

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

17 March, 2020  
04  
19/2891

## SITE INFORMATION

RECEIVED	12 August, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	Land at junction of Cecil Avenue and High Road, Wembley, HA9
PROPOSAL	Full planning application for the construction of a 5 to 9-storey mixed use building comprising 250 new homes (Use Class C3), flexible workspace and community space (Use Classes A3, B1(a), B1(b) & (c) and D1/D2), landscaped courtyards and playspace, wheelchair and cycle parking, signage and wayfinding and associated plant and infrastructure
PLAN NO'S	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_146568">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146568</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 "19/2891" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

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

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

1. Any direction by the London Mayor pursuant to the Mayor of London Order
2. Any direction by the Secretary of State pursuant to the Consultation Direction

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 / documents
3. No C3 to C4 conversions without planning permission
4. No B1 to C3 conversions without planning permission
5. Use of D1 community space
6. Emission standards for Non-Road Mobile Machinery
7. Provision and use of car parking, loading bays, refuse storage and cycle storage
8. Water consumption
9. Affordable housing provision
10. Training and Employment Plan
11. Energy Assessment, carbon offsetting measures
12. Contaminated land investigation
13. Construction Method Statement
14. Construction Logistics Plan
15. Future connection to district heat network
16. Details of electrical vehicle charging points
17. Details of external materials
18. Details of M4(3) wheelchair accessible units
19. S278 agreement for highway works
20. Details of landscaping
21. Details of PV panels
22. Travel Plan
23. Community floorspace management plan
24. Car park management plan
25. Commercial kitchens
26. Thames Water
27. Delivery and servicing plan
28. Parking permit restrictions
29. Mitigation of impact on bus services
30. Plant noise
31. TV aerials and satellite dishes
32. BREEAM Post Construction Completion Certificate
33. Shopfronts and signage strategy
34. Meanwhile use strategy

### Informatives

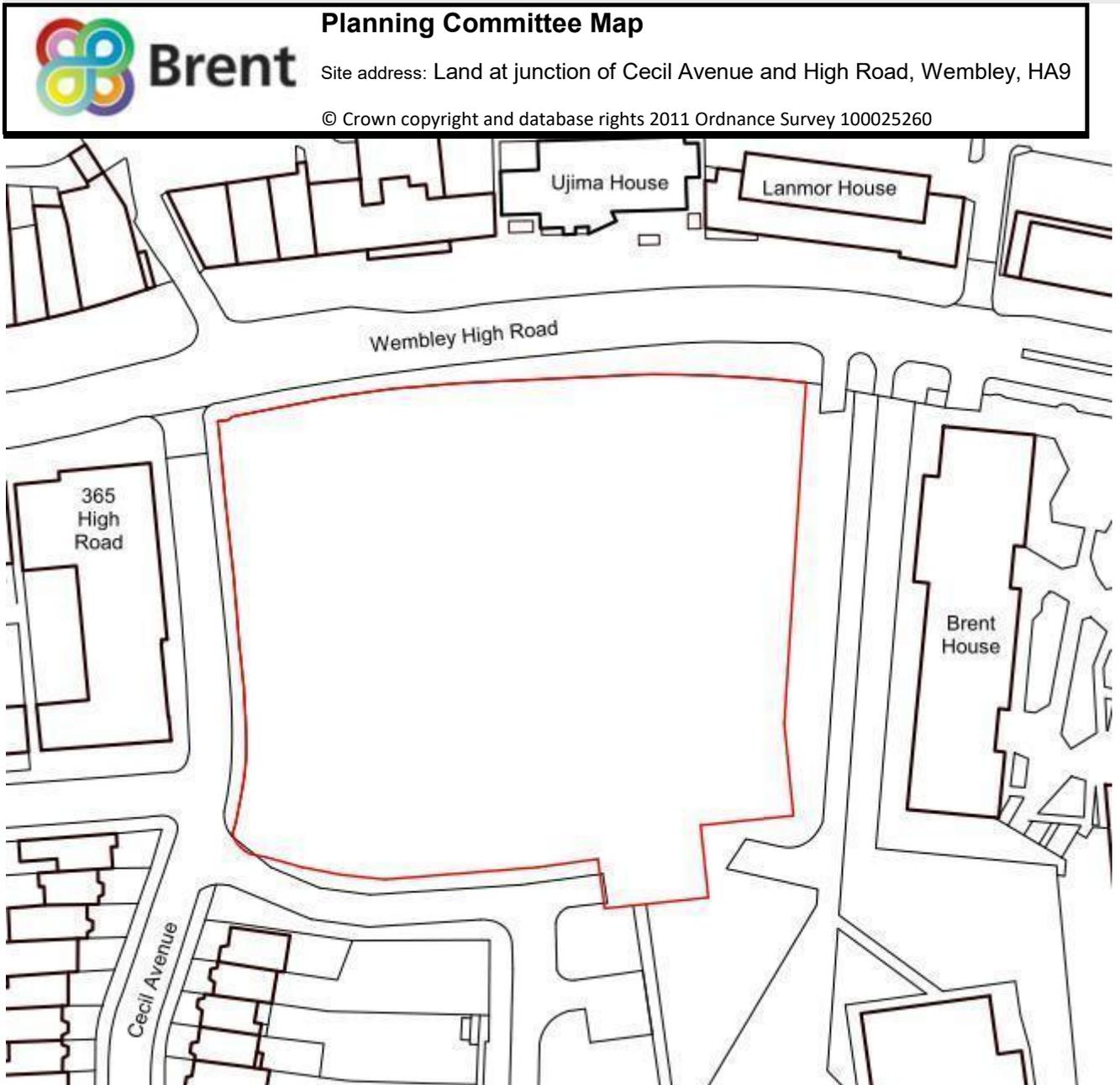
1. CIL liability
2. Party wall information
3. Building near boundary information
4. Guidance notes from Thames Water
5. Imported soil
6. London Living Wage note

7. Fire safety advisory note
8. Highway notify
9. Highway works
10. Any other informative(s) considered necessary by the Head of Planning

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

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

## SITE MAP



This map is indicative only.

## PROPOSAL IN DETAIL

The proposal is for a building ranging in height from five stories to nine stories, providing two stories of flexible workspace and community floorspace (up to 3,622sqm, of which a minimum of 667sqm would be for community use and the remainder in B1 or A3 uses) on the High Road frontage, with the remainder of the building in residential use comprising 250 units (92 x 1bed, 94 x 2bed, 42 x 3bed and 22 x 4bed). Falling ground levels allow for an additional two 'basement / lower ground' stories to be provided towards the rear of the site, where car parking, cycle parking, bin storage and plant would be provided in a part-basement beneath a podium garden. Vehicle access would be from Cecil Avenue using part of the access road serving the Ark Elvin Academy. Pedestrian access into the podium garden, which would be open to the public, would be via a central undercroft passage from the High Road leading to a ramped walkway. Two smaller private courtyards would be provided for the use of residents.

## EXISTING

The site is the location of the former Copland School, on the southern side of Wembley High Road with a secondary frontage along the eastern side of Cecil Avenue. It is roughly square in shape and ground levels fall sharply to the south. The school buildings have been demolished and the school has been reprovided as the Ark Elvin Academy immediately to the south of the site, with vehicle access from Cecil Avenue and pedestrian access from the High Road to the east of the proposal site. The adjacent site at Brent House has recently been redeveloped as a mixed use development with ground floor flexible commercial floorspace and residential accommodation within the remainder of the site.

## AMENDMENTS SINCE SUBMISSION

Revised plans were received on 28 February 2020, showing minor changes to the basement layout, following discussions with Highways officers regarding refuse collection.

## SUMMARY OF KEY ISSUES

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

**Neighbour objections:** Five neighbour objections have been received, raising concerns about the cumulative impact of new developments in the area and the need for improvements to public transport and utilities provision and increased numbers of school places to support new development. Concerns specific to this development include its height, density, north facing units, and lack of landscaping and trees. Some objections relate to the principle of redeveloping the site and argue that it should become an open green space or developed for a school or community use. These issues are considered at the relevant points in the report.

**Principle of development:** The site has been allocated for mixed use residential-led redevelopment since 2015. The proposal would bring forward a significant amount of new floorspace for commercial and community uses, which would create an active frontage along the High Road, and would contribute to the vitality and viability of the town centre while helping to foster new economic opportunities and strong communities. It would also provide 250 residential units to contribute to Brent's housing targets, improved public realm and open space accessible to the public. The proposal responds well to the adopted and emerging site allocations, and is strongly supported in principle.

**Housing mix and affordable housing:** The proposal would provide a high proportion (26%) of family sized units and 40% affordable housing (by habitable room), of which 42% would be family-sized units. The proposed tenure split is 60:40 affordable rent to shared ownership. The applicant's financial viability appraisal has been robustly reviewed by independent consultants and this process has demonstrated that the offer is beyond the maximum amount of affordable housing that the site can support.

**Design, scale and appearance:** The proposed perimeter block would make effective use of the site and the maximum height of nine stories on the High Road frontage is considered acceptable within the emerging street scene, while the four-five storey height at the rear of the site would respect the more traditional

residential character of Cecil Avenue. The architectural composition and detailing are considered to be of high quality, creating a distinctive building of character and adding considerable visual interest to the street scene. Overall the design approach is strongly supported.

**Impact on heritage assets:** The impacts on archaeological interest and on the setting of the Church of St Joseph have been assessed and it is considered that no harm would occur.

**Residential living standards:** The 250 residential units would be of high quality, with efficient layouts and the majority (75%) being dual aspect. They would all have access to private balconies or terraces and to a variety of high quality external amenity areas on site including several playspaces, and the overall amount of amenity space is considered to be of good quality and acceptable, despite it falling short of the requirements set out in Policy DMP19.

**Relationship with neighbouring properties:** The proposed building would comply with Brent's standards for separation distances and the 45 degree line in relation to residential properties on Cecil Avenue and would maintain an appropriate distance from other properties on the High Road. Detailed analysis of the impact on daylight to neighbouring properties shows that these impacts would mainly affect the adjacent new development at Brent House, and this is considered inevitable in high density urban contexts.

**Sustainability and energy:** The proposal would achieve a 35% reduction in residential carbon emissions compared to the 2013 Building Regulations baseline, a 49% reduction in non-residential emissions and a BREEAM Excellent rating. Further opportunities to reduce emissions would be sought in the detailed design and construction process, and a financial contribution to carbon offsetting, estimated to be £298,484, would be secured by condition.

**Flood risk and drainage:** The drainage strategy achieves the greenfield runoff rate for surface water and additionally proposes attenuation tanks below ground to store flood water from the most severe storm events. The local lead flood authority consider this to be a suitable strategy for this site.

**Trees and biodiversity:** The proposal would lead to the loss of a London Plane tree on the High Road frontage which is subject to a Tree Preservation Order, in addition to a number of less significant trees on the site. Your officers acknowledge that the loss of the tree is necessary to facilitate an acceptable form of development, and welcome the proposed planting of 49 replacement trees (five new trees for every tree lost) including six street trees. No ecological value exists on the site, and measures to enhance biodiversity would be secured through the landscaping scheme.

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

**Transport:** The proposal includes 40 car parking spaces at basement level, which complies with Brent's maximum allowance and London Plan requirements for disabled parking, and a single point of vehicle access from the access road serving the Ark Elvin Academy at the rear of the site. The site is in a Controlled Parking Zone with excellent access to public transport, and future residents would not be eligible for on-street parking permits. Cycle parking would be provided in compliance with London Plan standards, and waste storage and collection arrangements would be acceptable. Highway works and a Travel Plan would be required by conditions. A financial contribution to TfL for improvements to bus services would be required and conditioned, and the exact amount is to be confirmed.

