

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 June, 2020  
04  
19/3092

## SITE INFORMATION

RECEIVED	30 August, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	Ujima House, 388 High Road, Wembley, HA9 6AR
PROPOSAL	Demolition of the existing building and erection of a new building up to a maximum height of 39.6m comprising up to 5,000sqm residential floorspace (Use Class C3), up to 600sqm of flexible workspace (Use Class B1A, B and C), with ancillary cafe (Use Class A3) up to 600sqm ancillary floorspace, associated hard and soft landscaping, wheelchair car and cycle parking.
PLAN NO'S	Please see condition 3.
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_146781">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146781</a></p> <p><b><u>When viewing this as an Hard Copy _</u></b></p> <p>Please use the following steps</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 "19/3092" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## INTRODUCTION

This application was deferred from the 6 May 2020 Planning committee to allow officers to consider a late letter of objection that was sent on behalf of the owners of the adjoining building (Lanmor House, 370 High Road) objecting to the proposal.

Since the application was deferred from the last Planning Committee, a further letter of objection sent on behalf of the owners of the adjoining building (Lanmor House) and part owner of No. 26 to 29 Ecclestone Place has also been received, which set out in more detail the grounds of objection expanding upon the original objection. A response to these objections is set out below and expanded upon within the remarks section of the committee report where appropriate.

In addition to the above, the Daylight Sunlight Report was resubmitted on 7 May 2020, correcting an error in the summary text relating to properties on Ecclestone Place. All of the properties tested on Ecclestone Place comply with BRE target values for VSC, NSL and APSH, and these properties are therefore not discussed in the summary text. This minor update is not considered to result in a material change to the results of the Daylight and Sunlight report to warrant re-consultation.

### Additional objection

Objections have been received on behalf of the owner of the adjoining site at Lanmor House (370 to 386 High Road) and part owner of 26-29 Ecclestone Place.

A summary of the concerns are set out below:

#### 1. Consultation

The objector considers that there was a lack of consultation with the adjoining land owner during both pre-application and application stages.

With regards to consultation requirements for the planning application itself, the Council did post site notices outside the application site and the application was advertised in the local press. In addition, consultation letters were sent to all nearby occupiers. This included the commercial space and all flats within Lanmor House, and 26 to 29 Ecclestone Place.

The Council therefore exceeded its statutory duty for consulting on the planning application.

Further details of the comments received (including an objection received from 27 Ecclestone Place) are discussed within the "consultation" section below.

The NPPF paragraph 40 states that local planning authorities should encourage applicants to engage with the local community before submitting their applications, and Brent's adopted Statement of Community Involvement reinforces this by setting out recommended pre-application engagement for planning applications. For an application of this scale, discussions with neighbours and public meetings and exhibitions are recommended. However pre-application engagement is not a statutory requirement. In this case, local residents were invited to attend two public exhibitions and give feedback on the proposals, although non-resident property owners were not explicitly invited.

#### 2. Accuracy of reporting

The objector considers that there was a lack of consideration of the proposal upon Lanmor House, taking into account the recent planning history and works carried out to Lanmor House. They also raised concern about the scale of surrounding buildings not being accurately reported and inaccurate reference to the building line being in line with adjoining sites where in fact it projects forward, and the resulting impact of the forward projection upon neighbouring amenity.

The above matters are discussed within the "remarks" section below.

### 3. Building scale and mass of envelope parameters

The objector has expressed concern about the footprint and resulting depth of the building and the impact on neighbouring occupiers, specifying that there would be an overdevelopment of the site.

### 4. Separation distances, privacy and outlook

The objector is concerned about the potential for overlooking and a loss of privacy and outlook to Lanmor House and 26 to 29 Ecclestone Place.

Once again, this is expanded upon within the "remarks" section below.

### 5. Daylight and Sunlight

The objector considers that there are inaccuracies within the daylight and sunlight report in terms of the reporting of the windows within Lanmor House and no consideration of the impact upon the communal roof top garden in Lanmor House.

This is expanded upon within the "remarks" section below.

### 6. Right of Light

The objector has highlighted that whilst outside of the remit of planning, the Council should be aware of its legal position regarding rights of light. As highlighted by the objector, this is outside the remit of planning.

### 7. Highway matters

Matters have been raised with regards to construction traffic, servicing and delivery traffic, and access to the proposed building.

This has been discussed within the remarks section below. (refer to paragraphs 121 and 134-135)

### 8. Streetscene

The objector considers that the assessment of the impact on the streetscape does not consider the curve in this part of the High Road and the potential for a "canyoning" effect along this part of the High Road with the nine storey building on the opposite side. Concerns are raised with the impact on the micro-climate wind tunnelling effect. They also believe that the Design and Access Statement misrepresents the building when viewed from the east as it is only shown as nine storeys.

These matters are discussed within the "remarks" section below.

## **RECOMMENDATIONS**

To resolve to grant outline planning permission, subject to the Stage 2 referral to the Mayor of London and the conditions and informatives recommended in this report.

A. That the Committee resolve to GRANT outline 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

B. 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 and Commencement of Development
2. Approval of Reserved Matters details
3. Approved drawings and documents
4. No conversion from C3 to C4 without planning permission
5. Use of parking and cycle storage


6. Non Road Mobile Machinery
7. Construction tolerance plan
8. Provision of employment floorspace prior to residential occupation
9. Affordable housing provision including two-stage viability review
10. Construction Method Statement
11. Construction Logistics Plan
12. Training and employment plan
13. Detailed design stage Energy Assessment and initial carbon offsetting contribution
14. Site investigation for contaminated land
15. Details of internal noise levels
16. Materials samples and design details
17. Landscaping details including maintenance and replanting
18. Fire Strategy
19. Wind microclimate assessment
20. Retain provision for permissive rights of way for pedestrians and cyclists
21. s278 agreement to secure highway works
22. Lighting assessment
23. Remediation and verification of contaminated land
24. Parking permit restriction agreement
25. Travel Plan including two years free car club membership
26. Thames Water infrastructure capacity
27. Delivery and Servicing Plan
28. Commercial kitchen plant
29. Plant noise assessment
30. Post completion Energy Assessment Review and final carbon offsetting contribution

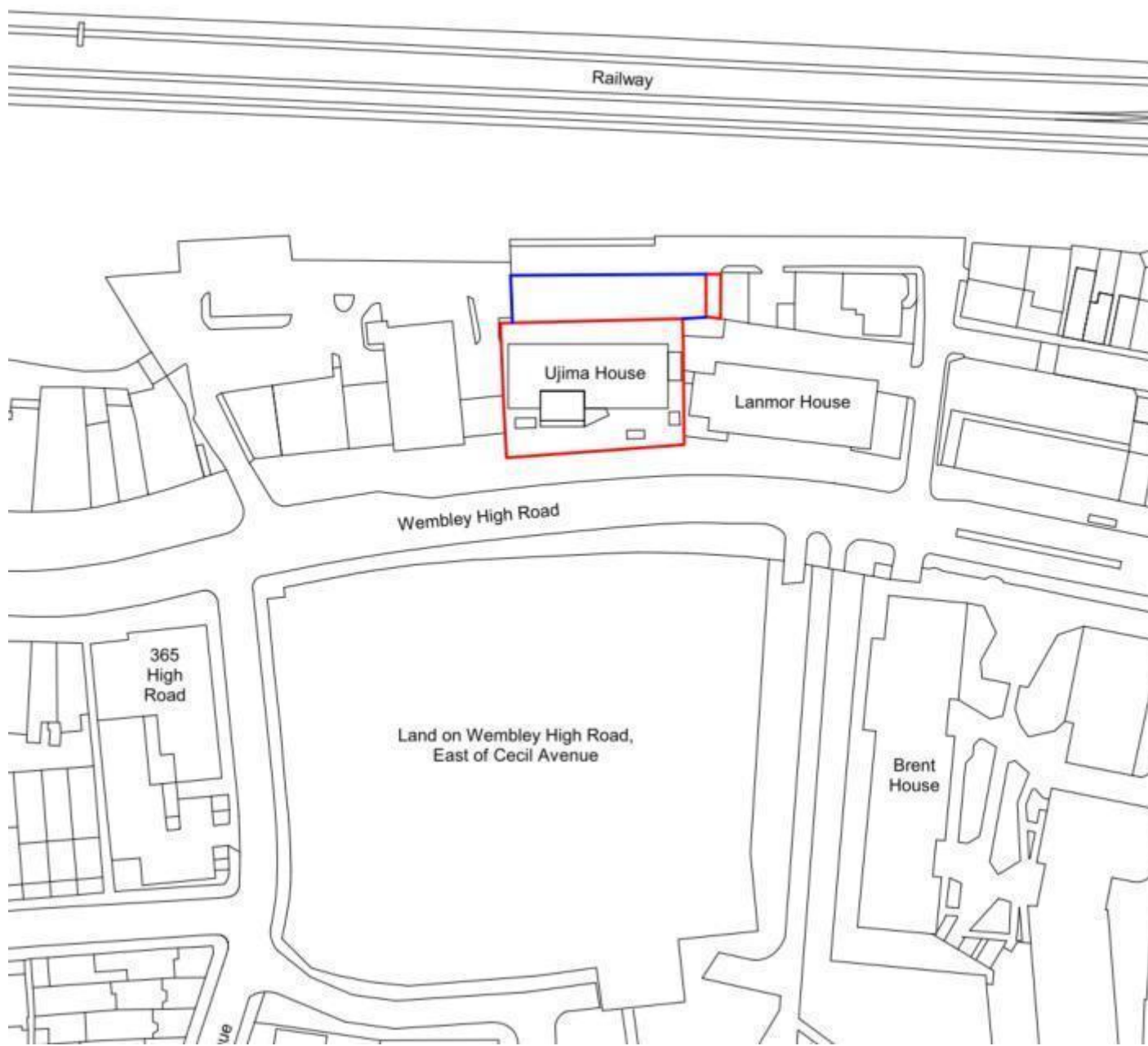
C. Informatives as detailed at the end of this report.

D. 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.

E. 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

	<p><b>Planning Committee Map</b></p>
	<p>Site address: Ujima House, 388 High Road, Wembley, HA9 6AR</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>



This map is indicative only.

## PROPOSAL IN DETAIL

The application seeks outline planning permission to redevelop the site, with all matters reserved.

The existing building would be demolished and replaced by a new building of up to 39.6m in height. The building would comprise up to 5,000sqm of residential floorspace, up to 600sqm of flexible workspace in use classes B1(a), B1(b) and B1(c) with ancillary cafe, and up to 600sqm of ancillary floorspace. The workspace would be located on the ground floor and basement floor, and residential uses would be located on the floors above. Associated hard and soft landscaping would be provided, together with car and cycle parking.

## EXISTING

The existing site comprises a five-storey office building known as Ujima House together with a partly landscaped frontage, and an area of hardstanding to the rear which provides 42 parking spaces for the use of occupants of the building. The site is located on the northern side of Wembley High Road.

The site is not in a conservation area and does not contain a listed building. It is located within Wembley Town Centre and Wembley Growth Area as designated in Brent's Core Strategy 2010, and within Wembley Housing Zone as designated by the Mayor of London. The surrounding area contains a mix of commercial and retail uses with residential uses above ground floor. To the north of the site is a railway embankment and the Chiltern Line railway tracks.

## AMENDMENTS SINCE SUBMISSION

Revisions to the indicative ground floor plan shown in the Design & Access Statement were submitted (in the form of a Design & Access Statement Addendum) on 7 February 2020. The revisions proposed are:

- providing a dedicated entrance lobby for residential use, rather than an entrance shared with the workspace / cafe use. The lobby would be 3m wide and finished in robust materials, to allow cycles to be brought through the entrance lobby to the cycle store at the rear of the building, thus avoiding the need for cyclists to enter the site via Ecclestone Place;
- amending the residential cycle storage to provide some larger non-standard spaces and Sheffield stands in addition to two-tier spaces;
- indicating space for additional Blue Badge parking spaces;
- providing access controlled gates to the parking area and yard space;
- relocating short stay cycle parking to accommodate a gate to the yard space.

These revisions do not materially alter the proposal and would not prejudice the interests of any neighbouring residents, and further consultation was not necessary on this occasion.

