

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 December, 2019  
05  
19/2459

## SITE INFORMATION

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

## RECOMMENDATIONS

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

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

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

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

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

### Conditions

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

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

#### Informatives

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

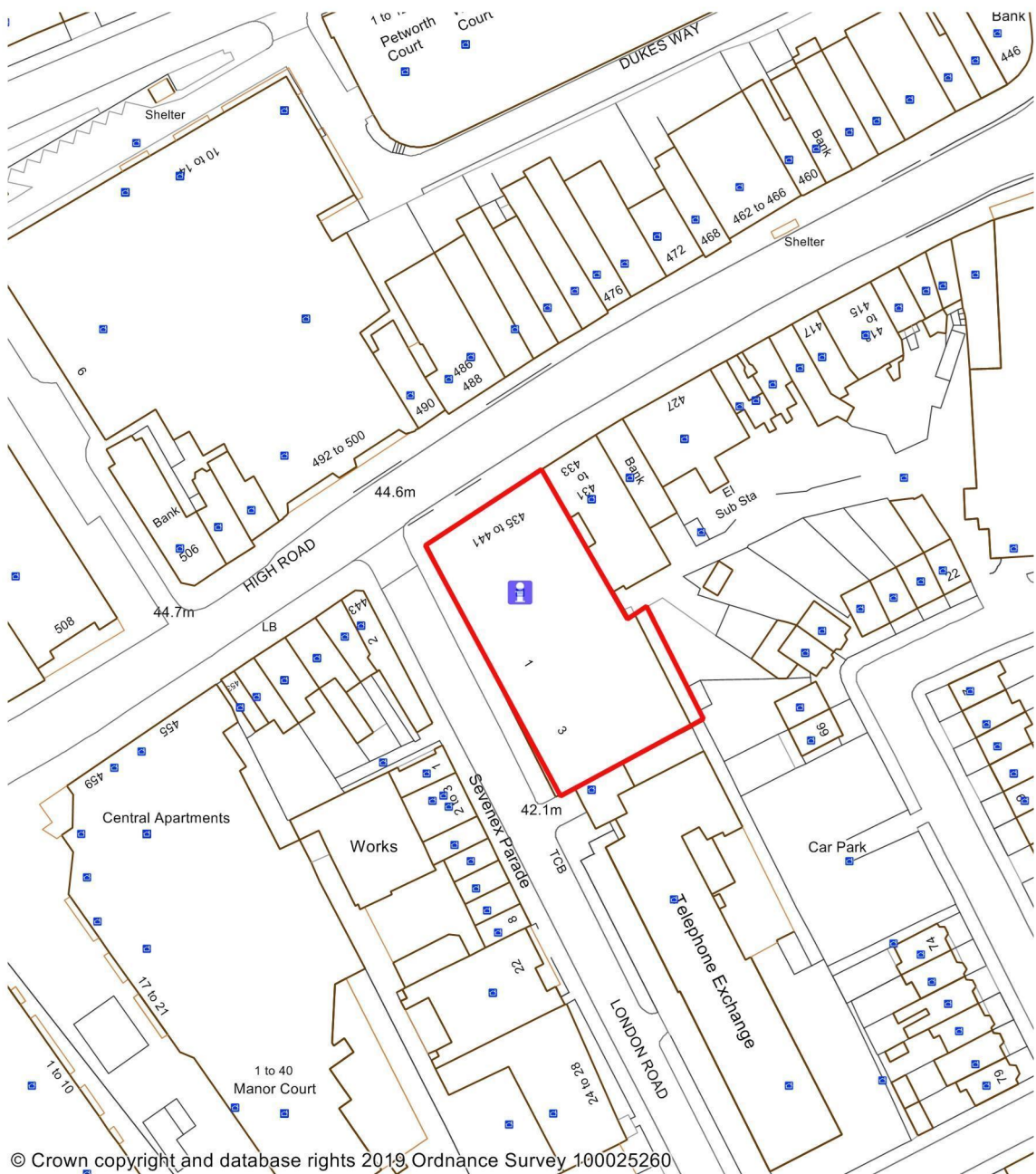
## SITE MAP



### Planning Committee Map

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

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This map is indicative only.

## PROPOSAL IN DETAIL

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

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

## EXISTING

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

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

## AMENDMENTS SINCE SUBMISSION

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

## SUMMARY OF KEY ISSUES

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

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

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

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

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

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

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

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

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

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

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

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

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

## MONITORING

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

### Floorspace Breakdown

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

### Monitoring Residential Breakdown

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

## RELEVANT SITE HISTORY

No relevant planning history.

## CONSULTATIONS

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

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

Two objections were received and are summarised as follows:

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

### External consultees

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

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

Greater London Archaeological Advisory Service: No objection.

