

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

16 October, 2019  
05  
19/1973

## SITE INFORMATION

RECEIVED	3 June, 2019
WARD	Tokyngton
PLANNING AREA	
LOCATION	Empire House, Empire Way, Wembley, HA9 0EW
PROPOSAL	Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building(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_145537">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_145537</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="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/1973" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

RECOMMENDATION Resolve to grant planning permission subject to conditions.

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

### Conditions


1. Time Limit for commencement
2. Approved drawings/documents
3. Withdraw PD rights to convert flats to C4 small HMOs
4. Removal of parking permits for proposed residents
5. Bin stores, parking space and bike stores to be provided in accordance with approved plans
6. Water consumption not more than 105lpd
7. Internal noise levels
8. Construction Method Statement to be submitted
9. Site investigation, remediation strategy and verification
10. Details of external materials and balcony screens to be submitted
11. Landscape details to be submitted

### Informatives

1. Party Wall
2. Building near boundary
3. CIL liability
4. 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.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: Empire House, Empire Way, Wembley, HA9 0EW</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building(revised description)

## EXISTING

The existing site comprises a three-storey flat-roofed building finished in a combination of white render and brown brick. Building Control records suggest it was built in 1951. The majority of the ground floor is in A4 use and the remainder is retained in B1 use, comprising about 60 small office suites with ancillary office space on the ground floor. Prior approval has also been granted to convert the office space in residential use but this has not been implemented to date (see planning history below). The building footprint fills the site and sits forward of the adjoining building at 122 to 126 Wembley Park Drive. There are six on-site parking spaces in an undercroft on the southwestern elevation, accessed from an adjacent service road leading off Empire Way, and the site location plan includes this service road which also has an access onto the highway adjacent to 100 Wembley Park Drive.

The site is not in a conservation area and the building is not a listed building. The site is situated on a prominent corner site on the northwestern side of Empire Way at its junction with Wembley Park Drive. The site and its surroundings form part of Wembley Growth Area and Wembley Town Centre, which is characterised by ground-floor retail and town centre uses including a retail park consisting of large-scale buildings. The site and surrounding buildings form part of a secondary retail frontage. Building heights are predominantly three-storey or lower. The site sits within the Wembley Park Corridor Character Area as set out within the Wembley Area Action Plan (WAAP). To the south is the comprehensive development area surrounding Wembley Stadium and to the north and west are suburban residential areas.

## AMENDMENTS SINCE SUBMISSION

Amended plans were received on 20th of August 2019, involving the following amendments:

- amendments to the internal layout of the flats
- removal of side window and terrace on the third floor towards the south
- increased private amenity space by provision of roof garden
- changes in the cycle and waste storage and the disable parking space

Further amended plans were received on 25th September 2019, involving the following amendments:

- changes to the cycle and waste storage number and positions to incorporate the prior approval requirements as well as the relocation of the disable parking space for the undercroft

## 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 received:** Eight objections were received. These mainly relate to the design of the building including its overall height, bulk and mass and impact on the character of the area, and concerns regarding loss of light and privacy to neighbouring properties to the rear. These issues are all addressed in the relevant sections of the main body of the report.

**Principle of development:** This application would not change the office and pub use aside from a small element on the ground floor and would provide new housing to contribute to the borough's housing targets.

**Design and appearance:** The proposed building would be well articulated with a strong vertical rhythm matching the existing front facade and clear definition of the base and top of the building. Your officers consider that it would relate appropriately to surrounding buildings and would strike the right balance between prominence and restraint at this prominent location. The proposal would also involve improvements to the existing front and rear elevations.

**Impact on neighbouring properties:** Due to the location and orientation of the site, the proposed building

would have an acceptable relationship with all neighbouring properties and would not lead to any significant material loss of privacy, light or outlook enjoyed by neighbouring residents.

**Quality of residential accommodation:** The proposed residential units would be of good quality in terms of minimum space standards, light and outlook, internal layouts and access to private amenity space on the roof space.

**Environmental health considerations:** Conditions have been proposed to secure an acceptable development with respect to land contamination and construction management. The air quality and noise assessment reports submitted were acceptable.

