

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

16 October, 2019  
04  
18/4847

## SITE INFORMATION

RECEIVED	17 December, 2018
WARD	Tokyngton
PLANNING AREA	
LOCATION	Argenta House, Argenta Way, London, NW10 0AZ
PROPOSAL	Demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building comprising 130 residential dwellings (37 x 1bed, 75 x 2bed and 18 x 3bed) with associated car and cycle parking, provision for bin stores, landscaping and ancillary works (revised description)
PLAN NO'S	Refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143219">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143219</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> _</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "18/4847" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## **INTRODUCTION**

### **Design & reason for deferral**

This item was deferred from the committee meeting on 16th August 2019 to allow the Local Planning Authority to carry out an independent review on issues raised in relation to the design and height of the proposal.

The Planning Advisory Service (PAS) has carried out this review and found the committee report to be balanced and sound.

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

### **Changes to conditions**

Condition 14, relating to the provision of car parking, cycle parking and refuse storage prior to occupation is to be altered to more clearly stipulate these provisions, since they are shown across different plans. The amended wording will also allow flexibility for an alternative and expanded arrangement that may be reached in the ongoing discussions between TfL, the applicant and highways regarding increasing the disabled parking provision and altering the highways layout.

Condition 26, relating to plant noise, is to be removed from the final decision notice. The applicants have clarified that a diesel powered generator is the only plant proposed for the building and that its use will only be in an emergency, with an operating noise of 3dB below background noise levels. Given this clarification, Brent's Regulatory Services have confirmed that the application will be acceptable without this condition. In removing this condition, it is noted that condition 6 still controls plant noise impact in line with the approved details contained in the applicant's noise report.

### **Recommendation**

The recommendation remains to grant consent subject to the conditions as set out within the main committee report and the completion of a satisfactory Section 106 Agreement, together with Stage 2 referral to the GLA.

## **RECOMMENDATIONS**

That the Committee resolve to GRANT planning permission subject to:

Referral to the Mayor of London (stage 2 referral)

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

1. Payment of Council's legal and professional costs
2. Notification of commencement 28 days prior to material start
3. Provision of 27% affordable housing by unit (30% affordable housing by habitable room) on a nil grant basis, broken down as:
  - 21 units for affordable rent (at no more than 80% of open market rents, inclusive of service charges, and capped at Local Housing Allowance rates), disposed on a freehold / minimum 125 year leasehold to a Registered Provider and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights for the Council on initial lets and 75% nomination rights for the Council on subsequent lets.
  - 14 units for shared ownership (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider, and subject to an appropriate Shared Ownership nominations agreement with the Council, that secures reasonable local priority to the units).

4. Early stage viability review to be submitted if construction of new building does not commence within 2 years of the grant of consent
5. Late stage viability review to be submitted and approved securing affordable housing contributions to ensure the delivery of the maximum reasonable proportion of Affordable Housing should scheme viability improve
6. A contribution of £65,000 towards the expansion of Brent's controlled parking zones.
7. Contribution towards Stonebridge Park Station capacity study (amount to be confirmed)
8. Contribution towards improvement of local open space (£15,400 + additional maintenance costs)
9. Contribution towards carbon offsetting in line with GLA formula
10. Parking permit restricted scheme
11. The approval and implementation of details in relation to a car club, including free membership for new residents for a period of three year
12. Highway works under S278 to make highway improvements in the Point Place / Argenta Way area as discussed in the body of this report
13. Implementation and monitoring of travel plan
14. Submission, approval and implementation of waste management plan including commitment to fund an additional twice weekly collection from the site
15. The submission, approval and implementation of a Training and Employment Plan for Brent residents (construction)
16. Safeguarding of a bridge link to Wembley Point, to be called upon in the future and made publicly accessible
17. The submission and approval of a TV signal programme and implementation of any approved mitigation measures.
18. The indexation of contributions in line with inflation
19. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

#### Conditions

1. 3 Years to commence development
2. Development to be built in accordance with approved plans
3. C3 to C4 permitted development rights to be revoked
4. Kiosk to be restricted to A1 use
5. Implementation of mitigation measures set out in air quality report
6. Implementation of mitigation measures set out in Noise and Vibration report
7. 10% accessible homes to be delivered
8. Implementation of delivery and servicing plan
9. Water consumption to be limited in line with policy
10. Implementation of flood warning and evacuation plan

11. Measures set out in flood risk assessment to be secured
12. Implementation of microclimate mitigation measures
13. Tree protection measures to be implemented
14. Provision of parking, cycle parking and bin storage prior to occupation
15. Submission of construction logistics plan
16. Submission of revised construction management plan, setting out details of control of dust emissions
17. Submission of removal and management plan for non-invasive species
18. Non-road mobile machinery to be limited in terms of power output
19. Submission of details of how the CHP could connect to a future District Heat Network
20. Land contamination and remediation to be assessed and carried out where necessary
21. External material samples to be submitted
22. Landscaping plan to be submitted, incorporating all proposed tree planting
23. Landscaping management strategy to be submitted
24. Mitigation and enhancement measures from Ecology report to be secured
25. Details of communal aerial to be provided
26. Limitation of plant noise in line with British Standards

#### Informatives

1. CIL liable approval
2. Party Wall
3. Building near boundary
4. Highway works advisory note
5. Condition of the highway advisory note
6. Thames Water guidance notes
7. Network Rail guidance notes
8. Environment Agency guidance notes
9. Clarification that no permission is given for link bridge
10. London Living Wage
11. Fire Safety

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

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

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

## SITE MAP

	<b>Planning Committee Map</b>
	Site address: Argenta House, Argenta Way, London, NW10 0AZ
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This map is indicative only.

## EXISTING

There are currently 2 buildings on site. The largest has two storeys and is occupied by a B1 business, standing directly opposite Stonebridge Park station. There is also a small single storey building in use as a newsagent at the south western corner of the site, and a telecommunications mast. The buildings do not cover the entire site, and significantly Wembley Brook runs from Wembley and through the site. The brook is culverted to the north and south of the site, but runs in the open (albeit in a concrete channel) through the site. The rear of the existing building is on stilts, above the banks of the brook.

To the north east is the car park which serves Wembley Point, a large office building which has a number of prior approvals to convert the building to residential. To the south east is the North Circular Road (managed by Transport for London), which is one of the most significant highways within London and is a major source of noise and air pollution. To the south is Argenta Way itself and beyond this is Stonebridge Park Station. To the west, Argenta Way leads to a roundabout and beyond this are residential properties.

Wembley Brook and River Brent are potential sources of flooding and the majority of the site is within Flood Zone 2 and 3. Recent modelling has demonstrated the site is outside of flood zone 3b (functional floodplain). The area is heavily built up. Lack of landscaping, large expanses of car parking and the North Circular Road contribute to low permeability and accumulated surface water build up. The railway trackside and Wembley Brook adjacent the site forms part of a wildlife corridor and Grade I Site of Importance for Nature Conservation. There is an opportunity to help reinforce the wildlife corridor through soft landscaping to the site.

## SUMMARY OF KEY ISSUES

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

**Objections from neighbours:** 140 properties were consulted on the proposal. In response one individual objection was received together with an objection petition with 65 individual signatures. The objections come from households on Sylvia Gardens, Tokyngton Avenue, Derek Avenue and Aldbury Avenue. Concerns are summarised as parking, traffic congestion and servicing, and height of the building.

**Provision of new homes/Affordable housing:** Your officers give great weight to the viable delivery of private and affordable housing, in line with the adopted Development Plan. The maximum reasonable amount has been provided on a near policy compliant tenure split. This includes 27% affordable housing provision with a tenure split of 67:33 (by habitable room) between affordable rented and intermediate flats when measured in terms of habitable rooms. 67% of the affordable rented units are 3 bedroom flats. The viability has been tested and it has been demonstrated that this is the maximum reasonable amount that can be provided on site. The requirements of affordable housing obligations are considered to have been met and early and late stage viability reviews will be secured by S106.

**Layout, height, design, massing and protected views:** The proposal replaces a poor quality commercial plot with a modern high density development which complements the scale of the neighbouring Wembley Point building. The development will not obstruct views of the Wembley Stadium arch from any protected viewpoints but will be a prominent landmark building. The height, layout, design and massing has been carefully considered and has been evaluated by the GLA and by Brent Officers who have concluded that the proposed building is appropriate for this context. The development will also relocate the existing retail kiosk at the southern end of Argenta Way to the northern end of this road, in a more usable and logical location.

**Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and reasonably well aligned with the mix sought in Brent's Core Strategy. The flats would generally have good outlook and light. The amenity space is only slight below our standard and is a very high provision in the context of a tall building.

**Neighbouring amenity:** All neighbouring low rise residential dwellings would pass relevant BRE criteria for the retention of daylight and sunlight when tested. Some losses of sunlight slightly below BRE criteria are noted in the context of windows on the south west façade of Wembley Point which is currently in office use but has prior approval for a change to residential use. The overall impact of the development is considered acceptable, particularly in view of the wider regenerative benefits and the density of the scheme.

**Highways and transportation:** The development provides disabled parking only, although is one space short of the 3% provision expected in the London Plan. A new controlled parking zone is to be funded by the developer and residents of the development shall not be entitled to apply for permits, resulting in a minimal impact on the flow of traffic along local roads. Alterations to the public highway as secured in the S106 would be welcome, considering the needs of pedestrians, cyclists and motorists. The highway works will include: Altering the mini-roundabout at the junction of Point Place and Argenta Way to a priority junction with contraflow cycle lane, an enlarged dedicated bus standing area, A disabled parking and/or Car Club lay-by space along the highway, footway widening, removal of the redundant crossover to the site, Improved pedestrian crossing facilities, Improved hard surfacing and soft landscaping, Provision of street furniture including bench seating and public cycle parking aimed at users of Stonebridge Park station, Turning facilities at the end of Argenta Way and Maintenance of access to the adjoining railway depots. A contribution to improving access to Stonebridge Park Station may potentially be secured, subject to discussions with TfL.

**Trees, landscaping and public realm:** Some low quality trees are proposed to be removed but they are not considered worthy of retention. The proposal is likely to substantially improve on the existing situation with a new public realm and associated tree planting proposed alongside a wider landscaping strategy which includes a new naturalised environment along the Wembley Brook.

**Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy. Conditions will require further consideration of carbon savings prior to implementation.

**Flooding and Drainage:** Part of the site sits within a flood zone. A flood mitigation strategy and drainage strategy will be secured by condition to mitigate the risks associated with this. The development will reduce the current flood risk on site through naturalisation of the brook banks and reduction in the built area of the site.

## MONITORING

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

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Dwelling houses				13028.76	13028.76
General business use	432.7	0	432.7		
Shops	19.96	0	19.96	10.57	10.57

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Market )										
EXISTING ( Flats û Intermediate )										
EXISTING ( Flats û Social Rented )										
PROPOSED ( Flats û Market )	30	61	4							95
PROPOSED ( Flats û Intermediate )	4	10								14
PROPOSED ( Flats û Social Rented )	4	3	14							21

## RELEVANT SITE HISTORY

The site has no relevant planning history.

## CONSULTATIONS

140 properties were notified of this proposal by letter, including Stonebridge Park Station, adjoining landowners and residential properties along Tokyngton Avenue, Sylvia Gardens and Derek Avenue. The initial consultation was sent to these neighbours on the 9<sup>th</sup> January 2019. Following the amendment of the proposal, mainly incorporating a reduction in height from 28 storeys to 24 storeys, further consultation was sent to the neighbours by letter on the 26<sup>th</sup> March 2019.

A press notice for both the original 28 storey and revised 24 storey proposal was printed in the local press, initially in January 2019 and then for the revised scheme on the 4<sup>th</sup> April 2019.

Site notices for the revised scheme (24 storeys) were put up outside the development site on the 4<sup>th</sup> April 2019.

A petition was received on 25<sup>th</sup> April 2019 objecting to the proposal. The petition contained 65 individual signatories, although 3 of the signatories did not provide their home address. The 62 addressed signatories collectively represent 44 households across Sylvia Gardens, Tokyngton Avenue, Derek Avenue and Aldbury Avenue.