## 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.

**Neighbour objections:** One neighbour objections has been received, raising concerns about the access from Ecclestone Place and nuisance caused by construction works. These issues are considered at the relevant points in the report.

**Principle of development:** The site has been allocated for mixed use residential-led redevelopment since 2015. The proposal is for outline planning permission. It would bring forward new employment floorspace which would create an active frontage along the High Road, and would contribute to the vitality and viability of the town centre while helping to foster new economic opportunities. It would also provide residential units to contribute to Brent's housing targets (indicatively 54 units) and improved public realm to the front of the site. It would secure future pedestrian and cyclist rights of way as adjoining sites come forward for redevelopment. The loss of the existing office space is considered acceptable in this instance given the planning benefits of redeveloping the site. The proposal responds well to the adopted and emerging site allocations, and is strongly supported in principle.

**Housing mix and affordable housing:** The proposal would deliver 41.4% affordable housing (by habitable room) (35% by number of units) with a proposed tenure split of 63:37 affordable rent to shared ownership. The applicant's financial viability appraisal has been robustly reviewed by independent consultants and this process has demonstrated that the offer is beyond the maximum reasonable amount of affordable housing that the site can support. The proposal would provide 15% of family sized units and whilst this falls below Brent's policy target of 25% it is considered acceptable on this constrained and highly urbanised site. Of the affordable rent units, 32% would be family-sized and this would contribute to the specific need for these homes in Brent.

**Design, scale and appearance:** The proposed building would be rectangular in form, making effective use of the site and responding to the character of the area. The maximum height of 39.6m is considered acceptable within the emerging street scene and would allow for a building of eleven stories including a set back eleventh floor to define the top of the building. The architectural composition and detailing would be considered under reserved matters. Overall the design approach is strongly supported.

**Impact on heritage assets:** The impacts on archaeological interest has been assessed and it is considered that no harm would occur.

**Residential living standards:** The indicative layout shows that the building could provide 54 residential units of high quality on the upper floors, a high proportion being dual aspect and all having generously sized balconies. A communal roof terrace would be available to all residents and would include areas for play. The overall amount of amenity space is considered to be of good quality and acceptable, despite it falling short of the requirements set out in Policy DMP19.

**Relationship with neighbouring properties:** The proposed building would comply with Brent's standards for separation distances to adjoining sites. Detailed analysis of the impact on daylight to neighbouring properties shows that these impacts would mainly affect the proposed new development to the south of the site (Land at Cecil Avenue and High Road, ref 19/2891), and this is considered inevitable in high density urban contexts.

**Sustainability and energy:** The proposal would achieve a 32% reduction in residential carbon emissions compared to the 2013 Building Regulations baseline and a 56% reduction in non-residential emissions. Further opportunities to reduce emissions would be sought in the detailed design and construction process, and a financial contribution to zero carbon offsetting, estimated to be £60,273, would be secured by condition.

**Environmental health considerations:** Air quality, noise and vibration, and land contamination have been assessed, and environmental health officers have recommended conditions as appropriate to mitigate any impacts, including those arising from the construction process.

**Transport:** The proposal includes three car parking spaces for Blue Badge holders at the rear of the site, which complies with Brent's maximum allowance and London Plan requirements for disabled parking, and a single point of vehicle access from Ecclestone Place. The site is in a Controlled Parking Zone with excellent access to public transport, and future residents would not be eligible for on-street parking permits. Cycle parking would be provided in compliance with London Plan standards, and waste storage and collection arrangements would be acceptable. Highway works and a Travel Plan would be required by conditions.

## RELEVANT SITE HISTORY

### 13/0515

Full Planning Permission

Granted 05/06/2013

Change of use from office building (Use Class B1) to non-residential educational institution (Use Class D1)

### 10/0421

Full Planning Permission

Granted 22/04/2010

Change of use from office building (Use Class B1) to non-residential educational institution (Use Class D1) (as amended by further information received on 15/04/2010, 19/04/2010 and 21/04/2010)

Note: both permissions above were granted on a temporary basis, the latter permission having expired in April 2016.

99/0206

Certificate of Lawfulness - Existing

Granted 08/03/1999

Use of part of the ground floor as a nursery for use of employees of Ujima Housing Association, Parkside Health and members of the public - Certificate of Lawfulness for a proposed use

## CONSULTATIONS

122 neighbouring properties were consulted by letter on 4 September 2019. A site notice was posted on 23 September 2019 and a press notice was published on 26 September 2019. One objection was received and is summarised as follows:

Comment	Officer response
Lack of safe road access and consequent highway safety and traffic disruption to Ecclestone Close.	See paragraphs 133 and 134 - construction traffic would be managed through a construction logistics plan to be conditioned to any forthcoming consent.
Reference is made to a 15 tonne weight restriction on Ecclestone Place.	The Construction Logistics Plan addresses this issue – see paragraphs 133 and 134.
Noise, disturbance and air pollution caused by construction process.	See paragraph 108 - These matters would be managed through a construction management plan as part of a condition to any forthcoming consent to mitigate the impact upon neighbouring amenity and the wider environment.  Statutory nuisance would be dealt with by Environmental Health legislation.

Reconsultation of neighbouring properties was carried out on 9 March 2020, together with posting of amended site notices, to remove an incorrect reference to AOD heights in the original description of the development. No further comments were received.

### **Internal and statutory consultees**

GLA Stage 1 response (including TfL comments):

**Principle of development:** The principle of the residential-led redevelopment of the site is strongly supported in Wembley Opportunity Area.

**Housing:** Issues raised with the proposed affordable rent product not being genuinely affordable and should be provided as London Affordable Rent. The proposal does not qualify for the Fast Track Route, and early stage and late stage viability reviews should be secured.

**Urban design:** The design approach is generally supported as is height and massing.

**Transport:** Further information is required regarding the assessment of and contributions towards Healthy Streets and Vision Zero, access arrangements for cyclists such as proposed cycle parking areas and access routes, and the provision of policy compliant disabled persons parking spaces.

**Energy:** Further information on the energy strategy is required.

These matters are addressed in the Remarks section below.

Thames Water: No objection subject to condition requiring either confirmation of surface water and foul water drainage capacity or housing and infrastructure phasing plan or completion of wastewater network upgrades.

Historic England (Greater London Archaeology Advisory Service): No objection.

Energy & Sustainability Officer: Recommends improvements to energy strategy (these are discussed in the main body of the report).

Environmental Health (including noise control team): No objection subject to conditions.

### **Pre-application consultation and engagement**



The applicant's Design & Access Statement sets out the public consultation and engagement activities undertaken by the applicants prior to submitting the application. These included two public exhibitions and a variety of work experience opportunities provided for students. These activities are considered to be appropriate to the scale of the development and to reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement.

The applicants have been involved in pre-application discussions with officers, in addition to seeking pre-application advice from the GLA and the CABE Design Review Panel. The overall scale and form of the proposal has evolved in response to feedback received, although the proposal was broadly supported in its initial form.

## **POLICY CONSIDERATIONS**

### The London Plan including:

Policy 2.7	Outer London: Economy
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 4.1	Developing London's economy
Policy 4.3	Mixed use development and offices
Policy 4.8	Supporting a successful and diverse retail sector and related facilities and services
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 5.19	Hazardous waste
Policy 5.21	Contaminated Land
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 7.7	Location and design of tall and large buildings
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  
CP5 Placemaking  
CP6 Design & Density in Place Shaping  
CP7 Wembley Growth Area  
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  
DMP2 Supporting Strong Centres  
DMP4a Shop Front Design and Forecourt Trading  
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

### Wembley Area Action Plan 2015

- WEM1 Urban form  
WEM2 Gateways to Wembley  
WEM3 Public Realm  
WEM5 Tall Buildings  
WEM6 Protection of Stadium Views  
WEM8 Securing Design Quality  
WEM10 Low-cost Business Start-up Space  
WEM13 Western Highway Corridor  
WEM15 Car parking standards  
WEM16 Walking and Cycling  
WEM19 Family Housing  
WEM21 Wheelchair Housing and Supported Housing  
WEM30 Decentralised Energy  
WEM32 Urban Greening  
WEM33 Flood Risk  
WEM34 Open Space Provision  
WEM38 Play Provision  
Site Allocation W4

In addition, the council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The Examination in Public for the Draft New London Plan has been completed and the Panel Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

Key relevant policies include:

Intend to publish London Plan

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city
GG4	Delivering the homes Londoners need
GG5	Growing a good economy
SD1	Opportunity areas
SD6	Town centres and high streets
SD8	Town centre network
D1	London's form, character and capacity for growth
D2	Infrastructure requirements for sustainable densities
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D8	Public realm
D9	Tall buildings
D10	Basement development
D11	Safety, security and resilience to emergency
D12	Fire safety
D14	Noise
H1	Increasing housing supply
H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring affordable housing
H10	Housing size mix
S1	Developing London's social infrastructure
S4	Play and informal recreation
E2	Providing suitable business space
E3	Affordable workspace
E8	Sector growth opportunities and clusters
E9	Retail, markets and hot food takeaways
E11	Skills and opportunities for all
HC1	Heritage conservation and growth
HC5	Supporting London's culture and creative industries
HC6	Supporting the night-time economy
G1	Green infrastructure
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
G8	Food growing
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI3	Energy infrastructure
SI4	Managing heat risk
SI5	Water infrastructure
SI7	Reducing waste and supporting the circular economy
SI12	Flood risk management
SI13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction

Draft Local Plan

DMP1	Development management general policy
BP7	Southwest
BSWSA8	Wembley High Road
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH2	Priority areas for additional housing provision within Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BSI1	Social infrastructure and community facilities
BE1	Economic growth and employment opportunities for all
BE4	Supporting Strong Centres Diversity of Uses
BE7	Shop front design and forecourt trading
BE8	Markets and car boot sales
BHC1	Brent's Heritage Assets
BHC3	Supporting Brent's culture and creative industries
BHC4	Brent's night time economy
BGI1	Green and blue infrastructure in Brent
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
BSUI2	Air quality
BSUI3	Managing flood risk
BSUI4	On-site water management and surface water attenuation
BT1	Sustainable travel choice
BT2	Parking and car free development
BT3	Freight and servicing, provision and protection of freight facilities

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Mayor of London's Play and Informal Recreation SPG 2012

Mayor of London's Sustainable Design and Construction SPG 2014

Mayor of London's Housing SPG 2016

Mayor of London's Affordable Housing and Viability SPG 2017

Brent Design Guide SPD1 2018

Brent Waste Planning Guide 2015

## **DETAILED CONSIDERATIONS**

### **Planning history and background**

1. The Wembley Growth Area is one of a number of Housing Zones designated by the Mayor of London in November 2015 and in March 2018 the Council signed a Borough Intervention Agreement (BIA) with the Greater London Authority (GLA) to secure GLA funding in return for a commitment to deliver new homes including affordable housing. The proposal is one of a number of development projects within the Wembley Growth Area being taken forward by Brent's Regeneration Team under this agreement. Cabinet approval has been secured at appropriate points for the use of Council resources in this way, including for the purchase of the building.
2. The site was previously in Use Class D1 use (non-residential institutions) and occupied mainly by a private college, under temporary permissions granted in 2010 and 2013. However, the latter of these permissions expired in 2016. Part of the ground floor was occupied by a nursery (Use Class D1), and this was established as a legal use in 1999. However this use has fallen away following the relocation of the nursery elsewhere in the Wembley area. The legal use of the site has therefore reverted to B1 office

use. The site is also subject to an Article 4 Direction covering the Wembley Growth Area which came into effect on 11 August 2018 and withdraws permitted development rights for conversion of offices to residential accommodation.

3. The Council's Regeneration Team is the applicant making this planning application, and there is no third-party developer involved at this stage. The role of the Local Planning Authority in determining planning applications is legally and functionally separate from the role of the applicant. Under the Town and Country Planning General Regulations 1992 (as amended), local authorities must make planning applications in the same way as any other applicant, and the same procedures must be followed in determining the application. However, a s106 legal agreement would not be entered into as there is no third party, and matters that would normally be secured through the s106 agreement would in this case be secured by conditions.