## RELEVANT SITE HISTORY

### 15/3161

Full Planning Permission

Granted 23/10/2015. Development now completed

Demolition of existing buildings on site and erection of replacement building to accommodate a three storey 9FE secondary school for 1750 pupils (1350 11-16 year old and 400 post 16) with associated car parking, servicing and circulation space, Multi Use Games Area, All Weather Pitch, games areas and other hard and soft landscaping, together with the diversion of Public Right of Way (PROW) No.87

## CONSULTATIONS

679 neighbouring properties were consulted by letter on 21 August 2019. Site notices were posted near the site on 21 August 2019 and a press notice was published on 22 August 2019. Five objections were received and are summarised as follows:

Comment	Officer response
Proposal does not consider cumulative impact of developments in the area	Cumulative impacts of new development are assessed and planned for as part of the preparation of local plan documents, and it is not necessary to test these in the assessment of all individual schemes.
Already too many flats in Wembley including very tall buildings with direct views into neighbouring gardens	The need for additional housing is set out in paragraphs 8 to 11.  The potential impacts on privacy are assessed in relation to the current proposal in paragraphs 73 to 75.
Existing flats in the area are vacant, suggesting over-supply, and people want houses not flats	The Council continues to have a significant shortfall of housing and is required to meet its housing targets set out in policy. In dense urban areas, flats often represent the most efficient use of the land available and it is unlikely to be possible to meet the housing targets should new homes be restricted to houses.
New housing not being supported by improvements in local transport, utilities provision or new school places	Infrastructure requirements are identified through the preparation of local plan documents and through consultation with statutory consultees on individual schemes. New development provides funding towards infrastructure improvements through the Community Infrastructure Levy and s106 planning obligations. A significant amount of social and transport infrastructure has been delivered or secured within Wembley.
Development in other parts of the borough and other boroughs is not concentrated in one spot	Brent's Core Strategy 2010 and emerging new Local Plan identify Growth Areas that are capable of providing most of the new housing required in the Borough, but also allow for new developments to come forward throughout the Borough. The latter is inevitably on a smaller scale and more dispersed. Other boroughs may take a different approach to housing delivery, but these would also involve considering various approaches and consultation with local residents.
Land was intended to revert to green space following redevelopment of school. It should be used for other priority services such as schools or healthcare.	The proposal for the redevelopment of the school did not include any specific plans for the future use of this site. However, the site was allocated for redevelopment in the Wembley Area Action Plan 2015, which was subject to extensive public consultation, and has never been subject to any green space designation. The proposal includes publicly accessible space, but providing the entire site as green space would not make efficient use of the available land and other public spaces are available in the vicinity (e.g. King Edward VII Park).
Adjoining Brent House lacks amenity space for residents.	This is not a material planning consideration in relation to the current application. Nevertheless, external amenity space is being provided within the adjoining development.
Development is excessive in height and too	Please see 'Design, Scale and Appearance'

dense, will create wind tunnel and claustrophobic feel to High Road. Frontage is too close to footpath.	paragraphs 38 to 43.  In terms of creating a wind tunnel, the development is not significantly taller than its surroundings.
North-facing flats would not receive any sunlight.	Please see 'Residential Living Standards' paragraph 58.
Lack of landscaping and trees would not help counteract air pollution.	Tree planting and landscaping along the High Road frontage and within the site is part of the proposals. Please see 'Trees and Biodiversity' paragraphs 103 to 107.
Proposal would add to existing problems of traffic congestion and air quality.	Please see 'Environmental Health Considerations' paragraphs 112 and 113, and 'Transportation Considerations' paragraphs 140 to 148.

### Statutory and internal consultees

Greater London Authority / Transport for London Stage 1 response:

- Principle of development: The redevelopment of this vacant brownfield site to deliver a significant quantum of housing and affordable housing alongside commercial and community floorspace is strongly supported.
- Housing: The applicant is proposing 40% affordable housing (by habitable room) at a tenure split of 60/40 in favour of affordable rent. Whilst the affordable housing offer is generally supported, it does not meet the 50% public land threshold for the Fast Track route and is currently being scrutinised by GLA officers.
- Urban design: The design quality of the scheme is considered to be of high quality and the site appropriately optimised. The Council should secure the submission of key facing materials.
- Sustainable development: Further information and justification is required in respect of energy, flood risk and drainage and urban greening.
- Transport: The Council is required to secure conditions/obligations in respect to; a delivery and servicing plan, a construction management plan, a travel plan, vehicle parking, cycle parking, permit free scheme and a bus service contribution (exact amount to be confirmed). The applicant must also provide further information in respect to; vehicle and cycle parking.

These issues are discussed in the main body of the report.

Historic England (Greater London Archaeological Advisory Service): No objection

Secure by Design Officer: Recommends detailed design and management strategies to reduce opportunities for crime and the fear of crime. These are discussed in the main body of the report.

Thames Water: No objection subject to conditions

Local Lead Flood Authority: No objection

Sustainability Officer: Makes detailed recommendations to improve energy strategy and further reduce carbon emissions. These are discussed in the main body of the report.

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

### Pre-application consultation

The applicant's Statement of Community Involvement sets out the public consultation and engagement activities undertaken by the applicants prior to submitting the application. These included two public exhibitions, a workshop on play hosted at Elsley Primary School, two meetings with the Principal of Ark Elvin Academy, and a variety of work experience opportunities provided for students. Households, businesses and organisations within a 250m radius have been leafleted, a website was set up to publicise the proposals more widely and the Stephen Lawrence Charitable Trust has been involved in further engagement with young people.

These activities are considered to be appropriate to the scale of the development and to reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement.

## **POLICY CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010, Brent Development Management Policies 2016 and the Wembley Area Action Plan 2015.

Key policies include:

### London Plan 2016

- 2.13 Opportunity Areas and Intensification Areas
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.16 Protection and enhancement of social infrastructure
- 4.2 Offices
- 4.7 Retail and town centre development
- 5.2 Minimising carbon dioxide emissions
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality

### Brent Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP6 Design & Density in Place Shaping
- CP7 Wembley Growth Area
- CP15 Infrastructure to Support Development
- CP16 Town Centres and the 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 Development Management Policies 2016

- DMP1 Development Management General Policy
- DMP4A Shopfront Design and Forecourt Trading
- DMP7 Brent's Heritage Assets
- DMP8 Open Space
- DMP9b On Site Water Management and Surface Water Attenuation
- DMP12 Parking
- DMP13 Movement of Goods and Materials
- DMP15 Affordable Housing
- DMP18 Dwelling Size and Residential Outbuildings
- DMP19 Residential Amenity Space

## Wembley Area Action Plan 2015

WEM1 Urban form  
WEM2 Gateways to Wembley  
WEM3 Public Realm  
WEM5 Tall Buildings  
WEM6 Protection of Stadium Views  
WEM8 Securing Design Quality  
WEM10 Low-cost Business Start-up Space  
WEM13 Western Highway Corridor  
WEM15 Car parking standards  
WEM16 Walking and Cycling  
WEM19 Family Housing  
WEM21 Wheelchair Housing and Supported Housing  
WEM24 New retail development  
WEM29 Community Facilities  
WEM30 Decentralised Energy  
WEM32 Urban Greening  
WEM33 Flood Risk  
WEM34 Open Space Provision  
WEM38 Play Provision  
Site Allocation W5

The following are also relevant material considerations:

The National Planning Policy Framework 2019  
Planning Practice Guidance including the National Design Guide  
SPD1 Brent Design Guide 2018  
Brent Waste Planning Guide 2013  
Mayor of London's Play and Informal Recreation SPG 2012  
Mayor of London's Sustainable Design and Construction SPG 2014  
Mayor of London's Housing SPG 2016  
Mayor of London's Affordable Housing and Viability SPG 2017

In addition, the Examination in Public for the Draft New London Plan has been completed and the Panel Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

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

Key relevant policies include:

### Draft New London Plan

Key policies include:

SD1 Opportunity Areas  
SD6 Town centres and high streets  
E1 Offices  
S1 Developing London's social infrastructure  
S3 Education and childcare facilities  
S4 Play and informal recreation  
H1 Increasing housing supply  
H5 Delivering affordable housing  
H6 Threshold approach to applications  
H7 Affordable housing tenure  
H12 Housing size mix  
D1 London's form and characteristics

D2 Delivering good design  
D3 Inclusive design  
D4 Housing quality and standards  
D5 Accessible housing  
D6 Optimising housing density  
D7 Public realm  
D11 Fire safety  
G1 Green infrastructure  
G5 Urban greening  
HC1 Heritage conservation and growth  
SI2 Minimising greenhouse gas emissions  
SI5 Water infrastructure  
SI12 Flood risk management  
SI13 Sustainable drainage  
T5 Cycling  
T6 Car parking

#### Draft Local Plan

Key policies include:

DMP1 Development management general policy  
BP7 Southwest  
BSWSA9 Former Copland School  
BD1 Leading the way in good urban design  
BD2 Tall buildings in Brent  
BD3 Basement development  
BH1 Increasing housing supply in Brent  
BH2 Priority areas for additional housing provision within Brent  
BH5 Affordable housing  
BH6 Housing size mix  
BH13 Residential amenity space  
BSI1 Social infrastructure and community facilities  
BE1 Economic growth and employment opportunities for all  
BE7 Shop front design and forecourt trading  
BHC1 Brent's Heritage Assets  
BHC2 National Stadium Wembley  
BHC3 Supporting Brent's culture and creative industries  
BGI2 Trees and woodlands  
BSUI1 Creating a resilient and efficient Brent  
BSUI2 Air quality  
BSUI4 On-site water management and surface water attenuation  
BT1 Sustainable travel choice  
BT2 Parking and car free development  
BT3 Freight and servicing, provision and protection of freight facilities

## **DETAILED CONSIDERATIONS**

### **Planning history and background**

1. The site was previously the location of the Ark Elvin Academy (formerly Copland Community School). Planning permission was granted on 23 October 2015 under reference 15/3161 for the demolition of the school buildings and construction of a new school building on part of the school grounds immediately to the south of the site. This development included a new vehicle access from Cecil Avenue, pedestrian access from Wembley High Road between the site and the former Brent House site, and the diversion of Public Right of Way (PROW) No 87, but did not include any proposals for the site itself.
2. The new school has now opened and the buildings on the site have been demolished. An application has been made to the Secretary of State for Education for the release of the site from educational use, however notwithstanding the need for this approval in order to redevelop, the site remains in educational use in planning terms until permission is granted for an alternative use or uses.
3. The Wembley Housing Zone is one of a number of Housing Zones designated by the Mayor of London in November 2015 and in March 2018 the Council signed a Borough Intervention Agreement (BIA) with the

Greater London Authority (GLA) to secure GLA funding in return for a commitment to deliver new homes including affordable housing. The proposal is one of a number of development projects within the Wembley Growth Area being taken forward by Brent's Regeneration Team under this agreement. Cabinet approval has been secured at appropriate points for the use of Council resources in this way.

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

### **Environmental Impact Assessment**

5. On 19 November 2018 the applicants submitted a request for an Environmental Impact Assessment Screening Opinion. On 27 November 2018, the local planning authority published its Screening Opinion, which concluded that an Environmental Impact Assessment was not required for this development.

### **Principle of development**

#### Redevelopment of school site

6. As noted above, the school formerly on the site has been reprovided immediately to the south as part of the rationalisation and redevelopment of the wider school site. As such, the site is no longer required for educational use, and it was allocated for redevelopment in the Wembley Area Action Plan 2015. The loss of the educational use on this site is therefore considered acceptable in this instance.
7. It is noted that neighbour objections have been received, suggesting that the provision of open green space on the site for public use was intended as part of the construction of the Ark Elvin Academy to the south. However, the use or redevelopment of this site did not form part of the application (reference 15/3161) to redevelop the wider school site, and the site has never been subject to any open space designations that would protect it for this use. It has not been accessible to the public at any time, and no pattern or expectation of its use as open space has been established.

#### New housing

8. The NPPF 2019 expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. London Plan 2016 Policy 2.13 identifies Wembley amongst the opportunity areas providing brownfield land with significant capacity to accommodate new development linked to existing or potential improvements to public transport accessibility, and Brent's Core Strategy Policy CP1 also aims to concentrate housing growth in well located key growth areas including Wembley. Policy CP2 sets out a target for delivering 22,000 new dwellings (including 11,500 in the Wembley Growth Area) over the 2007-2026 period. The Wembley Area Action Plan translates these general policy aims into specific policies and proposals for the Wembley area.
9. The draft new London Plan is expected to be adopted in the near future, and proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year, and a new design-led approach to density and optimising the development potential of sites. Brent is also in the process of preparing an updated draft Local Plan, which responds to these targets by proposing plan-led growth and site-specific allocations concentrated in a number of Growth Areas. Emerging policy BH1 reflects the draft London Plan target. These emerging policy documents are material considerations that carry weight in the determination of this application as they progress due to their advanced stage of preparation.
10. The application site is proposed to be allocated (reference BSWSA9) in Brent's draft Local Plan for residential-led mixed use development including indicative capacity for around 250 residential units. The proposed allocation carries forward the adopted Wembley Area Action Plan 2015 site allocation W5, which seeks mixed use redevelopment of the site with commercial retail uses on the ground floor of the High Road frontage and residential uses above. The designation of Wembley as a Housing Zone also

identifies it as an area with high potential for residential growth, with additional funding provided to support this growth.