A further objection letter from a household on Sylvia Gardens was received on 21<sup>st</sup> May 2019. The objections within the petition and objection letter from the households are summarised as follows:

Ground of objection	Officer response
The main roads locally are becoming more congested – where would 130+ cars be parked?	The development is proposed with no parking (except for a very small number of spaces, for the use of blue badge holders only) and a local Controlled Parking Zone is to be introduced, for which none of the building's residents (except blue badge holders) will be entitled to a permit to park within. This arrangement will ensure that the development does not materially increase local car usage or worsen local parking stress.
The area does not need any more flats, especially with Wembley Point being converted from office to residential use and proposals to redevelop the Unisys site emerging	The application site is immediately adjacent to a tube station and within close distance of a number of bus services and therefore presents as an obvious location to focus residential development. Much of the Wembley Point site serves a limited function as underused private car parking and would be better utilised for residential development.
Emergency services have trouble attending to emergencies in the area.	This application will not alter the capacity of local roads to accommodate emergency service vehicles nor is the proposal projected to result in materially increased car usage within the local roads.
The construction on this small plot of land could endanger the public.	A construction management and logistics plans will be secured and scrutinised by Brent's highways engineers to confirm that a suitable and safe arrangement for construction is being implemented.
Where would the flats store their refuse and refuse collection vehicles collect the refuse?	Refuse storage is proposed on the ground floor of the building for 16 Eurobins and eight wheeled bins. Servicing of the building by refuse and other delivery vehicles (estimated at about 21 deliveries per day based on comparisons with 14 other blocks of flats in London) will need to take place from the Argenta Way street frontage of the site, which is acceptable in principle. The transport consultant has recommended that a single yellow line be introduced along this frontage to prevent parking

	and thus allow space for loading. This is supported and can be added to the required highway works for the scheme.
From where would the relocated retail kiosk be serviced?	The details of servicing will be secured and reviewed through a delivery and servicing plan. Brent's highways officers would request that deliveries are made via Point Place to minimise the need for vehicles to turn around at the end of Argenta Way.
The plant area under the flats would attract use as a toilet.	The building entrance/frontage is in an active space directly opposite a tube station entrance with a good level of footfall (which is projected to increase) and is not secluded in a way which might encourage such behaviour.
The building is too tall for such a small plot by the feeder.	The building has been carefully considered in terms of its appearance from nearby and surrounding viewpoints and in terms of its daylight and sunlight impact on the surroundings. The development will also deliver a naturalised flood plain for the feeder, without risking residents' safety, resulting in an enhancement to the feeder.
Traffic concerns are based on the 2011 Census despite it being 2019.	The 2011 census was used to estimate if the Council's minimum parking standards were realistic to adopt in this scenario in relation to local car ownership. Car ownership is not a significant issue in relation to this development subject to implementation of a Controlled Parking Zone, as is proposed and required through a legal agreement. Furthermore, the local roads have not seen substantial uplift in the number of homes since 2011 so it is not likely that car ownership levels have changed dramatically. Nevertheless, overspill parking is to be mitigated through a parking permit restriction and the census data therefore shows a theoretic level of parking if the ability for residents to park was not restricted.
Wembley has a dearth of main stores or restaurants with betting and fast food shops prevailing.	Population growth could change the local retail market.
Previous poor decisions by the Council saw good houses replaced by problematic blocks of flats.	The site in question is brownfield land and will not result in the displacement of existing housing.
Will there be any signal loss on television/satellite/mobile phone signals as a result of the building's presence?	Provision for surveying and compensating for any such loss is proposed to be secured through the s106 agreement.

A neutral comment was received from the owner of the adjoining Wembley Point site. The submission raised the following points in summary:

- There has been no consideration of daylight-sunlight impacts on the adjoining Wembley Point site – only the existing residential properties to the north. Such considerations should be made.
- The development should not increase flood risk of the adjoining Wembley Point site
- The potential link-bridge between Argenta House and Wembley Point as shown on the plans should be subject to cross-boundary discussions with Wembley Point in reaching an agreeable arrangement for the bridge, should permission for such a connection be sought in the future
- Construction works (as set out in a construction management plan) and delivery and servicing

arrangements (as set out in a delivery and servicing plan) should not impede the ability of the neighbouring Wembley Point site to be developed or serviced.

These matters are discussed in the relevant sections of this report.

#### Internal consultations

- *Local Lead Flood Authority* – No objections to the development
- *Recycling and Waste* – No objections to the development
- *Environmental Health* – No objections to the development

#### External consultations

- **The Greater London Authority (GLA)** – No objections to the development subject to the following requirements:
  - 1) Affordable housing to be scrutinised by Brent Council and an early and late stage review to be secured in the s106
  - 2) S106 contributions needed to improve local play space given no provision for 5-11 or 12+ play spaces
  - 3) Consideration of minimising inactive frontage at ground floor
  - 4) Further consideration of safety/surveillance at the ground level
  - 5) Provide a fire safety statement demonstrating compliance with Part B of the building regulations
  - 6) Details of ramp access to the brook area to be provided
  - 7) Further considerations need to be made in relation to the energy hierarchy and sustainability
  - 8) Further considerations need to be made in relation to the drainage and SuDS measures
  - 9) Need to address disabled parking provision shortages or contribute to a feasibility and infrastructure study for improving gateline capacity at Stonebridge Park station
  - 10) Provide benches in the public realm
  - 11) Do not obstruct buses with relocating disabled parking spaces and also keep local bus stops open during construction

These aspects are to be addressed by the applicant ahead of a Stage 2 referral to the GLA.

- **Transport for London (TfL)** – No objections to the development subject to the following requirements:
  - 1) Significant contribution towards Stonebridge Park Station capacity improvement/step free enablement is secured.
  - 2) Current disabled parking spaces too far from the building's entrances to be reasonably usable as disabled parking spaces
  - 3) Further demonstration of complying with healthy streets criteria needed, such as the addition of street seating
  - 4) Construction and delivery arrangements should not impact the bus services on the local roads (112 and 440 routes)
  - 5) Travel Plan to be secured by s106 agreement

These aspects are discussed within the main committee report and to be addressed by the applicant ahead of a Stage 2 referral to the GLA.

- **Thames Water** – No objections to the development subject to the following requirements:
  - 1) Requested informatives relating to groundwater risk management permits and advice over carrying out works near Thames Water assets
  
- **The Environment Agency** – No objections to the development subject to the following requirements:
  - 1) Requested a condition to secure the details of the Flood Risk Assessment
  - 2) Requested a condition to secure a management plan for the management of invasive non-native species
  - 3) Requested a condition to secure a detailed landscaping management plan
  - 4) Requested an informative setting out the risks associated with Japanese Knotweed
  
- **London Underground Ltd** – No objections to the development subject to the following requirements:
  - 1) Access to Stonebridge Park depot should not be obstructed at any time
  
- **Canal and Rivers Trust** – No objections to the development.
  
- **Network Rail** – No objections to the development subject to an informative outlining relevant considerations for the applicant outside of the planning process.

## POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application:

### National Planning Policy Framework 2018

#### The London Plan 2016

Key policies include:

- 2.13 – Opportunity areas and intensification areas
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 – Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities
- 3.8 - Housing Choice
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes -
- 5.2 - Minimising Carbon Dioxide emissions
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 7.2 - An inclusive environment
- 7.8 – Heritage Assets and Archaeology

### Draft London Plan 2018

#### SD1 – Opportunity Areas

E4 - Land for industry, logistics and services to support London's economic function  
H1 - Increasing Housing Supply  
H2 – Small sites  
H5 - Delivering affordable housing  
H6 - Threshold approach to applications  
H7 – Affordable housing tenure  
H12 - Housing size mix  
HC1 – Heritage, conservation and growth  
SI.2 – Minimising Greenhouse gas emissions  
SI.5 - Water Infrastructure  
SI.12 - Flood risk management  
SI.13 - Sustainable drainage  
D2 - Delivering good design  
D3 - Inclusive design  
D4 - Housing quality and standards  
D5 - Accessible housing  
D6 - Optimising housing density  
S4 - Play and Informal Recreation  
T2 - Healthy Streets  
T4 - Assessing and mitigating transport impacts  
T5 - Cycling

#### Brent Core Strategy (2010)

CP1: Spatial Development Strategy  
CP2: Population and Housing Growth  
CP6: Design & Density in Place Shaping  
CP7: Wembley Growth Area  
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP21: A Balanced Housing Stock

#### Brent Development Management Policies (2016)

DMP 1: Development Management General Policy  
DMP 9 A: Managing Flood Risk  
DMP 9 B: On Site Water Management and Surface Water Attenuation  
DMP 11: Forming an Access on to a Road  
DMP 13: Movement of Goods and Materials  
DMP 15: Affordable Housing  
DMP 18: Dwelling Size and Residential Outbuildings  
DMP 19: Residential Amenity Space

#### Site Specific Allocations Document (2011)

24: Wembley Point

#### Preferred Options Local Plan (Draft - 2018)

Argenta House and Wembley Point

#### Supplementary Planning Guidance (SPG)

SPD1: Design Guide for New Development (2018)

Mayor's Affordable Housing and Viability SPG -

Mayor's Housing SPG

Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG

## **DETAILED CONSIDERATIONS**

### **Principle of development**

**1.** Policy 3.3 of the London Plan and Policy GG2 of the draft London Plan both identify the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent's Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the current London Plan includes a minimum annual monitoring target for Brent at 1,525 additional homes

per year between 2015 and 2025. This target is proposed to increase to 2,915 for the period 2019/20-2028/29 in Policy H1 of the draft London Plan recognising the increasing demand for delivery of new homes across London.

### **Site allocation brief**

2. The site forms parts of Site Allocation 24 - Wembley Point within the 2011 Site Specific Allocations Development Plan Document. The site allocation is split into two ownerships, one covering the Wembley Point site (the vast majority of the site allocation) and the other covering Argenta House (a small separate parcel at the south western end of the allocation). The site allocation supports residential use and encourages an improved pedestrian experience and linkages to Stonebridge Park rail station. The allocation also states that residential development will not be permitted within 30m of the central part of the North Circular Road and noise pollution mitigation will be required. A development buffer of 8m from the River Brent and Wembley Brook is also required in the interests of protecting Environment Agency assets and reducing flood risk and enhancing biodiversity. However, this development proposal should not compromise the wider delivery of the site allocation. Flood risk is a substantial consideration within the allocation brief, where it is noted that much of the allocation lies within flood zone 2 and some within flood zone 3a. Based on current Environment Agency maps, the Argenta House site sits within flood zone 3, which is defined as areas where the annual probability of flooding is expected to exceed 1% (or a 1 in 100 year flood event). Any development will need to strongly consider the implications of this and the flooding aspects will be discussed later in the report.
3. The site allocation indicates a development capacity of 104 residential units up across the site allocation and this proposal would introduce 130 residential units, albeit on a small part of the site allocation which would be in addition to the flats within the Prior Approval conversion of Wembley Point. Development capacities within allocations are only indicative. At the time of the allocation it was not envisaged that much of the site could be built on. Furthermore, it was also assumed that the existing building would remain as an office. Furthermore, given the changing policy context and increase in housing pressures since 2011, it is accepted by officers that substantially more change than identified within the site allocation would be expected.
4. Within the preferred options Draft Local Plan (2018), the site allocation is retained, now referred to as 'Argenta House and Wembley Point' and continues to be promoted for residential development. The allocation states that the 'area is considered suitable for a tall building, subject to it being a high quality design that is complementary to the scale provided by Wembley Point'. It is also noted that 'the scale and layout must mediate between Wembley Point and surrounding low rise and mitigation and potential impacts, including overshadowing'.

### **Loss of employment use**

5. The proposed residential development will replace the existing small scale building (approx. 400sqm) on site. The owner-occupier of the current building is a jewellery company who have occupied Argenta House since March 1989 and use it as their business headquarters. The Greater London Authority have investigated the value of the existing building as employment floor space and note that any industrial activities that may previously have taken place on site have now made way for a more modernised internet-based distribution business and that the current use would fall within an office use class (B1a). There is some storage on site but it is understood that this is ancillary to the main use. The building has not therefore been used substantially for industrial purposes for several decades. The applicant has also confirmed that there are no tenants that would need to be moved elsewhere to facilitate redevelopment, as the property is owner occupied and the business is moving to elsewhere in the borough.
6. The existing employment use is in poor condition and would require significant expenditure to bring it up to the required standards for modern usage. The current use of the building is for distribution of jewellery, with the applicant confirming that the manufacturing process on site have ceased as the owner-occupier's business has evolved. London Plan policy 4.2 allows the release of surplus office capacity to other uses. Given the office is occupied, there is no justification of the office space being considered surplus, however, as it is not located within or near a town centre and is owner-occupied, and a business is not being displaced. Given the constraints of this site, it would be difficult to re-provide a commercial use. Brent do not object to the loss of the office use in this instance.

