



## Planning Committee

**Wednesday 10 March 2021 at 4.00 pm**

This will be held as an online virtual meeting

Details on how to access the link in order to view proceedings will be made available online via the following link: [Democracy in Brent](#)

### Membership:

#### Members

Councillors:

Kelcher (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Dixon  
Kennelly  
Maurice  
J Mitchell Murray

#### Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, Lo, Sangani and  
Shahzad

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Governance Officer  
joe.kwateng@brent.gov.uk; 020 8937 1354

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:  
**[democracy.brent.gov.uk](https://democracy.brent.gov.uk)**

**Members' virtual briefing will take place at 12.00 noon.**

**The press and public are welcome to attend this as an on online virtual meeting. The link to attend and view proceedings will be made available online via the following link: [Democracy in Brent](#).**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting - 10 February 2021		1 - 10
<b>APPLICATIONS FOR DECISION</b>		
3. 20/2844 Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opposite Stadium Retail Park, land opposite Wembley Hilton, land opposite London Design Outlet	Tokyngham	15 - 82
4. 20/1163 1 Burnt Oak Broadway, Edgware, HA8 5LD	Queensbury	83 - 122
5. 20/1164 1 Burnt Oak Broadway, Edgware, HA8 5LD	Queensbury	123 - 142
6. 20/3502 167 Preston Hill, Harrow HA3 9UY	Preston	143 - 164
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting: Monday 29 March 2021**

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 10 February 2021 at 4.00 pm

PRESENT: Councillors Kelcher (Chair), Johnson (Vice-Chair), S Butt, Chappell, Dixon, Kennelly, Maurice and J Mitchell Murray.

ALSO PRESENT: Councillor Anton Georgiou.

#### 1. **Declarations of interests**

None.

Approaches.

Councillor Kelcher informed the Committee he received a telephone call from the agent regarding the Grand Union application.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 13<sup>th</sup> January 2021 be approved as an accurate record of the meeting.

#### 3. **20/2784 Northfields, Beresford Avenue, Wembley, HA0 1NW (Known as "Grand Union")**

PROPOSAL:

Hybrid planning application comprising:-

Outline planning permission for the demolition of existing buildings and structures on the site, all site preparation works and redevelopment to provide new buildings to accommodate new homes (Use Class C3), flexible commercial uses, new basement level, associated cycle and vehicle parking, new vehicular accesses, associated highway works to Beresford Avenue, landscaping and creation of new public and private open space, ancillary facilitating works, various temporary meanwhile uses, interim works and infrastructure with all matters reserved - appearance, access, landscaping, layout and scale.

Detailed planning permission for Phase 3 (Buildings G, H and J) for the demolition of existing buildings and structures, all site preparation and infrastructure works and the development of new homes (Use Class C3) and flexible commercial floorspace; together with new basement level, associated storage, cycle and vehicle parking, new vehicular accesses, associated highway works to Beresford Avenue, landscaping and creation of new public and private open space, ancillary facilitating works.

## RECOMMENDATION:

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

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

That the Head of Planning is granted delegated authority to issue the planning permission and impose conditions to secure the matters set out within the reports.

Messrs Colin Leadbeatter, Neil Quinn and Liam McFadden (Principal Planning Officers) introduced the report, set out the key issues and answered Members' questions. In reference to the supplementary report, Mr Leadbeatter drew the following salient matters of clarification to Members' attention:

- The number of dual aspect homes would be increased to 61% within Phase 3 of the development, rather than across the outline consent.
- The financial contribution secured under the original s106 agreement for improvements to Stonebridge Park station would be £2m not £4.6m stated.
- To clarify, £4.6m was secured towards bus service enhancements under the original s106 agreement.
- All trees and hedgerows have already removed under the extant Masterplan consent.

He then outlined the various phases of the revised Masterplan that now included additional 330 homes with commensurate increase in affordable homes (35%), compliant with the emerging housing policy. Members heard about additional communal space provisions, improvements to public open space, provision of community centre and a nursery, significantly higher landscaping and CIL contributions of £73million.

Ms Claire Hammond (Land Director of the applicant St George) addressed the Committee and answered Members' questions on several matters including mix of tenure, affordable homes, traffic and parking. She provided the following updates on the delivery of the proposed development:

- Phase 1 of the scheme, well advanced, would provide 400 homes of which 114 would be affordable and ready for residents to move into later this year.
- Phase 1 would also deliver 5,000 sqft community centre that will open in 2022 with the Grand Union Development Trust established to provide strategic management for the community centre. There would be a new commercial and leisure space including a nursery and food shop.
- The applicant had delivered highways improvements to the Old North Circular road more than 2 years ahead of the S106 deadline.
- In addition to over £8.5million paid in CIL and S106 contributions, the construction works had employed 81 local people.