**Impact on highways, parking and servicing:** The proposal provides a disabled parking space and servicing for the commercial floorspace, together with adequate cycle storage and refuse storage. Residents of the development would not be eligible for on-street parking permits as a car-free development to ensure that the development has only minimal impact on the highway network in this highly accessible location.

## 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				774.56	774.56

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Market )										
PROPOSED ( Flats û Market )	2	6	1							9

## RELEVANT SITE HISTORY

### Relevant planning history

**19/1240:** Details pursuant to condition 2 (soil contamination) of Prior Approval - Office to Residential reference 18/2120 dated 31 July, 2018 - **Granted, 13/06/2019.**

#### **19/0597**

Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) - **Refused, 11/04/2019.**

Grounds for refusal included inability for ground floor pub use to be serviced, proximity to neighbouring habitable room windows and poor quality layout for the flats.

#### **18/2120**

Prior approval for the Change of use from office (Use Class B1(a)) to residential (Use Class C3) at part-ground, 1st and 2nd floors to provide 29 residential units

**Prior approval required and approved 31/07/18.**

#### **09/0921**

Change of use of ground-floor offices (Use Class B1) to restaurant/bar (Use Class A3/A4), installation of extraction flue to rear of building, replacement door to Wembley Park Drive elevation, new door to Empire Way elevation and two new doors to rear elevation (as amended by revised plans dated 30/07/09) - **Granted, 30/07/2009.**

## CONSULTATIONS

**Consultation Period: 14/06/2019**

**Re-consultation period on revised plans: 05/09/2019 - 26/09/2019**

141 neighbouring properties consulted.

8 objections and 8 supporting comments were received and are summarised below:

<b>Ground of support</b>	<b>Officer response</b>
The proposal would bring a derelict site back into positive use which would benefit the area and the current businesses.	Noted
The proposed units have been generously designed to provide a high standard of accommodation and it would contribute positively to the local area in aesthetic terms as well as by providing additional quality housing stock. There are no concerns with the additional height which is in keeping with other newly constructed properties in the area. The residential conversion would contribute to the local area for more affordable accommodation.	Noted
<b>Ground of objection</b>	<b>Officer response</b>
<ul style="list-style-type: none"> <li>- design unattractive and does not connect to local high street;</li> <li>- out of character with surrounding pattern of lower rise buildings, would dominate street with the additional height contrary to The Wembley Area Action Plan section 4 .</li> <li>- materials and flat facade out of place in architectural context;</li> </ul>	The design and the additional increased height of the development has been discussed within paragraphs 7 to 13 in the main body of report.
<ul style="list-style-type: none"> <li>- proposal would have negative impact on trade and regeneration of area;</li> <li>- building should be retained for local enterprises to preserve character of area;</li> </ul>	<p>The proposal would not change the use of the existing building. It relates to a roof extension to accommodate new residential units which is considered to form part of an acceptable mix of uses within a town centre location.</p> <p>The proposal will not preclude the existing offices or public house to continue to operate.</p>
Noise caused by the works which will negatively impact the work in the area.	Construction noise is covered through Environmental Health legislation which restricts the hours of noisy works to 8am to 6pm Mondays to Fridays, 8am to 1pm Saturdays and at no times on Sundays/bank holidays.