## **The appropriateness of developing on land within a high risk flood zone**

7. The site is part of a wider residential allocation which identifies a sequential approach to reducing flood risk within the wider allocation by pursuing development in the areas least at risk of flooding. Although the policy considers the site as a whole, the wider allocation is however split into two land ownerships, with the owners of Wembley Point able to bring forward their own development (through prior approval at the very least) with no need to rely on the Argenta site. The Argenta House development site contains areas that in the current Strategic Flood Risk Assessment are identified as functional floodplain, although closer inspection of the boundaries points to anomalies in its extent compared to known physical attributes (e.g. the river channel is not shown as functional, but adjacent areas are). Notwithstanding the issue with boundaries, clearly some parts of the site are within functional floodplain as the river channel runs in a culvert through the site. More recent EA modelling apparently extends the functional floodplain taking into account climate change.
8. If the site were wholly greenfield then from a policy perspective, consistent with national policy there would be no desire to support development on functional floodplain within this site, other than that which is unavoidable/absolutely necessary (e.g. water compatible uses or infrastructure). The site however contains low quality buildings which if they were not there is on land that would otherwise appear to operate as functional floodplain.
9. The river channel itself is in a culvert which is suffering from structural stability issues with the channel and surrounding environment providing low quality aesthetic and bio-diversity functions. The buildings on site are in a poor state which taking account the location adjacent to the entrance to Stonebridge Park under/ overground station, a gateway to the Alperton Housing Zone does not give the best impression of this part of the borough.
10. At face value on the basis of evidence provided by the applicants it appears, notwithstanding that some of the site is within functional floodplain, from a technical perspective there is the ability to create betterment over the current situation through new development. This is in relation to flood risk onsite and elsewhere (though reducing footprint/obstructions within the channel), improving the aesthetic, recreational and environmental/ bio-diversity performance of the river channel/ environs and also the appearance/ perception of this gateway site whilst meeting the very real issue of meeting housing needs.
11. Keeping the site in its current use (or worse it falling into disrepair/further neglect) which a negative planning approach might promote is not considered from a policy perspective to be sensible when considered against the obvious potential for betterment that investment through a development would bring.
12. On this basis from a planning policy perspective it is considered that as long as there is no real increase in flood risk (and ideally betterment), together with the other positive elements identified, that a pragmatic approach of moving forward with a residential led scheme for the site is an appropriate position to support. The Environment Agency have been consulted on the proposal and have raised no objections.

## **Delivery of the wider site specific allocation**

13. As noted above, the site allocation is formed of two ownerships of highly disparate sizes and whilst the LPA would encourage the two sites to work together to form a comprehensive development, this is ultimately not something within the planning authority's control and the LPA cannot reasonably require landowners to acquire adjacent land parcels or only support development where sites in separate ownership work in tandem. In this instance, the Argenta House site has come forward in isolation.
14. A common requirement of development is that the deliverability of surrounding development sites is respected by ensuring that a 9m separation distance between habitable room windows and the boundary with a neighbouring site is established as part of a proposal. This requirement is specified in Brent's SPD1 guidance and is designed to ensure that windows of habitable rooms facing other development sites will not compromise the ability for neighbouring sites to come forward for development. This includes a distance of 9m from each site to the shared boundary (18m between directly facing habitable room windows).
15. Through a combination of the very limited size of the site (in particular its thin, rectangular shape) and the limitation of the placement of the building within the site, owing to flood risk mitigation, the LPA consider that enough site specific constraints are present to justify a departure from the usual requirement for the

9m separation to neighbouring boundaries.

16. The site is fortunate in the respect that three of its four sides border with public highways, however on its north-eastern side, where it borders with Wembley Point, a distance of approximately 4m would separate the rear façade of the building with that of the boundary with Wembley Point. Given the very substantial size difference between the two land parcels, it is considered reasonable to expect the Wembley Point site to accommodate the required outlook to the rear windows of the Argenta House development within its own demise. Unlike Argenta House, the Wembley Point site would have far greater flexibility in building placement owing to its significant size and it would be possible to develop the site with significant density without compromising the relationship between the two buildings on sites.

## **Summary**

17. In summary, the residential redevelopment of the site is supported and presents a good opportunity to enhance the importance of Stonebridge Park station, improve the public realm in what is currently a harsh environment for pedestrians and to provide more housing for the borough in a sustainable location with good public transport access.
18. The development proposal is considered to be in accordance with local and national policy and appropriately heeds the requirements of the site specific allocation for this site. The development is therefore accepted in principle.

## **Residential Provisions**

### **Affordable Housing**

19. Adopted DMP policy DMP 15 confirms the Core Strategy target (policy CP2) that 50% of all new homes in the borough should be affordable. The maximum reasonable amount will be sought on sites capable of providing 10 units or more, such as this scheme. 70% of new affordable housing should be social/affordable rented housing and 30% intermediate housing at affordability levels meeting local needs. Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a viability appraisal to demonstrate that schemes are maximising affordable housing output.
20. Officers, advised by industry experts, have thoroughly interrogated the applicant's costs and revenues but have ultimately agreed with the conclusions drawn by the applicant's financial viability consultant that the offer provides the maximum reasonable amount of affordable housing when the projected costs of the development are weighed against the projected revenues and taking into account accepted profit levels. Providing more than the maximum reasonable level does not typically mean that developers will make a loss if a site is developed, but rather than they will make a lower level of profit than accepted target levels.
21. Officers are satisfied that the development delivers more than the maximum reasonable amount of affordable housing on a tenure split that aligns reasonably close to that expected in policy. Nonetheless, since the proposal falls short of the local policy requirement for 50% affordable housing on a 70:30 tenure split, a post implementation viability review is to be captured within the S106 to ensure that any uplift in actual sales values compared to those which are projected, can be captured by the Council and funnelled into the provision of offsite affordable housing.
22. The affordable tenures are to be within the same single core of the building as that of the private market flats. Fob access rights management throughout the core stairwell and lifts can be used to separate the tenures for management purposes. The affordable rented flats are to be provided on floors 3, 4, 5 and 6 whilst the shared ownership flats are to be provided on floors 7 and 8. The private market accommodation will be provided from floor 9 upwards. As previously discussed, the small lobby and single core of the building require all of the building's tenures to be accessed from a single entrance; this is highly positive as it ensures that there are no observable differences between the private and affordable elements of the development.

### **Unit Mix**

23. The scheme will deliver a mixture of unit types and sizes. The unit mix of the development is set out in the tables below:

	Private (No.)	Private (%)	Intermediate (No.)	Intermediate (%)	Aff Rent (No.)	Aff Rent (%)	Total (No.)	Total (%)
1-bed	30	32	4	29	4	19	38	29
2-bed	61	64	10	71	3	14	74	57
3-bed	4	4	0	0	14	67	18	14
Total	95		14		21		130	
Total (%)	73		11		16			

24. Policy CP2 of Brent's Core Strategy 2010 seeks for 25% of permanent units to be family sized (three bedrooms or more). The proposal achieves 14% family sized units, which falls notably short of the policy target. However, a high proportion of three bedroom + homes in flatted development can have a detrimental effect on scheme viability and that there is therefore a balance to be struck between a good affordable housing offer and a good number of family sized homes.
25. Overall, whilst fully acknowledging that the proposal falls short of the CP2 policy target for 25% 3 bedroom homes across the borough, officers do give weight to the applicant's affordable housing offer which would be significantly affected, should a higher proportion of family homes be proposed. Whilst short of the policy target, the affordable housing offer is strong relative to many other comparable schemes in the borough. Officers also support the fact that three bedroom units are focused on the affordable rented tenure where the highest need is identified within policy: of the development's affordable rented units, 67% are 3 bedroom units (77% when measured by habitable room). The three bedroom homes are also proposed to be provided on the lower floors of the building as this makes access to them more practical for families.
26. Ultimately, officers consider that this proposal is acceptable in terms of the proposed residential unit mix.

## **Design and Appearance**

### **Flood Mitigation Design Aspects**

27. A critical part of the building's design is formed in response to the flood risk of the site. The applicants had to fulfil a number of criteria before the Environment Agency could provide their in-principle support for the scheme. The three main aspects this covered was in respect of reducing obstructions to the floodplain, ensuring the future safety of occupants and preventing overshadowing.
28. In respect of reducing obstructions to the floodplain, the applicants note that the existing Argenta House building is raised on a network of columns above the brook, in response to flood risk. The stilts of the existing building are very close to the watercourse which increases the risk of debris getting caught and inhibiting water flow in times of flood. A replacement building could therefore provide betterment by proposing minimal structure into the floodplain and ensuring that any such structure is kept as far away as possible from the brook. A reduced obstruction would also require the ground floor footprint of the building to not exceed that of the existing building.
29. Building over the Wembley Brook watercourse which runs centrally through the site has the potential to block daylight, impact aquatic wildlife and plant-based habitats surrounding the water. In order to address this, the applicants sought to re-route the brook so that it would run close to the northern boundary of the site, this would allow for a larger built 'footprint' above the brook and would allow the watercourse to be out of shadow for much of its length. This would have the added benefit of presenting an opportunity to bring the brook out of its concrete channel, to naturalise its setting and greatly improve its local biodiversity. The rerouting proposed by the applicants would result in only 27% of the brook being beneath the building footprint.
30. To further reduce overshadowing, the building's height is to be raised by 15m (three floors) above the watercourse to allow sunlight and daylight into the brook area and its surroundings. The height increase is to be achieved by providing a small ground floor footprint which would sit at the southern side of the site and would be replicated across floors 1 and 2. This ground floor footprint is equivalent to the site of the existing building's footprint, thus ensuring that obstructions to the floorplain are not increased. From

floor 3 and upwards the building would have a larger footprint which does extend across towards the rerouted brook, having given sufficient clearance below it to both allow sunlight and daylight to the brook but to also account for a climate change adjusted 1 in 100 year flood event, if this were to occur.

## **Setting and Massing**

31. The building is to be positioned in a prominent location, adjacent to the large Wembley Point office building, Stonebridge Park station, Monks Park district Centre and the North Circular Road. The building will sit at the end of the 'route to Stonebridge' improved pedestrian route which is being delivered as part of the Northfields development to the south-west and which will connect this development closely with the Northfields development site. The Unisys site immediately across on the other side of the North Circular is also designated as a site allocation and is expected to come forward for redevelopment in the near future.
32. The location presents as an obvious location for a tall building, and the proposed building fulfils this role with a height of 24 storeys. The proposed building has been reduced from a height of 28 storeys at the initial submission, owing to concerns that a 28 storey building would appear too dominant in this location and would not complement the scale of Wembley Point, as required in the emerging draft Local Plan. The first three floors of the building sit on a small footprint whilst the remaining 21 storeys are raised above a void space.
33. This design means that the building has 21 habitable storeys. The building is formed of three core elements, the southernmost section reaches the full height of 24 storeys, there are two other shoulders of the building where the massing would step down to 22 and 20 storeys respectively. The heights of each part of the building are approximately 65m, 74m and 82m from ground level. This compares with the heights of Wembley Point, which are 63m (to lower roof) and 74m (to upper roof). The variation in heights gives some interest to the building's design and helps to articulate breaks in the built form. The manner in which the massing of the Proposed Development would be divided into three elements of different heights, stepping up progressively from west to east, would result in the highest part of the building being appropriately located towards the North Circular and the lowest part towards nearby housing.
34. It is noted that the proposed building's tallest shoulder would sit approx. 8m above the tallest part of Wembley Point, whilst the other two shoulders would sit at heights broadly equivalent to the lower roof level and upper roof level of Wembley Point respectively. The proposed building is slendrer than Wembley Point, especially when viewed from the south-east or north-west and officers consider that the building would sit with an appropriate height and massing which, whilst substantial, would effectively complement Wembley Point and clearly define the important location of Stonebridge Park station.