- The revised masterplan would deliver high quality amenity space, additional homes of which 35% would be affordable and a mix of 3-bed or more family homes and a quarter of those at affordable rent.
- The number of dual aspect homes has also improved. For Phase 3, this has increased from 53% to 61% and for the remaining phases, the design allows for maximisation of dual aspect homes.

During question time, Members raised several issues to which officers submitted the following responses:

- The proposed development would provide high quality industrial space with no loss of employment space.
- As the CCG initially did not take up the offer of the health care facility within the timeframes in the original legal agreement, officers had rebuilt the relevant clauses into the S106 legal agreement to require the applicant to re-offer the 800sqm facility to the CCG.
- The updated transport assessment showed that there would be no material impact. In addition, there would be contributions for highway study, and improvements to Stonebridge Park station and that any capacity increase can be addressed without changes to those secured under the extant planning permission.
- The applicant would submit parking management plan as part of the car parking controls in the detail submission under reserved matters application.
- There would be small decreases in compliance levels regarding daylight, but these would be comparable to other similar schemes in the borough and the benefits are considered to outweigh the harm.
- TfL capital spend was outside of the Committee or the Council's controls, although the Bakerloo line upgrade to improve capacity was ongoing.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by unanimous decision to approve the application.

DECISION: Granted planning permission, subject to the legal agreement and conditions and informatives as set out in the original committee report, and referral of the application to the Mayor of London for his Stage 2 response.

(Voting on the decision was as follows: For 8; Against 0)

**4. 20/3156 1-26A, Coachworks & Storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0**

**PROPOSAL:**

Demolition of the existing buildings and the erection of a mixed use development of buildings ranging between 3 and 16 storeys in height, comprising residential units, flexible commercial floorspace, affordable workspaces and community use floorspace, associated car parking, landscaping and ancillary facilities (phased development)

**RECOMMENDATION:**

That the Committee resolve to GRANT planning permission subject to the application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations set out within the reports.

That the Head of Planning is granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions and informatives to secure the matters set out within the reports.

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

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

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

Mr Toby Huntingford (Principal Planning Officer) introduced the report, set out the key issues and answered Members' questions. He referenced the Committee's decision for refusal of the previous application, a material consideration in the assessment of the current application and, set out the headline similarities and differences between the refused and proposed applications. In reference to the supplementary report, Mr Huntingford drew Members' attention to two additional objections that officers had addressed within the main report, the applicant's revised proposal to address the shortfall in play space and additional planning condition for obscure glazed and non-opening window to the first floor of Block G.

Ms Balvant Mistry (objector) raised several issues of concern including the following and answered Members' questions:

- Overdevelopment of the area with several buildings with excessive height.
- The cumulative impact of the overdevelopment would result in additional noise, disturbance, loss privacy, and loss of light to existing and future residents.
- The development would worsen the traffic and parking situation in the area that would give rise to increased pollution particularly to the local Alperton Community School.
- Lack of adequate infrastructure to support and address the impact of the proposed development.



Ms Anita Patel (objector) echoed similar issues of concern and answered Members' questions. Ms Patel highlighted the transport impact of the proposals that she felt could not be sufficiently addressed by the proposed CPZ.

Councillor Anton Georgiou (ward member) addressed the Committee and raised several issues including the following:

- Inadequate infrastructure including health services, leisure facilities and road network to support and address the intensity of development in the Alperton area.
- Additional parking and traffic that would give rise to parking displacement in neighbouring streets.
- The affordable housing would be outside of the financial range of local residents.

Ms Rebekah Jubb (agent) addressed the Committee and answered members' questions. She referenced the applicant's briefing document that summarised the key changes from the previous application and the benefits of the scheme that included the following; affordable housing with family size units, increased amenity space, employment and affordable workspace, new community floor space and dedicated outside space. Ms Jubb also drew Members' attention to the provision towards a CPZ of £150,000, improvements to Alperton Tube Station of £166,000, local buses network of £177,250, CIL payments of £10.83m and a provision of on-site car club. In conclusion, Ms Jubb reiterated that the scheme fully satisfied all of the Council's requirements and would deliver important and much needed development.