11. The proposal includes 250 new housing units. This part of the proposal is strongly supported by the existing and emerging policy context, and is in accordance with the proposed site allocation.

#### Non-residential uses

12. The NPPF 2019 encourages the planning system to promote the long term vitality and viability of town centres by allowing them to grow and diversify in response to changes in retail and leisure markets whilst meeting needs for town centre uses including retail, leisure and office uses, and encouraging residential development on appropriate sites. It also seeks the provision of shared spaces and community facilities to enable social interaction and foster safe and healthy communities.
13. The site is within Wembley Town Centre and Brent's Policy CP16 promotes Wembley as the preferred destination for major new town centre development. Policy CP23 seeks new multi-functional community facilities (excluding schools and health facilities) to support new housing at a rate of 370sqm per 1000 new population.
14. The proposed site allocation BSWSA9 seeks a mixed use development, noting that the ground floor on the High Road frontage should contain a continuous active frontage of main town centre uses to continue the road line between the former Brent House development and the retail units to the west. The site allocation does not make specific reference to community facilities. This is considered to be consistent with the more flexible direction on town centre policy set out in the NPPF 2019. The site allocation also highlights that no specific infrastructure requirements are identified.
15. The proposal would provide 3,622sqm of commercial and community floorspace, located over ground and lower ground floors on the High Road frontage and immediately behind it. This would include two x two-storey spaces behind the main frontage, each of which would be 667sqm in floorspace and would include a double-height space which could be used for public meetings, films and live performances and for leisure facilities such as climbing walls, as well as smaller rooms for meetings. These spaces would be accessed from the Cecil Avenue frontage and from the High Road respectively. The proposal would secure the space accessed from Cecil Avenue for D1 community use, and the other space could potentially also be made available for community use, subject to overall scheme viability. A management plan would be required by condition, including arrangements for governance, details of facilities available and the range of acceptable uses, publicising the space to local community groups and encouraging their involvement, hire charges and conditions, and overseeing and publicising a diverse programme of events and activities.
16. The remaining floorspace (2,995sqm) would be along the High Road frontage and has been designed to provide units of various sizes that could be let as single storey or two storey spaces depending on tenants' requirements. This is proposed to be flexible workspace that could accommodate various office, research and light industrial uses covered by the B1(a), B1(b) and B1(c) use classes, in addition to A3 café/restaurant uses. A condition is recommended, to withdraw permitted development rights for changes to residential use, to ensure the active frontage is retained.
17. Within the building envelope, a podium garden would be provided towards the rear of the site, accessed from the High Road entrance. This would be open to the public during the day in addition to providing amenity space for residents, and is considered to be an additional benefit of the scheme.
18. The provision of community floorspace, B1 floorspace and A3 uses would provide an active frontage on the High Road and would contribute towards the vitality and viability of the town centre. The combination of uses would provide opportunities for social interaction and new business growth, providing facilities to support the community, helping to regenerate this part of the town centre and encouraging economic growth within the Borough. The proposal would also respond well to Draft Local Plan Policy BP7, which seeks active frontages in this area to create a stronger link between Wembley Central and Wembley Park town centres. This part of the proposal is strongly supported by the policy context, and also responds to growing evidence of a shortage within Brent of modern workspace that could accommodate various office, research and light industrial uses covered by the B1(a), B1(b) and B1(c) use classes. However, notwithstanding evidence of demand, a condition to secure a meanwhile use strategy is recommended, should an extended period of vacancy occur immediately following the completion of the building that could detract from the active frontage and the vitality and viability of the town centre.

19. Brent's draft Local Plan Policy BE1 seeks at least 10% of workspace to be affordable in the Wembley Growth Area. The Design & Access Statement states that there is an aspiration to provide affordable workspace as part of the scheme, although no definite commitment has been made. However, your officers consider that only limited weight can be given to this draft policy as concerns have been raised with regard to its impact on viability. In this case there is no established employment use on the site and that consequently the provision of a large amount of employment and community floorspace is a substantial planning benefit in itself, notwithstanding the lack of affordable workspace. Furthermore, complying with this emerging policy requirement would reduce the amount of affordable housing that could be delivered, and that the latter should take precedence in this case given the Council's legally binding Housing Zone agreement with the GLA to deliver a minimum quantum of affordable housing.
20. Overall the mix of uses proposed is considered to be supported by the adopted and emerging policy context, and to be appropriate to the site and its location. The proposal is considered to be acceptable in principle.

## Housing mix and affordable housing

### Policy background

21. Core Strategy Policy CP2 sets out aims for new residential developments to achieve the London Plan target of 50% affordable housing and to provide at least 25% family sized accommodation (3bed or larger units). Policy CP21 and Wembley Area Action Plan Policy WEM19 require an appropriate housing mix on major developments, including a target of 25% family sized housing. Brent's approach to securing affordable housing provision is set out in more detail in Policy DMP15, which requires an economic viability assessment to support proposals for less than 50% affordable housing and sets out a preferred tenure mix within the affordable housing provision of 70% social or affordable rent and 30% intermediate housing.
22. Draft Local Plan Policy BH6 carries forward the target of 25% family sized dwellings but also allows for exceptions to this where the location or characteristics of the development preclude its providing a high quality environment for families, or its inclusion would fundamentally undermine the delivery of other policies.
23. Draft London Plan Policy H6 proposes a threshold approach to delivering affordable housing. In order to qualify for the fast track approach, a threshold of 50% affordable housing (by habitable room) is required for land in public ownership.

### Proposal

24. The housing mix proposed is as follows:

	1bed	2bed	3bed	4bed	total
Total nbr units	92	94	42	22	250
% total mix	37%	38%	17%	9%	

25. This amounts to provision of 26% family sized units, which exceeds the policy requirement, and the inclusion of 4bed units is particularly welcomed as it addresses the specific shortage of larger family housing.
26. The proposal includes 40% affordable housing by habitable room (35% by unit), with a tenure split of 60:40 of affordable rent to intermediate (either rented or shared ownership). The breakdown of housing proposed by unit size and tenure is as follows:

	1bed	2bed	3bed	4bed	total
Market housing	74	61	19	8	162
Affordable rent	12	12	15	13	52
Intermediate	6	21	8	1	36
% affordable mix	20%	37%	26%	16%	
Total	92	94	42	22	250
% total mix	37%	38%	17%	9%	

27. The delivery of affordable housing would be weighted towards family-sized units, and this is welcomed.

The affordable units would be distributed throughout the building, including one of the main High Road cores, the stacked maisonettes and many other units facing onto the courtyard garden.

### Financial Viability Assessment

28. A Financial Viability Assessment (FVA) is required to demonstrate that the proposal would deliver the maximum reasonable proportion of Affordable Housing as the proposed proportion of Affordable Housing falls below 50% (as required by Brent Policy DMP15, emerging Brent Policy BH5 and the draft London Plan fast-track threshold route set out in draft London Plan Policy H5) and the Affordable Housing ratio (60:40) is not in line with the Brent Policy ratio of 70:30. A FVA has been prepared on behalf of the applicant by BNP Paribas and submitted in support of the application. This demonstrates that the proposal generates a deficit against the site's benchmark land value on the assumption that no grant funding is available.
29. Adopted policy and guidance requires benchmark land value to be based on Existing Use Value plus a premium to encourage the site to come forward. This is consistent with the approach provided in Planning Practice Guidance. On this basis, a BLV of £4.125m has been agreed by both parties, based on the existing D1 use of the site. The FVA indicates that with this BLV the current scheme proposing 35% affordable housing (by unit) on a 60:40 split would generate a deficiency of £3,841,721. If the affordable housing ratio was amended to 70:30, the scheme would generate a deficiency of £4,659,182. A sensitivity analysis has been undertaken keeping the number of affordable rent units the same (52 units) but reducing the number of intermediate units to 22 to provide a 70:30 split (accounting for 29.6% Affordable Housing). This still results in a deficit of £1,763,926 compared to BLV. This demonstrates that the scheme is delivering beyond the maximum amount of affordable housing on a nil grant basis. The scheme could not deliver any additional affordable rent units and the applicant has chosen to top up affordable housing provision with additional intermediate units.
30. Affordable housing provision, together with early stage and late stage viability reviews, would be secured by condition. The review mechanism would enable the Local Planning Authority to capture any uplift in affordable housing, taking into account any variation to construction costs, sales values and available grant funding.

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

31. 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.
32. The character of the surrounding area is mixed, with traditional three-storey retail developments being interspersed with larger scale modern buildings of varying heights. Recent and forthcoming developments have included some significantly taller buildings and the proposed site allocation describes the site as being suitable for buildings of a mid-range height to mediate between the ten stories of the former Brent House development and the seven-eight stories of the Great Western Hotel. Ground levels fall by approximately 6m from the northern to the southern site boundary, with the wider area to the south of the site being characterised by small-scale two-storey housing.

### Height, scale and massing

33. The proposed building takes the form of a perimeter block with two internal spurs, which makes effective use of the roughly square shaped site. On the High Road frontage, the building would be divided vertically into seven distinct elements with a rhythm of alternating projecting bays and recessed elements, which would be mainly eight stories in height. The projecting bays on the corners of the site would provide strong definition of the edges of the building, and the two projecting bays flanking the central entrance element would rise to nine stories, creating a prominent focal point within the centre of the site.
34. This approach draws on traditional mansion block forms and is considered to provide a well-articulated, balanced and harmonious composition which successfully modulates the bulk and mass of the building and would make a positive contribution to the Wembley High Road street scene.
35. Policy WEM5 defines tall buildings as being over 30m in height, and identifies this site as being sensitive to tall buildings. Draft Policy BD2 also adopts the 30m height criterion, and directs tall buildings towards identified areas including town centres and site allocations. The site is an allocated site in a town centre

and in a proposed Tall Building Zone in the draft Local Plan. Draft Policy BHC2 also identifies this part of the High Road as being within a protected view corridor to retain views of Wembley Stadium. However, the maximum height of the building does not exceed 30m and only some elements along the High Road frontage reach this height, and consequently it is not classified as a tall building under these policies. The proposed building would be of slightly lower height than the adjacent Brent House development and Elizabeth House, which would be more prominent in views towards the Stadium than the proposed building, and therefore it is not considered that it would have any adverse impacts on protected views of the Stadium. The height of eight to nine stories is considered to be acceptable within the emerging context of this Growth Area, which includes a number of existing and consented buildings on the High Road of the same or greater height.

36. On the side elevations the height would step down to six stories including the lower ground (podium) floor, which would be at ground level at a distance of 30m from the High Road frontage due to falling ground levels. The building along the side elevations would be articulated by the regular fenestration pattern including windows interspersed with inset and projecting balconies, which together with the stepping down in height would modulate the bulk and mass of the building. The street scene to the sides of the proposed building is dominated by the Best Western Hotel to the west and the redevelopment of Brent House to the east, both tall and bulky buildings, and the overall bulk and height of the building along the side elevations is considered acceptable in this context and to respond effectively to the two-storey residential areas to the south on Cecil Avenue.
37. The rear elevation would step down again to four stories with a set back fifth storey, the ground level at this point being two stories below that of the High Road frontage. This elevation would face onto the Ark Elvin Academy and its access road, and the row of two-storey housing on Cecil Avenue, and the reduced height is considered to be appropriate to the lower height of the school buildings and more traditional residential character of Cecil Avenue.

