of times, frequency and method.
  - (b) The approved details shall be implemented prior to first occupation of the development in accordance with the approved details and permanently maintained.
  - (c) Prior to first occupation of the development approved, a verification report demonstrating that the zero / low carbon technologies measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by renewable energy are met in accordance with adopted Policy.

- 17 Prior to the commencement of building works, excluding demolition, details of the measures to limit the internal consumption of water to 105 litres or less per head per day has been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved details prior to first occupation of the development.

Reason: To promote water conservation and efficiency measures in all new developments in accordance with policy 5.15 of the London Plan, and DMP9b of the Development Management Policies.

- 18 Prior to construction works commencing, details of the proposed SuDS measures as outlined at paragraph 6.5 of the Flood Risk Statement & Drainage Strategy (March 2017) shall be submitted to the Local Planning Authority for approval in writing. The submitted detail shall include:
- A. Location, design, substrate (extensive substrate base with a minimum depth 80-150mm), vegetation mix and density, and a cross-section of the proposed green roof
  - B. Location, size, storage volumes, cross-sections, long-sections (where appropriate) and specifications of all the source control SuDS measures including rain gardens, raised planters, green roofs, water butts, geocellular storage, and permeable paving;
  - C. Final sizes, storage volumes, invert levels, cross-sections and specifications of all site control SuDS measures including ponds and underground tanks
  - D. Where appropriate, provide calculations to demonstrate that the SuDS provided will function for 1 in 1 year and 1 in 100 year (with the allowance of climate change) events;
  - E. A management plan for future maintenance for all of the drainage features

All SuDS measures shall be implemented in accordance with the approved detail.

Reason: To assist in flood attenuation and to ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with adopted Policy

- 19 Prior to first occupation of the development approved, a verification report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing.

Reason: In the interest of managing surface water runoff as close to the source as possible in accordance with adopted policy

- 20 The applicant will submit a schedule of site supervision visits to be carried out by the project arboriculturalist with regards to any potentially damaging works taking place within the root protection areas (RPA's) of retained trees.

The project arboriculturalist will compile a photographic report to be sent to the LPA tree officer as evidence of works being carried out in accordance with the method statement by Arbol Euroconsulting Ref (101329).

Reasons- To ensure the ongoing health and longevity of retained trees within the landscape and to ensure that works are carried out correctly and are not injurious to trees shown as being retained on the approved plans.

- 21 No superstructure works shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- (a) Planting plans;
- (b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- (c) Pit details and soil volumes to ensure that all new planting realises its full potential;
- (d) Schedules of plants and trees, to include native, wildlife friendly species and large canopy trees in appropriate locations (noting species, planting sizes and proposed numbers / densities);
- (e) Implementation timetables;
- (f) Wildlife friendly plants and trees of local or national provenance (1x *Betula pendula* Fastigiata (12-14cm girth), 2x *Acer campestre* Elsrijk (12-14cm girth), 3x *Carpinus betulus* 'Frans Fontaine' (12-14cm girth))
- (g) Details of hardsurfacing materials;
- (h) Details of any external furniture

All hard and soft landscaping shall be provided prior to first occupation following practical completion of the development hereby approved. The landscaping and tree planting detail shall set out a plan for the continued management and maintenance of the site and any planting which dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with new planting in accordance with the approved details or an approved alternative and to the satisfaction of the Local Planning Authority.

Reason: To ensure that the ecological value of the site is enhanced post development in line with the Biodiversity Action Plan, and in accordance with DMP8 of the Development Management Policies, CP18 of the Core Strategy, and Policies 5.10, 5.11 and 7.19 the London Plan.

- 22 Prior to the commencement of above ground works, excluding demolition, details of the design and siting of a minimum of five bird boxes designed into and around the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The approved bird boxes shall be maintained for the lifetime of the development hereby approved.

Reason: To enhance the site post development in accordance with CP18 of the Core Strategy by providing suitable nesting features for birds, and having regard to the recommendations of the submitted Ecological Assessment.

- 23 Prior to the commencement of above ground works, excluding demolition, for the provision of a communal television system/satellite dish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved detail.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the development hereby approved in the interests of the visual appearance of the development, in

particular, and the locality in general.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to your duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 3 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 4 If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. An application for these works should be made to the Council's Head of Highways & Infrastructure via <https://www.brent.gov.uk/services-for-residents/transport-and-streets/vehicle-crossings-and-dropped-kerbs/>, tel 020 8937 5600 or [transportation@brent.gov.uk](mailto:transportation@brent.gov.uk). The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 The applicant is reminded that nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended). All buildings and areas of trees, hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development approved, should only be cleared outside of the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist must check the buildings and vegetation to be removed immediately prior to clearance and advise whether nesting birds are present.
- 8 The applicant is advised of the comments below, received from Thames Water. When contacting Thames Water, please use their DTS reference number: 61547.

### Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in

prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwwriskmanagement@thameswater.co.uk](mailto:wwwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.thameswater.co.uk\\_wastewaterquality&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=VbW0ybEbuzGiKTNgmJOWJuwGg0b2j8mwdlhezJanc&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk_wastewaterquality&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=VbW0ybEbuzGiKTNgmJOWJuwGg0b2j8mwdlhezJanc&e=)

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=).

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other

structures. [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=nQkGafST2wCu8m6crJBqG1zL1Kp7dEsmzFnupp2Enq0&e=). Should you require further information please contact Thames Water. Email:

[developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices\\_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvSAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=d9skNDUGBRzyo6GbiwqqjWPFn5ca3s5LvOSDjkeiQXM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvSAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Z04pgAHiBfNb4zCAwcuifn3Xz0Bf3xL8CUL46lpMHcE&s=d9skNDUGBRzyo6GbiwqqjWPFn5ca3s5LvOSDjkeiQXM&e=)

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

#### Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum

pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Any person wishing to inspect the above papers should contact Sean Newton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5166