In response to Members' questions, Ms Jubb stated the following:

- The design aspects of the proposal was consistent with the site and was tenure blind for ease by the RSL.
- In addition to the contributions towards CPZ, priority would be given to residents only and that the Parking management Plan would be put in place.
- The number of 1-bed flats was the result of viability and demand issues.
- In addition to conditions imposed by Canals and Rivers Trust, adequate biodiversity and ecological measures including soft landscaping and urban greening would be put in place.

In the ensuing discussions, members raised several issues including infrastructure, privacy, affordable housing and unit mix. Officers clarified the Infrastructure Development Plan for the site, highlighting the provision of new multi-use community and health centres, 1 hectare of public open space, canal upgrade, to mention a few. Members heard that with substantial separation distances in excess of requirement there would be no material privacy impact. Members noted that PNB Paribas had carried out a robust viability and sensitivity testing and advised that the scheme delivered the maximum affordable housing and in addition to late stage reviews on uplifts.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and

asked members to vote on the recommendation. Members voted by majority decision to approve the application.

DECISION: Granted consent subject to the referral of the application to the Mayor of London for his Stage 2 response, the completion of a satisfactory Section 106 obligation, the change to the relevant Section 106 Heads of Terms, the imposition of the planning conditions set out within the committee report as well as the additional planning condition for obscure glazed and non-opening window to the first floor of Block G as discussed in the supplementary report.  
(Voting on the decision was as follows: For 7; Against 1)

**5. 20/0115 Matalan Discount Club, Cricklewood Broadway, London, NW2 6PH**

**PROPOSAL:**

Demolition of existing building; erection of 3 buildings ranging from 3 to 7 storeys with basement, comprising 238 self-contained residential units with commercial space at ground floor level (Use Class B1, Block A only); creation of new street, associated landscaping, car and cycle parking, private and communal amenity space.

**RECOMMENDATION:**

That the Committee resolve to grant planning permission subject to:

- (i) Referral to the Mayor of London (stage II).
- (ii) The prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

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

That the Head of Planning is granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports.

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

That, if within 12-weeks of the date of the stage II response from the Mayor of London (assuming no objections raised/not calling the application in and subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is granted delegated authority to refuse planning permission.

Mr Sean Newton (Principal Planning Officer) introduced the report, set out the key issues highlighting the car free development, increase in affordable housing and

answered Members' questions. In reference to the supplementary he advised that the number of dwellings proposed in the description of development should read 239 dwellings units (not 238) dwellings or units and the number of dwellings within Block A should read 141 (not 138). He then drew Members' attention to the additional objections received and officers' responses as set out within the supplementary report.

Mr Ben Tansley (objector) raised several concerns about the proposed development including the following:

- By the tallest part being on the edge of the site the proposal would constitute a breach of Brent's Policy BD2 and Tall Building Strategy adding that heights should step down from the centre, not rise to the edge.
- The proposal would be overbearing and result in overlooking and intrusion to surrounding properties, to the detriment of residential amenity.
- The development would result in similar undesirable precedents in the area
- The proposed private external amenity space falls short of policies without compensatory provision as the local park was about half a mile away.
- In the interest of residential amenity, Members should condition that construction traffic should not simply avoid but must not use Temple Road due to existing traffic problems.

Mr Chris Miller (objector) although not against the principle of development of the site in order to build residential flats expressed the following concerns:

- The height of the proposed 7-storey building would be excessive with detrimental impact on the amenities and the character of the area. Mr Miller considered that a 5-storey building would have less impact and more in keeping with the local environment whilst at the same time providing a substantial boost to housing availability in the area.
- The proximity of the building to the Broadway and, consequently, the likely infringement of privacy for both the residents of Gratton Terrace and the new development.
- The applicant has not included adequate analysis as to how the skyline for Midland Terrace (which lies immediately behind Gratton Terrace) would be affected by this development
- The applicant has not set out the lines of sight from the development to Midland Terrace which would be altered by the proposed development.
- The top floor windows of the development would be able to look directly into the first floor windows of both Midland and Gratton Terrace, compromising their privacy.
- If possible, the development should also be set back from the Broadway to reduce the imposing impact on the Broadway and also allow trees to be planted to break up to the appearance of the frontage.

Councillor Colacicco (ward member) echoed similar sentiments in objection to the proposed development. She suggested the following conditions, if members were minded to approve the application:

No glass balconies to minimise impact

A ban on construction traffic and Saturday working on site.