## **Principle of development**

### Background

4. The site is in Wembley Town Centre but not part of a designated retail frontage. It is part of the W4 site allocation from the Wembley Area Action Plan 2015, which aims to transform this area into a mixed use community with improved pedestrian links and public realm, and this allocation is proposed to be carried forward into the Wembley High Road allocation (ref BSWSA8) in Brent's new Local Plan. The proposed allocation seeks commercial development complementary to the role of the town centre, providing flexible floorspace suitable for B1(c), B8 and B2 uses and seeking no net loss of employment floorspace overall.
5. The proposed site allocation also emphasises the potential to create a secondary pedestrian route and continuous public realm along the rear of the High Road from Chesterfield House to Ecclestone Place. Public access through the Chesterfield House site has been secured under the planning permission ref 15/4550 which is currently being built out, whilst the adjoining Wembley Link site which has a committee resolution to grant permission under ref 18/3111 would secure a landscaped public pedestrian route through this site and any future proposals involving redevelopment of the adjoining Fairgate House site would also require this route to be continued. The application documents also refer to a potential pedestrian / cycle route running along the western edge of the site, which is part of a longer term aspiration to provide a pedestrian / cycle bridge across the railway line.

### Employment and cafe floorspace

6. Draft new London Plan Policy E1 seeks to retain existing viable office floorspace capacity, to consolidate the diverse office markets in outer and inner London and to improve the quality, flexibility and adaptability of office space through new office provision, refurbishment and mixed use redevelopment.
7. The retention of office floorspace in Wembley is reinforced by an Article 4 Direction preventing further conversions to residential use, whilst employment uses more widely are protected by Policy DMP14. This policy allows the release of Local Employment Sites to non-employment uses where continued wholly employment use is unviable, whilst Policy WEM9 (Offices) of the Wembley Area Action Plan also generally permits the re-use or redevelopment of redundant, purpose-built office buildings for appropriate alternative uses, subject to evidence to demonstrate that there are no prospects of occupation in the medium term.
8. The existing building comprises 1,988sqm of B1(a) office floorspace. However, the legal use of the building from 2010 to 2016 was a D1 college use with a D1 nursery use on the ground floor, whilst the college occupants (Capita School of Business and Management) had vacated the building before it was acquired by the Council whilst the nursery has since relocated elsewhere in Wembley. The building is currently occupied by various short-term meanwhile tenants including London Hackspace.
9. The proposal would deliver up to 600sqm of flexible workspace for B1 uses, with additional floorspace for ancillary café use. Although this would lead to a loss of office floorspace, temporary permissions for D1 use were granted in 2010 and 2013 in recognition of a lack of demand for the office floorspace at the time, and subsequent attempts to let out the building for solely B1 office uses have been unsuccessful. This historic evidence demonstrates the lack of demand for the existing office floorspace on this site.
10. Furthermore, Brent's Employment Land Demand Study 2015 found an office vacancy rate of 25% across the Borough and evidence of increasing demand for new smaller spaces which could accommodate flexible use classes to better respond to the needs of small and medium sized enterprises. The existing

use value has been assessed on behalf of the local planning authority (see discussion on Affordable Housing at paragraphs 20 to 33 below), and this assessment has demonstrated that refurbishing the existing building or redeveloping the site for solely commercial use would not be viable in financial terms.

11. The proposed workspace and cafe uses would both be appropriate uses for a town centre environment, and the combination of the two uses would help to activate the street scene, encourage interaction between the small businesses and contribute to the vitality and viability of the town centre. It would be important to ensure that the workspace is constructed to a B1(c) specification to allow it to be occupied by light industrial tenants as well as other B1 uses, and further details of this would be secured under reserved matters.
12. The GLA Stage 1 response also strongly supports the redevelopment of the site to include high-quality new flexible workspace, notwithstanding the reduction in the amount of employment floorspace provided, and considers the proposal to be supported by draft London Plan Policy E1.
13. Brent's draft Local Plan Policy BE1 seeks at least 10% of workspace to be affordable in the Wembley Growth Area. However, your officers consider that only limited weight can be given to this draft policy as concerns have been raised with regard to its impact on viability. Furthermore, complying with this emerging policy requirement would reduce the amount of affordable housing that could be delivered, and that the latter should take precedence in this case given the Council's legally binding Housing Zone agreement with the GLA to deliver a minimum quantum of affordable housing.
14. On balance, your officers consider that providing the proposed quantity of flexible B1 floorspace on this site would respond better to current demand and would contribute to strategic regeneration aims for Wembley High Road more effectively than providing a greater quantum of traditional office floorspace. It is noted that new office and employment floorspace is coming forward elsewhere, for example as part of the comprehensive redevelopment of the Wembley Park area.

#### Residential development

15. The NPPF 2019 expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. The London Plan 2016 identifies Wembley amongst the opportunity areas providing brownfield land with significant capacity to accommodate new development linked to existing or potential improvements to public transport accessibility, and Brent's Core Strategy Policy CP1 also aims to concentrate housing growth in well located key growth areas including Wembley. Policy CP2 sets out a target for delivering 22,000 new dwellings (including 11,500 in the Wembley Growth Area) over the 2007-2026 period. The Wembley Area Action Plan translates these general policy aims into specific policies and proposals for the Wembley area.
16. The draft new London Plan proposes a substantial increase in housing targets across London, including a target for Brent of 2,325 new homes per year, and also puts forward a new design-led approach to density which aims to optimise the development potential of sites. Brent's draft Local Plan responds to these targets by proposing plan-led growth and site-specific allocations concentrated in a number of Growth Areas, including 15,000 homes in Wembley Growth Area. As noted above, the proposal is part of a proposed Local Plan site allocation. These emerging policy documents are material considerations that carry significant weight in the determination of this application due to their advanced stage of preparation.
17. The proposal would deliver up to 5,000sqm of residential floorspace across the upper floors of the building, and indicative plans demonstrate that this could comprise 54 units. Residential uses on upper floors allows the development potential of sites in accessible locations to be optimised, and also contributes to the Council's housing targets and to the vitality and viability of the town centre. The residential use is considered to be acceptable in principle.

#### Conclusion

18. In conclusion, the current and emerging policy context together with the designation of Wembley as a Housing Zone offers strong support for residential-led development with commercial space at ground floor on this site. Whilst the loss of office floorspace is of some concern, your officers consider that re-providing the existing quantum of this floorspace on such a constrained site would be unlikely to result in a viable scheme or to reflect current demand and would also compromise the delivery of affordable housing on the site.

19. Notwithstanding the loss of office floorspace, the provision of flexible workspace to accommodate the full range of B1 uses and ancillary café use would create an active frontage at ground floor level and would respond well to the proposed site allocation for the site and to the Council's aims for the regeneration of the wider town centre area. The proposal would contribute to the regeneration of Wembley town centre and provide high density residential development as encouraged by the Housing Zone designation. The proposal is considered to be acceptable in principle.

## Affordable housing and housing mix

### Policy background

20. Brent's adopted local policy (CP2 and DMP15) setting out the requirements for major applications in respect of affordable housing provision stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The policy also allows for a reduction to affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). It does not require all schemes to deliver 50% Affordable Housing. This is an important distinction.
21. The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing.
22. The emerging London Plan (Intend to Publish Version) affordable housing policy (H4, H5 and H6) sets out the Mayor's commitment to delivering "genuinely affordable" housing and that the following split of affordable housing provision is applied to development proposals:
- a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent)
  - a minimum of 30% intermediate products
  - 40% to be determined by the borough based on identified need
23. Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy compliant tenure split. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.
24. Brent's draft Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted DMP15 policy would carry considerably more weight than the emerging policy at present.
25. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the Inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage. The policy requirements can be summarised as follows:

Policy context	Status	% Affordable Housing required	Tenure split		
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (to 80 % Market)	30% Intermediate	
Emerging London Plan	Greater weight	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough

Emerging Local Plan	Limited weight	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	
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### Housing mix

26. The proposed housing mix is indicative at this stage, however the indicative layouts provided assume that a total of 54 residential units would be provided. An indicative unit schedule is set out in the Design & Access Statement, and the indicative housing mix proposed is as follows:

	1bed	2bed	3bed	total
Market housing	23	10	2	35
Affordable rent	1	5	6	12
Shared ownership	4	3	0	7
<b>% affordable mix</b>	<b>26%</b>	<b>42%</b>	<b>32%</b>	
<b>Total number of units</b>	<b>28</b>	<b>18</b>	<b>8</b>	<b>54</b>
<b>% total mix</b>	<b>52%</b>	<b>33%</b>	<b>15%</b>	

27. The proposed housing mix includes 15% of three-bedroom units, which is lower than the 25% policy target. However, this has been balanced against the provision of Affordable homes, as a higher proportion of family homes would compromise the overall viability of the scheme and thus the delivery of affordable housing. The proportion is comparable to other recent high density schemes in the local area.
28. The affordable rented housing would be weighted towards 3 bed units (50% of these units), which would address a particular need for affordable family-sized units. A reserved matters condition would secure the provision of at least 15% of the units as 3beds or larger. On balance therefore the housing mix proposed is considered to be acceptable in this instance.

### Affordable housing provision

29. A total of 19 of the 54 residential units would be affordable. The affordable housing provision proposed would comprise 12 units for affordable rent and 7 shared ownership units, a Affordable Housing tenure split of 63:37 when calculated by unit (70.6:29.3 when calculated by habitable room). The proposal represents 41.4% affordable housing on a habitable room basis (35% of the units), exceeding the relevant threshold of 35% to be eligible for the fast track route (subject to its complying with other criteria in Draft London Plan Policy H6). However, in this case the scheme would not meet the requirements for fast track as the GLA have raised concerns that the proposed affordable rent levels are not considered to be genuinely affordable in line with the Mayor's preferred affordable housing as London Affordable Rent (based on social rent levels), and the scheme does not meet local tenure split when calculated by unit (i.e. Brent's 70:30 split of Affordable Rent : Intermediate).
30. A Financial Viability Assessment (FVA) has therefore been submitted and is required to demonstrate that the proposal would deliver the maximum reasonable proportion of Affordable Housing. The FVA demonstrates that the scheme would be in deficit with the proposed provision of affordable housing. The FVA has been independently assessed on behalf of the Local Planning Authority, and this process also concludes that the scheme would be in deficit. Furthermore, the assessment also includes a sensitivity analysis, keeping the number of affordable rent units the same at 12 but reducing the number of shared ownership units to five, to provide a 70:30 tenure split (equating to 31.4% affordable housing). This would also result in a deficit. As such, the proposal is considered to reflect the provision of the 70:30 Affordable Housing split (measured by unit), with additional Intermediate homes provided in addition to the maximum reasonable proportion of Affordable Housing (at the expense of profit) The different scenarios tested are summarised below:

Scenario	Residual Land Value	Benchmark	Surplus / Deficit
BNP Paribas (January 2020)	-£200,453	£3,853,454	-£4,053,907
35% affordable housing as proposed (63:37 split)	-£567,223	£2,900,000	-£3,457,223
35% affordable housing at 70:30 split	-£654,039	£2,900,000	-£3,554,039



50% affordable housing at 70:30 split and inclusive of grant funding	-£631,452	£2,900,000	-£3,531,452
31.4% affordable housing scenario	-£162,462	£2,900,000	-£3,062,462

31. This demonstrates that the scheme would deliver beyond the maximum amount of affordable housing on a nil grant basis. The scheme could not deliver any additional affordable rent units, and the applicant has chosen to top up affordable housing provision with additional shared ownership units.
32. The GLA Stage 1 Response has highlighted concerns regarding the proposed rent levels for the affordable rent units, and consider these levels not to be genuinely affordable. Draft London Plan Policy H6 sets out a preference for 30% of the Affordable Homes to be delivered at London Affordable Rent, which is comparable to traditional social rent levels. However, Brent's Housing department have confirmed that the proposed rent levels, which would be at or below Local Housing Allowance rents, would be affordable for Brent residents and would be acceptable. Lower rent levels would also further reduce the viability of the scheme. Brent's emerging policy would require the provision of all of the Affordable Rented homes as London Affordable Rent. However, only limited weight can be given to the Brent emerging policy at present and the rent levels are in line with adopted Brent policy. Having regard to the above, it is considered that the proposed Affordable rent levels are acceptable.
33. Affordable housing provision, together with early and late stage viability reviews, would be secured by condition. The assessment process has established agreement between the parties on key inputs to the viability reviews, including a Benchmark Land Value (BLV) of £2.9m. The review mechanisms would enable the Local Planning Authority to capture any uplift in affordable housing, taking into account any variables in construction costs, sales values and available grant funding.