## **Analysis of views**

35. The building is not in a location where it would be at risk of compromising Brent's formally protected views of the Wembley Stadium arch as set out in the Wembley Area Action Plan, however the visibility of the building from viewpoints local and further afield is an important consideration in understanding this tall building's impact on Brent. The submission includes a comprehensive townscape assessment which has modelled the appearance of the proposed building from a substantial range of angles at varying distances within the borough. In achieving this, the proposed building has been modelled from 19 viewpoints, many of which are local although some which are further away such as One Tree Hill in Alperton and Roundwood Park in Willesden.
36. The view of the building from the south-east or north-west would result in a shorter elevation and a notable contrast with the form and appearance of Wembley Point in such views. From the north, the development would appear close to or behind Wembley Point, resulting in Wembley Point retaining its prominence in the foreground. From the south, the building would in many cases obscure Wembley Point and replace it as a focal point within the background of views, albeit of greater visual quality than the existing building. The building would certainly appear as a prominent landmark from both sides of the North Circular.
37. Overall, the height of the proposed development, similar to Wembley Point, although sometimes more or less prominent than it depending on the specific view, would allow it to act as a marker for its identifiable location within the townscape, opposite Stonebridge Park Station and adjacent to the North Circular. The proposal is considered to have a positive visual relationship with Wembley Point overall, its substantial massing would introduce variety to the skyline and develop a relationship between the two buildings.

Furthermore, the cumulative massing of the Northfields scheme, alongside the existing Wembley Point and former Unisys buildings, would reinforce the character of the area by forming part of a corridor of larger scale development on sites alongside the North Circular Road.

38. Other potential impacts of the building (such as impacts on daylight and sunlight) are discussed later in this report.

### **Architecture and Materiality**

39. The architecture and materiality of the building is positive. The key features of the façade are: the overlapping volumes of the three core elements that add interest, the reduced core section for the first three storeys atop which the rest of the building is cantilevered, chamfering of the corners for a softened appearance and a horizontal banding for the facade which connects to the ground level at the base of the structure. Whilst the building's façade treatment will establish horizontal bands around the building, a strong vertical emphasis is achieved at the corners of the building where balcony balustrades are stacked in clearly defined lines.
40. The ground floor of the building has an active frontage at the entrance to the residential core but is otherwise inactive, formed of entrances to the bin stores. The bin stores are a priority use at ground level to ensure ease of collection. The size of the building at ground level is minimised owing to flood risk and the majority of the footprint oversails the ground floor environment. Despite being in an undercroft, the ground floor environment should retain an open feel as the undercroft space is triple height and open on all sides.
41. Whilst the frontage of the building will be largely inactive, a retail kiosk is to be provided at the junction of Point Place and Argenta Way to generate activity. The kiosk will be a replacement of an existing retail kiosk located at the junction of Argenta Way and North Circular Road and this new location is more ideal in planning terms given its shelter away from the North Circular Road and its positioning along the main pedestrian desire line between the station and Monks Park district centre.
42. The building will have a metallic appearance in terms of its material palette, established through aluminium rainscreen panels in a mixture of matt and fine textures. This panelling defines the main horizontal bands up the building. Darker grey infill panels are to be used for additional vertical emphasis between the floors. The architects have opted for this colour palette as it weathers well and would retain its appearance in environments of high pollution.
43. The overall design and materiality of the building is considered to be positive and will provide a simple but pleasing uniform appearance to the building. The building takes opportunities to maximise its active frontage. Active frontages have been strongly maximised at ground level and will be enhanced by the colonnade feature. Specific material samples to be used should be reviewed by officers to ensure they will provide for a high quality finish and this will be required by condition.

### **Building Layout**

44. As explained previously, the building has a small ground floor footprint with the ground floor uses being limited to the building's main entrance lobby, refuse storage and an internal substation/plant area. The entrance lobby is seen on the right hand side of the ground floor as one exits Stonebridge Park station and forms the active part of the building being glazed across a three storey height. The lobby is accessed directly from Argenta Way via a level walkway. The lobby is a small space but will feel dramatic and spacious owing to its three storey ceiling height and glazing on all three sides. This aspect will also be visible from the public realm and will add a good level of interest to the streetscene. The left side of the ground floor is reserved for substation/plant space and bin storage. There are a number of doors into these spaces. The refuse space has been limited through a managed refuse system whereby the building's management will rotate a number of small bins between the main storage space and the ancillary refuse room to be used by residents via a connecting door to the main store.
45. The first and second floors occupy the same reduced footprint as below and are formed of the building's cycle storage (at first floor level) and remaining plant space (mainly second floor but some on the first floor). The cycle storage room is to have a dedicated cycle lift between it and the lobby.
46. From the third floor and upwards, the residential element of the building begins within the full sized shell of the building, which now expands and overhangs the public realm space below. Only three flats are

provided in this first residential floor, with the remaining areas taken up by plant and a second cycle store. The second cycle store does not have a dedicated bicycle lift, however bicycles can be wheeled out and taken down the goods lift with ease.

47. From the fourth floor and upwards, the building is fully residential, providing access to seven units per floor from its single core. The building steps in height at its upper floors and the number of units per floor reduces to five and then to four as the massing reduces up the building. Communal gardens are provided on the shoulders of the building as the massing reduces.
48. At ground floor level, the area around the building is to be heavily landscaped and the brook which currently runs through a concrete trench is to be naturalised. This will have multiple benefits in terms of offering an additional amenity space to residents, a visual improvement for the streetscene, reduction in flood risk through the creation of a floodplain and strong betterment in biodiversity. The building's three storey cantilever is a key element of ensuring that this space will receive a good level of natural daylight and sunlight.
49. A retail kiosk is to be provided at the junction of Point Place and Argenta Way to generate activity. The kiosk will be a replacement of an existing retail kiosk located at the junction of Argenta Way and North Circular Road and this new location is more ideal in planning terms given its shelter away from the North Circular Road and its positioning along the main pedestrian desire line between the station and Monks Park district centre.

## **Density**

50. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
51. The application proposes a density of about 950 units per hectare and 2,700 habitable rooms per hectare which is far in excess of the suggested ranges for a development in this location within London Plan Policy 3.4. This policy would suggest a density of between 70 and 260 units per hectare and between 200 and 700 habitable rooms per hectare in an urban location with a good public transport access level. The very high density range proposed is generally attributable to the very small application site (0.137 hectares) which is resulting in very large figures when the scheme is extrapolated to a hectare's worth of site (as is a key element of the density policy calculations). Officers would note that much of the site is to be undeveloped, owing to the flood risk and biodiversity requirements.
52. Notwithstanding the numerical density levels, consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highways matters. These are considered below.

## **Impact on neighbouring occupiers**

### **Privacy and Outlook**

53. The potential impact on neighbours is a key consideration, and policy DMP1 seeks to ensure that this is acceptable.
54. The building immediately adjoins public highways on three sides. The site adjoins the Wembley Point site to the north east. The north-eastern elevation of the building will be about 4m from the boundary with Wembley Point car park at the closest point (although around 70m from the Wembley Point building itself). The north-east elevation contains a number of habitable room windows at each level and therefore relies on the openness of the car park environment of the neighbouring land in separate ownership for its policy compliant outlook. As discussed earlier, officers are inclined to accept this relationship by virtue of the significant limitations on the development because of the plot's size. In practice, accepting this relationship would necessitate a 6.5m to 7m deep area along the south-eastern edge of the car park site within Wembley Point to remain undeveloped, which is a very insignificant area in the context of the whole site and would present a comparatively small constraint to the developers of the adjoining site. There are no other potential privacy or outlook based concerns, as a result of the site's positioning

otherwise being surrounded by public highways.

55. Due to the positioning of the site in relation to the properties on Tokynton Avenue, the proposal will not directly overlook these properties or their rear gardens. A distance of at least 20m will be maintained between the building and the edge of the rear garden of No. 52 Tokynton Avenue.

### **Daylight and Sunlight**

56. The relationship between this building and its surroundings has the potential to be most sensitive at the small scale residential properties to the north of the development site. Windows in the southern and western aspect of Wembley Point also have the potential to be affected by the proposed building, although serving office space, this relationship is less sensitive than the residential properties to the north. Wembley Point has an extant consent for conversion to residential use under permitted development, and it would be reasonable to consider Wembley Point a residential building in this respect. It will be important to ensure that this development has an acceptable impact on all of these properties in respect of losses of daylight and sunlight that could be incurred.
57. The applicant has submitted a Daylight, Sunlight and Overshadowing Report. Existing properties that have been included in analysis include Wembley Point and the closest residential house to the development site, that being 52 Tokynton Avenue.
58. 7 windows at 52 Tokynton Avenue face the direction of the development site and are all in the side elevation of that property. These windows were tested for daylight impact. The first test applied was the Vertical Sky Component (VSC) to consider the visibility of the sky from each window during the existing and proposed scenarios. Of the seven tested windows, six retained VSC values of at least 27%, meaning they passed the first test applied under BRE and are considered to retain acceptable daylight levels. The other window marginally fell short of the 27% target, yielding a figure of 26.88%. Where VSC testing is failed, an additional test (No Skyline – NSL) applies which analyses floorplans of the affected property and considers the amount of the room served by an affected window from which the sky would be visible. NSL testing was carried out for all affected windows and it was found that there were no noticeable differences in the visibility of the sky at the property, thus confirming compliance with BRE guidelines for daylight. In addition, the window that failed VSC testing serves a study contained within a two storey extension built around 1996 (and thus is not an original feature of the dwellinghouse).
59. 52 Tokynton Avenue was also tested for sunlight impacts, in accordance with the annual probable sunlight hours (APSH) criteria. The testing identified that all windows affected would greatly exceed the default BRE APSH recommendations, thereby ensuring excellent access to available sunlight amenity post-development. Given that 52 Tokynton Avenue is compliant with BRE guidelines in all respects, there is no need to test properties further away from the development site in this location.
60. For the testing of Wembley Point, 21 windows on the 2<sup>nd</sup> floor, 21 windows on the 3<sup>rd</sup> floor and 21 windows on the 4<sup>th</sup> floor have been tested for daylight impact (63 windows in total). All windows retained VSC values of at least 27% therefore meeting BRE expectations for good daylight. An NSL test was carried out for these windows and it was confirmed that no noticeable changes in the distribution of daylight within the potentially affected rooms would be experienced, thus confirming compliance with BRE guidelines.
61. Wembley Point was also tested for sunlight impacts in accordance with the APSH criteria. The testing identified that the majority of windows would retain values exceeding the default BRE recommendations, whilst 19 windows (30% of the total) would retain marginally below the default recommendations, achieving between 20% and 25% total APSH (where the recommended benchmark is 25%) and 4% APSH in winter (where the recommended benchmark is 5%). As such, despite some windows not meeting BRE guidelines for sunlight, the small shortfalls compared to guidance recommendations means that the bedrooms are considered to retain excellent access to available sunlight amenity given the high density of this environment.
62. Overshadowing assessments were also carried out on the areas that would potentially be affected by the development. All potentially affected areas (mainly gardens serving houses to the north of the development site) would meet the 'time in sun' test criteria, which requires the area to receive at least 2 hours of direct sunlight at the vernal equinox on the 21<sup>st</sup> March. The only exception to this are the rear gardens serving 53 and 55 Derek Avenue which would receive less than 2 hours of direct sunlight at the

vernal equinox. However, these results were compared to their existing value and found to be within 20% of that value, therefore being considered unnoticeable by reference to the BRE guidance. Overshadowing assessments were not undertaken for the Wembley Point site, as the site is largely used as a car park and there are no planning applications or formal proposals which would provide a baseline for testing.

## **Conclusion**

63. The impact of the proposed development on surrounding properties' daylight and sunlight levels has been measured as largely compliant in line with BRE recommendations. In the case of 52 Tokyngton Avenue, all habitable room windows complied with VSC, NSL and APSH testing whereas with Wembley Point, all tested windows complied with VSC and NSL testing and 70% of tested windows complied with APSH testing, with breaches for the other 30% being minor in nature. In addition, overshadowing testing has not resulted in any nearby amenity spaces being noticeably overshadowed compared to the existing situation.
64. Concerns have been raised that the testing does not take into account the potential daylight and sunlight impact to parts of the Wembley Point site that are closer to the proposal than Wembley Point itself. Whilst it is acknowledged that the wider Wembley Point site could be developed in the future, there are no planning applications or other formal proposals which would provide a baseline for testing in line with the BRE guidelines. As such, officers do not consider it necessary to carry out testing
65. Overall, the impact of the proposed building on surrounding daylight and sunlight levels is considered to be limited and officers find the proposal acceptable in this regard.