<p>The red boundary line showing ownership of the plot including No.100 to the rear and side which does not belong to the applicant.</p>	<p>The lands next to and to the rear of No.100 is drawn in blue line which indicates the adjoining lands to 1 Empire way owned by the applicant and confirmed via the Land Registry. As such the boundary line does not encroach on to No.100.</p>
<p>The Wembley Area Action Plan section 4 provides that the character of the local housing will be built upon and enhancement to existing town centres seeking to strengthen the retail frontage..</p>	<p>This is not relevant to the current application, which does not propose any loss of office space or retail frontage.</p>
<p>Concerns about the impact the proposed works could have on subsidence and ground stability and stability of the adjoining properties</p>	<p>This issue would be dealt with through the Building Regulations and is not a material planning consideration.</p>
<p>Insufficient parking space will adversely affect the amenity of surrounding properties and the very busy private road to the rear of the property could be become hazardous by virtue of the insertion of a bike storage area and create a danger to both cyclists and motor vehicles given that a cab office and various other businesses operate from the aforementioned private road.</p>	<p>The transportation related matters including car parking and bike provision and use of the access road has been reviewed by Transportation officers and discussed within paragraphs 28 to 35 in the remarks section below.</p>
<p>Area is overdeveloped already;</p>	<p>Each application is considered on its individual merits and in accordance with relevant planning policies. The scheme will be liable to pay Community Infrastructure Fund that is secured for the Council for required infrastructure.</p>
<p>Core Strategy Policy CP2 states that beyond site allocations, only proposals for affordable housing for local people are supported, and requires at least 25% of new homes to be family sized</p>	<p>This comment is based on a misunderstanding of CP2, which permits new housing proposals in urban areas in principle, makes no reference to site allocations and sets only general targets for affordable housing and family-sized homes. Neither affordable housing provision nor a specific housing mix are policy requirements for proposals of less than ten dwellings.</p>
<p>Loss of Privacy and overbearing to the flats to the rear at No. 120A, 122 A, 124 A</p>	<p>The impact on neighbouring occupiers is discussed within paragraphs 14 to 18 in the</p>

	remarks section below.
A statement of community involvement has not been submitted by the applicants.	Noted

### **Internal Consultation**

Environmental Health: no objection subject to conditions. These are discussed in the main body of the report.

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework (2019)**

#### **London Plan (2016)**

Key policies include:

- 3.5 – Quality and Design of Housing Development
- 6.9 - Cycling
- 6.10 - Walking

#### **Core Strategy (2010)**

- CP 2 Population and Housing Growth
- CP 7: Wembley Growth Area

#### **Development Management Policy (2016)**

- DMP 1: Development Management General Policy
- DMP 11: Forming an Access on to a Road
- DMP 13: Movement of Goods and Materials
- DMP 18: Dwelling Size and Residential Outbuildings
- DMP 19: Residential Amenity Space
- DMP21: Public Houses

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

- WEM15: Car parking standards
- WEM19: Family Housing

#### **Supplementary Planning Guide**

- SPD1 - Brent Design Guide (2018)
- Technical housing standards: nationally described space standard (2015)
- Housing SPG (2016)

## **DETAILED CONSIDERATIONS**

### **Background**

1. The application site has a complex planning history with a number of schemes being granted consent in recent years. Prior approval was granted for the change of use of part of the ground, first and second floors in flats. Whilst there is no record of works commencing on site in relation to the prior approval, a pre-commencement condition has been discharged - see planning history above.
2. The application has been submitted on the basis that the existing floors of accommodation in the building



are in office use. However, as detailed above, prior approval has been granted to change the use of part of the existing building from office to residential. This application has been assessed in view of the use of the existing building as an office but with consideration given, in particular with regard to transportation matters, should the change of use to residential be completed and occupied in accordance with prior approval legislation.

### Principle of development

3. Policies in the 2015 Wembley Area Action Plan provide a planning framework for the redevelopment of sites in this area, and Core Strategy Policies also provide an important supporting policy context, Policy CP2 seeking new housing in established urban areas, Policy CP6 supporting higher densities and tall buildings where these are of exemplary design and take into account the suburban interface, and Policy CP7 setting out the Council's overall vision for the Wembley Growth Area.
4. It is noted that prior approval was recently granted for the conversion of the existing office accommodation to residential use. This conversion had not been implemented at this time, and is subject to pre-commencement and pre-occupation conditions which have not been discharged at this time. Therefore it is not considered at the time of assessing the current proposal that the lawful use of the existing upper floors is residential. The proposal would involve adding two floors of residential accommodation above two floors of office accommodation and the ground floor A4 use, and this is considered to be acceptable within town centre locations as a means of optimising the development potential of sites in sustainable urban locations. The existing town centre uses would be retained and the proposal is not considered to have any adverse impact on the vitality and viability of the town centre.
5. Extending the building to provide additional residential accommodation is further supported by Core Strategy Policy CP7, which plans for at least 11,500 new homes to 2026 within the Wembley Growth Area. Further policy support is provided by the NPPF paragraph 118(e) which encourages upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well-designed, and by the draft London Plan Policy H1 which encourages boroughs to optimise the potential for housing delivery on all suitable and available sites. The scheme will include two family sized units (3-bed units) which accounts for 22% of units. Whilst there is no specific requirement to provide family sized units for schemes of under ten units, the provision of two family units is supported and contributes towards the Council's wider target of 25% of new homes to be 3-bed units, in line with CP2 and WEM19.
6. It is noted that internal alterations are proposed to enlarge the existing entrance lobby from Empire Way to accommodate stairs and a lift to all of the upper floors. Whilst the proposal will retain the public house at ground floor level, the enlarge communal entrance area will result in a small loss of part of the public house. Policy DMP21 seeks to protect public houses. This proposal is considered to have unlikely material impact on the viability of the pub given the relatively small extent of the change.
7. The principle of residential development is supported in this town centre location, with good public transport accessibility, subject to draft London Plan Policy D12 Agent of Change, which requires new noise-sensitive development such as residential uses to mitigate impacts from existing noise-generating activities, in this case the public house.