## **Design, scale and appearance**

### Background

34. 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.
35. Brent's draft Local Plan Policy BP7 aims to focus tall buildings in Growth Areas and other appropriate locations, and the proposed site allocation seeks development that builds on the established rhythm of this part of the High Road, corresponds to the neighbouring Chesterfield House development, stepping down towards the east, with active frontages along the High Road and densities to reflect the site's highly accessible location.
36. The character of the surrounding area is mixed but also heavily urbanised. Traditional three-storey buildings providing ground floor retail units and mainly residential accommodation above are interspersed with larger scale modern buildings of varying scales and heights. Recent and forthcoming developments on this section of Wembley High Road have included some significantly taller buildings including the 7-10 storey development at the Brent House site (recently completed), the 21-26 storey building at the Chesterfield House site (under construction) and the 17-19 storey blocks at the Wembley Link site (committee resolution to grant). Beyond the High Road are areas of a more traditional residential character, such as Ecclestone Place to the northeast of the site and Cecil Avenue to the south.

### Height, scale and massing

37. The existing building is five stories with an additional lift overrun, with a total height of 17.4m to 20.7m. It is lower in height than either of the adjoining buildings, Fairgate House and Lanmor House, and significantly lower than the tallest building in the immediate vicinity, the part 26-storey development at Chesterfield House.
38. The proposed building would be up to a maximum of 39.6m high, and the parameter plans show the main bulk of the building at a height of 35.1m. The maximum height of 39.6m would take into account a top floor set back by at least 10m from the front of the building and at least 12m from the eastern side, which the applicant envisages would contain the lift overrun, PV panels and parapet. While the physical height rather than the number of storeys would be secured, this is likely to result in a building that would have a total of eleven stories, of which the top floor would be well set back from the front and one side, in

addition to a basement. The top floor set back is shown on the parameter plans and so would be secured under the outline planning permission. The objector has raised concerns that the CGI when looking eastwards down the High Road is incorrect. The views provided on page 30 of the Design and Access Statement show the parameter massing just over 10-storeys in height which would represent a 10-storey building on the frontage with a parapet, and this is not considered to be misleading. The set-back top floor is not shown within these views but may not be visible due to the extent of the set-back. The indicative drawings and sketches in the Design and Access Statement provide an indication of the massing of the building and these are not considered to be misleading. The detailed design would be considered within the Reserved Matters application, should outline consent be granted. However the parameter plans would allow a development with ten stories and a set back eleventh storey, which officers consider to be in keeping with the emerging context.

39. In terms of the emerging street scene, the building height would appear in keeping with other similarly tall buildings along the High Road and not significantly taller than the adjoining buildings. The objector has raised concerns that the scheme would be notably taller than its immediate context (Lanmor House and Fairgate House). The proposed building would be taller than these buildings by around three storeys but the site is within the largest Growth Area within the borough where increases in height and density are expected. When viewed in the context of more recent consents and recent resolutions to grant consent by Planning Committee (former Chesterfield House at 21 to 26 storeys high, land behind High Road next to former Chesterfield House at 17 to 19 storeys high, and on the opposite of the High Road at 8 to 10 storeys high), it is considered that the height of the building is appropriate within the wider emerging context, and would not be considered out of keeping with the existing and emerging character along this part of the High Road. Concerns have also been raised with the increased height along both sides of the High Road resulting in a “canyoning” effect of the High Road and poor quality public realm. A distance of over 40m would be maintained between the proposed development and the development at the junction of High Road/Cecil Avenue, and therefore this is not considered to result in a “canyoning” effect given the separation between the buildings. The quality of the public realm and improvements to the footway fronting the building is discussed within paragraph 52 below.
40. The objector has also expressed concerns that no microclimate assessment (in particular a wind study) has been submitted. It is considered that given that the emerging context includes buildings of a similar height and that this stretch of the High Road is wide, the impact on wind is unlikely to result in an adverse impact on the local environment and pedestrian comfort and further detail can be secured through the Reserved Matters applications.
41. The parameter plans show the parameter volume being rectangular in form and filling the majority of the developable area of the site. Indicative street scenes have been provided, which show the rectangular plan form being continued up the building, with the set back top floor reducing the appearance of bulk and defining the top of the building as a separate element. Although deeper than the two adjoining buildings, the indicative plans show the front building line being aligned with the adjoining buildings so as to create a consistent and legible street scene and well defined public realm. However, the parameter volume does show the footprint projecting forward of the neighbouring site at Lanmor House (approx. 0.9m from the ground floor projection and 2.4m from the main front building line of Lanmor House) but being consistent with the front building line of the main frontage to Fairgate House. Given that a good width of pavement would be maintained (minimum 7.25m), it is not considered that the forward projection would have a harmful impact on the streetscene. The detailing within the elevations would be secured as part of reserved matters to break up the bulk of the building and provide visual interest when viewed from the High Road.
42. Objections have been raised regarding the parameter plans showing the new building with a significantly deeper floorplate than Ujima House, and the impacts that this would have upon Lanmor House and 26 to 29 Ecclestone Place. The impact upon the amenities of Lanmor House and Ecclestone Place is discussed below. In design terms, the deeper floorplan is considered to make the most efficient use of this highly constrained site.
43. Overall, the height, bulk and mass of the building are considered to be appropriate to the emerging street scene in this town centre location and to optimise the development potential of the site, and are acceptable on this basis.

#### Layout, relationship with street, external spaces and public realm

44. The indicative layouts shown in the Design & Access Statement show that both the workspace and ancillary café uses would have ground floor active frontages to the front and rear of the building. A

basement level would be provided, comprising additional workspace to the front of the building lit by lightwells inside the building, and plant and ancillary spaces to the rear.

45. The residential core would also be accessed from a dedicated residential entrance lobby at the front of the building, which would provide a suitable sense of ownership and security for residents, providing a clear sense of arrival. The lobby would lead through to the rear of the building, to allow access to the residential bin store and the parking spaces. It would be wide enough to allow for cycles to be walked through the building so that cyclists could access the cycle store at the rear of the building without using the rear access road from Ecclestone Place.
46. The café use would have an active frontage on the side elevation opening out onto an open space provided on the western side of the building, which would facilitate external seating. This space would be gated to prevent access from the High Road, but would potentially allow for pedestrian and cycle access towards the rear of the site at a later date. This open space would further activate the High Road and would, subject to adjoining development sites coming forward in a similar manner, provide enhanced permeability between the High Road and the new public realm including the secondary pedestrian route to the rear as envisaged in the draft site allocation. The space would be secured as a permissive public right of way for pedestrians and cyclists by means of a condition which would come into force in response to any redevelopment of the adjoining site at Fairgate House or development of land to the rear of the site, and this condition would also limit the provision of external seating at that time in order to secure an unobstructed right of way of 3.4m width.
47. The rear of the site would be maintained as hard surfacing and would provide disabled parking spaces in addition to cycle parking in a separate building at right angles to the main building. The revised ground floor layout shows seven disabled parking spaces and, whilst three of these are shown as being outside the applicant's red line, it is considered that there would be sufficient space within the site at the rear of the building to provide seven spaces on site. This would meet the requirement in draft new London Plan Policy T6 to futureproof the design by indicating how disabled parking spaces could be provided for 10% of the residential units if required, and would also provide one disabled parking space for the commercial use. Draft Policy T6 requires only 3% of units to be provided with disabled parking spaces at the outset, in addition to at least one space for workspace users, and details of the provision of three spaces to comply with this policy would be required under reserved matters.
48. The Secure by Design officer initially raised concerns regarding the location of the residential cycle storage in a separate building at the rear, and the GLA/TfL also consider that the rear access road from Ecclestone Place would not be a suitable route for cyclists (this point is discussed further under Transport below). Options for relocating the cycle storage within the building, involving cycle storage built into the residential units and supplemented by a basement cycle store, have been explored with the applicant. However, any such solution would result in the amount of commercial floorspace being significantly reduced, which would compromise the delivery of wider planning objectives for the site. It would also increase costs due to the need for lifts to be large enough to accommodate cycles, and would potentially compromise delivery of the housing mix identified above, as more floorspace would be required per unit to accommodate the cycle storage.
49. The rear access road and the open space to the west of the building would be gated to prevent any unauthorised access and residents could access the cycle store through the main residential core, and it is considered that these measures would effectively minimise any crime or fear of crime arising from the location of the cycle store. Appropriate external lighting and CCTV measures would be secured by condition, together with further details of the proposed cycle store to ensure that this would be of robust design and construction so as to minimise the risk of its being broken into. Subject to these details being secured, your officers consider that adequate arrangements would be made to prevent crime and the fear of crime.
50. A detailed layout of the external spaces would be required under reserved matters, showing how safe pedestrian access could be combined with vehicle and cycle access. As and when adjoining sites come forward and the public right of way connections are established, measures such as the provision of boundary gates, external lighting and CCTV would need to be reviewed and enhanced to ensure safety and security of users. This would be required by condition. However, the redevelopment of adjoining sites would also provide further residential uses and so would increase the natural surveillance of this area, whilst the cafe use including active frontage and external seating would enhance security during opening hours.
51. The proposal, by safeguarding land to the west of the building for pedestrian access, would also allow for

the pedestrian and cyclist connection to extend to the railway embankment and potentially to a pedestrian bridge across the railway, if a proposal of this type were to come forward in the future.

52. Landscaping proposals are shown indicatively and include new footway materials within the red line in front of the building to match adjacent paving, and new tree planting, which is to be taken forward as part of the Council's wider public realm strategy. Full details of landscaping including materials samples would be required under reserved matters.

#### Architectural detailing and materials

53. The Design & Access Statement sets out principles of the architectural approach. It specifies facade materials to be fire rated in line with new regulation, and an indicative materials palette suggests a combination of brickwork, ceramic tiles, precast concrete with good colour, texture and finish, glazing with PPC or anodised metal frames, and secondary elements constructed from high quality metal work.
54. Detailed elevations have not been provided at this stage, and would be required under reserved matters, together with samples of proposed materials. However, the proposed principles and materials are considered to provide the basis for a high quality development of sufficient visual interest to contribute positively to the street scene.

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

55. The NPPF requires the effect of an application 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. These policies have been applied in this case due to part of the site having been identified as a Site of Archaeological Importance. This is a local designation of less significance than Archaeological Priority Areas, and is equivalent to a non-designated heritage asset in terms of planning policy.
56. No archaeological assessment has been submitted, however the Design & Access Statement summarises the historical development of the area, and notes that the site and its immediate vicinity have been densely developed since the early twentieth century. A letter of advice from the Greater London Archaeological Advisory Service (GLAAS) has also been provided, which confirms that the proposed development does not lie within an Archaeological Priority Area and that previous investigation nearby has only found remains of low significance, whilst existing modern development in the area will have caused significant disturbance to any archaeological remains. GLAAS conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest, and that no further assessment or conditions are necessary.

#### **Residential living standards**

57. All development is required to comply with standards set out in the London Plan (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which normally requires private amenity space of 20sqm per 1 bed or 2 bed flat and 50sqm for family housing including ground floor flats. London Plan Policy 3.6 requires play and recreation facilities to be provided, at a rate of 10sqm per child based on the expected child yield.
58. The Mayor's Housing SPG and emerging policy D7 also require 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.
59. The BRE Guidelines recommend an Average Daylight Factor (ADF) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, although 1.5% is generally used for combined living spaces. Standards for daylight distribution and sunlight are also recommended.

#### Internal space and layout

60. The Design & Access Statement sets out a series of design principles for the residential units, and provides indicative layouts. The layouts include 2bed and 1bed units with side facing secondary windows to provide dual aspect, 3bed and 2bed units spanning the depth of the building to provide north-south dual aspect, and two 1bed units on each floor that would be single aspect and south-facing.