## **Quality of Accommodation**

### **Daylight, Sunlight and Overshadowing**

66. An Average Daylight Factor (ADF) and No Sky Line (NSL) test has been carried out for the new dwellings which identifies that all of the new dwellings in the proposal would achieve the default BRE recommendations in this regard. For the living areas, the ADF test results range between 5.67% and 2.45% and the NSL test results range between 100% and 93.15%. For the bedrooms, the ADF test results range between 7.10% and 1.06% and the NSL test results range between 100% and 80.50%.
67. As recommended by the BRE, the majority of dwellings feature a south facing living area. These would all be provided with meaningful sunlight amenity, with the majority achieving the default BRE recommendations.
68. The applicants have not considered the overshadowing of the amenity spaces within the development (roof terraces and the ground floor naturalised brook environment). However, given the very open environment surrounding the building officers are confident that good levels of daylight and sunlight would reach these spaces, especially on the rooftop. The overshadowing to the ground floor environment will be reasonably limited by the raised up floors at the base of the building.

### **Layout and Outlook**

69. The proposed units are considered to be of a high quality. The units are configured across a single core only, owing to the building's small footprint. The core is accessed from the main residential lobby along Argenta Way and provides access to a maximum of seven units per floor. The affordable housing would occupy the lower floors whilst the upper floors would be comprised of the market housing. It is welcomed that all tenures will access the building through the same entrance which is unusual within a residential scheme of this scale. With a single core, the tenures could still remain operationally separate through the use of fob accesses at the stairwell and in the lifts, with different fobs only providing access to a particular floor or floors for different residents.
70. 75 units (those occupying the corners of the building) would be dual aspect, which represents a 57.7% provision of dual aspect units. This is considered to be an acceptable amount within this form of development. The stepped footprint of the building has resulted in the units contained within the central section of the building having a partial dual aspect, with a balcony space (and window looking through to the balcony) that offers views in two directions (either south and west or north and east depending on the balcony). This offers all of the flats with an element of dual aspect outlook although your officers would only consider the 75 corner units to have a true dual aspect nature. None of the single aspect flats have a due north outlook, in line with the Mayor's housing standards. In conclusion, the outlook provided to all

units and habitable rooms is considered to be acceptable.

71. All of the proposed units meet or exceed the minimum space standards required by The London Plan and the minimum room sizes required by the Technical Housing Standards.

### **Accessibility**

72. The development has been designed so as to be step-free with level access from the external environment for residents and visitors through clearly visible and identifiable entrances from the public realm. Level access is also achieved from the car park containing 2 disabled parking spaces along the public realm and into the building's main entrance.
73. 13 of the 130 flats (10%) have been designed so as to be accessible to disabled users under part M4 of the building regulations. This is in line with policy 3.8 of the London Plan which seeks 10% of homes in major developments being adaptable for use by disabled residents. The adaptable units comprise a 2-bedroom unit on each floor between the 7<sup>th</sup> and 19<sup>th</sup> floors.
74. A condition will secure the 10% adaptability requirements to ensure that the 13 proposed units adaptable for disabled occupants are built with the appropriate measures.
75. The applicants have clarified that disabled access to the brook will not be possible, owing to the gradient of the slopes down to this space. They do however note that the 3 roof terraces at high level will be fully accessible for disabled occupants.

### **External Amenity Space and Play Space**

76. Private inset balconies are provided for all flats, sized in accordance with London
77. on Plan standards, generally about 5sqm to 10sqm in size depending on the flat. The balconies have a depth of 1.5m, providing for good usability in line with London Plan standards. Across the development, these balconies amount to 986sqm of private amenity space across the development which is an average of 7.6sqm per flat.
78. Four communal amenity spaces are to be provided, the largest of which is on the ground floor, surrounding the naturalised brook (805sqm). Three communal rooftop spaces are provided, a garden terrace on the 21<sup>st</sup> floor (171sqm), an under 5's play space on the 22<sup>nd</sup> floor (76sqm) and a landscaped rooftop garden atop the tallest shoulder of the building (315sqm).
79. Overall, the private balconies within the development, as well as the communal rooftop spaces amount to an amenity space provision of 2,353sqm (986sqm for private and 1,367sqm for communal). This represents about 18.1sqm of amenity space per unit of the development. Policy DMP19 in Brent's Development Management Policies seeks 20sqm per unit, meaning that the current proposal is for more than 90% of the amount suggested in guidance. Given the density of the scheme and the lack of amenity value of the existing site, officers support such a provision. The plans do show a reasonable maximisation of amenity space across the rooftops.
80. The proposal is only providing play space for under 5s, with the 5-11 and 12+ age groups to be catered for through offsite improvements and improvements of access to local parks. Such improvements will be secured through a section 106 agreement. The GLA has agreed with this approach, given the constraints on site. Brent's parks services have identified specific projects for which funding could be sought to address local play spaces for 5-11 and 12+ age groups. This includes the delivery of an adventure trail aimed at 12+ children and the delivery of replacement fencing for the under 5 and 5-11 playgrounds at St Raphael's Open Space and funding for both of these elements (£15,400), plus maintenance costs (to be confirmed by Parks) will be secured through a legal agreement.

### **Transport**

#### **Parking**

81. As the site has a high PTAL rating of 4, the lower car parking standard for residential use of 0.75 spaces per 1-/2-bed flat and 1.2 spaces per 3-bed flat as set out in Appendix 1 of the adopted DMP 2016 applies.
82. The proposed 130 flats would be permitted up to 106 spaces, so the proposed provision of just two

disabled parking spaces within the site would accord with maximum standards.

83. However, this level of provision would not satisfy current or draft London Plan standards for disabled parking, which require a disabled space for between 3%-10% of flats. As such, at least three to four disabled spaces would need to be provided at the outset to meet standards. The scheme currently provides 2 on site disabled parking bays.
84. Where development is likely to generate overspill parking though, Policy DMP12 requires that such parking can be safely accommodated on-street. In general, it is estimated that developments will generate car ownership at 75% of the maximum allowance and on this basis, the 151 proposed residential units are estimated to generate demand for 80 spaces, giving a predicted overspill of up to about 77 cars from the site without suitable mitigation.
85. To verify whether this is a realistic estimate for this area, car ownership data for flats in the nearby area from the 2011 Census has been examined. This identifies an average car ownership of about 0.57 cars/flat for the immediate area, suggesting that about 74 cars would be owned by residents of these proposed flats. This closely matches the above estimate, so a predicted overspill of about 77 cars is considered to be robust.
86. Residential streets in the nearby area (Tokyngton Avenue, Derek Avenue, Sylvia Gardens, Aldbury Avenue, Monks Park Gardens etc.) were not noted in Brent's 2013 surveys as being heavily parked at night at present and the applicant's Transport Assessment includes surveys showing that this remains the case. However, streets within 200m of the site do not have sufficient spare kerbside space to accommodate the level of overspill parking forecast and this is even more so during the day, when on-street parking in the area is higher (possibly due to commuter parking for Stonebridge Park station). With no year-round Controlled Parking Zone in the local area to help to regulate overspill parking from the site, this proposal gives rise to concern over the impact of overspill parking, with the likelihood being that instances of dangerous and obstructive parking on footways, at junctions, across accesses etc. would be likely to significantly increase as a result of the development.
87. To address this issue, funding is sought to allow Brent Council to progress with the introduction of a CPZ in the area, covering streets to the north of North Circular Road for a distance of about 500m from the site. An area bounded by Tokyngton Avenue, Bovingdon Avenue, Wyld Way, Grittleton Avenue and Monks Park Gardens would therefore be considered to be appropriate.
88. Funding of £65,000 towards consultation and subsequent implementation costs (if local residents support this) is therefore sought, which can be supplemented if other development schemes come forward in the area. The principle of the contribution has been accepted by the developer.
89. A restriction should also be placed on the development through a legal agreement to prevent future residents (aside from Blue Badge holders) from obtaining on-street parking permits, in the event that a CPZ is introduced in the area in the future.
90. With regard to the shortfall in disabled parking provision, your officers note that there is on street parking located around 60m from the site on the Old North Circular Road. Provision could be made to provide on street bays for disabled parking. Whilst it is noted that the distances slightly exceed the targets of 50m, on balance, given the constraints of the site, it is difficult to provide additional disabled parking on site. It should also be noted that the applicant's transport consultant has investigated options to provide further on-street disabled parking spaces in locations in the adjoining area. An option that has been agreed in principle between Brent's highways officers and the applicant is a significant redesign of the Point Place / Argenta Way junction which would make more efficient use of the road space here by removing the excessively large mini-roundabout and replacing it with a simple priority junction and extended contraflow cycle lane. The proposal would include a separate bus standing and turning area on the north-western side, a disabled parking bay fronting the development, footway widening (including an extension of the footway along the norther side of Argenta Way across the Point Place junction with dropped kerbs and tactile paving), removal of the redundant crossover to the site, provision of an enlarged raised island between Point Place and the contraflow cycle lane (rather than the hatched markings shown on the drawing), new soft landscaping, new street furniture to include seating and publicly accessible bicycle parking and associated amendments to lighting and drainage, subject to any further amendments as required to accommodate any concerns raised in further consultation with TfL and Network Rail. A significant benefit of this layout is the scope that it provides for additional footway width and soft

landscaping/planting around the site frontage at the junction.

91. These changes would bring the distances to the disabled parking spaces in line with the targets, but would be subject to approval from TfL. It is therefore recommended that any planning consent is made subject to a legal agreement to secure highway works in line with the above description, should they be agreed by Transport for London. However, should TfL not be happy with the arrangements, as discussed above, the distance is only slightly beyond targets and this would be considered acceptable if the alternative is not feasible.

### **Cycle parking**

92. The London Plan requires at least one long-term bicycle parking space to be provided per 1-bed flat and two spaces per 2-/3-bed flat within a secure, covered facility, giving a requirement for 222 such spaces. Internal storage for 242 bicycles on double height racks at ground, first and third floor levels are indicated to meet requirements. A large lift to the third floor is provided which would enable efficient use of the bicycle storage.
93. A further four short term spaces for visitors are required and five 'Sheffield' stands are proposed at the front of the site to meet requirements. The on-street cycle parking should be increased to provide additional public cycle parking capacity for users of Stonebridge Park Station, and this will also form part of the highway works secured in the legal agreement.

### **Refuse**

94. Refuse storage is proposed on the ground floor of the building for 14 Eurobins and 7 wheeled bins. This meets only 50% of the total requirement for 28 Eurobins and 14 wheeled bins to cater for general waste, dry recycling and organic waste.
95. To address this, the applicant has approached Brent's refuse contractors about the possibility of an additional collection being made each week. This has been accepted for other nearby schemes, subject to the applicant providing the funding for the additional collection and has also been accepted in principle at this location. This will need to be secured through a Waste Collection Strategy secured through the S106 Agreement for the site.

### **Servicing**

96. Servicing of the building by refuse and other delivery vehicles (estimated at about 21 deliveries per day based on comparisons with 14 other blocks of flats in London) will need to take place from the Argenta Way street frontage of the site, which is acceptable in principle. The transport consultant has recommended that a single yellow line be introduced along this frontage to prevent parking and thus allow space for loading. This is supported and can be added to the recommended S278 works.
97. A Delivery & Servicing Plan has also been submitted to help to manage deliveries, which will be monitored and reviewed annually. This is generally welcomed. It is noted that although it is difficult to control the timing of deliveries for residential flats, residents will be requested not to book deliveries that coincide with refuse collection times. An on-site concierge will also be employed to assist in receiving goods, which is particularly useful if residents are not at home.
98. One further matter that should be included is the routing of delivery vehicles, which should all be encouraged to approach the site via Point Place to minimise the need for vehicles to turn around at the end of Argenta Way.

### **Pedestrian access**

99. Pedestrian access to the building will be via two ramps and a flight of steps from Argenta Way, which is fine in principle and will allow easy access by fire appliances.

### **Trip generation**

100. In terms of trip generation, survey results from four similarly-sized residential blocks in outer London have been used to estimate likely future trips from this development. This exercise results in predicted trips totalling 15 arrivals/58 departures in the morning peak hour (8-9am) and 36 arrivals/21 departures in the evening peak hour (5-6pm) by all modes of transport.