#### Relationship with street, external spaces and public realm

38. The front building line would be set back from the site boundary to provide a pavement width along the High Road increasing from 5m on the western corner to 13m on the eastern corner. This would be wider than the existing pavement, which is 3m to 6m wide at this point, and is considered to provide sufficient width for pedestrian activity and enhanced public realm including new street tree planting, and to maintain a comfortable relationship between the building and the street.
39. The front of the building would be divided into two wings at ground floor, arranged as a number of commercial units and orientated at an angle to one another to respond to the slight curve in the road alignment, creating an open entrance space between the two. The commercial units would provide an active frontage at street level and would include open stairwells providing views down into the lower ground floor of the units, and the repeating pattern of small units would break up the frontage to provide a human scale and add visual interest at street level.
40. The central entrance space would feature colonnades along the sides of the flanking commercial units and would be 10m wide at the entrance and partly two-storey in height. These features would help to create a sense of arrival for both residents and other users of the space, and would define it as being of a civic scale and to encourage pedestrian footfall into the street.
41. The entrance space would lead to a ramped central courtyard and stepped access between the two internal spurs of the building leading down to the podium level garden, which would also be open for public use and organised as a series of play spaces. The provision of an extensive amount of public open space is considered to be one of the benefits of the scheme, and natural surveillance from residential units facing onto the courtyard would help to create a safe and secure environment. However, security measures would be required as part of a management plan to ensure the space was not misused, and this would include its being closed to the public at night and during Event Days.
42. On the western Cecil Avenue side elevation, entrance to one of the two-storey D1 community use spaces would be located at podium level, together with a secondary pedestrian entrance into the courtyard, and these would help to activate the frontage along this elevation, whilst decorative brick treatments would provide an additional design feature to manage the changing ground level and help to maintain visual interest for passersby. On the eastern elevation the building would face onto the pedestrian entrance from the High Road to the Ark Elvin Academy, which is for the private use of school students and consequently the lack of an active frontage on this elevation is not considered to be of concern. The southern elevation would feature private gardens for family-sized units at ground level (level B2 of the

building) and whilst they would not provide an active frontage this is considered acceptable as they would face onto the access road which only serves to provide vehicle access to the Ark Elvin Academy and pedestrian footfall is minimal.

43. The residential cores would be accessed via the internal spaces, from the main High Road entrance or the secondary entrance on Cecil Avenue. To the sides of the internal spurs would be smaller courtyards at ground floor level providing private amenity space for residents, and these would also provide access to the northwestern and northeastern cores. Providing access to cores through internal spaces rather than directly from the street is a typical feature of the mansion block typology, and allows for a continuous commercial frontage along the High Road. It also resolves the potential access problems raised by the more private nature of the eastern and southern boundaries and the design challenges presented by the changes in ground levels.

#### Architectural detailing and materials

44. The materials treatment would be based around red brick facades, articulated with details such as soldier courses and light coloured precast concrete sills, lintels and parapets, with ribbed brickwork to create visual interest on side elevations at ground level and hit-and-miss brickwork to provide further visual interest and ventilation to cycle storage and bin storage areas. The ground floor commercial and community frontages would be of precast concrete with a red pigment which would complement the brickwork facades above whilst providing a distinctive and more contemporary appearance to the base of the building and clearly defining the non-residential spaces behind the High Road. Steel balconies, balustrades and window frames would be in dark grey. Residential entrance lobbies would have contrasting checkerboard flooring and walls of light grey panelling with white tiles, and these would be reminiscent of traditional mansion block lobbies.
45. Overall the detailing and materials proposed are considered to be of high quality and to create a durable finish providing substantial visual interest. Materials samples to be viewed on site, including hard landscaping materials to be provided as part of the landscaping scheme, would be required by condition.

#### Secure by Design

46. The Secure by Design officer was involved in discussions with the applicants during the pre-application stage and during the determination of the application. These discussions clarified that whilst the central open space would be open to the public in daytime, it would be gated with the gates closed in the evening and on Event Days (residents would have fob access to enter the building when the gates are closed). There would be two concierges based in offices looking out into the central entrance space, to supplement the natural surveillance provided by the side windows of the commercial units, and to receive post and other deliveries for residents.
47. The secondary pedestrian entrance from Cecil Avenue would also be gated, and would be for residents' use only so would not provide opportunities for visitors to enter or leave unobserved.
48. The commercial units and central entrance space would be designed with soffit lighting, and further details of the lighting strategy would be required by condition, together with details of signage to support the management of the site and to assist with wayfinding.

#### Conclusion

49. Overall, the design is considered to be of an appropriate scale to the emerging character of the area, and to make a distinctive and high quality contribution to the street scene. The proposal is strongly supported in design terms, subject to details being secured by condition as identified above.

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

50. The NPPF requires the effect of a proposal on heritage assets (both designated and non-designated) to be taken into account in determining the application. Brent's Policy DMP7 requires proposals affecting heritage assets to analyse and justify the potential impact. These policies have been applied in this case due to part of the site having been identified as a Site of Archaeological Importance (the former Wembley Hill Farm). This is a local designation of less significance than Archaeological Priority Areas, and is equivalent to a non-designated heritage asset in terms of planning policy.
51. No archaeological assessment has been submitted, however the Design & Access Statement

summarises the historical development of the area, and notes that the site and its immediate vicinity have been densely developed since the early twentieth century. A letter of advice from the Greater London Archaeological Advisory Service (GLAAS) has also been provided, which confirms that the proposed development does not lie within an Archaeological Priority Area and that previous investigation nearby has only found remains of low significance, whilst existing modern development in the area will have caused significant disturbance to any archaeological remains. GLASS conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest, and that no further assessment or conditions are necessary.

52. As GLAAS are the relevant statutory consultee to advise on these matters, there are no concerns in respect of archaeological assets.
53. The potential impact of the development on the Grade II listed Church of St Joseph has been considered. This heritage asset is situated at the Wembley Triangle junction within 200m of the site. Officers conclude that there would be no harm to the setting of this designated heritage asset, given the distance involved and the relationship between the proposed development and the church. It should also be noted that existing buildings at Elizabeth House and the recently completed Brent House development are both of a similar scale as the proposed building and both situated nearer to the church, such that in cumulative terms it is also considered that there would be no harm to the heritage asset from the proposed development.

### **Residential living standards**

54. All development is required to comply with standards set out in Policy D4 of the Draft New London Plan and Policy DMP18 of Brent's Development Management Policies. Brent Policy DMP19 normally expects private amenity space of 20sqm per 1bed or 2bed flat and 50sqm for family housing including ground floor flats, but allows for situations in which a lower level of provision may be acceptable in planning terms. The policy notes that where this provision is not fully made through private amenity space, this can be supplemented through access to communal external amenity spaces. London Plan Policy 3.6 requires play and recreation facilities to be provided based on the expected child yield.
55. 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.
56. The BRE Guidelines recommend an Average Daylight Factor (ADF) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, although 1.5% is generally used for combined living spaces. Standards for daylight distribution and sunlight are also recommended.

### **Internal space and layout**

57. All units would meet or exceed internal space standards including floor to ceiling heights of 2.5m, and the majority (75%) of units would be dual aspect, with the perimeter block layout successfully utilised to avoid north-facing or south-facing single aspect units. The single aspect units would be mostly 2beds facing east or west along the side elevations or internal spurs. This arrangement is considered to provide a high standard of accommodation overall, and would help to prevent problems with the residential units overheating or having inadequate levels of sunlight. Internal layouts are considered to make efficient use of space, and would be repeated across floors in most cases in order to prevent concerns regarding adverse stacking.
58. A daylight and sunlight report was submitted, which demonstrated that a very high proportion of rooms analysed (99%) would meet BRE guidelines for either ADF or daylight distribution or both. Six of the rooms analysed would fall just short of the guidelines, but these would be either bedrooms, where the BRE considers levels of light to be less important, or large open-plan living areas which would be served by three windows and so would still appear to be well lit. In sunlight terms, 45% of main living rooms analysed would achieve both 25% annual sunlight and 5% winter sunlight, and all units would have access to private amenity space which would provide an alternative source of sunlit amenity.
59. A total of 25 units (10% of the total) are required to be designed to be adaptable to wheelchair accessible standards under the Building Regulations Part M4(3). As a Registered Provider has not yet been identified it is recommended that a condition is secured to provide further details of the 25 M4(3) units, as those within the affordable rent tenure would need to be provided as wheelchair accessible units from the outset and not just as adaptable units.

60. A total of 22 units (9%) would only comply with the lower accessible standard of M4(1). This standard is compulsory under the Building Regulations 2013, and requires reasonable provision for most people including wheelchair users to access and use the dwelling, but allows for steps into private entrances where necessary. This is considered acceptable in this instance as the nature of the mansion block typology requires a small change in level between public spaces and adjacent ground floors in order to provide a positive overlooking relationship, high quality homes and successful public spaces. The cost of providing lift access to these units (typically serving only two units) would be prohibitive, resulting in excessive service charges for residents. The steeply sloping site also provides an opportunity for stacked maisonettes at the rear, of which the upper maisonette could only be M4(1) compliant as it would be accessed via a private stairwell. Other than these stacked maisonettes, the M4(1) units would all be in market or intermediate tenures located around the smaller private courtyards, and would be mainly smaller units. The remainder of units would be compliant with M4(2) standards.

#### External amenity space and child play space

61. Each unit would have access to private balconies or terraces of at least 5.6sqm in area (units with north-facing balconies would be dual aspect and would also have access to south-facing balconies). All units would also have access to the central podium garden and landscaped entranceway, and to the two smaller private courtyards, and these would provide additional community amenity space to mitigate shortfalls in private amenity space.
62. The amenity space provision has been assessed against Policy DMP19. Fourteen of the 250 units would have direct access to the podium garden (these are the 3B5P stacked maisonettes at the rear of the site) and the higher DMP19 standard of 50sqm has been applied to these. The remaining 236 units would not have direct access and the lower standard of 20sqm has been applied to these (units at podium level or courtyard level would have access only through the communal cores and those facing onto the courtyards would have stepped access as the floor levels would be raised above ground levels to increase their privacy). The total amenity space requirement to fully comply with the DMP19 standards would be 5,420sqm.
63. The cumulative shortfall of private amenity space against the DMP19 standard has been calculated to total 2,726sqm. The communal amenity space provision would total 2,515sqm. Consequently the residual shortfall below DMP19 levels would be 211sqm.
64. Whilst there is a shortfall in amenity space provided within the scheme, this is marginal and compares well against other similar schemes within the Wembley Growth Area. Furthermore, the communal amenity space is considered to provide a variety of high quality environments for residents to enjoy, whilst the balcony and terrace areas would all exceed minimum London Plan standards for private amenity areas.
65. There would be a strong focus on providing play opportunities, with doorstep play in both of the ground floor courtyards, play-on-the-way opportunities in the central ramped courtyard and five separately themed play spaces in the podium garden. The overall amount of play provision would exceed the requirements of London Plan Policy 3.6 based on the estimated child yield (around 2,000sqm is proposed, compared to the policy requirement for 1,185sqm), and play spaces would be well overlooked by residential kitchens and living areas.
66. Cumulatively across the development, 57% of the amenity areas would receive at least 2 hours of sunlight on 21 March. The Design & Access Statement includes shadow studies demonstrating that although part of the central podium garden would be overshadowed in March, this would not be the case in June, and your officers consider that, by concentrating the bulk of the massing towards the north of the site, the proposal effectively minimises the amount of overshadowing and achieves good sunlight penetration for a high density scheme. Overshadowing can also be beneficial for example by providing shaded areas in the case of extreme high temperatures.
67. The applicant has explored opportunities to provide additional communal amenity space in the form of roof terraces. If all of the roof areas that could be accessed from the residential cores were provided as roof terrace, this could potentially provide an additional 1,700sqm approx of communal amenity space. However, this would require the lift and stair cores to be extended by an additional floor, which would disrupt the architectural composition of the building and have an adverse impact on the street scene. A fire escape strategy would be required, and areas designated for photovoltaic panels would be lost, which in turn would compromise delivery of the energy strategy. The southeast roof slope is proposed to contain plant including an air source heat pump, and providing amenity space on this roof would also

introduce complications relating to fire strategy and plant maintenance, in addition to concerns regarding plant noise affecting residential amenity. The southwest roof slope could potentially accommodate a roof terrace but the added bulk and height of the lift and stair core would also have an adverse visual impact given the close proximity of this elevation to traditional housing on Cecil Avenue and would create further overshadowing to the podium garden. It would add a limited amount of additional communal amenity space (approx 200sqm) and would not be conveniently located for residents other than those located in the relevant core. On balance, your officers consider that the benefit of a limited amount of additional sunlit amenity space would be outweighed by the disadvantages, particularly given the limited shortfall.

68. A varied palette of hard landscaping materials is proposed, creating a separate character and identity for each area, and soft landscaping proposals include defensible space to residential units and new tree planting. A detailed landscaping scheme has been provided in the Appendices to the Design & Access Statement, including planting plans, planting schedule and species, and maintenance arrangements, and a condition to secure these is not necessary. However, samples of hard landscaping materials would be required as part of the landscaping condition.