61. Units would be designed to meet or exceed minimum space standards and other requirements set out in the Mayor's Housing SPG and new draft London Plan. Each unit would have a private balcony of 1.5m minimum depth. The maximum number of units per core would be seven, and all housing tenures would share access and circulation space.
62. Whilst these layouts are indicative only at this stage, the Design Code would secure important principles of residential quality: These include not having any north facing single aspect units, minimising the number of single aspect units, a minimum of seven units per core, unit sizes and ceiling heights to meet London Plan requirements, no residential units to be on the ground floor and the provision of balconies. The Design Code would also ensure that at least 10% of the units would be designed to meet Building Regulations requirement M4(3) 'wheelchair user dwellings in line with London Plan Policy 3.8 and Draft London Plan Policy D5. A reserved matters condition would secure further details of these and other features to ensure the units would provide high quality accommodation.
63. The proposal has not been assessed in terms of Average Daylight Factor, or daylight and sunlight distribution, as the application is at outline stage and these assessments would need to be based on detailed design proposals which would provide more detail on matters such as window size and positioning. An assessment of this type would be required as part of the reserved matters application.

#### External amenity space and child play space

64. Each residential unit would have a private balcony of 7.5sqm, which would comply with the Mayor's Housing SPG (this requires 5sqm external amenity space for 1bed and 2bed units, with an extra 1sqm per additional occupant). In addition, a communal roof terrace of 350sqm including landscaped areas, playspace and a community room of 47sqm would be provided and would be equally accessible to all tenures. The community room would be available for residents' meetings and events, and could also be used for storage of external furniture and fittings. The roof terrace would provide sufficient playspace and playable areas to comply with London Plan requirements given the estimated child yield for the development.
65. To fully meet the standards set out in DMP19 all units would require access to 20sqm of amenity space, representing a cumulative total of 1,080sqm. However, DMP19 states that 20sqm per unit would 'normally be expected' and this wording allows for a departure from the 20sqm target without giving rise to a policy conflict. The amenity space provision has been assessed against Policy DMP19 in the following table. All units would have the same sized balconies, so in this case units have been assessed by type rather than individually, and there would be no ground floor units to which the higher amenity space standard of 50sqm would apply

	1bed	2bed	3bed
No. homes	28	18	8
Privacy balcony space per unit	7.5sqm	7.5sqm	7.5sqm
DMP19 standard	20sqm	20sqm	20sqm
Shortfall against DMP19 standard per unit	12.5sqm	12.5sqm	12.5sqm
Total shortfall against DMP19	350sqm	225sqm	100sqm
Cumulative total shortfall against DMP19	Total requirement - 1080 sqm Shortfall - 675 sqm		
Communal amenity space	350 sqm (excluding community room)		
Effective shortfall	325 sqm		

66. Whilst there would be an overall shortfall of 325sqm against the total requirement of 1,080sqm of external amenity space across the scheme, all units would have access to both generously sized private

balconies and communal amenity space which would be landscaped to a high standard, and the rooftop communal room would potentially increase the functionality of this space. The site is approximately 500m distant from King Edward VII Park, which offers an alternative source of amenity space, and other areas of enhanced public realm in the vicinity are expected to come forward in a similar timeframe as this site.

67. On balance therefore, given the dense urban context and the highly constrained nature of the site, your officers consider that the level of amenity space provision is high in this case and in compliance with DMP19.
68. The indicative plans show the roof terrace as including tree planting, a 'secret garden' with informal planting, playrooms and grass planting, and storage space for external furniture in the community room. Full landscaping details would be required under reserved matters, together with a play strategy and a management plan for the use of the internal communal space.

### Conclusion

69. The application has demonstrated that 54 residential units of good quality could be provided within the overall volume and floorspace proposed. Detailed design standards would need to be complied with in the reserved matters application, and these have been set out in the relevant condition. Whilst the constrained nature of the site would limit the provision of amenity space on site, this is considered to be mitigated by the quality of amenity space proposed, further details of which would be secured by condition, and the availability of other amenity space provision within the surrounding area and is appropriate to dense urban conditions. These factors are considered to justify a departure from the amenity space standards set out in Policy DMP19 in this instance. Subject to these conditions, the proposal is considered to provide an acceptable standard of residential accommodation.

### **Relationship with neighbouring properties**

#### Policy background

70. Any development needs to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m between habitable room windows and 9m to rear boundaries should be maintained to ensure an adequate level of privacy for existing and new residents.
71. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour (NSL) or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit.
72. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 31 March or less than 0.8 times their former value.
73. However, the BRE also recognise that different criteria may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF also supports a flexible approach to applying standards in order to make efficient use of sites. Where existing buildings have windows close to the site boundaries, the BRE suggests that a new building of similar height and proportions could be assumed in order to derive 'mirror image' target values for VSC. Where the proposed development would affect other newly consented developments, the impact on the Average Daylight Factor (ADF) achieved for those developments can also be used as an alternative means of assessing the impact of the proposed development.

#### Assessment of separation distances

74. The parameter plans define the maximum extent of the building line, and show a 9m distance from the rear of the building to the rear boundary. This would allow the site to the rear to come forward for redevelopment in a similar manner without compromising the privacy of residents of either site.

75. The maximum extent of the eastern building line would be flush with the side boundary, whilst a separation distance of approx. 2m would be retained to the western boundary. These are considered acceptable for side separation distances, given that the development would not rely on any outlook from side facing habitable room windows.
76. Objections have been raised with regard to overlooking into the habitable rooms of the flats of Lanmor House through their side facing windows. The nearest side windows within Lanmor House serve open plan living/kitchen areas with an additional window for these rooms facing the High Road. It should be noted that the application is at outline stage and no detailed floor plans are yet proposed. However, the indicative layout indicates that a dual aspect unit on each of the upper floors would be located next to Lanmor House with outlook to the north (rearwards) and south (to the High Road) with no windows facing directly onto Lanmor House. Furthermore, Condition 16 would prevent habitable room windows being provided on either side elevation. In the event that windows are proposed to non-habitable rooms (or secondary windows to habitable rooms) on the side elevations, these could be conditioned to be obscured glazed and high opening only, to prevent overlooking to neighbouring occupiers. Further details would be provided as part of reserved matters. No. 26 to 29 Ecclestone Place is located to the north east of the application site and over approx. 30m distant. It is therefore considered that the scheme would not have a significant adverse impact on the amenities of Ecclestone Place through overlooking and loss of privacy.

#### Assessment of daylight and sunlight

77. A daylight sunlight assessment has been submitted, based on the maximum bulk and volume identified in the parameter plans. An updated Daylight and Sunlight Report was submitted following the deferral of the application, correcting an error in the summary text of the original report. The paragraphs below have therefore been updated to reflect this correction. This is not considered to be a material change to require re-consultation. The assessment demonstrates that, of the 1,159 windows tested for VSC and 776 rooms tested for NSL in neighbouring properties, the majority – 1,051 windows and 729 rooms – would comply with the BRE target values for daylight in respect of VSC and NSL (91% of windows and 94% of rooms tested), whilst 430 out of 431 windows tested would also meet BRE guidelines for APSH, and that all existing amenity spaces tested would comply with the target values for sunlight.
78. The following properties would all retain target values of VSC, NSL and APSH, and are not discussed any further:
- 412-414 High Road
  - 25 Ecclestone Place
  - 26 to 29 Ecclestone Place
  - 356-368 High Road
79. Lanmor House (370-386 High Road) is located immediately to the east of the site, and has recently been renovated and the upper floors converted from office to residential use under permitted development rights. The objector has set out concerns that the full history of Lanmor House has not been fully set out and the assessment upon their amenity has only been assessed based on the permitted development scheme. Clarification on the planning history for Lanmor House is set out below.
80. Lanmor House was previously in use as an office building. An application was granted for external cladding and re-arrangement of the fenestration to include replacement of windows to the building in 2014 (LPA Ref: 14/3019 and subsequent non-material amendment LPA Ref: 15/2750). Prior approval was granted in 2015 (LPA Ref: 14/4811) to convert the second, third, fourth and part of the first floors to 26 flats. A planning application was approved in 2016 for two additional storeys to the building to provide 8 self contained flats (LPA Ref: 15/0196). The remainder of the first floor was converted to 2 flats through a planning application in 2018 (LPA Ref: 18/0370). The building currently contains commercial space at ground floor and 36 flats on the upper floors.
81. The daylight and sunlight report has tested the impact upon Lanmor House based on the internal layout and window arrangement as reflected in the planning history above (namely 18/0370) and cross referenced with the layouts provided within the street naming and numbering application. With regards to VSC, the flats that are affected are the front and rear flats closest to Ujima House. With regards to the rear flat at first to fourth level a side facing living/kitchen window (W24) would experience a significant reduction in VSC by up to 0.35 its former value. However this room is also served by a rear facing window (W2) that would continue to comply with BRE guidance by maintaining at least 0.9 its former value. This room would also continue to comply with NSL targets. Rear facing windows on the

fifth and sixth floors were not tested, however these would comply with the BRE's 25 degree guidance with respect to the proposed building, which indicates that further testing is not required, and the windows below them on the fourth floor were all tested as retaining VSC values of over 36%.

82. The front flat facing High Road would experience more of a significant impact. The room within this flat closest to Ujima House is an open plan kitchen/living/dining room with a window on the side elevation and one of the High Road. The VSC value of the side elevation windows (W23 and W13) would fall as low as 0.05 times their former value, which would result in a significant reduction on daylight from these windows. The other windows facing the High Road (W21 and W11) would experience a reduction by 0.7 times their former value at the worst case which, whilst is notable, is not considered a significant breach of BRE guidelines. The bedroom to this flat facing the High Road also has two windows. The side facing window facing the application site (W22 and W12) would experience a reduction to 0.34 its former value. However, the window facing the High Road would maintain a value of over 0.8 times its former value. Furthermore, NSL and ASPH target values would continue to be complied with for these bedrooms.
83. Brent House is a newly completed development located to the south east of the site. One of the 193 windows tested in Blocks A & B would retain a VSC of only 0.7 times its former value and would also fail the NSL test, whilst two windows would comply with the VSC test but fail the NSL test. All south facing rooms comply with the sunlight criteria. In Blocks C to E, one room would retain only 0.78 times the existing NSL value, although all windows would comply with the VSC test. Overall this is considered to be a very good level of compliance with the standards given the high density urban context of both sites.
84. A two-storey building to the north-east, 26-29 Ecclestone Place, is a residential property consisting of four flats. This property meets the target values for VSC and NSL. In terms of sunlight, seven of the ten south facing windows comply with the target values for APSH, whilst the remaining three would all retain more than 74% of their existing levels of annual sunlight and would achieve over 20% absolute annual sunlight. These levels of sunlight are not uncommon in urban locations such as this, and the impact is considered acceptable in this instance.
85. The impact of the proposal on the proposed redevelopment of the site immediately to the south (ref 19/2891) has also been modelled. This impact would be more significant – of the 326 windows tested, 81 windows would retain less than 27% VSC and less than 0.8 times their former value. However, 57 of these windows are positioned underneath overhanging balconies, which accentuates the loss of daylight caused by other developments because the balcony cuts out light from the top part of the sky. The remaining 24 windows would retain between 19% and 26% VSC in absolute terms, which is considered to represent reasonably good retained levels of daylight in a densely developed urban location. Of the 188 rooms analysed, 132 would meet the target values for both VSC and NSL.
86. New developments are assessed in terms of the Average Daylight Factor (ADF) to habitable rooms, based on the BRE's recommended values. The impact of this proposal on the site to the south has also been analysed in terms of its impact on ADF. This shows that a total of 23 of the 188 rooms analysed would fall below recommended ADF values as a result of this development. However, these rooms would all be beneath projecting balconies which, as noted above, accentuate any loss of daylight. These rooms would all be either dual-aspect open-plan living spaces, where the greater outlook would partly compensate for lower levels of daylight, or bedrooms, where daylight is considered to be less important than in living spaces. Overall it is considered that this would still represent a high degree of compliance with the targets.

## Conclusion

87. The proposal would allow for neighbouring sites to come forward for redevelopment in a similar manner without prejudicing the light and outlook of future residents. While the impact on daylight received by neighbouring properties would not comply fully with BRE guidelines, the amount of divergence would be limited relative to the number of properties assessed, and no traditional residential properties would be adversely affected. Overall, the impact is considered to be within acceptable limits for high density urban locations.

## **Sustainability and energy**

88. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy CP19, demonstrating at the design stage how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day. Major commercial floorspace is required to



achieve a BREEAM Excellent rating and this also needs to be appropriately evidenced. Brent Policy DMP9B also requires sustainable drainage measures.