Requirement for a car club and adequate disabled parking spaces

Measures to improve air quality.

Mr Mark Pender (agent) and other experts representing the applicant addressed the Committee and answered Members' questions. He drew Members' attention to the following supporting facts:

- The scheme incorporated significant input from key stakeholders including Brent Council, the GLA, CABE/Design Council and the local community through public consultations.
- The design of the scheme would facilitate the adjoining site coming forward for development as identified in the emerging Local Plan.
- The scheme responded to concerns raised by your officers and residents of Gratton Terrace by lowering the height from 9-storeys to 7 at the junction of Temple Road and Cricklewood Broadway.
- As the proposal is for build to rent, in accordance with the now adopted London Plan and the emerging Local Plan, the preference is for the affordable units to be for London living rent.
- The viability assessment submitted in support of the application has been rigorously tested by the GLA and BNP on behalf of Brent Council the result of which would be 50 London living rent flats.
- All flats have their own private balcony or terrace as well as access to communal spaces at ground level including the pedestrian street, new park, courtyards and roof terraces and would meet or exceed the national space standards.
- The applicant would sign up to the Considerate Construction Scheme, Car Club and would implement servicing and delivery strategy

In the ensuing question time, Members raised several issues to which officers submitted the following responses:

- The request for glass balconies was an issue for the applicant and that Considerate Contractors Scheme was normally secured for major developments.
- Delivery and servicing plan was already within the conditions.
- That officers considered that the proposal would not harm the Railway Cottages Conservation Area would result but if Members considered that there was any harm in line with the GLA comments, it would be 'less than substantial' harm with public benefits identified to outweigh that harm.
- Whilst the proposal would be 2 storey higher than the adjacent building, excessive separation distance meant that there would no loss of privacy or outlook.
- If any dwelling were to change from build to rent to sales then the viability assessments would be revisited.
- Barnet Council were consulted about the application but did not provide any response.
- Adequate amenity space provided in addition to the nearby Gladstone Park.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation. Members voted by a majority decision to approve the application.

DECISION: Granted planning approval subject to the conditions set out in the Committee report, the completion of a satisfactory Section 106 agreement, and the Stage II referral to the Mayor of London.

(Voting on the decision was as follows: For 5; Against 3)

**6. Any Other Urgent Business**

None.

The meeting closed at 8.42 pm

COUNCILLOR M. KELCHER  
Chair

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## APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### Provision of infrastructure

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major



new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:  
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>  
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

#### **Further information**

19. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

#### **Public speaking**

20. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

#### **Recommendation**

21. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 March, 2021  
03  
20/2844

## SITE INFORMATION

RECEIVED	1 September, 2020
WARD	Tokington
PLANNING AREA	
LOCATION	Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet
PROPOSAL	Variation of conditions application (under Section 73 of the Town and Country Planning Act 1990) to vary parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 18/2214 (dated 17 August 2018) which varied parameter plans 04-12 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 17/0328 (dated 26 May 2017) which varied parameter plans 04-13 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 15/5550 (dated 23 December 2016) which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development). This application is accompanied by an Environmental Impact Assessment.
PLAN NO'S	Please see condition 4.
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_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</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 "20/2844" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the planning committee resolve to grant permission for the proposed amendments through a variation of conditions 4, 5, 15, 16 and 25 of Hybrid Planning Consent reference 18/2214 (dated 17th August 2018) pursuant to Section 73 of the Town and Country Planning Act 1990, as amended.

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

\*As a new planning permission would be issued with the grant of planning permission through Section 73 of the Planning Act (variations of condition), the conditions and informatives from the previous consent have been replicated. The Section 106 legal agreement associated with the previous consent would also be applicable.

### Conditions

1. Outline planning – approval of details
2. Reserved Matters Condition
3. Outline planning – time limit
4. Approved documents / drawings
5. Use Class A5 restriction
6. Food retail store size
7. Student accommodation cap
8. Student accommodation use restriction
9. Southern Boulevard
10. Royal Route works
11. Residential parking E01, E02, E03, E05
12. Residential parking use restriction
13. Storage in open areas
14. Existing crossovers
15. Construction tolerances
16. Parapets
17. Student accommodation demand assessment
18. Student management plan
19. Approval of various details
20. Landscape
21. Parking Management Plan (non-event days)
22. Event day parking management plan
23. School parking within Red Car Park
24. Royal Route Works
25. Cycle Routes
26. Delivery Service Plan
27. Construction Logistics Plan
28. Site Management Plan
29. Play and recreation space
30. Accessible rooms/units
31. CT Measures
32. Plant noise
33. Sound insulation between commercial and residential
34. Residential noise
35. School noise
36. Vibration
37. Construction Method Statement
38. Air Quality Neutral