#### Privacy standards

69. In general, the scope for overlooking between units has been effectively designed out, for example through locating residential cores and corner units on the inner corners of the building, and by arranging layouts so that balconies are recessed within the units. However, some units would have balcony and terrace areas adjoining those of neighbouring units, and some form of balcony screening would be required by condition in order to maintain privacy.
70. Units facing into the private courtyards would have separation distances slightly under the 18m standard set out in SPD1 (16m measured from the inside of the window). However, it is acknowledged that closer separation distances are a traditional feature of the mansion block typology, which seeks to provide high quality homes at high density without creating excessively tall buildings (for example, Alexandra Court, an exemplar mansion block in Maida Vale, has separation distances of 12m to 13.5m between habitable room windows). SPD1 also advises that reduced separation distances may be acceptable between new frontages, subject to high quality design solutions that take account of overlooking and privacy, and the Mayor's Housing SPG also supports flexibility in applying guidelines on separation distances. In this case, the high proportion of dual aspect units with dual aspect designed into main living spaces would allow residents to have oblique views onto the central open space as well as direct views across the courtyard, and this is considered to create an appropriate degree of privacy given the overall very high quality of the development and the dense urban context. As noted above, ground floor and podium floor residential windows facing onto Cecil Avenue and the Brent House development would be at least 1.6m above natural ground level along these elevations, and it is not considered necessary to provide defensible space to these.
71. The GLA Stage 1 report has recommended that two west-facing ground floor units should be designed out as these would face the Cecil Avenue pavement and lack any defensible space to provide privacy. The GLA considers that there may be potential to create dual aspect through units looking onto the inner courtyard with individual front doors on Cecil Avenue. The applicant's response on this point confirms that one ground floor single aspect unit and two podium level dual aspect units would face onto Cecil Avenue. However, due to the pronounced downward slope, the window sill level of these units would be at least 3.7m, 1.6m and 3.1m respectively above external ground levels. Your officers consider that the difference in height would be sufficient to compensate for the lack of defensible space as it would prevent passers-by from looking into the windows. Furthermore, providing entrances from the street would not be difficult in practical terms due to the changing ground levels.
72. Windows facing directly onto the podium garden or courtyards would be 1.5m above the external ground at window sill level (other than the lower stacked maisonettes, which would have defensible space in the form of lightwells to lower floor bedrooms) and this is considered to provide appropriate privacy for residents.

#### **Relationship with neighbouring properties**

##### Policy background

73. Any development needs to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The building should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing rear garden boundaries, in order to

retain light and outlook for existing residents. Separation distances of 18m to windows and 9m to rear boundaries should be maintained to ensure an adequate level of privacy.

74. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
75. However, the BRE also recognise that different criteria may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF also supports a flexible approach to applying standards in order to make efficient use of sites. Where existing buildings have windows close to the site boundaries, the BRE suggests that a new building of similar height and proportions could be assumed in order to derive 'mirror image' target values for VSC.

#### Assessment of separation distances

76. The eastern elevation of the proposed building would be approximately 25m from the facing elevation of the new Brent House development, and this is considered an adequate separation distance to retain privacy for existing and proposed residents. The northern elevation would be approximately 26m from the opposing buildings at Fairgate House and Ujima House, which would provide sufficient distance to allow these sites to come forward for residential redevelopment in the future. Although the proposed building would not sit within a 30 degree line of either Brent House or the Fairgate House and Ujima House sites (taken from first floor level, to take account of ground floors being or likely to be developed for commercial uses), this is considered to be inevitable given the emerging high density character of the area.
77. The western elevation would be approximately 13m from the facing elevation of the Best Western Hotel. Whilst this does not comply with the separation distances set out in SPD1 it is considered that a lower standard of privacy and outlook is acceptable in respect of hotel accommodation in urban areas as it would be for temporary accommodation and not in use as principal residences.
78. The southern elevation would be approximately 20m from the flank elevation of No 1 Cecil Avenue and 22m from the buildings of the Ark Elvin Academy, which is considered to offer an appropriate level of privacy for residents, students and staff. This elevation sits within a 30 degree line of the school buildings and a 45 degree line of the rear garden boundary of No 1 Cecil Avenue.

#### Assessment of daylight and sunlight

79. The daylight and sunlight report analysed the impact of the development on 819 windows serving 570 habitable rooms in surrounding properties, in terms of VSC and NSL. All south-facing windows serving main living spaces were also tested for the impact on sunlight, and all comply with the BRE criteria for APSH. All of the amenity areas in the surrounding properties were tested and would meet the BRE Guidelines for sunlight amenity.
80. All windows tested at the following addresses also fully comply with the BRE criteria for VSC and NSL, and no further discussion of these is required:
- 25 Ecclestone Place: all twelve windows tested satisfy BRE criteria;
  - 26-30 Ecclestone Place: all ten windows tested satisfy BRE criteria;
  - 356-368 High Road: all 97 windows tested satisfy BRE criteria;
  - Brent House Block C-E: all 357 windows tested satisfy BRE criteria;
  - 1 Cecil Avenue: all of the four windows tested satisfy BRE criteria;
81. At 412-414 High Road, five of the seven habitable rooms tested comply with the BRE criteria for both VSC and daylight distribution. Two of the seven residential windows tested would retain VSCs of 26.3% and 26.2% (0.76 and 0.77 times their former values), whilst two of the five rooms tested would retain daylight distribution across 74.8% and 78.1% of the room (0.75 and 0.79 times their former values).

These values are only marginally lower than the BRE recommended values, and it is considered that the impact is unlikely to be experienced as materially different. This property meets the BRE Guidelines for sunlight in terms of APSH.

82. The upper floors of 370-386 High Road were originally in office use but have recently been renovated for residential use, and consented layouts have been used in the modelling for this study (the ground floor remains in commercial use). Of the 116 windows tested, eight would not achieve the target values for VSC, however all but two of these serve stairwells or dual aspect rooms which also have side-facing windows and would therefore still comply with the BRE criteria for daylight distribution. The remaining two windows would serve south-facing rooms which would also comply with the daylight distribution criteria, retaining 96% and 90% of their former value, but fall just short of the recommended 27% VSC with values of 25.6% and 26.5%, and it is considered that they would remain well lit. This property meets the BRE Guidelines for sunlight in terms of APSH.
83. At 2 Cecil Avenue, 19 of 23 windows tested comply with the BRE criteria for both VSC and daylight distribution. Out of the remaining windows, two would be within 0.7 to 0.8 their former VSC value and another two within 0.6 to 0.7 times their former VSC value, although all would comply for NSL. The windows that marginally fail would be side window panes on the main bay window, and the BRE guidance clarifies that values should be based on the main window pane, consequently this property is also considered to comply.
84. At Brent House Blocks A-B, 193 windows and 146 rooms were tested. These blocks are next to the eastern boundary of the site, separated by the pedestrian access to the Ark Elvin Academy. Consented layouts have been used in the modelling for this study. Altogether, 86 windows on the western elevation fail for VSC (mainly on the lower floors) and 62 of these would serve rooms that also fail for daylight distribution (however six of these can be discounted as they are on the lower ground floor which provides ancillary facilities on this block). All of the windows tested for sunlight comply with the BRE criteria for APSH. Although the report does not consider the impact of the existing balconies in terms of the VSC and daylight distribution to these windows, it is important to note that the existing values are in some cases relatively low, and that this is likely to be a factor of overhanging balconies from above as well as the position and orientation of the windows.
85. The report then establishes alternative VSC and daylight distribution target values in respect of Brent House Blocks A & B, as provided for in the BRE guidance. This approach is considered appropriate in this case, as both buildings are new developments in an urban context. These values are based on a simulated 'mirror image' development of the same height and at the same distance from the shared boundary as the Brent House development. This approach results in each window in Brent House having an individual target value, and these range from 2.4% to 39%, depending on the window position. For some windows the VSC would be higher than the mirror image value, whilst for others it would remain the same or be lower, but only one window would experience a reduction of more than 0.8 times its former value (and this would only be marginally lower at 0.79 times its former value, whilst the daylight distribution to this window would increase compared to the mirror image target). All but four rooms would retain at least 0.8 times the mirror image target value for daylight distribution, including rooms where all the individual windows would retain at least 0.8 times the mirror image VSC.
86. The impact on Brent House is accentuated by the fact that the site is cleared for redevelopment and so currently makes little impact on neighbouring windows. However it would not be reasonable for a new development to prevent a similar development coming forward on an adjacent site, and the approach of setting mirror image target values reflects this. Overall the impact of the development on Brent House Blocks A & B is not considered to be materially worse than that of a mirror image building on this site. Indeed, whilst the proposed building would be a similar height as Brent House blocks A & B on the High Road frontage, it would reduce significantly in height towards the rear, and consequently the impact would be broadly positive compared to the mirror image building. Given that separation distances between the two buildings would exceed Brent's standards, and the expectation of light levels would generally be lower in densely developed urban areas, the impact is considered acceptable in this instance.
87. Overshadowing to amenity spaces in neighbouring properties was also assessed, these properties comprising 25 and 26-30 Ecclestone Place, Brent House and 1 Cecil Avenue. The analysis shows that the development would have no impact on any of these existing amenity spaces in terms of sunlight.

## Conclusion

88. The scheme would not have any material adverse impacts on traditional residential properties on Cecil Avenue or the Ark Elvin Academy. Although the impacts on daylight to other residential units to the east and north would be more noticeable, these are considered to be within acceptable limits for high density urban situations. The only significant impacts would be on the adjacent new development at Brent House, and these would not be materially worse than if a mirror image development were built on this site. Consequently, the relationship of the proposal to neighbouring properties is considered acceptable in this instance.

### **Sustainability and energy**

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

90. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy 5.2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions. For non-domestic floorspace, the policy target is a 35% on-site reduction, and this is to be evidenced separately in the Energy Assessment. However, significant weight is also given to the new London Plan draft Policy SI2, which includes specific targets for energy efficiency measures and applies the zero carbon standard including 35% reduction in on-site emissions to both residential and commercial development.

### Carbon emissions

91. The energy assessment submitted sets out how the London Plan energy hierarchy has been applied, using energy efficiency measures (including a range of passive design features and demand reduction measures), a communal heat network and renewable technologies (comprising photovoltaic panels and heat pumps). Overall the scheme would deliver a 35% reduction from the 2013 Building Regulations baseline on-site for the residential elements and a financial contribution of £298,484. For the non-domestic elements, a 49% reduction in carbon emissions would be achieved on-site, exceeding the policy target and demonstrating high standards of design which are welcomed.

### Sustainable design

92. The sustainability statement describes measures proposed to achieve sustainability objectives such as to limit residential water use to 105 litres per person per day, to use materials and products with strong environmental credentials, to minimise and manage construction waste, and to adapt to future climate change. The document details the BREEAM strategy for the building, which is designed to achieve a score of 78.1% against the 70% required for a BREEAM Excellent rating. This would exceed the requirements of Policy CP19, and is welcomed on this basis.

93. An overheating analysis has also been submitted, in line with current GLA guidance which advises on testing performance of buildings against future climate change. Representative units chosen for testing included some on the top floor with less shading, south facing and single aspect units, and samples of the commercial and community spaces were also tested, with all spaces apart from one bedroom achieving the recommended threshold. Active cooling systems would be provided for 74 units on the High Road frontage, to allow for windows to remain closed as external noise levels on the High Road are high. However, windows would be openable to allow for purge ventilation on occasion.

### Conclusion

94. The energy strategy has been reviewed by the GLA and is supported in principle. However, it is recommended that the applicant explores the potential for additional measures to deliver on site renewable technology and further carbon dioxide reductions (particularly for the non-residential component).

95. Brent's sustainability officer has also recommended that the strategy be reviewed in order to minimise the need for mechanical cooling, and has requested further information on this issue. The potential for ground source heat pumps should be explored more fully, and further details should be provided of the

proposed future connection to a district heating network.

96. These are considered to be relatively minor concerns that could be addressed through conditions and planning obligations if required, and in general the proposal is considered to comply with the relevant policies and to provide a high standard of sustainable design overall.
97. A revised energy assessment and financial contribution to carbon offsetting would be required prior to commencement. This assessment would be based on detailed construction drawings and would update the assessment submitted with the planning application, the financial contribution payable at this stage being 50% of the total offsetting contribution identified in the assessment. A final energy assessment of the building as constructed would then be required post completion, together with the balance of the financial contribution. This approach is intended to incentivise the developer to achieve further reductions in carbon emissions at the detailed design and construction stages, in order to reduce the financial contribution payable. These matters would be secured by condition, together with a post completion certificate confirming that a BREEAM Excellent rating has been achieved.