89. 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 London Plan Policy 5.2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions. For non-domestic floorspace, the policy target is a 35% on-site reduction, and this is to be evidenced separately in the Energy Assessment. However, significant weight is also given to the new London Plan draft Policy SI2, which applies the zero carbon standard including 35% reduction in on-site emissions to both residential and commercial development.

### Carbon emissions

90. The energy assessment submitted sets out how the London Plan energy hierarchy has been applied, with carbon emissions savings identified from passive energy saving measures such as low fabric U-values, and an on-site heat network served by air source heat pumps. Cooling demand is assessed for both residential and non-residential elements, in line with GLA guidance.
91. Overall the scheme would deliver a 32% reduction from the 2013 Building Regulations baseline on-site for the residential elements. Although this is slightly below the policy target of 35% on-site reduction, it is acknowledged that the use of heat pumps increases residential emissions and that the scope for PV panels is limited due to the constrained size of the site and the use of the rooftop to provide communal amenity space. A financial contribution of around £60,273 is identified as the corresponding carbon offset payment to mitigate the impact of the residential emissions and to deliver a net zero carbon residential development.
92. For the non-domestic elements, a 56% reduction in carbon emissions would be achieved on-site, which significantly exceeds the policy target.
93. The Council's Sustainability and Energy officer has made a number of recommendations with a view to improving the energy performance of the building, including alternative cooling techniques such as the use of ground loops. The applicant's response has confirmed that the energy strategy could be revised to replace mechanical cooling for residential units with external blinds, and this would improve the reduction in carbon emissions. This option would be reviewed at the detailed design stage, although an element of mechanical cooling may need to be retained in order to retain acceptable internal noise levels. However, installing ground loops would require the use of adjoining land, which is not considered to be a practical option in this location and would be prohibitively expensive for a scheme of this scale.
94. It is important to note that the proposal is in outline only, and that the detailed design process could highlight further opportunities to reduce carbon emissions. For example, at this outline stage a default thermal bridging value of 0.15 is used in the calculations but this would be expected to improve at detailed design stage. The constrained nature of the site limits opportunities for renewable energy, for example the use of the rooftop for amenity space precludes the use of photovoltaic panels and whilst the air source heat pump proposed would be a renewable form of energy it would also have the effect of increasing residential emissions. A revised energy assessment would be required prior to commencement, together with a financial contribution to carbon offsetting. The proposal would also allow for future connection to a district heat network, should one become available in the future, and further details of this would be required by condition.
95. The GLA have also emphasised the need for further energy efficiency measures to be considered in order to achieve the London Plan target 35% reduction for the residential element. This issue could be addressed through the revised Energy Assessment required at detailed design stage.

### Sustainable design

96. Whilst this application is for outline permission only, a wider range of sustainable design measures could be identified at detailed design stage, and a Sustainability Statement would be required by condition to secure such features. These would include measures to limit residential water use to 105 litres per person per day, to use materials and products with strong environmental credentials, to minimise and manage construction waste, and to adapt to future climate change.
97. Brent's Policy DMP9b requires major developments to implement sustainable urban drainage measures

in order to manage water run-off on site. It is important to note that the site is not subject to any surface water flood risk or in a critical drainage area, and that other recent development sites in the area have proposed and implemented acceptable solutions. A sustainable drainage strategy would be required as a pre-commencement condition to ensure suitable measures are in place.

### Urban greening

98. In line with London Plan Policy 5.10 and draft London Plan Policies G1 and G5, urban greening should be embedded as a fundamental aspect of site and building design. Draft Policy G5 recommends a target score of 0.4 for predominantly residential development. Features such as street trees, green roofs, green walls, rain gardens, wild flower meadows, woodland and hedgerows should all be considered for inclusion. The GLA has asked the applicant to calculate the Urban Greening Factor (UGF) for the development, as set out in Policy G5 of the draft London Plan, and to seek to achieve the specified target prior to the Mayor's decision making stage.
99. The proposal achieves a UGF of 0.09 and, whilst this falls short of the recommended target, it is considered that opportunities to maximise urban greening measures on this small and constrained site have been maximised. Street tree planting is proposed on the site frontage, however this sits outside of the site boundary and so does not contribute to the site's UGF, whilst the land to the rear of the building would need to be retained as parking due to lease restrictions. The roof terrace would provide playspace required by policy, whilst the open space to the west of the building would be retained for a future public right of way, and these constraints also reduce the scope for soft landscaping on the site. A revised UGF calculation would be required under reserved matters, as there could be further opportunities for urban greening at detailed design stage.

### **Trees and biodiversity impacts**

100. The railway embankment to the rear of the site is part of a designated Site of Importance for Nature Conservation and a wildlife corridor which is protected under Brent's Policies CP18 and DMP8. However the site is separated from the railway embankment by a strip of land of 7.5m in width approx. Furthermore, the site itself includes a strip of land of 9.5m in width approx to the rear of the proposed building, which would remain undeveloped. Given that the built development would be approx 17m from the railway embankment, your officers consider that the proposal would not have any adverse impacts on trees or ecological interests within the embankment.
101. The existing building is still in use and given its flat roof design is not considered likely to contain any roosting bats. There are no trees or areas of soft landscaping within the site, and the planting of street trees would be a benefit of the proposal (notwithstanding their location outside of the site).

### **Environmental health considerations**

#### Air quality

102. The site is in an Air Quality Management Area and an air quality impact assessment has been submitted with the planning application. This document considers the potential emissions to the area associated with the development as well as the potential impact on receptors to the development, and includes an air quality neutral assessment as required by London Plan Policy 7.14.
103. Environmental Health officers have been consulted and consider that the assessment is acceptable and meets the London Plan air quality neutral criteria. No conditions are required.

#### Noise and vibration

104. A noise and vibration assessment has been submitted in support of the application. This demonstrates that the commercial workspace and residential units with windows opening onto the High Road would be affected by high noise levels due to the noise of road traffic. However, north-facing windows would not be significantly affected by noise and the vibration levels caused by train activity on the railway line would be below the threshold of human perception. The assessment provides a robust glazing specification for residential windows in the proposed development, to ensure acceptable internal noise levels. Residential units facing onto the High Road would be provided with external blinds to enable windows to be kept closed during the summer, however windows would be operable so that residents could opt for natural ventilation if they considered the noise levels to be acceptable, or to provide purge ventilation at night when traffic noise is lower.

105. Environmental Health officers have been consulted and have recommended a number of conditions. These would secure further details of design measures to ensure acceptable internal noise levels are attained, prevent the transmission of plant noise and vibration, and provide details of the extract ventilation and odour control system for the café.

#### Contaminated land

106. Conditions are required to secure site investigation works to identify any land contamination, and for any remediation measures arising from this to be completed prior to first occupation or use.

#### Lighting

107. As the proposal is for a mixture of commercial and residential uses, Environmental Health officers have requested a lighting assessment to ensure that residential properties are not affected by light intrusion. This would also need to address any potential light spillage onto the wildlife corridor.

#### Construction noise and dust

108. Whilst the proposal is for outline permission only, measures to control potential nuisance from construction noise and dust would need to be secured prior to any construction work starting on site. These would be secured by condition.

### **Transport**

#### Car parking

109. The site lies within the Wembley Growth Area and car parking standards for the proposed uses on the site are set out in the Wembley Area Action Plan, with the high PTAL rating of 6 meaning that the lower employment and residential allowances apply. The existing office building would therefore be allowed up to one space per 400sqm, giving a total allowance of five spaces. The existing provision of 32 independently accessible spaces therefore significantly exceeds standards.
110. The standard for residential use allows up to 0.4 spaces per unit for 1bed and 2bed units and 0.6 spaces per unit for 3bed and 4bed units where public transport access is good. Applying this standard to the 54 proposed units gives an allowance of up to 23.2 residential parking spaces, with a further space allowed for the workspace. No spaces are permitted for the proposed café.
111. The proposed provision of just three disabled spaces at the rear of the site would therefore accord with maximum parking standards, whilst also satisfying the London Plan requirements for Blue Badge parking. Draft London Plan Policy T6 introduces a requirement to 'future-proof' the development by allowing for future provision of Blue Badge spaces for up to 10% of residential units (six spaces in this case). Indicative plans have been provided showing seven Blue Badge spaces, which would also allow a space for a workspace user, and whilst four of these would be outside of the red line your officers consider that there is adequate space at the rear of the site to provide up to nine Blue Badge parking bays if required. Direct step-free access from the parking area into the rear of the building is proposed, to ensure the Blue Badge parking spaces would be conveniently located.
112. Electric vehicle charging points, potentially for all spaces, would be provided, and further details of these would be secured at reserved matters stage.
113. Consideration also needs to be given to the impact of any overspill parking on highway safety and traffic flow in the area. In this respect, the site fronts a London distributor road and bus route, along which parking is not feasible due to the presence of daytime waiting restrictions. As such, there is not sufficient spare capacity to accommodate residential parking from a development of this size.
114. The site has excellent access to public transport services however, and is located within a Controlled Parking Zone, and parking permit restrictions would apply to the proposed residential units, thereby removing the right of future residents of the development to on-street parking permits in line with Policy DMP12. This would be secured through a condition, with an obligation placed on the owner to notify all prospective residents in writing of the restrictions.

#### Cycle parking and access

115. The current London Plan requires at least one secure cycle parking space per 1bed unit and two spaces for larger units, giving a total requirement for 80 secure residential spaces. Cycle stores are proposed at the rear of the building, in the eastern end of the existing car park, with capacity for 94 cycles on a combination of two-tier racks and more accessible 'Sheffield' stands, which is acceptable.
116. For the workspace, at least four long-stay spaces are required and these have been shown on the indicative layout within the workspace unit. Lockers, showers and changing facilities are also proposed, which are welcomed. A further three 'Sheffield' stands are proposed to the front of the building for visitors and café users, which are also welcomed.
117. Cyclists could enter through the main residential lobby from the High Road and go through the building to access the cycle store to the rear. Whilst TfL have raised concerns about cyclist access from Ecclestone Place, your officers consider that the revised indicative layout has addressed these concerns by providing a dedicated entrance lobby, which would offer a safe and secure route to the cycle store. TfL have also queried whether the yard space would provide an access route for cyclists, however it is not considered necessary to secure this as an alternative.
118. The objector has raised concerns regarding the width of the residential entrance and whether it would lead to conflict between pedestrians and cyclists during peak times. The width of the corridor is over 3m wide which is sufficient for pedestrians and cyclists to pass one another.

#### Access and servicing

119. With regard to servicing, the workspace generally would require deliveries by transit vans or box vans with an expected maximum length of up to 8m, whilst the residential units would require access by refuse collection vehicles. The overall number of service vehicle trips per day to the building has been estimated at four to five.
120. Residential and commercial refuse bin stores are proposed to the rear of the building with sufficient capacity to meet requirements (ten Eurobins and six 240L wheeled bins for residents). The intention is thus to bring refuse vehicles to the rear of the site to reach the bin stores. The Transport Statement has provided tracking diagrams to show that 8.3m vehicles could access and turn at the rear of the site. Brent's standard refuse vehicles (9225mm length) would also need to be able to access the rear of the site and further tracking runs contained within the submitted Construction Logistics Plan demonstrate that 10m long vehicles would also be able to access and turn at the rear of the site.
121. Transport officers have requested a dedicated loading area to also be marked in the rear parking area to ensure space is kept clear for delivery vehicles as and when required. This is not shown on the indicative layout but could be secured under reserved matters. A secure mail room would be provided on the ground floor to receive residential deliveries, and further details of this would be required as part of detailed layouts at reserved matters stage.
122. In terms of fire access, fire appliances could directly access 50% of the building perimeter from either the High Road or the rear parking area, which would meet the London Fire Service requirements for a building of this size. The GLA have suggested that a Fire Strategy is submitted, and this would be secured as a condition under reserved matters.
123. The vehicular access arrangements from Ecclestone Place would remain as existing and pedestrian access to the various uses would be provided to the front and rear, which is welcomed. However, it should be noted that a second phase of development is envisaged in future to the rear of the site, which would entail the provision of a new through route for pedestrians, cyclists and service vehicles through the parking and service yard area. The route would need to be designated as a public right of way at the appropriate time, as other developments to either side come forward. These details would be secured under reserved matters.
124. The development also proposes improvements to the footway fronting the building, including new paving, tree planting and benches. This is welcomed in principle, subject to the submission and approval of a detailed scheme for works as a reserved matter (including a s278 agreement to secure works outside the site boundary). All works to the widened High Road frontage and the new access road at the rear would need to be subjected to a Healthy Streets Assessment prior to the design being finalised, and this would also be required under reserved matters.