### Design, scale and appearance

8. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Policy DMP1 requires the scale, type and design of development to complement the locality. The Wembley Area Action Plan (WAAP) provides more specific design parameters based on the characteristics of the five local character areas.
9. The site is located in the Wembley Park Corridor local character area. The WAAP describes this area as having a wide variety of building typologies and acting as a physical transition in scale and character from the large format development in the Stadium area to the wider residential suburbia. However, it also sees opportunities to strengthen the role of key nodes with signature buildings. Policy WEM2 expects development at key nodes to add to the sense of arrival and legibility of Wembley
10. The building covers the entire footprint of the site and also wraps around the adjoining building to the north. It is undistinguished in design terms but of a scale and bulk that fits in with the surrounding context of three-storey buildings on the Empire Way and Wembley Park Drive frontages, and the combination of

brown brick and white render gives the building a simple elegance. The wraparound element has a more utilitarian character and greater floor-to-ceiling heights resulting in a slightly increased overall height.

11. A two-storey roof extension is proposed, the third floor continuing the building line, architectural style, detailing, fenestration arrangements and materials of the existing building whilst the fourth floor would be set back and in a contemporary style with a lighter materials palette and a projecting flat roof. The proposed extension would be accessed via a new stair and lift core, rising from the ground floor to an internal courtyard at third floor level providing individual entrance doors to the units. Notwithstanding objections on this point, the urban grain and overall bulk and mass of the proposal is consistent with the existing building and is therefore not considered to be out of keeping with the character of the area.
12. The façade alterations would include glazing changes, adjustment of opening sizes and locations of windows on the rear facades of the existing building, and amendments to the entrance to improve glazing design and enable level threshold entrance.
13. The overall design approach would provide clear definition for the top of the building while maintaining the character of the original building and reducing the visual impact of the additional height. The existing double height entrance to the upper floors is a distinctive feature that would provide a strong sense of arrival from the street for the residential units, whilst the internal courtyard would provide a more intimate arrival space for residents. The proposal is supported on design grounds.
14. Materials are described as red brick and render, with metal framed glazing and projecting feature metal eaves and white render panels. These are considered to complement the character and appearance of the existing building whilst introducing a more contemporary quality in contrast. Further details and materials samples would be required by condition if permission were granted.

#### Relationship with neighbouring properties

15. Any development needs to maintain adequate levels of privacy and amenity for existing residential properties, in line with the 30 degree rule set out in SPD1 and retaining a 9m distance to the rear boundary and 18m to the nearest rear-facing habitable room windows. The Council also supports the use of daylight and sunlight impact assessments in dense urban areas where it may not be possible to comply with the 30 degree rule.