### **Flood risk and drainage**

98. Brent Policy DMP9B requires sustainable drainage measures to be proposed for major developments. London Plan Policy 5.13 provides a hierarchy of approaches to drainage, and compliance with this is intended to ensure that the drainage strategy proposed is as sustainable as possible.
99. A sustainable drainage strategy and flood risk assessment was submitted, together with a utilities and foul water drainage report. In terms of the drainage hierarchy, storage and recycling of rainwater is considered not to be feasible due to the additional cost and complexity involved, while infiltration techniques would not be suitable due to the ground conditions having poor permeability, and large open water features would not be feasible given the size of the site and the extent of the building proposed. However, the drainage strategy achieves the greenfield runoff rate for surface water and additionally proposes attenuation tanks below ground to store flood water from the most severe storm events.
100. The site is in Flood Zone 1, although with some localised pockets of surface water flooding, and the proposal is designed to mitigate the risk of surface water flooding for all storms up to the 1 in 100 year flood plus 40% climate change.
101. The Local Lead Flood Authority were consulted and consider that the drainage strategy and implementation are appropriate and acceptable given the constraints of the site and location. No conditions are required. Thames Water were consulted and have requested surface water network upgrades or a housing and infrastructure phasing plan, which would be required by condition.
102. The GLA have requested further details on how SuDS measures at the top of the drainage hierarchy would be included in the development, together with additional attenuation storage volume calculations, attenuation tank dimensions, and site exceedance assessment information. This information can be provided to the GLA as part of the Stage 2 referral.

### **Trees and biodiversity**

#### Impact on trees

103. Trees are a material planning consideration in any planning application, and Brent's draft Local Plan Policy BGI2 requires major developments to make provision for planting and retention of trees on site. In this case, the existing site contains a number of trees although these do not contribute to the public realm as the site is surrounded by hoarding on all sides. Adjacent to the site on the northwestern corner of the High Road frontage is a mature London Plane tree subject to a Tree Preservation Order.
104. A tree survey and arboricultural impact assessment were submitted, demonstrating that of the twelve trees on or adjacent to the site, eleven would need to be removed to facilitate the development. These include one Category A tree (the London Plane on the High Road frontage, identified as T10 in the tree survey), two Category B trees, four Category C trees and four Category U trees. The remaining tree would not be impacted and no tree protection measures are proposed.
105. The applicant has considered the scope for retention of T10, and your officers note that this would result in the loss of the northwestern corner of the building including the loss of commercial floorspace and approximately 25 residential units. This would also disrupt the symmetry of the proposed building,

creating a large open area on the northwestern frontage which would create a break in the established building line along the street and could potentially interrupt the active frontage of the building.

106. Details of 49 proposed replacement trees are provided as part of the landscaping scheme for the development. These include five street trees within the site boundary on the High Road frontage and one on the Cecil Avenue frontage near the southern boundary of the site, together with trees within the private courtyards, public open space and some private terraces, and represent the replacement of lost trees at a ratio of 5:1 (a net increase of 37 trees).
107. The Tree Officer has been consulted and considers the loss of the London Plane tree to be regrettable but necessary to facilitate the redevelopment of the site, whereas the remaining trees to be removed are of significantly lesser quality and their loss can be sufficiently mitigated within the development. The proposed tree planting within the podium and courtyards includes a good range of trees capable of withstanding the relatively low levels of sunlight that would be experienced in these spaces. No tree protection measures would be required as existing trees are not being retained, and the maintenance of proposed trees could be secured through the wider landscaping condition.

### Biodiversity

108. A preliminary ecological appraisal was submitted, which found that the site does not form part of any statutory or non-statutory nature conservation site, but is dominated by hardstanding and bare ground with smaller areas of introduced shrub and amenity grassland and scattered trees at the boundaries. The mature trees currently on site are considered to be of elevated ecological value but the habitats are of local level value and in poor condition. Shrubs and trees have the potential to support breeding birds and should only be removed outside of the breeding season or under the supervision of an ecologist, however this can be covered in an informative as breeding birds are subject to legal protection outside of the planning system.
109. Recommendations to enhance the biodiversity value of the site are proposed, including biodiverse green roofs, scattered trees, dense scrub planting, a walled orchard and bird nesting opportunities. Many of these measures are included in the proposed landscaping scheme, and further details of bird boxes and green roofs would be secured as part of an overall condition on further landscaping details.

### **Urban greening**

110. In line with London Plan Policy 5.10 and draft London Plan Policies G1 and G5, urban greening should be embedded as a fundamental aspect of site and building design. Features such as street trees, green roofs, green walls, rain gardens, wild flower meadows, woodland and hedgerows should all be considered for inclusion. The GLA has asked the applicant to calculate the Urban Greening Factor for the development, as set out in Policy G5 of the draft London Plan, and to seek to achieve the specified target prior to the Mayor's decision making stage. This information will be provided in the Supplementary Agenda.

### **111. Environmental health considerations**

#### Air quality

112. The site is in an Air Quality Management Area and an air quality impact assessment has been submitted with the planning application. London Plan Policy 7.14 also requires that all major developments within London are Air Quality Neutral, and this is also addressed in the assessment. The assessment demonstrates that future residents would experience acceptable air quality with pollutant concentrations below the air quality objectives. It also proposes a range of best practice mitigation measures to reduce dust emissions during construction work to ensure that the overall effect of construction would be 'not significant'. Overall, the assessment concludes that the construction and operational air quality effects of the proposed development would be judged to be 'not significant' and that the development would meet the London Plan's requirement that new developments are at least 'air quality neutral'.
113. Environmental Health officers have been consulted and consider that air quality levels at the development would be satisfactory, with no mitigation measures required during the operation of the development. However, a construction method statement would be required as a pre-commencement condition, to which the applicant has agreed, to secure adequate measures are in place to control dust, noise and other environmental impacts during construction. Non-Road Mobile Machinery would be

required to meet the GLA's emissions standards, and this would also be conditioned.

## Noise

114. A noise impact assessment was submitted, presenting the results of a survey of prevailing background noise levels. This also makes reference to a ventilation strategy and overheating control strategy. Mechanical ventilation would be provided to residential units, and internal noise levels are specified. Purge ventilation would be provided by openable windows, and internal noise level requirements would not apply during these conditions as they would only occur occasionally. Mechanical cooling would be provided for units overlooking the High Road, to allow windows to be kept closed during summer in view of the high levels of road noise. This is consistent with the conclusions of the overheating analysis discussed above, and would ensure a comfortable internal environment in all weather conditions.
115. Environmental Health were consulted and have accepted the conclusions of the assessment, with no further conditions required. As noted above, the use of mechanical cooling raises concerns in relation to sustainability, however it is acknowledged that high levels of road noise are inevitable in this location, and that the redevelopment of the site to include residential use would not be possible without a mechanical cooling option.

## Contaminated land

116. The site is located on land that has been identified as potentially contaminated due to previous uses. Environmental Health officers have requested conditions to investigate and remediate any contamination.

## **Transport**

### Car parking

117. The site lies within the Wembley Growth Area and car parking standards for the proposed uses on the site are set out in the Wembley Area Action Plan 2015. The standard for residential use allows up to 0.4 spaces per unit for 1bed and 2bed flats and 0.6 spaces per unit for 3bed and 4bed flats where public transport access is good. Applying this standard to the 250 proposed flats within the building gives an allowance of up to 112.8 residential parking spaces. For the proposed workspace, up to one space per 400sqm would be allowed, adding a further four spaces to the maximum allowance. Any dedicated parking for the community uses would need to be justified through a Transport Assessment under the standards set out in Appendix 1 to the Development Management Policies 2016.
118. The proposed provision of 39 spaces within a basement car park at the rear of the site would therefore be in accordance with maximum parking standards. Eight of the spaces have been indicated as wide bays for use by disabled Blue Badge holders. This satisfies both Brent's and TfL standards for disabled parking, and an indicative layout has been provided to demonstrate that the remaining spaces could be converted to provide 30 spaces for Blue Badge holders if required, which exceeds TfL requirements to future-proof the design with provision of 10% Blue Badge parking in the future. Lifts are proposed into the basement to allow wheelchair access and adequate headroom (3m) is indicated for the spaces to accommodate high-top conversion vehicles for wheelchairs.
119. Whilst the parking is compliant with current adopted policies, draft London Plan Policy T6 presumes in favour of car-free development in locations with the highest access to public transport. Applying the policy in its strictest sense would mean that no standard car parking space should be included. However, TfL have accepted the car parking provision in this case, as they acknowledge that it would be unviable to provide a basement car park for disabled parking only and that the standard parking spaces would be available for conversion to disabled parking as required.
120. At least 20% of spaces should be provided with active electric vehicle charging points and at least passive provision for the remaining spaces, to meet London Plan standards, although given the low ratio of parking being provided, 100% provision of charging points should be considered. Further details of these would be required by condition.
121. It has been confirmed that a Car Park Management Plan would be implemented to ensure that parking spaces would be appropriately allocated, and this should include measures to prioritise disabled Blue Badge holders and owners of electric vehicles.

122. Consideration also needs to be given to the impact of any overspill parking on highway safety and traffic flow in the area. In this respect, the site fronts a London distributor road and bus route, along which parking is not feasible due to the presence of daytime waiting restrictions. Cecil Avenue would also only be able to accommodate about six to seven cars along the site frontage. As such, there is not sufficient spare on-street capacity to accommodate residential parking from a development of this size.
123. The site does have excellent access to public transport services however and is located within a Controlled Parking Zone, so your officers recommend that the proposed units are subject to a parking permit restricted agreement, removing the right of future occupants to on-street parking permits in line with Policy DMP12.
124. To support the lower levels of parking for the development, there are plenty of car club vehicles based in the local area, including a dedicated City Car Club parking space within the nearby Elizabeth House development. The presence of these operations could be promoted to future residents through the Travel Plan.

### Cycle Parking

125. The current London Plan requires at least one secure cycle parking space per 1bed unit and two spaces for larger units, giving a total requirement for 408 secure spaces in this case. Eight secure stores are proposed at basement level with access through the car park, giving a total long-stay capacity for 544 cycles on two-tier racks in accordance with future draft London Plan standards. A further seven visitor spaces would also be required and the proposed provision of four 'Sheffield' stands to the front of the site satisfies this requirement.
126. For the non-residential uses, at least 12 spaces are required for the workspace and 16 for the community floorspace. A community centre store is shown with access directly from Cecil Avenue and capacity for 28 cycles. Cycle storage for workspace units would be provided within the individual units. The proposed provision of changing, showering and locker facilities for the workspace would help to facilitate cycling to work.

### Servicing and access

127. With regard to servicing, the workspace units would generally require deliveries by transit- or box-vans, with an expected maximum length of 8m. The residential units would require access by refuse collection vehicles.
128. Residential and commercial refuse bin stores are proposed around the perimeter of the basement car park with sufficient capacity to meet requirements (comprising 54 Eurobins and 24 wheeled bins), along with a larger bin collection point at the rear of the basement. Highway officers initially raised concerns regarding the 3m headroom provided in the basement in relation to bin collection requirements as this would be insufficient to accommodate a refuse vehicle (height 3.8m, increasing to 5.2m where the vehicle tail lift is operated) and also confirmed that any alternative reliance on on-street servicing on either the High Road (along which daytime loading is prohibited to protect the bus lane and bus stops) or the residential Cecil Avenue would not be supported.
129. Your officers acknowledge that adding sufficient depth to the basement to accommodate refuse vehicles would add considerably to construction costs and have a detrimental impact on the viability of the scheme. It is proposed instead to arrange managed collections, with bins moved out to the side of the access road along the southern edge of the site by the on-site building management on collection days. The refuse collection lorry would be able to pull in off the access road into the basement entrance, in order to minimise any disruption to the flow of traffic. Separate collection days for waste and recycling would be arranged, with both being outside of school opening and closing times so as to avoid any conflict with staff and other visitors to the Ark Elvin Academy using the access road.
130. Highway officers have reviewed these proposals and consider them to be acceptable in highway terms. Brent's waste collection contractor, Veolia, have also confirmed that these arrangements would be acceptable. A condition would be required to secure the operation of collection day arrangements.
131. Revised plans have been received, showing minor changes to the basement layout including marked loading bays for the commercial units within the car park. As the use of the loading bays would be shared between a number of building occupiers, a Delivery and Servicing Plan would also be required to

ensure the estimated 20 or so delivery vehicles per day would be properly managed so that they could be accommodated safely on-site as and when they arrive. This requirement has been acknowledged within the Transport Assessment and would be secured through a condition.