## Transport assessment

125. Future predicted trips to and from the development have been estimated using comparisons with six residential and three workspace developments in other areas of London that have very good access to public transport services. The sites chosen are considered to offer an appropriate comparison. No estimate of future trips to and from the café has been provided, however as a largely ancillary use that is expected to generate predominantly local trips, mainly outside of peak times, this is considered to be acceptable.
126. The above exercise gives estimated residential and workspace movements to and from the development totalling 33 arrivals and 16 departures in the morning peak hour (8-9am) and 25 arrivals and 16 departures in the evening peak hour (5-6pm) by all modes of transport. These totals are very similar to the numbers of trips estimated to be generated by the existing office building (42 trips in each peak hour) and on this basis, your transport officers consider that the impact of the proposal would be very limited.
127. In addition, given the very low level of parking proposed and the constraints on on-street parking in the surrounding area, only about 1% of future residential journeys and no commercial journeys at all are assumed to be made by car and this assumption is accepted. On this basis, car trips to and from the proposed development would be negligible and much lower than the 18 car journeys estimated to be made in each peak hour to and from the existing offices. The likely traffic impact of the development on the local road network is therefore considered to be lower than that of the existing office building, so requires no further analysis.
128. In terms of public transport trips, the development is estimated to generate 17 bus journeys in the a.m. peak hour and 13 journeys in the p.m. peak hour, whilst 20 trips in the a.m. peak hour and 16 trips in the p.m. peak hour are estimated to be made by tube or rail. Public transport trips would thus be higher than the estimates for the existing offices, but still amount to less than one additional passenger per bus and train passing close to the site in each peak hour. TfL have confirmed that they will not be seeking a financial contribution to public transport services in this instance.
129. Future walking and cycling trips to and from the site have been estimated at ten to eleven trips by foot (in addition to the public transport trips which need to travel by foot between the site and the station or stop) and two trips by cycle in each peak hour respectively. The site lies within a town centre area, so there are plenty of nearby facilities within walking distance. Improvements to the footway along the site frontage and a future cycle route along High Road are expected to provide improvements to help cater for these trips, as would the provision of a new route for pedestrians and cyclists along the rear of the site in future.

## Travel Plan

130. Although car ownership and use is expected to be very low from the outset as a result of the limited parking space, a Framework Travel Plan has been submitted with the application to support travel options amongst staff and residents. This would be developed into a Full Travel Plan under the remit of an identified Travel Plan Co-ordinator on completion of the development.
131. Initial estimates of baseline travel patterns to and from the site have been taken from the Transport Assessment, but the intention is to undertake initial surveys of travel patterns within six months of first occupation or when 75% of the units are occupied, whichever is the sooner. Firm targets would then be developed from the results, but for the present, the main targets would be to increase walking and cycling by an average of 5 percentage points each, with public transport trips for short journeys reduced by 10 percentage points over a period of five years. Monitoring surveys would be undertaken biennially to assess progress towards these targets.
132. Proposed measures to achieve targets include the provision of travel information through welcome packs, notice boards and personalised journey planning, provision of interest-free season ticket loans for staff and participation in the Cycle to Work Scheme. One further measure which could be of use to residents would be the promotion of local Car Clubs, and it is recommended that the provision of two years' free membership of a local Car Club is offered to all incoming residents as part of the Full Travel Plan.

## Construction Logistics Plan



(Brent) General business use	656.4	0	445.93	£40.00	£0.00	£26,755.71	£0.00
(Brent) Dwelling houses	5543.6	0	3766.07	£200.00	£0.00	£1,129,821.45	£0.00
(Mayoral) General business use	656.4	0	445.93	£0.00	£60.00	£0.00	£27,832.57
(Mayoral) Dwelling houses	5543.6		3766.07	£0.00	£60.00	£0.00	£235,058.83

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>£1,156,577.16</b>	<b>£262,891.40</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.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/3092

To: Miss Bundred Woodward  
Tibbalds Planning and Urban Design  
19 Maltings Place  
169 Tower Bridge Road  
London  
SE1 3JB

I refer to your application dated **30/08/2019** proposing the following:

Demolition of the existing building and erection of a new building up to a maximum height of 39.6m comprising up to 5,000sqm residential floorspace (Use Class C3), up to 600sqm of flexible workspace (Use Class B1A, B and C), with ancillary cafe (Use Class A3) up to 600sqm ancillary floorspace, associated hard and soft landscaping, wheelchair car and cycle parking.

and accompanied by plans or documents listed here:  
Please see condition 3.

at **Ujima House, 388 High Road, Wembley, HA9 6AR**

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: 01/06/2020

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  
Brent's emerging Local Plan 2020  
London Plan Intend to Publish Version 2019

- 1 In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of three years from the date of this permission; or  
(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 Details of the reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on the development and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is 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 hereby permitted shall be carried out in material accordance with the following approved drawing(s) and/or document(s):

376-KCA-UH-00-DR-A-0100-P 02  
376-KCA-UH-XX-DR-A-0110-P 01  
376-KCA-UH-00-DR-A-0120-P 01  
376-KCA-UH-XX-RP-A-0701-DAS[02] & 376-KCA-UH-XX-RP-A-0702-DAS[00]\_Addendum  
Air Quality Assessment (Air Quality Consultants, ref J3678, August 2019)  
Construction Logistics Plan (Velocity, ref 2360/1110 D005 version 4, August 2019)  
Daylight and Sunlight Report (Waldrams, ref 2095, 2 July 2019)  
Delivery and Servicing Plan (Velocity, ref 2360/1110 D004 version 1, August 2019)  
Energy Assessment (Max Fordham, 28 June 2019, Rev P01)  
Financial Viability Assessment (BNP Paribas, August 2019) as amended by Affordable Housing  
Agreed Assumptions Statement (18 April 2020)  
Framework Travel Plan (Velocity, ref 2360/1110 D003A version 1, August 2019)  
Noise and vibration assessment (KP Acoustics, Report 17336.NIA.02 Rev A, 4 July 2019)  
Planning and affordable housing statement (Tibbalds, August 2019)

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

- 4 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.

- 5 The 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 with the local planning authority.

Reason: In the interest of highway flow and safety.

- 6 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.

- 7 The construction tolerances referred to within drawing 376-KCA-UH-00-DR-A-0120-P 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.

Reason: In the interest of visual amenity and townscape.

- 8 No occupation of the residential floorspace shall take place unless and until the approved quantum of a minimum of 500sqm flexible workspace with additional ancillary cafe use has been constructed and made available for occupation, to include the following as part of the 'shell and core' construction of the workspace (unless otherwise agreed in writing with the local planning authority on the basis that they are not required by a confirmed tenant of the workspace:

- a goods lift to serve the basement area;
- capped off services including water, electricity, gas and drainage;
- glass frontage including full height double width front doors;
- level access from the rear loading area.

Reason: In order to ensure the timely delivery of the flexible workspace and that it meets the requirements of potential occupiers and can reasonably facilitate the occupation for purposes within use classes B1(b) and B1(c).

- 9 (a) 12 of the residential dwellings hereby approved shall be provided as affordable housing in perpetuity, and shall be delivered as Affordable Rented units with rents set as follows;
- up to 80% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 1 and 2 bedroom units
  - up to 60% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 3 bedroom units

The London Borough of Brent will have 100% nomination rights in perpetuity. In addition, the Owner shall enter into a Nomination Agreement with the London Borough of Brent prior to occupation of the affordable housing units.

(b) 7 of the residential dwellings hereby approved shall be provided as affordable housing in perpetuity, and shall be delivered as Intermediate Rent or Shared Ownership Units that are affordable to persons on incomes at or below the GLA London Plan intermediate income thresholds. At all times the Owner shall ensure that in respect of any Intermediate Rent or Shared Ownership Unit the average housing costs (comprising mortgage rent and service charges) shall be no more than 40% of net household income.

(c) The Owner will shall not occupy or allow occupation of more than 50% of the private residential units until it has transferred the freehold, or long leasehold of a minimum of 125 years interest, to a Registered Provider for the affordable housing units.

(d) In the event that no development has commenced within 24 months following the grant of planning permission, prior to development commencing details of an early stage Affordable Housing Review Mechanism shall be submitted to and approved in writing by the Local Planning Authority which shall agree appropriate arrangements to provide any identified additional affordable housing on site. The review shall include an update to values and costs and any available grant funding, but shall (unless otherwise agreed in writing between the applicant and the local planning authority) maintain the BLV, developers profits, professional fees on construction costs and financial costs as set out within the "Affordable Housing Agreed Assumptions Statement"

(e) The Owner will shall not occupy or allow occupation of more than 75% of the private residential units until details of a late stage Affordable Housing Review Mechanism have been submitted to and approved in writing by the Local Planning Authority, which shall agree appropriate arrangements to provide any identified additional surplus as a financial contribution to affordable housing provision within Brent. The review shall include an update to values and costs and any available grant funding, but shall (unless otherwise agreed in writing between the applicant and the local planning authority) maintain the BLV, developers profits, professional fees on construction costs and financial costs as set out within the "Affordable Housing Agreed Assumptions Statement"

Reason: To ensure the delivery of affordable housing within the development and to comply with Policy DMP15.

- 10 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust and fine particles, noise and other environmental impacts of the development. These measures shall include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
- (g) the use of demolition equipment that minimises the creation of dust.

The development shall thereafter be carried out in full accordance with the approved Construction Method Statement.

Reason: To minimise nuisance to neighbouring residents from dust, noise and other environmental impacts of the construction process.

Reason for pre-commencement condition: Environmental impacts of construction can occur at any time from the commencement of works, and adequate controls need to be in place from this time.

- 11 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved Construction Logistics Plan.

Reason: To ensure construction traffic impacts are effectively managed throughout the construction process.

Reason for pre-commencement condition: Construction traffic impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 12 (i) Prior to commencement of development a Construction Employment and Training Plan shall be submitted to and approved in writing by the local planning authority, setting out the following matters:
- a. confirmation of the appointment of a contractor for the Development
  - b. details of a named senior manager responsible for overseeing the delivery of employment and training opportunities for local residents (persons whose principal or only home is in the Council's administrative area)
  - c. full details of anticipated employment opportunities in the Construction Phase;
  - d. arrangements for the referral of upcoming employment opportunities to Brent Works on an ongoing basis;
  - e. measures to ensure that the Local People Employment Requirement (the employment of one Local Person in a full-time construction phase job or apprenticeship of a minimum of 26 weeks duration per 20 Dwellings or 1,000 sq m (GEA) of new non-residential floorspace) is met in the Construction Phase;
  - f. measures to encourage and promote an approach to the employment and recruitment of Local People (including those previously unemployed) throughout the supply chain for the Construction Phase;
  - g. arrangements by which the developer will work with the Council (or its representative, Brent Works) to provide Local People with opportunities to improve their constructions skills offering, thereby enhancing their future employment prospects;
  - h. arrangements by which the developer will work with the College of North West London or such other similar body as may be notified in writing by the Council to the developer to ensure that construction related and/or work based training opportunities target students from within the Council's administrative area;
  - i. a commitment to complete and submit monthly monitoring templates to provide figures to the Council at [s106notifications@brent.gov.uk](mailto:s106notifications@brent.gov.uk) by the 5<sup>th</sup> of each month, outlining:
    1. the total number nature and status of Construction Phase job starts by Local People (and non-Local People) on site; providing post codes for Brent Residents claimed.
    2. the total number, nature and status of Construction Phase Apprenticeship/traineeship starts and finishes by Local People (and non-Local People) on site and Apprenticeship/traineeship title and length, providing post codes for Brent Residents claimed.
  - j. measures to ensure that during the Operational Phase of the Development:
    1. achieve a minimum target of thirty percent (30%) of jobs being filled by Local People;
    2. Brent Works is notified of job, Apprenticeship and training vacancies in the Development so as to direct such opportunities to Local People;
    3. the employment and recruitment of Local People is encouraged and promoted throughout the supply chain for the Development.
- (ii) Prior to commencement, the developer shall attend a meeting with Brent Works to identify

anticipated employment and training opportunities arising during the Construction Phase and discuss recruitment to these opportunities.