101. Modal split estimates have then been based on the 2011 journey to work Census data, but with adjustments to car trips to reflect the low level of parking proposed. As such, just 2% of trips are estimated to be by car, which results in 3-4 trips in each peak hour. This is not significant enough to have any noticeable impact on the local road network.
102. For public transport journeys, rail and Underground trips are estimated at 7 arrivals/27 departures in the morning peak hour and 17 arrivals/10 departures in the evening peak hour. With 9-13 trains in each direction serving Stonebridge Park station per hour, the development would add no more than two additional passengers per service, which is not considered to be significant.
103. At the request of Transport for London, a gateline assessment of the ticket barrier provision at Stonebridge Park station has also been undertaken. This shows that the development would increase gateline demand by less than 3%, with demand for about 2.5 gates in each peak period.
104. The existing station has three gates and there are proposals to increase this by one further gate to support the redevelopment proposals on the nearby Northfields Industrial Estate. As such, this development does not in itself generate sufficient trips to require extra gateline capacity through the station, although again TfL will wish to assess this further, through a contribution towards the gateline capacity feasibility assessment.
105. Bus trips are estimated to total 5 arrivals/19 departures in the morning peak hour and 12 arrivals/7 departures in the evening peak hour. The applicant has then used Census data to consider likely destinations for work trips. This concludes that routes 18 and 112 would experience the greatest increases in demand, but that with a combined frequency of 16 buses per hour on these two routes, no more than one additional passenger per bus would be expected.
106. Nevertheless, London Buses will again wish to comment on this, particularly given the proposals to increase the frequency of buses serving Stonebridge Park station to support redevelopment. These include the extension of route 440 from Stonebridge Park to Wembley and of route 83 to from Alperton to Stonebridge Park, which would help to improve connections from the site to alternative rail and Underground services from Alperton and Wembley.

### **Travel plan**

107. To help to reduce car dependency, promote the health benefits of sustainable travel and generally reduce the traffic generated by staff, residents and visitors, a Residential Travel Plan has been prepared and submitted with the application.
108. This proposes to appoint a Travel Plan Co-ordinator to oversee the management of the plan. This will include implementing a series of measures, including the provision of Travel Packs to residents that include useful travel information including the promotion of transport initiatives such as Bike2Work schemes and links to journey planning websites. Other measures include securing discounts on cycling equipment from local retailers and the setting up and promotion of a Car Club.
109. On this last measure, the applicant has approached a Car Club operator with a view to securing two cars to be based close to the site, with free membership to be offered to new residents for a period of three years. However, there is a lack of detail in the Travel Plan and it is therefore recommended that separate S106 clauses are secured to confirm the detail of the Car Club.
110. The overall target will be to keep car driver trips to and from the site to 2% of the total and to raise the proportion of walking and cycling trips by 4% at the expense of public transport trips.
111. An initial travel survey in accordance with the TRICS survey methodology will be undertaken within 6 months of first occupation (or when 75% of flats are occupied), followed by further TRICS surveys biennially thereafter for a period of five years.
112. The submitted Travel Plan is generally considered to be acceptable and its implementation should be secured through the S106 Agreement for the site.

### **Construction management**

113. Finally, a prospective Construction Management Plan for the site has been prepared to consider how construction works on this very restricted site will be undertaken. Due to the lack of space, it is proposed

that deliveries will be undertaken from Argenta Way fronting the site. This will in turn entail the closure of the footway and suspension of the bus stop, which will require approval from the London Borough of Brent (as Highway Authority) and TfL. It is also envisaged that the whole road may require occasional closure from time to time, such as for the erection and dismantling of cranes.

114. Delivery lorries will all be routed to the site via North Circular Road, Harrow Road and Point Place, departing via Old North Circular Road eastbound. This is considered appropriate and should be strictly adhered to.
115. Due to the shortage of storage space, materials will be delivered on a 'just-in-time' basis and will be booked in advance to ensure that no more than one delivery vehicle is attending the site at any time.
116. No car parking will be provided on site either, although bicycle stands will be provided. Staff will be encouraged to use public transport instead and if necessary, a crew bus will be operated from a remote car park to ferry employees to the site.
117. The above is all noted and the appropriate licences for the road and footway closures and hoardings, parking bay and bus stop suspensions will need to be secured. Given the complexities of the site, a full Construction Logistics Plan will need to be developed in accordance with TfL guidance based on the information in the submitted Management Plan, prior to works commencing on the site.

### **Sustainability**

**118.** The applicant has included an Energy and Sustainability Statement to address major development sustainability requirements as set out in Policy 5.2 of the adopted London Plan.

119. The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated within the residential part of the development is confirmed to emit 92.75 regulated tonnes of Carbon Dioxide per annum, which is down from a baseline emission of 152.17 tonnes per annum when designed to meet minimum building regulation requirements. This equates to a 39% reduction on the minimum Building Regulations (2013) as required within the London Plan. A carbon offset payment is required to achieve the zero carbon goal. The offset payment shall cover a 30 year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment will be secured through the Section 106 agreement.

120. The details of the energy efficiency improvements are as follows:

*Be Lean (total savings from 'be lean': 0.809 tonnes / 0.1%)*

Good building fabric performance, improving on building regulations requirements for notional building u-values and air permeability

Low energy lighting with occupancy sensing and daylight dimming controls

Ventilation strategy for the flats, inclusive of requirements to limit noise ingress

*Be Clean (total savings from 'be clean': 59.1 tonnes / 39.5%)*

The use of a gas powered Combined Heat and Power (CHP) system to minimise energy demand.

A condition will require that details of how the CHP could be connected up to a future district heat network (if and when available are submitted, to ensure that such connections could be made in the future.

The air quality report confirms that the CHP plant would have a non-material impact on air quality in line with Environment Agency guidance.

*Be Green (total savings from 'be green': 0.0 tonnes / 0.0%)*

Photovoltaics were considered for implementation, but given that policy compliant carbon savings were achieved through the other categories and because of the importance of providing rooftop amenity space, renewable energies have not been opted for.

121. The GLA has reviewed the energy and sustainability aspects of the proposal. They consider that further reductions in non-domestic carbon emissions should be achieved and have requested additional technical information to verify the reductions stated. These considerations are being addressed by the applicant ahead of a Stage 2 referral to the GLA.

### **Environmental Health**

#### **Air Quality Impact**

122. An air quality assessment considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The site lies within an air quality management area as defined within the London Plan and should have regard to reducing the impact of the development on air quality, including the achievement of an air quality neutral development.
123. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development and impacts incurred by emissions from the operation of the development. The report confirms that impacts of the development on air quality would not be significant.
124. The overall impact on local air quality is concluded to be of negligible significance and will meet the mayor's criteria for being air quality neutral.
125. Traffic related emissions on the local road network would have an imperceptible impact on air quality, in the context of the substantial emissions associated with the North Circular Road, and, to a lesser extent, Harrow Road. Very few vehicular trips are projected and very limited car parking is provided on site.
126. Related to the above, air quality at the lowest levels of the building (levels 6 and below), especially on the eastern elevation closer to the North Circular, would not meet the air quality objectives for Nitrogen Oxide, although particulate matter objectives would be met at all levels. This shows that the emissions from the North Circular have a major effect on air quality at the site, albeit that the impact is predicated greatest at the lower elevations and the effect decreases with height.
127. The CHP plant would have a non-material impact on air quality, when considered in the context of Environment Agency guidance for such emissions sources.
128. The predicted changes in air quality would be of negligible significance both at the site and with regard to off-site receptors on Tokyngton Avenue, Sylvia Gardens and Derek Avenue.
129. An assessment has been made of Nitrogen Oxide emissions against GLA emissions benchmarks for the building and transport emissions, and has shown that the emissions from the development will be lower and that the development will be air quality neutral.
130. In terms of emissions during construction, the applicant's assessment shows that there would be low-medium risks to surrounding properties.
131. The applicant's air quality assessment confirms that appropriate dust control measures are recommended to minimise risks to surrounding properties during construction. The impacts during construction would be temporary and would have no long term residual effects on air quality.
132. The assessment also confirms that flats in floors 3 – 6 (there are no flats on the lower floors) are to be provided NO<sub>x</sub> filtration systems in their ventilation systems. At higher levels (7 and above) the air quality is predicted to meet the appropriate standards and would not necessitate NO<sub>x</sub> filtration.
133. Officers have questioned the effectiveness of NO<sub>x</sub> filtration systems in these flats, since the flats will have opening windows and doors onto balconies. Opening of such doors and windows would result in untreated air entering the internal habitable rooms (depending on air pressure differences). The applicant's air quality consultant has carried out further testing to clarify that the efficiencies of the NO<sub>x</sub> filters are such that the NO<sub>2</sub> levels in the internal air will be 80-90% lower than the incident air, meaning that the affected flats' windows would need to be open for at least 88-89% of the time for internal parts of the flats to exceed the annual mean Air Quality Objective levels that are considered safe. Similarly, it has been confirmed that the use of the balconies on these levels by occupants, even for extended periods, will not result in occupants' air exposure exceeding the annual mean air quality objectives for NO<sub>2</sub>. As such, it would be necessary for an occupant to live on the balcony (including at night) for such objectives to be exceeded.
134. Central government predictions indicate that air pollution levels are showing a downward trend, so it is reasonable to assume that air quality conditions experienced at the site will improve over time.
135. Given that it is extremely unlikely for windows to be open for more than 88% of the time and for occupants to remain on the balcony throughout the day (including overnight), officers accept that the NO<sub>x</sub> filtration systems will remain effective in securing safety of residents from an air quality perspective.

136. The details of the air quality assessment, including provision and maintenance of NOx filtration systems, will be secured by condition to ensure inclusion within the development.

### **Noise and Vibration Impact**

137. A noise and vibration impact assessment considering impact from surroundings on the residential units has been submitted as part of the proposal.

138. The report shows that the tested surrounding environment has very high external noise levels, mostly owing to traffic on the North Circular Road and the access road adjacent to the site. Because of this, openable windows will not be an acceptable overheating mitigation strategy for bedrooms. It may be an acceptable strategy for some of the kitchen/living rooms at high level which are screened from the North Circular. The relevant sound insulation criteria within British Standards may be met in all rooms with windows closed and secondary glazing with a substantial air void in-between is proposed to ensure the façade will provide sufficient sound insulation. Ventilation will also incorporate significant attenuation measures to ensure the sound insulation of the façade is not compromised.

139. The report also confirms that standard criteria for limiting plant noise within the development in line with relevant British Standards, with much of the plant being internal and naturally attenuated.

140. The report concludes that the measures proposed would improve sound impact to within acceptable levels.

141. Brent's regulatory services agree with the submitted details and a condition will secure these details. A separate condition will also secure the limitation of plant noise in line with British Standards.

### **Construction Management**

142. The development is within an Air Quality Management Area and located in relatively close proximity to other residential properties. Construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. The applicants have prepared their own Construction Management Plan that outlines the means by which the applicants will minimise the impact on local air quality and protect the amenity of neighbours during construction.

143. This report has been reviewed by Brent's regulatory services. The details of the report are mostly accepted as suitable however the control of dust emissions were not specifically covered and a condition is therefore recommended to secure a revised statement ahead of construction.

144. A further condition requiring non-road mobile machinery used in construction to be limited in terms of power output has been recommended so as to further minimise environmental impact and this will also be included as part of the consent.

### **Contaminated Land**

145. A contaminated land ground investigation report has been submitted. Regulatory Services have reviewed the investigation report but recommend a full standard condition requiring the submission of a post demolition soil investigation plus a remediation strategy if necessary. A two part condition will require that a site investigation is carried out, submitted and approved ahead of construction, and that details of remediation measures (if necessary) are then submitted and approved ahead of occupation.

### **Flooding and Drainage**

146. The site falls within flood zone 3, owing to the Wembley Brook flowing centrally through the site. Surface water flooding is also affecting the site. Flood resistance measures are integral to the submitted design of the building and have been discussed earlier in the report. The measures are nonetheless reiterated and expanded upon below.

147. During the pre-application process, officers at Brent and the applicants met with the Environment Agency to ensure that the developer's proposals to mitigate flood risk through development of the site could be supported. The meeting was positive and agreement was reached between all parties. The meeting established an acceptable suite of measures to mitigate both fluvial and surface water flood risks and these have been carried through to application stage and are set out below.

## **Raised ground level**

148. The 1 in 100 year flood event, plus an allowance of 35% additional impact to account for climate change, would entail a maximum flood water level of 26.48m AOD in the area occupied by the proposed building. Therefore, to ensure the safety of the building at ground level, the ground level has been designed at 26.5m AOD. This means that the ground floor of the building could only flood in the instance of an extreme flood event.
149. To further ensure security, the first three levels of the building are to be occupied by lobby, cycle storage, refuse and substation spaces which are less vulnerable uses. This means that flooding of the residential accommodation would be extremely unlikely.

