

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
03  
17/3059

## SITE INFORMATION

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

## RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

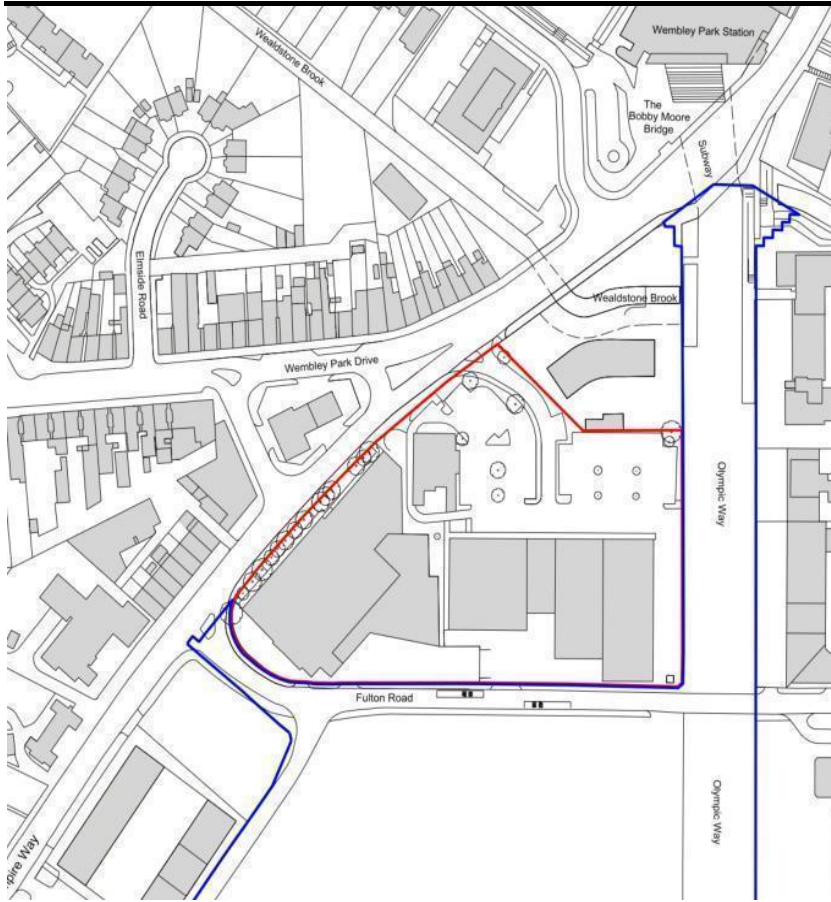
## SITE MAP



### Planning Committee Map

Site address: All Units, Stadium Retail Park, Wembley Park Drive & 128 Wembley Park Drive (fountain studios), HA9

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This map is indicative only.

## PROPOSAL IN DETAIL

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

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

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

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

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

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

The development would also provide:

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

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

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

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

## EXISTING

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

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

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

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

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

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

## SUMMARY OF KEY ISSUES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MONITORING**

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

**Floorspace Breakdown**

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



## **Monitoring Residential Breakdown**

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

## **RELEVANT SITE HISTORY**

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

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

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

## **CONSULTATIONS**

Press Notice date: 27/07/2017

Site Notices put up on: 24/07/2017

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

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

### **External consultees:**

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

**Affinity Water** – no objections raised.

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

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

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

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

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

**Internal Consultees:**

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

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

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

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

**GLA Stage 1 referral**

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

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

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

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

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

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

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

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

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

## **Statement of Community Involvement (SCI)**

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

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

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

Advertising of the exhibitions included:

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

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

## **POLICY CONSIDERATIONS**

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

Brent LDF Core Strategy 2010

Brent Development Management Policies Document 2016

Wembley Area Action Plan 2015

London Plan (Consolidated with Alterations since 2011) March 2016

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

National Planning Policy Framework 2019 (NPPF)

Technical Guidance to the National Planning Policy Framework

National Planning Practice Guidance (NPPG)

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

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

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

Draft New London Plan (December 2017)

Brent Design Guide SPD1 (2018)

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

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

## **DETAILED CONSIDERATIONS**

### **Introduction**

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

### **Land Use Principles**

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

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

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

## Context

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

Use	Use class	Floorspace	GIA

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

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

### **Design principles**

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

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

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

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

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

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

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

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

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



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

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

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

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

\*discrepancy due to rounding

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

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

- 37 The GLA have reviewed the financial viability appraisal and agree with the conclusions reached on the affordable housing levels which could be provided within the scheme. They have also confirmed that they consider the proposed approach to viability review mechanisms to be acceptable.
- 38 In summary, the development would deliver a significant level of affordable housing in the local area as part of the wider benefits of the scheme and would provide a range of products resulting in choice and a balanced community, which is supported by Brent and Mayoral policy.

**Unit Mix**

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

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

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

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

## **Layout and scale**

### **Layout**

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

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

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

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

### **Olympic Way**

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

### **Fountain Way**

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

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

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

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

### **Fulton Road**

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

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

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

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

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

## **Lower levels**

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

## **Upper levels**

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

## **Roof levels**

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

## **Fulton Road Junction Upgrades**

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

## **Pedestrian Improvements**

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

## **Appearance**

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

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

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

## Scale

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

## Density

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

### **Quality of accommodation**

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

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

### *Wheelchair accessible homes*

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

### **Landscape and amenity**

#### **Public open space**

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



## Private amenity space

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

above indicative totals.