39. CHP emissions
40. CHP emission testing
41. NOx from boilers
42. Site investigation
43. Verification report
44. Extract ventilation
45. Drainage works
46. Piling Method Statement
47. Surface Water Drainage Scheme
48. Quality of accommodation
49. Phasing plan
50. Details of communal facilities for residents proposed to be provided for residents of plot W06
51. Any [other] condition(s) considered necessary by the Head of Planning

#### Informatives


1. Asbestos
2. Protection against back flow
3. Underpinning and public sewers.
4. Measures to minimise groundwater discharge.
5. Trade effluent consent.
6. Polluted discharge into local watercourses
7. Installation of fat trap.
8. CIL phasing.
9. Superstructure.
10. Supporting Documents
11. RMA for NEL plots containing B1 uses to be subject to condition restricting pd rights
12. Any [other] informative(s) considered necessary by the Head of Planning

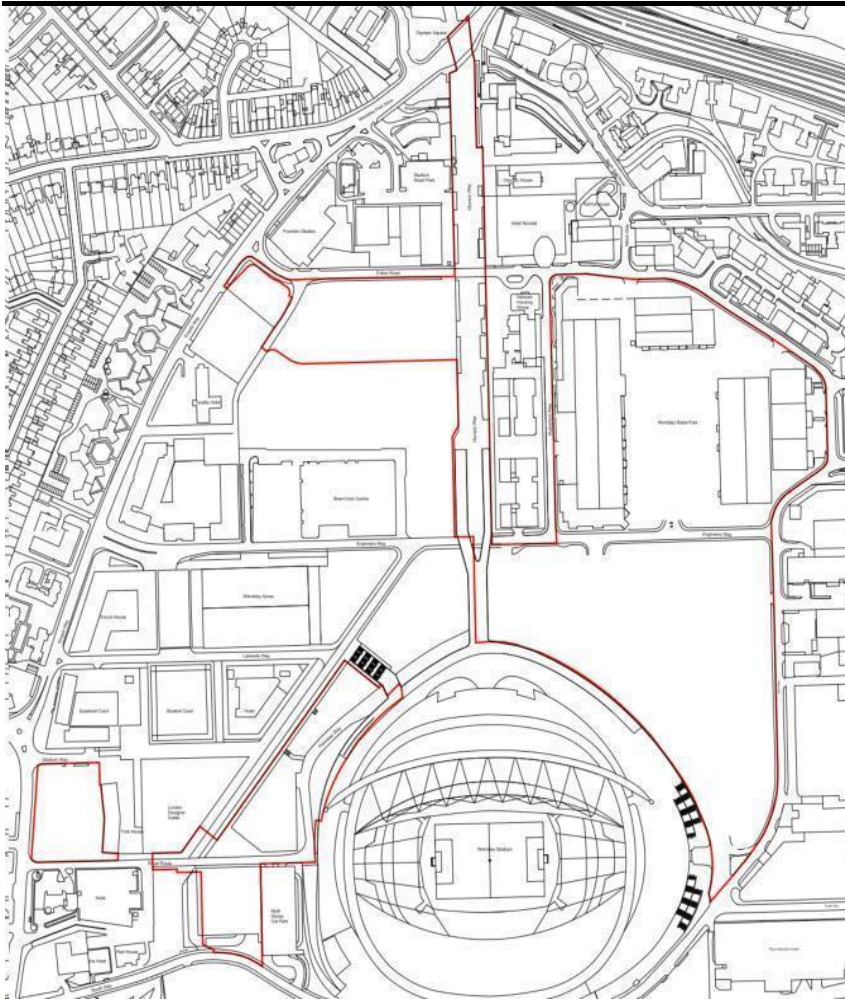
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied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

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

This permission, if granted, would also be bound by the Section 106 legal agreement associated with the Hybrid Consent.

## SITE MAP

 <b>Brent</b>	<b>Planning Committee Map</b>
<p>Site address: Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet</p>	
<p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>	



This map is indicative only.

## PROPOSAL IN DETAIL

This Section 73 planning application seeks approval for revisions to Parameter Plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of planning permission reference 18/2214 (dated 17 August 2018).