### Internal Consultees

Environmental Health: No objection subject to conditions.

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

Local Lead Flood Authority: No objections raised.

## POLICY CONSIDERATIONS

### Policy Considerations

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

#### London Plan 2016

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

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

#### Brent's Core Strategy 2010

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

#### Brent's Development Management Policies 2016

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

#### Wembley Area Action Plan 2015

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

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018

Shopfronts SPD3 2018

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



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

## DETAILED CONSIDERATIONS

### Principle of development

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

### Affordable housing and housing mix

#### *Affordable housing*

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

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

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

#### *Housing mix*

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

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

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

#### Height, mass and scale

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

#### Layout and relationship with street

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

#### Materials and architectural detailing

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

#### Secure by Design

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

#### Conclusion

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

#### **Residential living standards**

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

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

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

### **Impact on neighbouring properties**

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

### Light and outlook

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

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

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

#### Privacy and separation distances

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

#### Conclusion

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

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

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

## **Impact on trees and biodiversity**

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

## **Environmental health considerations**

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

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

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

### **Flood risk and drainage**

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

### **Sustainability and energy**

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

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

### **Transport considerations**

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

### Parking provision

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

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

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

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

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

### Servicing and deliveries

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

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



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

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

#### Access

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

#### Transport assessment

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

local highway network.

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

#### Travel Plan

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

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

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

#### **Conclusions**

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

#### **Equalities**

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

## **CIL DETAILS**

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

We calculated this figure from the following information:

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

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

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

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

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

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

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

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/2459

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

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

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

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

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

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

Date: 09/12/2019

Signature:

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

### Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for these purposes thereafter.

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

- 7 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's Control of Dust and Emissions During Construction and Demolition SPG 2014 or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies 5.3 and 7.14.

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

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

- 9 The approved Tree Protection Measures as shown on plan reference: 001 Rev A, shall be adhered to throughout all stages of construction works, or in accordance with alternative details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protecting retained trees in proximity to the application site.

- 10 Prior to commencement of any works on site (including demolition works) a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be carried out in full accordance with the approved details.

Reason: In order to minimise any adverse impacts of the construction process upon the highway network in the area.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 11 Prior to the commencement of the development (including demolition works) a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development during the demolition and construction process. The Statement shall include details of measures that will be employed to mitigate the impacts of dust and fine particles generated by the operation. The development shall be carried out in full accordance with the approved details.

Reason: To ensure adequate controls are in place to control dust, noise and other environmental impacts of construction.

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

- 12 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling

to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works would be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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

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

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

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

(b) Prior to first occupation of the residential units hereby approved, a Post Completion Report demonstrating compliance with the mitigation measures in A above shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities, health and safety of neighbouring properties and occupiers and of the area generally, and to ensure compliance with DMP1 of Brent's Development Management Policies 2016.

- 15 A scheme of sound insulation measures to address potential noise transfer between the retail use, community use and residential uses within the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding any demolition, site clearance and the laying of foundations). The approved measures shall thereafter be implemented in full.

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

- 16 Prior to commencement of development (excluding any demolition or site clearance and the



laying of foundations), further details of provision for Electric Vehicle Charging Points (to include a minimum of two active and one passive points) shall be submitted to and approved in writing by the local planning authority, and thereafter implemented in accordance with the approved details.

Reason: To encourage sustainable modes of transport, in accordance with London Plan Policy 6.13.

- 17 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the applicant shall make appropriate arrangements in writing to enter into an agreement with the Local Highway Authority to provide the following highway works at the applicant's expense:

- formation of the approved vehicular access from London Road
- removal of the three pay and display parking bays fronting the site and their replacement with a loading bay.

The development shall not be occupied (or other timescales to be agreed in writing by the Local Planning Authority) until the above works have been completed to the satisfaction of the Local Highway Authority and have been certified in writing as being substantially complete by or on behalf of the Local Planning Authority.

Reason: In order to ensure adequate access and servicing arrangements, in accordance with Brent Policies DMP11 and DMP12.

- 18 Notwithstanding the details shown on Drawing 271-100-PL 01, prior to commencement of works (excluding any demolition, site clearance and the laying of foundations) further details shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

- (a) the doors to the residential bin store shall not open outwards onto the public footway
- (b) the access ramp to the basement shall be constructed with kerbed margins of 450mm width to either side.

The scheme shall thereafter be completed in accordance with the approved details.

Reason: To prevent obstruction to pedestrians and users of the public footway, in accordance with the Highways Act 1980. To prevent damage from vehicles occurring to the structure of the building.

- 19 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced (excluding any demolition, site clearance and the laying of foundations). The details shall include balustrades to all balconies (of which any balustrades on the first to fifth floor southeast elevation shall be obscured and to a height of at least 1.8m above finished floor level). The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to prevent overlooking onto neighbouring properties.