132. In terms of fire access, fire appliances could directly access 75% of the building perimeter, with the eastern side also potentially accessible from the Ark Elvin Academy. This would generally meet the London Fire Service requirements for a building of this size, although it is recommended that they are consulted on the scheme at the appropriate time. The GLA have recommended a condition requiring the submission of a fire statement, produced by a third party suitably qualified assessor, and it is considered that this could provide confirmation that relevant fire safety regulations have been complied with and that the London Fire Service have been consulted and have raised no concerns in respect of the development.

#### Access arrangements

133. Vehicular access to the basement car park is shown via a 4.5m wide driveway with 1.2m margins on either side, which is acceptable. The gates into the car park are shown set 6m from the building line and 11.5m from the kerb line of the Ark Elvin access road, which would provide sufficient waiting space for vehicles entering the car park.

134. The access is to be taken from the Ark Elvin car park access road. However, this access route currently comprises just a 3.8m wide driveway with a temporary tarmac surface that is used to access the school car park, rather than the 4.8m wide carriageway with footways and a turning head shown on the site layout plan. The works to construct the road to adoptable standards, including increased 4m kerb radii from Cecil Avenue to accommodate service vehicles with the indicated speed table and tactile paving, plus suitable street lighting and drainage, would therefore need to be undertaken by the applicant prior to occupation of the development, as a condition of approval (although the road is shown outside the red line of the application site, it is within the ownership of the applicant, Brent Council).

135. The road would be adopted as publicly maintainable highway, and the maintenance responsibility for the land would be transferred from Brent's Children & Families Department to Highways & Infrastructure. An Agreement under S278 of the Highways Act 1980 would be required to ensure the works are undertaken to a satisfactory standard. Details of surfacing materials would be required under the landscaping condition.

136. In addition, there remains a redundant vehicular crossover to the site from Cecil Avenue and works to remove this and reinstate it to footway with full height kerbs and to extend the parking bays on either side across the access would also need to be included in the above S278 works.

137. Pedestrian access to the commercial units is proposed directly from the High Road footway, whilst access to the residential blocks would be via the courtyards accessed via covered passages from both the High Road and Cecil Avenue. The High Road footway along the site frontage is proposed to be widened to between 4.5m – 12.5m in width with new paving flags, tree planting and benches. As noted above, this is welcomed to improve pedestrian access and the streetscape along this busy commercial frontage, whilst also providing additional space for a proposed future cycle route past the site. Again, these works would need to be undertaken through a S278 Agreement (to also include the resurfacing of the Cecil Avenue footway fronting the site), whilst adoption of the widened strip as public highway would again need to be secured through a transfer of maintenance responsibilities between Brent Council departments.

138. All works to the widened High Road frontage and the new access road at the rear would also need to be subjected to a Healthy Streets Assessment prior to the design being finalised. Otherwise, the proposed landscaping arrangements for the central courtyard are acceptable in transport terms and are considered to provide a high quality entrance to the residential units.

139. TfL have also reviewed the access arrangements, and have no concerns in relation to these. However they have requested further information on how the development contributes to Vision Zero, and further details can be provided as part of the Stage 2 referral.

#### Transport Assessment and trip generation

140. Future predicted trips to and from the development have been estimated using comparisons with six residential and three workspace developments within other areas of London that have very good access to public transport services. The sites chosen are considered to offer an appropriate comparison.

141. No estimate of future trips to and from the community units has been provided however, as these are not expected to attract significant numbers of visitors at peak times. This assumption has not been entirely accepted by your transport officers, as traffic generation would depend upon the exact nature of the use. However, these visits may involve linked trips, with visitors also accessing other town centre uses in the area or residential units or the nearby school.
142. The above exercise gives estimated residential and workspace movements to and from the development totalling 92 arrivals and 39 departures in the morning peak hour (8-9am), 89 arrivals and 104 departures in the evening peak hour (5-6pm).
143. Given the very low level of parking proposed and the constraints on on-street parking in the surrounding area, only about 5% of future residential journeys and no commercial journeys at all are assumed to be made by car and this assumption is accepted. On this basis, just eight journeys in the a.m. peak hour and five journeys in the p.m. peak hour are estimated to be by car, and the actual impact of the development on the local road network is not considered likely to be significant enough to warrant further junction analysis.
144. In terms of public transport trips, the development is estimated to generate 74 additional bus journeys in the a.m. peak hour and 59 journeys in the p.m. peak hour, whilst 90 additional trips in the a.m. peak hour and 73 additional trips in the p.m. peak hour are estimated to be made by tube or rail.
145. These figures amount to less than one additional passenger per bus passing close to the site and about two to three extra passengers per train. However, TfL consider that, given the general lack of capacity on the bus network, and the significant cumulative demand driven by growth in the area, the additional demand would need to be accommodated through capacity enhancements. A contribution of £515,357 towards bus capacity enhancements is therefore sought by TfL. The applicant has queried this amount, and discussions are ongoing with TfL to agree upon the appropriate level of contribution.
146. Future walking and cycling trips to and from the site have been estimated at 48 trips by foot in the a.m. peak hour and 46 trips in the p.m. peak hour (in addition to the public transport trips which would also need to travel by foot between the site and the station or stop), whilst six and five trips by cycle are anticipated in each peak hour respectively.
147. The site lies within a town centre area, so there are plenty of nearby facilities within walking distance. The widening of the footway along the site frontage to cater for the increased footfall and a future cycle route would provide improvements, subject to the Healthy Streets Assessment mentioned above. It would also be beneficial to consider the scope for further improvements, particularly on Cecil Avenue and residential streets to the south that do not currently benefit from traffic calming measures, as a potential use of CIL funding from the development.
148. The scale of the development is such that a full Travel Plan is required under TfL Guidelines. No Travel Plan has been submitted with the application, but it is confirmed in the Transport Assessment that a Framework Travel Plan would be developed. This would be required in advance of any occupation of the site and would need to set out clear targets for minimising car use and arrangements to monitor these over the five-year lifespan of the plan.

## **Equalities**

149. 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).

## **Conclusion**

150. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.
151. The levels of private external amenity space within the proposed development do not accord with those specified within Policy DMP19. However, given the level and quality of amenity space proposed

and the use of the public open space at ground floor level within the application site, the quality of accommodation for future residents is considered to be good. The limited conflict is substantially outweighed by the very considerably benefits of the proposed development.

## CIL DETAILS

This application is liable to pay **£10,375,053.92** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 31518 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	27896	0	27896	£200.00	£0.00	£8,318,985.71	£0.00
(Brent) General business use	2955		2955	£40.00	£0.00	£176,244.64	£0.00
(Brent) Non-residential institutions	667		667	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	27896		27896	£0.00	£60.00	£0.00	£1,663,797.14
(Mayoral) General business use	2955		2955	£0.00	£60.00	£0.00	£176,244.64
(Mayoral) Non-residential institutions	667		667	£0.00	£60.00	£0.00	£39,781.79

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)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£8,495,230.35</b>	<b>£1,879,823.57</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.



**DECISION NOTICE – APPROVAL**

Application No: 19/2891

To: Mr Matt Shillito  
Tibbalds Planning and Urban Design  
19 Maltings Place  
169 Tower Bridge Road  
London  
SE1 3JB

I refer to your application dated **12/08/2019** proposing the following:

Full planning application for the construction of a 5 to 9-storey mixed use building comprising 250 new homes (Use Class C3), flexible workspace and community space (Use Classes A3, B1(a), B1(b) & (c) and D1/D2), landscaped courtyards and playspace, wheelchair and cycle parking, signage and wayfinding and associated plant and infrastructure

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

at **Land at junction of Cecil Avenue and High Road, Wembley, HA9**

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

Date: 09/03/2020

Signature:

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

**Notes**

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

**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

Draft London Plan "Intend to Publish" 2019  
Brent's draft Local Plan

- 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):

376-KCA-CS-00-DR-A-0001-P  
376-KCA-CS-00-DR-A-0010-P  
376-KCA-CS-XX-DR-A-0011-P  
376-KCA-CS-B2-DR-A-1001-P Rev 2  
376-KCA-CS-B1-DR-A-1002-P  
376-KCA-CS-00-DR-A-1003-P  
376-KCA-CS-01-DR-A-1004-P  
376-KCA-CS-02-DR-A-1005-P  
376-KCA-CS-03-DR-A-1006-P  
376-KCA-CS-04-DR-A-1007-P  
376-KCA-CS-05-DR-A-1008-P  
376-KCA-CS-06-DR-A-1009-P  
376-KCA-CS-07-DR-A-1010-P  
376-KCA-CS-08-DR-A-1011-P  
376-KCA-CS-RF-DR-A-1012-P  
376-KCA-CS-00-DR-A-1011-P  
376-KCA-CS-XX-DR-A-2001-P  
376-KCA-CS-XX-DR-A-2002-P  
376-KCA-CS-XX-DR-A-2003-P  
376-KCA-CS-XX-DR-A-3001-P  
376-KCA-CS-XX-DR-A-3002-P  
376-KCA-CS-XX-DR-A-3003-P  
376-KCA-CS-XX-DR-A-3004-P  
376-KCA-CS-XX-DR-A-3005-P  
376-KCA-CS-XX-DR-A-3006-P  
376-KCA-CS-XX-DR-A-3007-P  
376-KCA-CS-XX-DR-A-4001-P  
376-KCA-CS-XX-DR-A-4002-P  
376-KCA-CS-XX-DR-A-4003-P  
376-KCA-CS-XX-DR-A-4004-P  
376-KCA-CS-XX-DR-A-4023-P  
376-KCA-CS-XX-DR-A-4024-P  
376-KCA-CS-XX-DR-A-4035-P  
376-KCA-CS-XX-DR-A-4036-P

376-KCA-CS-XX-DR-A-4037-P  
376-KCA-CS-XX-DR-A-5001-P  
376-KCA-CS-XX-DR-A-5002-P  
376-KCA-CS-XX-DR-A-5003-P  
376-KCA-CS-XX-DR-A-5004-P  
376-KCA-CS-XX-DR-A-5010-P  
376-KCA-CS-XX-DR-A-5011-P  
376-KCA-CS-XX-DR-A-5012-P  
376-KCA-CS-XX-DR-A-5013-P  
376-KCA-CS-XX-DR-A-6001-P  
376-KCA-CS-XX-DR-A-6002-P  
376-KCA-CS-XX-DR-A-6003-P  
376-KCA-CS-XX-DR-A-9120-D  
376-KCA-CS-XX-RP-A-0510-LPA  
376-KCA-CS-XX-RP-A-0511-LPA

Design And Access Statement (KCA, Ref 376-KCA-CS-XX-RP-A-0700-DAS[00], August 2019)  
and Addendum (KCA, Ref 376-KCA-CS-XX-RP-A-0701-DAS[00], February 2020)  
Planning And Affordable Housing Statement (Tibbalds, Ref 5716, August 2019)  
Air Quality Assessment (Air Quality Consultants, Ref J3678a/1/F2, July 2019)  
Arboricultural Impact Assessment (The Ecology Consultancy, Ref 6676.3, 30/07/19)  
Daylight And Sunlight Report (Waldrams, Ref 2095, Issue 2, 03/12/19)  
Energy Assessment For Planning (Max Fordham LLP, Rev P04, 07/08/19)  
Financial Viability Assessment (BNP Paribas, July 2019) as amended by Affordable Housing  
Agreed Assumptions Statement (28 February 2020)  
Statement Of Community Involvement (KCA With East, Ref 376-KCA-Xx-Xx-RP-A-6012-CSN,  
August 2019)  
Noise Impact Assessment (KP Acoustics, Ref 17336.NIA.01 Rev C, 26/07/19)  
Outline Soft Landscape Specification (JCLA, Ref WY106.Doc02.LS\_P1, 26/07/19)  
Overheating Analysis (Max Fordham LLP, Issue P03, 26/07/19)  
Planting Schedule (JCLA, WY106.20.MP-B Rev P1, 26/07/19)  
Preliminary Ecological Appraisal (The Ecology Consultancy, Ref 6676.7, 29/03/19)  
Sustainability Statement (Max Fordham LLP, Rev D, 26/07/19)  
Sustainable Drainage Strategy (Lewis Hubbard Engineering, Ref 0021-C-R03, Issue 02,  
26/07/19)  
Transport Assessment (Velocity Transport Planning Ltd, Ref 2360/1110 D002a, August 2019)  
Utilities And Foul Water Drainage (Lewis Hubbard Engineering, Ref 0021-C-R04 Issue 02,  
26/07/19)  
188-WL\_WHR-P-001 REV 01  
188-WL\_WHR-S-001 REV 01  
188-WL\_WHR-S-002 REV 01  
WY106.11.PP1 REV P1  
WY106.12.PP2 REV P1  
WY106.13.PP3 REV P1  
WY106.10.TP REV P1  
40166T-01-3

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

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

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

- 4 The non-residential floorspace hereby approved shall at no time be converted to C3 residential use, notwithstanding the provisions of Schedule 2 Part 3 Class PA, 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 the retention of non-residential floorspace to provide an active ground floor frontage along Wembley High Road and contribute to the vitality and viability of Wembley Town Centre.