#### *Privacy considerations*

16. A distance of 18m is required from the proposed development to rear habitable room windows at 120 to 126 Wembley Park Drive. Whilst the proposal does not directly face out onto any private rear garden amenity spaces, there is still the need to maintain a distance of 9m to the boundary with 120 to 126 Wembley Park Drive to ensure that the neighbour site is not unduly compromised for coming forward for redevelopment in the future. The proposed extension at third and fourth floor levels maintains a distance of over 18m to the rear habitable room windows in 120 to 126 Wembley Park Drive. A distance of over 9m to the boundary with 120 to 126 Wembley Park Drive is also achieved from the windows within the roof extension at third and fourth floor levels. The roof terrace to the third and fourth floor flats that face out onto Wembley Park Drive maintain a distance in part of 8.5m. Whilst this is marginally short of the 9m separation distance set out in SPD1 by 0.5m, such a marginal shortfall is not considered to compromise the ability of the adjoining site to come forward for redevelopment.
17. A distance of over 9m is also maintained from the habitable room windows in the third and fourth floor extensions facing westwards to the boundary with 10 Empire Way and the Trade Centre to the rear of Empire Way. A distance of 8.3m is maintained from the balconies at third and fourth floor level to the western boundary. Whilst this is below the recommended distance of 9m, the shortfall is not considered significant to compromise the delivery of the site to the west coming forward for redevelopment in the future.
18. It is considered that the set in of the third and fourth floor extensions from the western side of the building has addressed the previous reason for refusal, and will maintain adequate levels of privacy for existing residential occupants and not prevent the adjoining sites from coming forward for redevelopment in the future.

#### *Daylight and Sunlight*

19. A daylight sunlight report was submitted. This identified the only existing residential properties potentially affected by the development as 122A and 124A Wembley Park Drive. All of the rooms assessed comply with BRE guidelines regarding levels of daylight and sunlight.

### Residential living standards

20. Development is required to comply with standards set out in the Mayor's Housing SPG (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which requires private amenity space of 20sqm per flat and 50sqm for family housing (including ground floor flats). Floor to ceiling heights should be a minimum of 2.3m. Balconies must have a minimum width and depth of 1.5m and floor area of 5sqm to be considered usable.
21. The accommodation proposed consists of nine units, with 5 units per core on the third floor level and 4 units per core on the fourth floor level. All units will benefit from dual aspect with good levels of outlook from all habitable rooms. To prevent overlooking between adjoining private terraces, screening will be required. This detail can be secured as part of the external materials condition.
22. A summary of the internal unit size and external amenity space is set out below:

Unit No	Unit Type	Proposed GIA	LP GIA requirement	Private external amenity space
3.01	1B 2P	62.9sqm	50sqm	11sqm
3.02	2B 4P	77.2sqm	70sqm	0sqm
3.03	2B 3P	67.8sqm	61sqm	0sqm
3.04	3B 5P	90.8sqm	86sqm	6sqm
3.05	2B 3P	66.8sqm	61sqm	38.4sqm
4.01	2B 4P	73.8sqm	70sqm	18sqm
4.02	3B 6P	95.1sqm	95sqm	32sqm
4.03	2B 3P	73.7sqm	61sqm	6sqm
4.04	2B 3P	66.6sqm	61sqm	38.4sqm

All the units comply with or exceed the minimum internal space standards. All units except two would have private balcony of more than 5sqm. It should be noted that the units with no private external amenity space (units 3.02 and 3.03) originally did have balconies but due to concerns with the external design of the third floor level with enclosed balconies, this was amended to change the balcony space into additional internal space for those flats. These units would have access to the communal roof top amenity space. To supplement the external amenity space provision a communal garden at roof level of 58.2sqm is proposed (an average of 6.4sqm per unit). Whilst a number of units would not have access to 20sqm of external amenity space through a combination of private balconies and communal amenity space (5 of the 9 units), given the constraints of the site and its location within a town centre which aims to promote higher densities together with the overall good quality of the internal environment of the units, the shortfall is on balance considered acceptable.