18/2214 was a hybrid application (part full, part outline) for the demolition of existing buildings and the redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace, which related to changes to Plot NW09/10/11, and was itself a permission issued under Section 73 as a variation to planning permission ref.17/0328.

17/0328 was a permission issued under Section 73 as a variation to planning permission ref: 15/5550 (dated 23 December 2016) known as the 'Wembley Park Masterplan'. 17/0328 related to changes to Plot W06.

Planning permission was granted under ref: 15/5550 for the development of 15.9 hectares of land surrounding Wembley Stadium. The application was a hybrid scheme submitted part in outline with all matters reserved and part in full detail.

The current application proposes amendments to the parameter plans in relation to Plots NE01, NE02, NE03, NE04 and NE05 and the Northern Park, all of which are located in the North Eastern Lands character area (as originally defined within the outline consent 15/5550). No changes are proposed to any of the other plots covered by the previous planning permission (18/2214), nor is any change proposed to the approved Development Specification, to the description of development, to the overall quantum of development or to any other planning condition, other than those listed above.

Whilst the proposed changes to the consented development are material, it is considered that they do not amount to a fundamental alteration to the previously granted outline planning permission, given the scale of the proposed changes being considered against the overall scale of the outline planning permission. It is therefore considered acceptable to assess the changes through a section 73 planning application. The Council's Legal Officers have examined this matter, having regard to recent relevant case law, and have confirmed that they consider this to be an acceptable approach.

Condition 4 refers to the list of drawings and documents approved through the previous planning permission (18/2214). This application proposes amendments to the parameter plans which show the form of plots NE01 to NE05 and the Northern Park. The amendments are discussed below.

Several parameter plan drawing numbers will change if the minor material amendments are approved and the following conditions are therefore proposed to be amended to reflect the new plan numbers:

- Condition 5 which relates to the non-residential uses specified within parameter plan 08.
- Conditions 15 and 16 relating to heights and parapets which refer to parameter plan 09 (maximum height), and
- Condition 25 which relates to cycle routes and refers to parameter plan 11.

The scheme received by the Council in December 2020, included the following key changes to the previously approved parameter plans:

- Realignment of Plots NE01, NE02 and NE03 approximately 3.5m to the west to sit closer to Rutherford Way and realignment of NE02 and NE03 on a north/south axis
- Realignment of Plot NE01 approximately 11.9m to the north
- Realignment of Plot NE03 to the south
- Changes to the height and massing of Plots NE02, NE03, NE04 and NE05, with the proposed tall building on plot NE03 at +98m AOD and the proposed tall building on plot NE02 at +118m AOD
- Changes to the Northern Park Parameters
- Changes to parking, access and circulation arrangements
- Changes to ground levels within the Northern Park and the ground and podium levels to Plots NE02 and NE03

These changes will be discussed in more detail in the report below.

### *Changes to parameter plans*

This application seeks approval for the following revised Parameter Plans:

Parameter Plan 04: Proposed Ground and Podium Levels

Parameter Plan 05: Proposed Maximum Plot Extent

Parameter Plan 06: Proposed Extent of Parking and Servicing Areas at Ground and above Ground Levels

Parameter Plan 07: Access and Circulation

Parameter Plan 08: Proposed Uses

Parameter Plan 09: Proposed Heights

Parameter Plan 10: Proposed Critical Dimensions

Parameter Plan 11: Proposed Public Realm and Open Space at Ground Level

Parameter Plan 12: Proposed Open Space at Upper Levels

Parameter Plan 13: Tree Removal Plan

It should be noted that the Outline Planning consent was subject to a Section 106 legal agreement which secured a number of contributions and commitments. This Section 106 agreement also applies to any variations of that planning consent. The agreement would be unchanged by the proposed amendments (except for an updated plot plan) and it is not necessary to enter into a new Section 106 agreement.

## EXISTING

The hybrid planning permission (the Wembley Park Masterplan, reference 15/5550), relates to 15.9 hectares of previously developed land surrounding Wembley Stadium. The Wembley Park Masterplan includes 16 plots which are located within seven 'character areas'. One of these is the North East Lands Character Area, comprising Plots NE01 to NE06. Another is the Park comprising the Northern Park to the north of Engineers Way and the South Park to the south of Engineers Way and surrounded by the 'Eastern Lands'.

The site is located within the Wembley Growth Area (Brent Core Strategy) and the Wembley Opportunity Area (London Plan).

Plots NE01 to NE06 are bordered by Fulton Road to the north and north east, First Way to the south east, Engineers Way to the south and Rutherford Way to the west.