- 5 The proposed D1 community space accessed from Cecil Avenue (located on the Podium level and Ark Elvin Level Plan) shall only be used for community events and community activities and for no other purposes within Class D1 of the schedule to the Use Classes Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the use remains appropriate for the site location and to ensure that the standards applied to the consideration of the approved.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14

- 7 The residential car parking spaces, commercial loading bays, residential, commercial and community cycle storage and residential and commercial/community refuse stores shall be provided in full prior to first occupation of the development, shall be used for the parking of vehicles and storage of cycles/bins associated with the development and shall not be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority. Commercial cycle storage shall be provided within commercial units at a minimum rate of one cycle space per 75sqm of floorspace.

Reason: In the interest of highway flow and safety.

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

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

- 9 (a) 52 of the residential dwellings hereby approved comprising 12 x one-bed, 12 x two-bed, 15 x three-bed and 13 x four-bed units shall be provided as affordable housing in perpetuity, and shall be delivered as Affordable Rented units with rents set as follows;

- 80% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 1 and 2 bedroom units
- 65% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 3 bedroom units

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

(b) 36 of the residential dwellings hereby approved comprising 6 x one-bed, 21 x two-bed, 8 x three-bed and 1 x four-bed units shall be provided as affordable housing in perpetuity, and shall be delivered as Intermediate Rent or Shared Ownership Units that are affordable to persons on incomes at or below the GLA London Plan intermediate income thresholds. At all times the Owner shall ensure that in respect of any Intermediate Rent or Shared Ownership Unit the average housing costs (comprising mortgage rent and service charges) shall be no more than 40% of net household income.

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

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

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

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

- 10 (i) Prior to commencement of development a Construction Employment and Training Plan shall be submitted to and approved in writing by the local planning authority, setting out the following matters:
- a. confirmation of the appointment of a contractor for the Development
  - b. details of a named senior manager responsible for overseeing the delivery of employment and training opportunities for local residents (persons whose principal or only home is in the Council's administrative area)
  - c. full details of anticipated employment opportunities in the Construction Phase;
  - d. arrangements for the referral of upcoming employment opportunities to Brent Works on an ongoing basis;
  - e. measures to ensure that the Local People Employment Requirement (the employment of one Local Person in a full-time construction phase job or apprenticeship of a minimum of 26 weeks duration per 20 Dwellings or 1,000 sq m (GEA) of new non-residential floorspace) is met in the Construction Phase;
  - f. measures to encourage and promote an approach to the employment and recruitment of Local People (including those previously unemployed) throughout the supply chain for the Construction Phase;
  - g. arrangements by which the developer will work with the Council (or its representative, Brent Works) to provide Local People with opportunities to improve their constructions skills offering, thereby enhancing their future employment prospects;
  - h. arrangements by which the developer will work with the College of North West London or such other similar body as may be notified in writing by the Council to the developer to ensure that construction related and/or work based training opportunities target students from within the Council's administrative area;
  - i. a commitment to complete and submit monthly monitoring templates to provide figures

to the Council at [s106notifications@brent.gov.uk](mailto:s106notifications@brent.gov.uk) by the 5<sup>th</sup> of each month, outlining:

1. the total number nature and status of Construction Phase job starts by Local People (and non-Local People) on site; providing post codes for Brent Residents claimed.

2. the total number, nature and status of Construction Phase Apprenticeship/traineeship starts and finishes by Local People (and non-Local People) on site and Apprenticeship/traineeship title and length, providing post codes for Brent Residents claimed.

j. measures to ensure that during the Operational Phase of the Development:

1. achieve a minimum target of thirty percent (30%) of jobs being filled by Local People;

2. Brent Works is notified of job, Apprenticeship and training vacancies in the Development so as to direct such opportunities to Local People;

3. the employment and recruitment of Local People is encouraged and promoted throughout the supply chain for the Development.

(ii) Prior to commencement, the developer shall attend a meeting with Brent Works to identify anticipated employment and training opportunities arising during the Construction Phase and discuss recruitment to these opportunities.

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

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

1. the number, duration of employment and status of employment of Local People employed in the Construction Phase; and the number, duration of employment and status of employment of Local People intended to be employed in the Operational Phase;

2. the number, duration and description of traineeships and Apprenticeships and/or training opportunities provided to Local People in the Construction Phase and Operational Phase of the Development to date.

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

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

- 11 (a) Prior to commencement of works on site an Energy Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include a 100% reduction of the development's regulated carbon emissions beyond the Target Emission Rates to achieve 'zero carbon' development including a minimum 35% reduction achieved through on site measures, being the standards for CO2 reduction set out in the London Plan.

The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the above Energy Assessment.

(b) No later than two months after practical completion of the development an Energy Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the review of the Energy Assessment.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.2.

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

- 12 (a) Prior to the commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried out in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Reason for pre-commencement condition: Soil contamination needs to be identified and remediated prior to construction work starting, to ensure that safe development and occupancy can be achieved. The site is cleared and no demolition of existing buildings would be required at commencement of the development, therefore a pre-commencement condition is appropriate in this instance.

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

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

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

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

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

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

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

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

Reason: In order to ensure that measures are in place to allow for future connection to a district heating network.

Reason for pre-commencement condition: Predicted connections to a district heating network need to be understood and accounted for at the detailed design stage to ensure that construction secures acceptable future connection routes.

- 16 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), further details of electric vehicle charging points to be provided for at least 20% of the parking spaces approved, together with passive provision for the remaining spaces, shall be submitted to and approved in writing by the local planning authority. The EVCP shall thereafter be completed in full accordance with the approved details prior to first occupation of the development, and retained thereafter.

Reason: To encourage sustainable travel modes, in accordance with draft London Plan Policy T6.

- 17 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) details of materials for all external surfaces of the building including samples which shall be made available for viewing on site or in another location as agreed,
- (b) Details of any external plant, including locations, external appearance and any proposed screening;
- (c) Details of screening to be installed between adjoining balconies and terraces;

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.

- 18 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), further details of a minimum of 25 residential units designed to M4(3) requirements shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) floor plans of the unit types demonstrating how they will either be easily adaptable to wheelchair accessible units or provided as wheelchair accessible units from the outset
- (b) locations of the units within the development and the tenure of the units,

The development shall thereafter be carried out in accordance with the approved plans.

Reason To ensure that the minimum number of M3(4) are provided for inclusive design.

- 19 Within three months of commencement of the development, the developer shall enter into an agreement with the Local Highways Authority to carry out the following works:

- (i) the construction of the access road to adoptable standards and its transfer to Highways & Infrastructure ownership;
- (ii) the reinstatement of the existing redundant crossover on Cecil Avenue to footway including full height kerbs;
- (iii) widening of the High Road footway and the transfer of additional footway to Highways & Infrastructure ownership;
- (iv) resurfacing of High Road and Cecil Avenue footways;
- (v) planting of five street trees on High Road;
- (vi) provision of bench seating on High Road.

The development shall not be occupied until evidence that the abovementioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment to connect the development with its surroundings.

- 20 Within 6 months of commencement of works further details of soft and hard landscaping shall be submitted to and approved in writing by the local planning authority:

- (a) hard surfacing (a hot-rolled asphalt carriageway with bituminous tarmacadam footways and the access road that are to be adopted), external furniture and play equipment, entrance gates, boundary treatments throughout the site, including samples which shall be made available for viewing on site or in another location as agreed,
- (b) details of soft landscaping (including species, location and densities) together with design of tree pits. This shall include a minimum of 44 trees
- (c) details of bird boxes to be installed throughout the development;
- (d) details of green roofs to be installed throughout the development;
- (e) detailed location of 5 street trees proposed;
- (f) details of any external CCTV;
- (g) details of proposed external lighting design to ensure that all external areas are adequately lit in hours of darkness, including a light spillage plan;
- (h) details of signage to aid wayfinding and discourage anti-social behaviour;
- (i) arrangements for maintenance of trees and other planted species;
- (j) arrangements for management of the communal areas of the development, including a plan showing which areas will be open to the general public, details of when these areas will not be open to the general public and arrangements for publicising the availability for public use of these areas (but excluding the D1 community space referred to in Condition 5).

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

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

Reason: To ensure a satisfactory 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.

- 21 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy 5.2.

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

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

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

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

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

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

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

- 23 Prior to first occupation or use of the development, a Community Space Management Plan shall

be submitted to and approved in writing by the local planning authority, setting out how the community floorspace shall be managed to ensure:

- that an overarching management structure is in place and is representative of local community interests;
- that the use of the space is optimised, including both a curated programme of events and activities, and opportunities for local community groups to use the space;
- that information on rent levels, terms and conditions and hours of operation is made available to the public;
- that local community groups have fair and equal access to use of the space;
- that all uses of the space are compatible with the commercial and residential uses on site in terms of noise and other environmental impacts;
- that the above arrangements are subject to regular review.

The community floorspace in the development shall thereafter be operated in accordance with the approved details.

Reason: To ensure the proposal makes an effective contribution to fostering strong and healthy communities.

- 24 Prior to first occupation or use, a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority, setting out measures to allocate parking spaces to residents and other users including prioritising Blue Badge drivers and owners of electric vehicles. The development shall thereafter be operated in full accordance with the approved details, and no parking spaces shall be sold or leased on a long-term basis at any time.

Reason: To manage the availability of parking to best meet priority needs.

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

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

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

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

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

The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

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

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

submitted to and approved in writing by the Local Planning Authority. The approved DSP shall be implemented for the life of the development unless otherwise agreed in writing by the Local Planning Authority. .

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

- 28 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the existing Controlled Parking Zone (CPZ) 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 this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

Details of the wording to be included in the licence transfer lease or tenancy agreement shall be submitted and approved in writing by the local planning authority prior to the licence lease or tenancy agreement being entered in to and the approved details shall thereafter be used in all such licence lease or tenancy agreements.

For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. 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 the interest of highway flow and safety.

- 29 Prior to first occupation or use of the development hereby approved, the developer shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate mitigation measures for the development's impacts on local bus capacity.

Reason: To ensure the development sustainably offsets its impact on the local transport network.

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

Reason: To safeguard the amenity of the neighbours.

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

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

- 32 No later than four months following Practical Completion of the development, a Post

Construction Certificate prepared by a BRE approved independent assessor shall be submitted, confirming that an Excellent or higher rating has been achieved under the BREEAM certification process for non-domestic buildings.

Reason: To ensure the development incorporates high standards of sustainable design and construction, in accordance with Brent Core Strategy 2010 Policy CP19.

- 33 Prior to first occupation or use of the development, a Frontage and Signage Strategy for the commercial units, prepared in accordance with the guidance set out in the Shopfronts SPD3 2018, shall be submitted to and approved in writing by the Local Planning Authority. The Frontage and Signage Strategy shall include further details of the external appearance of the commercial units including:

- (i) A strategy for commercial unit windows which shall not be mirrored, painted or otherwise obscured; and
- (ii) a strategy for the design and position of signage and advertising including signs attached to the building fabric or free-standing within the site.

The works shall be carried out in accordance with the approved details prior to first occupation, and shall be retained thereafter for the lifetime of the development and the Frontage and Signage Strategy will apply to future tenants.

Reason: To ensure the appearance of the frontage and individual units thereof is unified and that it enhances the visual amenity of the street scene.

- 34 Prior to first occupation or use of the development, a Meanwhile Use Strategy shall be submitted to and approved in writing by the Local Planning Authority, and implemented in full thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of proper planning. To allow for alternative uses of the commercial units to be explored on a temporary basis in the event of any extended periods of vacancy.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The 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 proposed development is located within 15 metres of Thames Water underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide on working near our assets (at <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>) to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water

pipes or other structures. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 6 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.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site boundaries.
- 9 The applicant is advised by the applicant to contact the Head of Highways & Infrastructure to arrange for the highway works identified in condition 20 to be undertaken. Such works are undertaken by the Council at the applicant's expense.

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