## **Safe refuge**

150. The first floor and upper floors would provide safe refuge in the event of an extreme flooding event affecting the ground floor. Unimpeded internal stair access to the first and upper floors is possible from the lobby and cycle space, as the size of the ground floor limits the presence of people there. In addition, residential could remain safely within their apartments as safe refuge is provided there.

## **Emergency planning**

151. A full floor warning and evacuation plan has been produced to ensure the residents and managers of the building adopt a strict procedure in case of an emergency associated with flood risk. The flood warning and evacuation plan will be secured by condition.

## **External amenity space**

152. The external amenity space is designed as a naturalised river environment and would be liable to partial or extensive flooding. Signage will be provided through the area to inform people that the area is 'liable to flooding'. In addition, there are several exits from the amenity space to ease evacuation. Landscaping designs have carefully incorporated gentler slopes to facilitate evacuation. Protective measures (trash screens) are to be provided at the outlet of the upstream culvert and at the inlet of the downstream culvert to avoid the risk of people, especially children, from entering these structures, which sit either side of the site.
153. The details of the flood risk assessment are acceptable to Brent and the Environment Agency and will be secured by condition.

## **Drainage**

154. The existing building discharges water that collects on its roof directly to Wembley Brook at the rear. The proposed building will include storage tanks to which surface water will instead be discharged. Water will then slowly be discharged from the tanks at a rate of 5 l/s, reflecting greenfield levels of runoff. This sustainable urban drainage strategy has been reviewed by Brent's Local Lead Flood Authority and is considered to be suitable in meeting relevant requirements and mitigating the site's proneness to surface water flooding.

## **Comments on flood and drainage from external consultees**

155. The GLA have reviewed the report and are satisfied with the approach to flood risk although have requested that the report gives greater regard to the drainage hierarchy. This request will be addressed by the applicant ahead of a Stage 2 referral.
156. The Environment Agency have also reviewed the reports and are satisfied that drainage and flood concerns have been appropriately addressed, requiring that the flood mitigation strategy is secured by condition.
157. Thames Water has also reviewed the application. Thames Water have no objections to the proposal although do have advisory information for the developer. This will be communicated to the applicant by way of informative on the decision notice.
158. In summary, the development's approach to flooding and drainage is accepted. Conditions securing the flooding and drainage strategy, the implementation of the flood warning and evacuation plan and the restriction of occupation subject to foul network water network infrastructure upgrades will be

incorporated as part of any consent.

## **Trees and Landscaping**

### **Trees**

159. The application has been submitted with a full tree survey. Four trees are located next to the boundary of the site, on the edge of the Wembley Point car park, within Wembley Point's ownership. These trees have been subject to a tree preservation order since 2007 but have been noted by Brent's tree protection officer as being of low amenity value in their present form.
160. Two of the four trees on site have been categorised as U class trees (very poor condition) whilst the other two are categorised as B (moderate condition) and C (poor condition) respectively. Based on their condition, the two U category trees are proposed for removal as part of the works whilst the other trees are proposed for retention, with a method statement outlining their means of protection during construction. As part of the works, the category C tree will require pruning. These works will require the consent of Wembley Point, although this discussion would not be a Council matter.
161. Brent's tree officer supports the proposal and does not object to the loss of two trees despite their TPO status. The current amenity value of the trees is agreed as very poor and their removal is of little detriment, especially when the wider landscaping aspirations of what is currently a heavily hardsurfaced site are considered.

### **Landscaping**

162. The proposal includes a landscaping plan covering the naturalised brook area, the public realm and the rooftop amenity spaces. The strategy has seen the landscaping split into a series of zones which identifies the function and characteristics of each area and responds accordingly. The landscaping plan includes areas of gentle slopes near to the brook which will store water, a seating area which sits above the slopes and overlooks flowering meadow areas, low hedgerows along the site borders to ensure unobstructed views down to the brook from around the site, natural stone steps close to the brook for pedestrian use when the area is dry as well as a small wildlife corridor along the brook to assist habitat creation and reinforce the banks of the brook. Various climbing species will soften the building's northern elevation and the retaining wall.
163. The street frontage is proposed with a number of raised planters which would sit under the raised building façade. They would assist in delineating a break between the public and private spaces of the development. Flowering trees, ornamental shrubs and groundcover plants would also be proposed to achieve a rich visual interest in the environment. An indicative front elevation is shown depicting these improvements to the frontage. This will be a significant improvement on the current low quality environment in this location.
164. The three roof terraces will be landscaped, two of which with raised planters. Based on the conditions and suitability, planting in these locations will demonstrate a range of species.
165. Tree planting is to be extensive across the site and will easily compensate for the loss of two low quality trees close to the site edge. 10 trees are to be planted along the edge of the garden area, by the boundary with Wembley Point, 7 trees are to be planted within the site boundaries by the open corner of the site at the junction of Argenta Way and Point Place, adjacent to the parking area. 7 trees are to be planted along the site frontage, which will border with the public realm along Argenta Way. Ornamental tree planting will also be employed on the two rooftop spaces that are not focussed around play.
166. The plans show an indicative raised pedestrian bridge which could connect the site to a future redevelopment of Wembley Point. This has not been agreed by the Environment Agency and has been marked on the plans as aspirational only. An informative will clarify that separate consent will be required for such a connection.
167. A condition will require a comprehensive landscaping plan, inclusive of all species and other specific details to be approved at a later stage. The Environment Agency have also requested a landscape management condition, which would require detailed information relating to maintenance and management of landscaping, including an adaptive planting strategy, to be secured ahead of works commencing. This will also be applied to the decision notice.

## **Ecology and Biodiversity**

- 168.** The applicants have carried out an ecological appraisal of the site to identify habitats present on site and to investigate legal and planning policy constraints to the proposed development in relation to ecology. This was achieved through the carrying out of an extended phase 1 habitat survey undertaken in August 2018 and a river corridor survey, a bat inspection and two September dusk emergence surveys for roosting bats.
169. No statutory designations within the surrounding area are likely to be affected by the proposed development. Whilst there are no Sites of Importance for Nature Conservation (SINCs) on site, four locally designated non-statutory SINCs are linked to the site and therefore potentially at risk of adverse effects. The habitats within the site are mainly of negligible ecological value, although the Wembley Brook section may constitute river and stream habitats of principal importance (HPIs). Foraging bats were recorded but no roosts were identified on the site. Breeding birds are likely to utilise the site (both the buildings and the existing vegetation). No other protected species are likely to utilise the site.
170. In order to protect the local SINCs, the Wembley Brook habitat, bats and birds within the site, some mitigation measures and pollution prevention measures are proposed.
171. Enhancement measures are recommended as well to encourage a net gain of biodiversity value for the site. The re-naturalisation of the brook, which is proposed at the moment, will be a very important measure that already achieves this.
172. Subject to the above measures being implemented, the development will comply with legislation and planning policy with regard to protected ecology. These measures will be secured by condition.
173. The Environment Agency have requested a condition to be applied to the decision requiring a removal and management plan for invasive non-native species, including long term objectives and management responsibilities. This will be applied to the decision notice.

## **Fire Safety**

- 174.** The scheme has been developed alongside Fire Consultant Olsson to ensure compliance with all fire regulations.
175. The layout has been designed to minimise communal corridor lengths. Mechanical smoke extract will be provided to enable safe passage through the corridors in the event of a fire. In addition, the whole building, including the flats will be sprinklered. The escape route will be via the fire escape stair which discharges at ground floor level through a sterile corridor to safety. A fire-fighting lift will also be provided in line with Building Regulations.
176. The cladding system has been selected in response to the updated Building Control Guidance regarding the combustibility of external walls which came into effect on the 18<sup>th</sup> December 2018. The aluminium cladding is proposed to be a solid panel rather than composite in order to achieve a Class A2, S1 d0 (BS EN 13501) rating. Insulation is proposed to be non-combustible (A1) mineral fibre which has been tested by the Building Research Establishment and is BBA approved.
177. In summary, both the layout of the building and the material and construction elements have been carefully considered to ensure maximum fire safety.

## **Microclimate and Pedestrian Comfort**

- 178.** A microclimate assessment has been provided which considers the impact of the development in the context of its existing and consented surrounding buildings on wind conditions. Wind tunnel testing on a 1:300 scale detailed model has been undertaken to test how the development would be affected in this regard.
179. The testing showed that the most outdoor pedestrian trafficable areas were found to be acceptable for their intended uses. However, localised areas were identified that are exposed to uncomfortable wind conditions with the inclusion of the proposed Argenta House.
180. The results indicate that some ameliorative treatments are needed in certain locations to achieve the desired wind speed criteria for pedestrian comfort.

181. With the inclusion of the above mitigation measures into the final design, wind conditions in all outdoor trafficable areas within and around the proposed development meet their respective comfort and safety criteria and, as such, would be considered suitable for their intended uses.

182. The above mitigation measures will be secured by condition.

### **Television Reception Impact**

**183.** The applicants have submitted a TV reception impact report which considers the worst case scenario for impacts to nearby properties' TV signals based on the presence of the proposed building.

184. The report identifies the properties whose TV reception may be minorly impacted as a result of overshadowing along the line of the television signals from Crystal Palace transmitter. This includes a small number of properties along Tokyngton Avenue, Sylvia Gardens and Aldbury, Bovingdon, Flamsted, Nettleden and Tring Avenues for terrestrial signals and Tokyngton Avenue for Sky Satellite signals.

185. The report outlines a programme of testing and mitigation based on a test of signal strength in the relevant locations both before and after construction and, based on the results, the mitigation of any impact identified. Mitigation, if required, could be achieved through improving the receiving antenna and/or relocating/redirecting the antenna.

186. The LPA support the approach to ensuring any impact associated with TV signals is addressed and will require pre-implementation testing and post-implementation testing to be carried out and submitted for the LPA's review. This will be required through a S106 obligation. The S106 obligation will also secure mitigation being provided where impact is identified.

### **Community Involvement**

187. The applicant undertook community consultation ahead of application submission in line with the Council's statement of community involvement expectations.

188. A two-day public exhibition was organised, publicised and held by the applicant, and a door knocking programme of one-to-one engagement with local stakeholders was also carried out. The applicants consulted with the community at this stage on the basis of the original scheme, which was for a 28 storey building with 151 units rather than the current scheme, which is for a 24 storey building with 130 units.

189. 14 people attended the consultation events. Of these, seven responded to the consultation in writing by filling in a comments card on the day of the exhibition. 30% of the comments received were supportive of the proposals, 40% were neutral and 30% raised concerns about the proposal. The applicants report that people were generally supportive of the principle for development and that many visitors stated that any proposals were preferable to the site as it currently exists.

190. In terms of the concerns raised by local residents, parking impact was raised as the most common concern (4 out of 6), with overcrowding (1 out of 6) and height (1 out of 6). In responding to these comments, parking should not worsened locally, subject to the implementation of a controlled parking zone and the scheme has seen a reduction in height and number of units since submission following officer concerns about the impact of the building in this location.

### **Equalities**

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

### **Summary**

192. Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy. The proposal would make a positive contribution to the area, whilst having an acceptable impact on and relationship with the existing surrounding development. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

## CIL DETAILS

This application is liable to pay **£4,419,958.26** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 452.66 sq. m.