### Environmental health considerations

#### *Air quality*

23. The proposed site is within an air quality management area and therefore due to the size of the development the applicant is required to carry out an air quality impact assessment that should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. The applicant has submitted an Air Quality Assessment by Eden Green Environmental ref EGE\_220 dated 31/5/19. This assessment is accepted and although there will be requirements on preventing dust emissions during construction there are no other mitigation measures required.
24. *Noise*
25. The application was accompanied by a Noise Impact Assessment by KP Acoustics ref 17688.NIA.01 dated 30/01/19. This assessment considered external noise and the required sound insulation that the proposed new dwellings would require to ensure that they comply with the recommended internal noise levels as specified in BS8233:2014. The proposed units would be on the third and fourth floor which will

be protected from the commercial unit on ground floor by the office spaces on first and second floor. However, Environmental Health have advised that the noise assessment has not considered any plant/machinery noise that may be associated with the commercial use such as air conditioning units or odour extraction units. It is recommended that a condition is secured for an updated Noise Impact Assessment to cover these considerations.

#### *Contaminated land*

26. Environmental Health have advised that land has been identified as potentially contaminated. They are recommended conditions to consider contamination and any remediation action.

#### *Construction Noise and Dust*

- 27.** The development is within an Air Quality Management Area and located very close to other commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. A condition for a Construction Method Statement is recommended to be secured as a condition.

#### Transportation considerations

- 28.** The site is currently occupied by a 3-storey building comprising a pub on the ground floor and about 60 small office suites above. Undercroft parking for about 8 cars is located to the rear, accessed via a private rear service road serving Empire Parade, 100-126 Wembley Park Drive and a rear car repair garage. The service road is accessed via a 4.5m crossover from Empire Way to the rear of this site and links through to Wembley Park Drive. It has received prior approval for conversion to 29 residential units on ground, 1st and 2nd floors.
- 29.** Parking and loading are prohibited at all times along the entire site frontage. The wider area is within the Wembley Stadium event day Controlled Parking Zone but there is no year-round CPZ in operation in the area at present. The PTAL rating is 6 (Excellent).

#### *Car parking*

30. The site is within the Wembley Masterplan area, so Wembley Area Action Plan car parking standards apply, with the high PTAL meaning the lower levels of 0.4 spaces per 1-/2-bed flat and 0.6 spaces for larger flats are applicable. The proposed scheme would therefore be allowed up to 3.8 spaces for residents.
31. Nevertheless, only one off-street parking is proposed. Whilst this means that maximum car parking allowances are not exceeded, consideration also needs to be given to the impact of the scheme on-street parking conditions in the area, given that there is no year-round CPZ in operation at present. Ordinarily, this would be a significant concern, but the site is located within a major housing growth area and contributions are being sought from developments in the area to progress the introduction of a CPZ. A condition is recommended to designate the development as 'permit-free' and remove the right of future occupiers to on-street parking permits if a all year round CPZ is introduced in the future as well as the current Wembley Event Day parking zone.

#### *Servicing and refuse*

32. There is an existing off street loading bay directly to the north of Empire House which will remain. They have noted that the proposal is unlikely to change the existing ability for off street servicing as the undercroft area currently has limited headroom which would prevent HGVs, typically used to service pubs, from being able to use this area. As such, servicing arrangements for the site are not considered to materially change as a result of this proposal.
33. The bin store for the new flats will also be located within the undercroft area. The bin store is sited within 10m of the highway. There is sufficient capacity within the bin store area for both the flats being considered under this application and the prior approval flats (if they are to be implemented). The bin store is less than 30m carrying distance from each of the proposed flats. Access could provided down to ground floor level from either stairs or a lift.

#### *Cycle parking*

- 34. The London Plan would require a minimum long stay residential cycle parking level of 16 spaces for the proposed nine flats. The bike store is proposed within the undercroft so that it is covered with fencing and gate access for security purposes. As there is limited headroom within the undercroft, eight sheffield stands are proposed. This is sufficient to accommodate the bikes for the nine new flats.
- 35. It should also be noted that the ground floor plan has indicatively marked out sheffield stands within the remainder of the undercroft for the flats approved as part of the prior approval scheme in the event that this is implemented. Whilst they do not form part of the consideration of this application, they have been indicatively marked out to demonstrate that there is adequate room within the undercroft to accommodate all bikes for the prior approval scheme (30 in total) in addition to the 16 cycle spaces proposed for this scheme.

**Conclusions**

- 36. The proposal is considered acceptable and in accordance with planning policy and guidance for the reasons as discussed above.