- 20 Prior to the commencement of works (excluding any demolition, site clearance and the laying of foundations), further details of how the development will be built so that 90% of the residential units will achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings' and that the remaining 10% of the residential units will be easily adaptable to achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings' shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

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

- 21 Within 6 months of commencement of works above ground level, a scheme of hard and soft landscaping works for the external amenity space and ground floor planted areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (a) details of: soil composition to ensure adequate environment for tree root growth,
  - (b) wildlife-friendly planting, bird and bat boxes,
  - (c) proposed boundary treatments (including materials and heights);
  - (d) any signage to be provided; external furniture and informal seating;
  - (e) ongoing maintenance and management plan.

The hard and soft landscaped works shall thereafter be completed in accordance with the approved details prior to first use or occupation of the development hereby approved (or other timescales to be agreed in writing by the Local Planning Authority).

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 22 Within six months of commencement of works above ground level, full details of any external lighting proposed to be installed (including details of light spillage plans to residential windows within the application site and neighbouring residential properties) shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be provided in full accordance with the approved details prior to first occupation/use of the development.

Reason: To prevent nuisance to existing and future residents from external lighting, in accordance with Brent Policy DMP1.

- 23 Prior to topping out on the building, further details shall be submitted of the proposed sedum roof and photovoltaic (PV) panels to be installed on the sixth, seventh and eighth storey roofs. The details shall demonstrate that the PV array will achieve the contribution towards carbon emissions reduction set out in the revised Energy Assessment.

Reason: To ensure the development is acceptable in terms of biodiversity enhancement and carbon performance.

- 24 Prior to first occupation or use of the development, a revised Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include the avoidance of crime and the fear of crime as an objective, and shall include detailed measures setting out how the objectives will be met (for example by agreeing pre-booked delivery schedules with occupiers), details of how these measures shall be enforced and how the Plan will be surveyed, monitored, reviewed and revised as necessary. The approved Plan shall be complied with thereafter.

Reason: In order to ensure adequate arrangements are in place for deliveries and servicing of the development.

- 25 Prior to first occupation or use of the community floorspace hereby approved, details regarding the proposed D1 use shall be submitted to and approved in writing by the local planning authority. The premises shall only be used for the approved D1 use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To secure well-managed, safe community access to the community floorspace, to ensure sufficient benefit to the local community and to accord with Local Plan Policy CP23.

- 26 Prior to first occupation of the residential units hereby approved, the submitted Residential Travel Plan shall be revised to include the offer of two years' free membership to a local car club for all initial residents. The development shall thereafter be operated in accordance with the revised Travel Plan.

Reason: In order to encourage sustainable modes of transport.

- 27 Prior to installation of any plant equipment, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the following:

The following plant noise emission criteria shall be achieved at 1 metre from the nearest noise sensitive residential window. The criteria are to be achieved with all of the proposed plant operating simultaneously.

**Plant noise emission criteria (dB re 2x10<sup>-5</sup> Pa)**

Position	Daytime (07:00 - 23:00 hours)	Nighttime (23:00 - 07.00 hours)
1	51	33
2	42	38

The plant equipment shall thereafter be installed in accordance with the approved details and thereafter maintained in accordance with the approved details throughout the lifetime of the development.

Reason: To protect the amenity of neighbouring and nearby residential occupiers, in accordance with Brent Policy DMP1.

- 28 Prior to first occupation or use of the retail floorspace hereby approved, and notwithstanding Condition 2, a revised BREEAM Assessment and Post Construction Certificate, demonstrating compliance with the BREEAM Certification Process for non-domestic buildings and the achievement of a BREEAM Excellent rating, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the retail floorspace is constructed in accordance with sustainable design and construction principles, in accordance with Core Strategy Policy CP19.

- 29 Prior to first occupation or use of the development, a report providing evidence that the mitigation measures described in the approved Air Quality Impact Assessment have been implemented shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be retained thereafter.

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use, in accordance with Core Strategy Policy CP19 and London Plan Policy 7.14.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank

walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 5 The applicant is advised to contact the Council's Environmental Health and Highways departments to make arrangements for a temporary vehicle crossover and temporary suspension of pay and display parking bays on London Road (as proposed in the Demolition Method Statement) prior to commencing works on site.
- 6 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The applicant is advised to refer to Thames Water's website for further information at: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wasewater-services/Connecting-to-a-sewer>
- 7 From 01 September 2019, Groundwater discharges from building sites or other trade premises are classed as Trade Effluent and will require a Trade Effluent Discharge Consent. Groundwater Permits and Permit Extensions will no longer be issued. For further information, refer to Thames Water's website at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent>
- 8 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 9 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 10 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 11 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,  
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233