Total amount of floorspace on completion (G): 12985.631 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	12975.061		12522.77	£200.00	£0.00	£3,667,382.48	£0.00
(Brent) Shops	10.57		10.2	£40.00	£0.00	£597.52	£0.00
(Mayoral) Dwelling houses	12975.061		12522.77	£0.00	£60.00	£0.00	£751,366.17
(Mayoral) Shops	10.57		10.2	£0.00	£60.00	£0.00	£612.09

BCIS figure for year in which the charging schedule took effect (Ic)	224	328
BCIS figure for year in which the planning permission was granted (Ip)	328	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£3,667,980.00</b>	<b>£751,978.26</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: 18/4847

To: Miss Hannah Willcock  
DP9  
100 Pall Mall  
London  
SW1Y 5NQ

I refer to your application dated **17/12/2018** proposing the following:

Demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building comprising 130 residential dwellings (37 x 1bed, 75 x 2bed and 18 x 3bed) with associated car and cycle parking, provision for bin stores, landscaping and ancillary works (revised description)

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

at **Argenta House, Argenta Way, London, NW10 0AZ**

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: 07/10/2019

Signature:

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

### Notes

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

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2018)  
The London Plan (2016)  
Brent's Core Strategy (2010)  
Brent's Development Management Policies (2016)  
Brent's Supplementary Planning Document 1 - Design Guide for New Development (2018)

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

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

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

11234 A P 001 – Location Plan  
11234 A P 040 – Existing Elevations A and B  
11234 A P 041 – Existing Elevations C and D  
11234 A P 042 – Demolition Elevations A and B  
11234 A P 043 – Demolition Elevations C and D  
11234 A P 002 – Existing Ground Floor Plan  
11234 A P 003 – Existing First Floor Plan  
11234 A P 004 – Existing Roof Plan  
11234 A P 005 – Demolition Ground Floor Plan  
11234 A P 006 – Demolition First Floor Plan  
11234 A P 007 – Demolition Roof Plan

11234 A P 100 Rev P – Ground Floor Plan  
11234 A P 101 Rev M – First Floor Plan  
11234 A P 102 Rev M – Second Floor Plan  
11234 A P 103 Rev M – Third Floor Plan  
11234 A P 104 Rev M – 4-6 Floor Plan  
11234 A P 105 Rev M – 7-19 Floor Plan  
11234 A P 106 Rev L – 20 Floor Plan  
11234 A P 107 Rev L – 21 Floor Plan  
11234 A P 108 Rev L – 22 Floor Plan  
11234 A P 109 Rev L – 23 Floor Plan  
11234 A P 111 Rev J – 24 Floor Plan  
11234 A P 112 Rev B – Roof Plan

11234 A S 120 Rev A – Section A and B  
11234 A S 121 Rev A – Section C and D  
11234 A S 122 Rev A – Section E  
11234 A S 123 Rev E – Section A  
11234 A S 124 Rev A – Section B  
11234 A S 125 Rev A – Section C  
11234 A S 126 Rev A – Section D  
11234 A S 127 Rev A – Section E  
11234 A E 140 Rev E – Elevations A and B  
11234 A E 141 Rev E – Elevations C and D  
11234 A E 142 Rev A – Elevation A  
11234 A E 143 Rev A – Elevation B  
11234 A E 144 Rev A – Elevation C

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

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

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

- 4 The kiosk as shown on approved ground floor plan (ref: 11234 A P 100 Rev P) shall only be used for purposes within the A1 use class, and for no other purpose without the written consent of the Local Planning Authority.

Reason: To ensure that the kiosk is of benefit to the public realm as intended.

- 5 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Air Quality Assessment (prepared by Epal, dated November 2018), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate air quality impact.

- 6 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Noise and Vibration Impact Assessment (prepared by Scotch Partners, dated November 2018), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate air quality impact.

- 7 The development hereby approved should be built so that 10% of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ and the remaining to be built in accordance to M4(2) – ‘accessible and adaptable dwellings’, unless the units are laid out as 1 bed 1 person units which will achieve M4(1) visitable dwellings.

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

- 8 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Framework Delivery and Servicing Plan (prepared by TTP Consulting, dated November 2018), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To ensure the free and safe flow of the public highway during periods of servicing of the proposed development.

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

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

- 10 Following first occupation of the development hereby approved, the details of the flood warning and evacuation plan (prepared by WSP, dated December 2018, Ref: 70036409-MZ/EI) shall be

implemented in full for the lifetime of the development, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately ensure residents' safety in relation to flood events.

- 11 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) Ref. 70036409/MZ/EI, and the following mitigation measures it details:

- No residential accommodation to be located at the ground floor.
- Finished floor levels to be set no lower than the modelled 1 in 100 year return period flood water level including a 35% climate change allowance, which is a flood level of 26.48m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This is to ensure the proposal reduces the risk of flooding to the proposed development and its future occupants.

- 12 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Pedestrian Microclimate Wind Tunnel Study (prepared by Windtech, dated November 2018, Ref: WE297-02F01(rev0)- WE Report), as amended by the details on page 17 of the submitted Design & Access Statement Addendum (prepared by FAL, dated March 2019), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate pedestrian discomfort resulting from wind conditions.

- 13 The development hereby approved shall be carried out in full accordance with the tree protection measures stipulated in the approved BS5837:2012 Arboricultural Impact Assessment Method Statement & Tree Protection Plan (prepared by Gavin Jones Tree Care Services, dated November 2018) unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately protect two trees within the neighbouring site.

- 14 Notwithstanding the details to be agreed pursuant to Schedule X (highway works schedule number TBC) of the Section 106 agreement, the approved parking plan (Ref: 2017-3141-DWG-211(1)), including the cycle storage facilities, as well as the approved refuse storage facilities shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 15 Prior to the commencement of the development hereby approved including demolition), a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The approved construction logistics plan shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure the free and safe flow of the public highway during construction.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 16 Notwithstanding the details contained within the Construction Management Plan (Ref: 18/001 Rev B, dated December 2018), further details of the following aspects shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development (including demolition and site clearance):

- Details of the control of dust emissions

The development shall thereafter be carried out in full accordance with the mitigation measures stipulated in the approved Construction Management Plan (Ref: 18/001 Rev B, dated December 2018 and the additional approved details, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate impact of the development.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 17 No development, including facilitative activity or site clearance shall take place until a removal and management plan to control any invasive non-native species, including long-term objectives and management responsibilities, shall be submitted to, and approved in writing by, the local planning authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include, but not be limited to, the following elements:

- details of removal and management regime, including methodology and monitoring strategy
- details of treatment and protection of site boundaries and buffers around water bodies
- outline of designated waste management responsibilities
- details of strong biosecurity protocols – applied to PPE, tools, machinery and other potential spread pathways,
- Should burial on site be a considered option, then a map demarcating burial plots should be provided.

Reason: Japanese knotweed (*Fallopia Japonica*) has been identified on site (as part of the Preliminary Ecological Appraisal document), of which to allow or cause to grow 'in the wild' is prohibited under the Wildlife and Countryside Act 1981. In addition a removal and management plan addressing the risk posed by an invasive non-native species present, the development is required to comply with paragraphs 170 and 175 of the NPPF which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Pre-commencement reason: Construction and site clearance could unduly harm biodiversity, therefore the above needs to be undertaken prior to commencement.

- 18 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 DMP1 and London Plan policies 5.3 and 7.14.

- 19 Prior to the commencement of development (excluding demolition) hereby approved, details of

how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.6.

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

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

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

- 21 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing above ground level. The work shall be carried out in accordance with the approved details, unless alternative details are first agreed in writing by the Local Planning Authority.

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

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

The submitted scheme shall identify all plant species, densities of planting as well as species and soil densities for all proposed ground floor trees. Soil depth and irrigation methodologies for the trees proposed within the roof gardens shall also be provided. The trees proposed should be formed of a variety of native and exotic species.

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

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

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

- 23 Within six months of commencement of works above ground level, details of a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to, and approved in writing by, the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning

authority.

The scheme shall include, but not be limited to, the following elements:

- Details of any new habitat created on site, and the criteria used to select native plant mixes in accordance to expected light availability. Plant species are to be native and of local genetic provenance, suited to both the catchment character and light availability on site.
- Details of an adaptive planting strategy for developing the successful establishment of the river corridor habitat and wetland habitats over time, including:
  - Outline principle criteria in selecting and monitoring suitable native plant species for the river corridor and wetland habitats.
  - Maintenance regimes (covering at least the first 4 years), designed to enhance the floristic value and establish marginal vegetation.
  - A monitoring plan (covering at least the first 4 years), used to inform successful establishment areas and identify and introduce suitable native replacements for any failed areas.
- Details of treatment of site boundaries and/or buffers around water bodies; including how the new watercourse will be protected during construction phases
- Details of management responsibilities
- Details of any proposed external lighting

Any proposed planting and management scheme shall include an adaptive strategy to enable appropriate responsive management to the maturing site needs and challenges in establishing effective vegetation cover and floristic interest throughout the year and over time. This is important for fostering habitat continuity in a challenging environment and will complement flood risk management needs.

Reason: This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to the new habitats created, including the proposed naturalised river environment.

- 24 Prior to occupation of the development hereby approved, a scheme of ecology mitigation and enhancement measures, (as set out in the Preliminary Ecological Appraisal, River Corridor Survey & Bat Survey Report prepared by WSP, dated November 2018) shall be submitted to and approved in writing by the Local Planning Authority.

The measures shall be implemented in accordance with the approved details, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To ensure the development appropriately accommodates for the local eco-system and seeks to enhance this where possible.

- 25 Prior to first occupation of the development hereby approved, details of a communal television aerial and satellite dish system linking to all residential units within the development shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. No further television aerial or satellite dishes shall be erected on the premises.

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

- 26 Any plant shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation of such plant. All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours.

## INFORMATIVES

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

Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes

or other structures.

Thames Water will require the points of connection to the public sewer system, for foul water, as well as the anticipated flow (including flow calculation method) into any proposed connection point. This data can then be used to determine the impact of the proposed development on the existing sewer system.

7 Network Rail advise the applicant of the following:

(1)

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations.

(2)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

(3)

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The applicant / developer should liaise directly with Asset Protection to set up the BAPA - AssetProtectionLNWSouth@networkrail.co.uk.

8 The applicant is advised of the following by the Environment Agency:

#### Japanese Knotweed

Japanese knotweed is recognised as controlled waste and therefore disposal off site requires to be handled under a Duty of Care. For these reasons, any soils removed from the site or new material brought in should be free of the seeds/roots/stem of any listed plant, i.e. within Schedule 9 of the Wildlife and Countryside Act 1981.

Strong Biosecurity protocols should be incorporated into construction methodologies. In particular, it would be expected to be within the Construction Management Plan, the Site Health, Safety, Welfare and Environmental Plan and any other related site Management Plans.

Biosecurity protocols must consider and manage all potential spread pathways relevant to the development phases, including clearance. This includes the management of Personal Protective Equipment (PPE), tools, plant and access tracks. If a wash down area is to be utilised, it should be positioned away from any surface water drains.

#### Landscape Management

An appropriate Landscape Management Plan covering the riparian zone and wetland habitat will help mitigate for the altered light availability as a result from this proposal.

The ecological enhancements that have been proposed will require this management plan to be in place to ensure the landscape provides a maximum benefit to both people and the environment as well as measuring the objectives of the proposal have been achieved.

The Thames River Basin Management Plan (RBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery.

Without this condition, the proposal's ecological impact may lead to deterioration of a water quality element to a lower status class due to inappropriate management of the riparian zone. The Wembley Brook is a supporting tributary of the Lower Brent waterbody (GB106039023590), which is categorised as a Heavily Modified Water Body.

Mitigation Measures relevant to the Wembley Brook (given its shared urban context and pressures) include:

- habitat creation,
- management of in-channel and riparian vegetation,
- implementation of bank rehabilitation/channel maintenance strategy or technique,
- removal and prevent further dispersal of invasive non-native species; and,
- preservation or restoration of habitats.

In addition to the above, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor. Any potential light spill from external artificial lighting into the watercourse or adjacent river corridor habitat, should be designed to minimise disturbance to wildlife utilising the river habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within the riparian zone of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

### Permitting

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. We recommend that the applicant contacts 08708 506506 to discuss the issues likely to be raised.

The following will be required when designing and applying for the Environmental Permit (Flood Risk Activity);

- For introduced substrate; state gravel size(s), volumes and the source.
- Detail of methods used to secure the new bank profile, e.g. erosion control measures. It is recommended to investigate green engineering techniques and materials, although the applicant should be mindful of whether light availability and natural processes will be sufficient for successful establishment (including whether plant mix will offer decent all year round cover and protection).
- Erosion protection methods incorporated into designs; which ideally includes utilisation of marginal planting
- Planting species mix to be used should be native, of local genetic provenance. Suited to the catchment character – and also likely to success given the light availability.
- Timing of works, consideration for working around course fish spawning.
- Suitability of proposed temporary decking for construction.

- 9 The applicant is informed that the raised pedestrian bridge connecting the site to Wembley Point, which is identified as an indicative potential feature of the development on the plans, does not form part of this planning consent. A separate planning consent will be required for such a structure, which will be subject to consultation with the Environment Agency.
- 10 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 11 The Council recommends that the maximum standards for fire safety are achieved within the development.



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