The site is currently largely occupied by surface level parking areas, although it also accommodates a number of office buildings, two construction compounds serving nearby plots under development and some light industrial/storage warehouses on the eastern edge.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Representations Received:** In response to both rounds of consultation, representations from the owners/occupiers of 50 properties and from the Archery Court Residents Association and the Marathon House Residents Association were received. These are summarised in the report below.

**Principle of Development:** This has already been established by previous consents. This S73 application proposes to amend the outline consent, as subsequently amended, but is considered to be in material compliance with the principles established under the original outline consent.

**Proposed Uses:** The proposed uses within the scheme do not change as a result of the proposed amendments. The parameter plans for this part of the consent area that is proposed to be amended indicate that uses within classes B1 (Business) (new use class E(g)), D1 (education/healthcare/community) (new use classes E(e-f) and F1) and C3 (Residential) to accommodate residential lobbies/services would



be at ground/first floor level, although no occupied residential accommodation would be at ground floor level. The upper levels would exclusively be in class C3 use, with the exception of plot NE01 which could alternatively be used as Sui Generis class student accommodation at upper levels.

**Scale, Layout and Appearance:** The scale and layout of the proposed scheme is considered to be acceptable within the context of adopted and emerging planning policy and the surrounding area which comprises relatively tall buildings in a dense urban context. It is considered that the layout of the buildings and the site would work successfully in providing a design which responds well to its context and offers public realm benefits. The illustrative images indicate a development which is considered to be acceptable in design terms and in keeping with the surrounding area.

**Neighbouring amenity:** There would be a loss of light to some windows of surrounding buildings compared to the previously consented scheme and compared to the existing situation (of a predominantly low rise or cleared site) as is to be expected from a development of this scale. However, the overall impact of the development is, on balance considered to be acceptable, particularly in view of the wider regenerative benefits including the provision of a significant number of new homes, affordable housing, public open space and community and/or employment uses. Levels of daylight and sunlight enjoyed by neighbouring occupiers would remain at acceptable levels for a dense urban context.

**Highways:** The parking, access and servicing arrangements outlined are considered acceptable. The amendments would enable Plots NE02 and NE03 to be designed as car-free, other than for the provision of on-street inset spaces along Rutherford Way for servicing, pick-up/drop-off and accessible and Essential User parking spaces. Traffic calming measures to Rutherford Way would also be introduced.

**Nature of proposed application:** Whilst amendments to the previously approved outline consent are proposed, these would not result in a change in the range of uses that are consented. The proposal may potentially allow an uplift in floorspace within Plots NE02 to NE05. However, it does not affect the total floorspace that can be delivered under the Wembley Masterplan. The amendments would include an increase in the maximum heights of a number of the buildings across the site. The submission demonstrates that the assessment of impacts evaluated within the Environmental Statement for the original outline consent are not materially affected by the proposed amendments. The proposal is accordingly not considered to fundamentally alter the original outline consent.

**Planning Obligations and Community Infrastructure Levy (CIL):** CIL liability would be calculated at the time at which reserved matters planning permissions are granted. The Section 106 agreement secured for the original Masterplan consent (as amended) would remain in place.

## RELEVANT SITE HISTORY

### 15/5550 'Wembley Masterplan' Granted 23/12/2016

Hybrid planning application, accompanied by an Environmental Impact Assessment, for the redevelopment of the site including:-

Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.

And

Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;
- Commercial (Use Class B1) up to 82,000 sqm;
- Hotel (Use Class C1): up to 25,000 sqm;
- Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;
- Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;
- Assembly and leisure (Use Class D2): 23,000 sqm;
- Student accommodation (Sui Generis): Up to 90,000 sqm.

And associated open space (including a new public park) and landscaping; car and coach parking

(including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended

#### **17/0328 Granted 04/05/2017**

Variation of the following conditions of hybrid planning consent 15/5550:

- revised parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 16 and 25

- reserved matters details for Plot W06 pursuant to condition 1 (layout, scale, appearance, access and landscaping), and the listing of the detailed drawings for Plot W06 under revised conditions 4

AND

Approval of details pursuant to conditions 1 (layout, scale, appearance, access and landscaping), 19(h) (wind), 19(k) (internal layout of buildings), 19(i) (access), 19(m) (daylight), 19(n) (private external space), 38 (air quality) and 49 (indicative phasing) for Plot W06 relating to Hybrid planning application reference 15/5550

#### **18/2214 Granted 17/08/2018**

Minor Material Amendment to vary parameter plans 04-12 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 17/0328 (dated 26 May 2017) which granted minor material amendments to hybrid planning permission reference 15/5550 which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development).