(iii) The development shall be carried out in full accordance with the approved Construction Employment and Training Plan.

(iv) Within three months of the commencement of the Operational Phase, a report shall be submitted to the Council providing details of the following:

1. the number, duration of employment and status of employment of Local People employed in the Construction Phase; and the number, duration of employment and status of employment of Local People intended to be employed in the Operational Phase;
2. the number, duration and description of traineeships and Apprenticeships and/or training opportunities provided to Local People in the Construction Phase and Operational Phase of the Development to date.

Reason: To ensure the construction process provides opportunities for training and employment of local residents, in accordance with Core Strategy 2010 Policy CP1.

Reason for pre-commencement condition: Construction employment and training opportunities arise as soon as construction starts, and it is necessary to have arrangements in place in advance to ensure opportunities for local residents are provided.

13 Prior to development commencing, and notwithstanding Condition 3, an Energy Assessment shall be submitted to and approved in writing by the local planning authority and a payment representing the initial carbon offsetting contribution shall be paid to the local planning authority as a financial contribution to Brent's carbon offsetting scheme. The Energy Assessment shall:

- (i) demonstrate how the London Plan targets for CO<sub>2</sub> reduction will be met for the development within the context of the energy hierarchy set out in London Plan Policy 5.2 and the Mayor's Sustainable Design & Construction SPD 2014 (as amended);
- (ii) identify the amount required as a financial contribution to carbon offsetting in order to comply with the London Plan targets, this amount to be divided equally into an initial carbon offsetting contribution and a final carbon offsetting contribution;
- (iii) identify and provide reasoned justification for any change to the approved BREEAM Pre-assessment;
- (iv) propose mitigation measures as appropriate to compensate for any shortfall in BREEAM rating identified in (iii) above.

Reason: To ensure predicted carbon emissions are adequately understood and mitigated at the detailed design stage, in accordance with London Plan Policy 5.2

Reason for pre-commencement condition: Predicted carbon emissions need to be understood and compensated for at the detailed design stage to ensure that construction secures acceptable levels of emissions reduction.

14 Prior to the commencement of development other than demolition of the existing building:

- a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present, in accordance with the principles of BS 10175:2011;
- a report (including the results of any research and analysis undertaken, an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors) shall be submitted to and approved in writing by the Local Planning Authority.

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

15 All residential premises shall be designed in accordance with BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" to attain the following internal noise levels:

Daytime noise                      Living rooms/bedrooms : 35 dB LAeq (16 hr) (07:00-23:00)

Night time noise

Bedrooms : 30 dB LAeq (8hr) (23:00-07:00)

Prior to development commencing (other than demolition of the existing building) details shall be submitted to and approved in writing by the local planning authority, demonstrating how these noise levels will be achieved and all approved noise mitigation measures shall be implemented in full prior to first occupation of the residential units hereby approved.

Reason: To obtain required sound insulation and prevent noise nuisance.

- 16 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (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 external CCTV, lighting and any other measures proposed to enhance the safety and security of residents and other users;
  - d) The internal layout of the building, including internal circulation areas, refuse storage areas, plant room(s), any other internal area and any areas of external space, to include the following: a secure dedicated entrance to the residential units from the High Road;
  - e) Details of residential cycle storage to be provided in a secure and accessible location within the site in accordance with the requirements of London Plan policy and the London Cycling Design Standards;
  - f) Compliance with the following requirements for the residential development:
    - at least 15% of the residential units shall be 3bed or larger units;
    - no more than eight units shall be provided per core per floor;
    - floor to ceiling heights shall be at a minimum of 2.5m;
    - no more than 18 units (these units to be 1bed units) shall have sole aspect;
    - all units shall comply with Technical Housing Standards: Nationally Described Space Standard 2015;
    - all habitable rooms shall have adequate outlook, ventilation, privacy and daylight, , and no habitable room windows shall be provided on either side elevation;
    - all units shall have access to private external amenity space to comply with the standards set out in the Mayor's Housing SPG 2015;
    - no residential units shall be at ground floor or basement levels
  - g) The layout and detailed design of the roof terrace, and details of the provision of private external amenity space for residential units, including the size and location of private balconies, and means of access between the dwellings and their associated space(s). No balconies shall be provided on either side elevation.
  - h) Details of secure gated entrances to the western yard space and to the rear service road and parking area, including full details of gate design and materials and of security arrangements to prevent unauthorised access.
  - i) Details of how 10% of the residential units will be provided in accordance with the Building Regulations 2013 Part M4(3) and the remainder in accordance with Part M4(2);
  - j) Details of how the residential units will be designed to achieve water consumption of 105 lpd.

The development shall be carried out in full accordance with the approved details prior to first occupation or use of the residential units.

Reason: To ensure a satisfactory development and to secure an acceptable standard of residential accommodation.

- 17 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority.

A hard and soft landscaping scheme detailing works proposed within areas of public realm

within the site to the south and west of the building approved and to the rooftop amenity space, to include:

- a detailed scheme to provide new paving, street trees and benches to the south of the building
- details of amenity areas, including design of playspaces and a play strategy, to be provided on the rooftop.
- provision of three parking spaces for disabled use at the rear of the building including infrastructure to support provision of electric vehicle charging points and the provision of at least one charging point;
- details of how conflicts between pedestrians, vehicles and cyclists at the rear of the building will be avoided

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.

- 18 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority:

A microclimate wind assessment prepared by a suitably qualified third party consultant shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommendations therein.

Reason: To ensure that the development has an acceptable impact on the wind microclimate in the surrounding area, in accordance with London Plan Policy 7.7 and Intend to Publish London Plan Policies D8 and D9.

- 19 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority:

A RIBA Stage 3 Fire Strategy prepared by a suitably qualified third party consultant shall be submitted to and approved by the Council. The development shall be carried out in accordance with the approved Fire Strategy and retained thereafter. The requirements of the Fire Strategy shall be in compliance with Policy D12 of the draft London Plan (intend to publish version) and Part B of the Building Regulations.

Reason: To ensure that the risk of fire is appropriately addressed in the proposed development, in accordance with the Intend to Publish London Plan Policy D12.

- 20 Notwithstanding the plans approved in this and subsequent reserved matters applications, provision shall be retained for the designation of a minimum 3.4m wide permissive public right of way for pedestrians and cyclists to the north and south of the building.

Within three months of formal notification from the highway authority of the public right of way being required in order to connect to adjoining public rights of way, the following shall be submitted to the local planning authority for written approval:

- a revised site plan, showing the exact location and dimensions of the right of way in addition to the location of parking spaces to serve the development and the extent of any external seating associated with the cafe use.
- arrangements by which the right of way will be closed on 1 day per year and such other steps as may be required in order to manage the right of way and/or prevent the acquisition of rights

by prescription in favour of any person (such day to be notified in writing to the highway authority no less than 5 Working Days in advance);

- circumstances in which the right of way may be closed for the purpose of maintenance (for no more than is absolutely necessary under the circumstances) of the right of way itself or any reasonable part of the development, or in the case of specified health and safety concerns including emergencies and concerns relating to any future development and/or anti-social behaviour and crowd control when specified 'events' are taking place at Wembley Stadium  
- external lighting and CCTV.

This designation shall be established within three months of the local planning authority's written approval of these arrangements. Thereafter, the development shall be in accordance with the revised site plan.

Reason: To enhance pedestrian and cyclist accessibility and permeability within the area, in accordance with site allocation W4 of the Wembley Area Action Plan 2015.

- 21 Within three months of development commencing, the developer shall enter into a s278 agreement with the highway authority to secure works to provide enhanced public realm to the front of the site, including new paving, street trees and benches in accordance with the details approved under Condition 19.

All works shall be carried out and completed to the Highway Authority's satisfaction at the applicant's expense, prior to first occupation or use of the development.

Reason: To ensure a satisfactory form of development.

- 22 Prior to first occupation or use of the development, a Lighting Assessment prepared in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 shall be submitted to and approved in writing by the local planning authority. This assessment shall consider the lighting spillage from the development and the lighting levels at the nearest residential premises including those within the approved development, and shall demonstrate that lighting spillage will not impact adversely on biodiversity interests within the railway embankment.

Reason: To ensure an acceptable form of development that does not prejudice residential amenities or local wildlife.

- 23 Prior to first occupation or use of the development hereby approved:

(i) any soil contamination remediation measures required by the Local Planning Authority under Condition 14 above shall be carried out in full.  
(ii) a verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).  
(iii) the verification report shall be approved in writing by the Local Planning Authority.

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

- 24 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.

- 25 (i) Prior to first occupation or use of the development, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall :

- identify a named Travel Plan Co-ordinator within the site management team;
- set out target modal shares by different modes of transport by residential and non-residential occupants and other users of the development for the third and fifth years following first occupation of the development;
- set out measures to encourage uptake of sustainable travel modes by occupants and other users, including promotion of car clubs operating within the vicinity and the offer of two years free membership of a nearby car club for all eligible initial residents;
- set out arrangements for Travel Plan Reviews to be undertaken, within six months of first occupation or use and on each and every secondary anniversary thereafter or as otherwise agreed with the local planning authority.

The Travel Plan (as approved above and / or amended by (ii) below) shall be implemented in full. In connection with any lettings, sub-lettings, contracts or any other form of agreement or arrangements for the occupancy, use and for hire of the whole or any part of the development, users and any prospective users and/or other parties shall be notified of the requirements of the Travel Plan and the Travel Plan Co-ordinator shall use reasonable endeavours to impose obligations that the Travel Plan shall be complied with.

- (ii) Travel Plan Reviews shall be submitted in writing to the local planning authority as provided for in (i) above, and shall include the following matters:

- information on the measures used and implemented to promote the Travel Plan and achieve its targets;
- a survey of the use of parking by those travelling to and from the development;
- a survey that corresponds with TRICS survey methodology (and / or replacement thereof) that identifies modes of transport used by occupants and other users of the development to get to and from the same);
- where target modal shares have not been achieved, a plan of action that will indicate how, over the duration of the period from the date of the relevant review until the next review to be carried out, the targets will be met (any such plan of action, following its approval by the local planning authority, will form part of the Travel Plan thereafter); and
- a strategic review of travel plans approved by the Council that apply to other developments in the immediate vicinity of the Development which may impact upon the Travel Plan the subject of review in order to assess whether any amendments to that Travel Plan may be made to ensure it is strategically aligned with other approved travel planning measures operating in the vicinity of the Development.

Each Travel Plan Review submitted, including any plan of action required, shall be approved in writing by the local planning authority within two months of its submission.

Reason: To ensure the development encourages sustainable travel modes and has an acceptable impact on the local highway network.

- 26 Prior to first occupation or use of the development, confirmation of the following shall be submitted to and approved in writing by the local planning authority:

all surface water network upgrades required to accommodate the additional flows from the development have been completed; or  
a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

The developer can request information to support the discharge of this condition by visiting the

Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 27 Prior to first occupation or use of the development, a Delivery and Servicing Plan (DSP), including arrangements for the presentation of residential waste bins on the access road to the south of the site and their return to the basement storage areas on collection days, shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 28 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.

- 29 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration 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 any 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 the results of this assessment together with any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority.

The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 30 No later than four months following Practical Completion of the development, an Energy Assessment Review shall be submitted to the local planning authority together with payment of the final carbon offsetting financial contribution. The Energy Assessment Review shall:

- review the implementation of the approved Energy Assessment to demonstrate how the completed development is in compliance with London Plan 2016 Policy 5.2 targets for carbon emissions reductions;
- identify the total carbon offsetting financial contribution required to fully comply with these targets;
- identify the final carbon offsetting financial contribution required, being the total contribution less the initial contribution paid under Condition xx.

The Energy Assessment Review shall be approved in writing by the Local Planning Authority within two months of receipt.

The strategy set out in the Energy Assessment Review shall be implemented and maintained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the completed development effectively minimises on-site carbon emissions and is in accordance with London Plan 2016 Policy 5.2.

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 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).
- 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 Saturdayand not at all on Sundays and Bank Holidays.
- 4 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)
- 5 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.
- 6 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.
- 7 The proposed development is located within 15 metres of Thames Water underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide on working near our assets (at <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>) to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures. 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

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