**Equalities**

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

**CIL DETAILS**

This application is liable to pay **£275,699.34** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): sq. m.  
 Total amount of floorspace on completion (G): 774.56 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	774.56		774.56	£200.00	£0.00	£228,218.57	£0.00
(Mayoral) Dwelling houses	774.56		774.56	£0.00	£60.00	£0.00	£47,480.77

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	330	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£228,218.57</b>	<b>£47,480.77</b>

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

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

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



## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/1973

To: Miss Marrocco  
DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

I refer to your application dated **01/06/2019** proposing the following:

Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building(revised description)

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

at **Empire House, Empire Way, Wembley, HA9 0EW**

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 2019  
London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Wembley Area Action Plan 2015  
SPD 1 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):

GA-E-XX-EXISTING P1  
PLANNING-P-XX-EXISTING P1  
GA-E-N.W-PROPOSED REV P5  
GA-P-03-PROPOSED REV P4  
GA-P-R-PROPOSED REV P3  
GA-E-E.S-PROPOSED REV P4  
GA-E-N.W-PROPOSED REV P5  
GA-P-04-PROPOSED REV P5  
GA-P-00-BINS.BIKES

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

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

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

- 4 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the existing Wembley Stadium Event Controlled Parking Zone (CPZ) or any future year-round Controlled Parking Zone (CPZ) that is introduced in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.



The owner is required to inform any future occupant that they won't be entitled to a Residents Parking Permit or Visitors Parking Permit.

Any Parking Permit issued in error by the Council shall be surrendered should the Council request it.

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

- 5 The cycle parking, bin store and disabled parking bay for the approved development as shown on the approved plans, shall be provided in full prior to first occupation of the flats and shall be permanently retained and used solely in connection with the dwellings hereby approved.

Reason: To ensure adequate access into the site at all times and that the approved standards of parking provision and servicing are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

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

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

- 7 Prior to first occupation of the development hereby approved, the glazing specification as set out in the Noise Impact Assessment (prepared by KP Acoustics Ltd, dated May 2019) shall be implemented in full. The glazing specification shall thereafter be retained for the lifetime of the development.

Reason: To ensure an acceptable noise environment for prospective residents of the development.”

- 8 Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The construction works shall thereafter be carried out in accordance with the approved Construction Method Statement.

Reason: To protect local air quality, in accordance with Brent Policy DMP1 and London Plan Policy 7.14.

Reason for pre-commencement condition: The adverse environmental impacts of the construction process could occur at any time following commencement of development, and adequate controls need to be in place from this time.

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

(b) Prior to first occupation or use of the development, any soil contamination remediation measures required by the local planning authority shall be carried out in full and a verification report shall be submitted to and approved in writing by the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and that the site is suitable for end use (unless the Planning Authority has previously confirmed that no

remediation measures are required).

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

- 10 Prior to commencement of works to the third and fourth floor extensions, details of materials for all external work and screens between directly adjoining balconies (including samples which shall be made available for viewing on site or within another location as agreed), shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- 11 Within three months of commencement of the development, further details of landscaping works within the application site as indicated on the approved plans and documents shall be submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) Proposed boundary treatments both around the roof terrace and around the site if applicable, indicating materials and heights and exact locations within the site;
- (ii) Details of materials and finishes proposed for hard landscaped areas.
- (iii) Proposed species, locations and densities of soft landscaping including the use of native species where appropriate;
- (iv) Details of the proposed arrangements for maintenance of the landscaping;
- (v) Details of any external lighting proposed;
- (vi) Details of any CCTV scheme to be provided within the development.

The hard and soft landscape works and boundary treatments shall be carried out in full accordance with the as approved details prior to the first occupation of the flats hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales .

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority. All footways and other hard landscaping shall be maintained as approved thereafter.

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

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 In order to ensure adequate fireproofing of the building, the applicant is advised to contact the Fire Prevention Officer of the London Fire Brigade, Fire Prevention Branch, Fire Station, 500 Pinner Road, Pinner, Middlesex, HA5 5EW.
- 4 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring

property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

Any person wishing to inspect the above papers should contact Mahya Fatemi, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2292