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

### **Play and recreation**

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

### **Ecology**

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

### **Heritage**

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

incorporated into the architectural façade facing on to Fulton Square.

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

### **Energy and Sustainability**

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

### **Water consumption**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Separation distances and outlook**

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

### **Wind environment**

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

### **Noise**

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

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

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

### **Air Quality Assessment**

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

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

## **Highways and Transportation**

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

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

## **Parking**

### **Car parking**

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



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

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

## **Servicing**

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

the development.

## **Waste**

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

## **Access**

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

Drive to indicate priority for pedestrians.

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

### **Transport Impact**

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

(5-6pm) weekday peak hours respectively.

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

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

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

### **Travel Plan**

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

### **Construction Logistics**

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

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

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

### **Safety and security considerations**

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

### **Fire safety**

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

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

## **Flood Risk**

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

## **Utilities**

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

## **Other planning considerations**

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

discharge applications.

## **Conclusion**

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

## **Section 106 Summary**

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

### **1. Costs**

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

### **2. Notice**

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

### **3. Affordable Housing**

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

3.1.1.1. Tenure:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7. Training and Employment**

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

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

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

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

## **8. Employment Land**

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

## **9. CPZ Contribution**

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

## **10. Bus Service Contribution**

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

## **11. Parking Permit Restriction**

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

## **12. Highway Works**

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

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

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

provision of seats and shelters;

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

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

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

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

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

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

### 13. Other

13.1.1. Public Art Strategy required

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

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

## SUSTAINABILITY ASSESSMENT

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

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

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

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

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

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

## S106 DETAILS

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

**1. Costs**

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

**2. Notice**

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

**3. Affordable Housing**

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

1. Tenure:

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

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

**4. Sustainability/Carbon**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CIL DETAILS

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

We calculated this figure from the following information:

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

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

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

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

| 336

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

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

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

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



Application No: 17/3059

To: Miss Paula Carney  
WYG  
London

W1G 9NY

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

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

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

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

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

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

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

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

Date: 09/12/2019

Signature:

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



**Notes**

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

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

- 1 All applications for Reserved Matters pursuant to Condition No. 1 shall be made to the Local Planning Authority, before the expiration of 10 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and since a period of 10 years is considered to be a reasonable time limit in view of the extent and timescale of the proposal.

- 2 The relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the relevant part of the proposed development have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall be carried out and completed in all respects in material compliance with the details so approved before the building(s) are occupied. Such details shall include:-

- i) Layout;
- ii) Scale;
- iii) Appearance;
- iv) Access;
- v) Landscaping.

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

- 3 The development to which this permission relates shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of this outline planning permission or (b) the expiration of two years from the date of approval for the final approval of reserved matters, or in the case of different dates, the final approval of the last such matter to be approved.

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

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

**EXISTING / LOCATION PLANS**

P1 Parameter Plan 01: Site Location Plan

**PARAMETER PLANS (PROPOSALS)**

P2 Parameter Plan 02: Proposed Plot Maxima

P3 Parameter Plan 03: Proposed Ground Levels

P4 Parameter Plan 04: Proposed Circulation

P5 Parameter Plan 05: Proposed Access

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

#### OTHER PLANS

P11 Tree Removal Plan

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

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

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

Reason: In the interest of highway flow and safety.

- 6 All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Head of Transportation, or other duly authorised person, prior to the occupation of the relevant part of the development.

Reason: In the interests of traffic and pedestrian safety.

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

Reason: In the interest of visual amenity and townscape.

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

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

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

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

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

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

Reason: To ensure that the development is suitably accessible.

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

Reason: To ensure a satisfactory standard of residential accommodation.

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

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

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

accordance with of BS 10175:2011 + A2:2017 and 'Model Procedures for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11) (or other such updated British Standard) to determine the nature and extent of any contamination present, which shall be in accordance with the BH Geoenvironmental and Geotechnical Desk Study dated 20 November 2018. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works for that relevant phase of the development, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

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

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy 5.13 of the London Plan 2016.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and to ensure a satisfactory environment for future residents, occupiers and other users

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

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

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

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



- e) The location of services, including the grouping of services where feasible;
- f) The internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, any plant room(s), any other internal area and any areas of external space;
- g) Details of the levels of daylight received for habitable room windows of the residential dwellings within the relevant part of the development;
- h) Details of the provision of private external amenity space for residential units, including the size, location of private balconies, terraces and gardens and access between the dwellings and their associated space(s).

The approved details shall be implemented in full prior to first occupation or use of the relevant part of the development.

Reason: To ensure a satisfactory development, in the interest of residential amenity, design quality and visual appearance, highway flow and safety and sustainable development.

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

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

Reason: To ensure compliance with Brent policy DMP12.

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

the Local Planning Authority.

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

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

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

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

The scheme shall include details of:

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

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

Reason: To protect the amenity of the locality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## INFORMATIVES

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

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

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

17 **Definitions**

Substructure:

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

Superstructure:

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

Phase:

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

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