The minor material changes sought comprise an increase in the width of the previously approved north-south route between NW09 and NW10/NW11 and its relocation 30 metres further to the east in between NW09/NW10 and NW11, alterations to the block forms of NW09/NW10 and NW11 with an increase in height of elements of blocks NW09/10 and NW11 as a result of the updated layout, changes to car parking arrangements, introduction of bridge link connecting the landscaped gardens of NW09/10 and NW11 and other associated alterations.

## **CONSULTATIONS**

### **Press Notices:**

First press notice published 01.10.20. Second press notice published 24.12.2020 in relation to subsequent revisions.

### **Site Notices:**

Eight site notices displayed adjacent to the site on 02.10.20. Eight site notices displayed adjacent to the site on 23.12.20 in relation to subsequent revisions.

### **Letters of consultation:**

The owners/occupiers of 927 neighbouring properties were notified of the development on 01/10/2020. Further notifications were sent to neighbouring properties in relation to subsequent revisions on 23.12.2020 (927 by post, 56 by email). Representations from 50 properties and from the Marathon House Residents' Association and the Archery Court Residents' Association have been received in response to both rounds of consultation from neighbouring owners/occupiers. The issues raised in the representations are summarised in the table below:

<b>Objection</b>	<b>Responses</b>
<b>General</b>	
Lack of pre-application consultation.	The applicants note that it is not a mandatory requirement to undertake pre-application

	<p>engagement with the general public and this application is seeking a variation to an approved scheme, which had previously undergone extensive public consultation.</p> <p>However, the applicants did organise a public information evening as a virtual event on 7th January 2021 which a number of local residents participated in.</p>
Proposals should be considered by way of a new planning application rather than an application under S73 of the Town and Country Planning Act 1990 to vary the approved Wembley Park Masterplan scheme.	<p>Officers consider that the changes proposed do not constitute a fundamental alteration to the entirety of the scheme approved by the original permission and therefore it is appropriate to consider the proposed changes under a Section 73 planning application. In coming to this conclusion the Council has noted that the revisions sought only affect 6 out of 18 Masterplan plots, they do not involve any use changes, nor is any increase in the overall number of units to be delivered under the Masterplan proposed. Furthermore the description of development would remain the same. The Council's Legal Officers have confirmed that they consider this approach to be in line with the provisions made by Section 73 of the Town and Country Planning Act and are satisfied that this approach is reasonable.</p> <p>It is also noted that, despite the application being assessed as a Section 73 application, it is still required to undergo a full consultation process, including site notices and press adverts and any comments received from local residents or statutory parties carry the same weight as they would if it were a full planning application.</p>
<b><i>Residential Amenity of neighbouring residents</i></b>	
Positioning of NE03 closer to Marathon House/Archery Court and proposed increase in height of buildings would be overbearing for Marathon House/Archery Court residents.	Please see discussion in 'Neighbouring Amenity' section below.
Positioning of NE03 closer to Marathon House/Archery Court and proposed increase in height of buildings would lead to an unacceptable loss of daylight and sunlight for Marathon House/Archery Court residents. Change in light levels between existing position and proposed scheme should have been assessed.	Please see discussion in 'Neighbouring Amenity' section below.
Positioning of NE03 closer to Marathon House/Archery Court and proposed increase in height of buildings would lead to an unacceptable loss of privacy for Marathon	Please see discussion in 'Neighbouring Amenity' section below.

House/Archery Court residents.

***Negative Impact on Rutherford Way***

Rutherford Way will become cramped and busier for pedestrians.

Whilst the plans originally submitted with this planning application (in September 2020) involved a footpath edge to building façade distance of 4.5m, the revised plans (in December 2020) allow a distance of around 7.5m which would allow generous space for pedestrians along with street trees and other landscaping and inset parking bays to further separate the main pedestrian route from the carriageway.

Rutherford Way will become busier for traffic.

The applicants are currently considering designing the buildings along Rutherford Way as car-free, except for the provision of bays for accessible parking, pick-up and drop-off and servicing. This would significantly reduce the level of traffic along Rutherford Way compared to the consented position which proposed a large parking basement under the Rutherford Way plots. Notwithstanding whether the plots do come forward as car free, this application does not seek any additional parking areas when compared to the consented position. Additional traffic calming measures including two raised tables, are also proposed which would reduce traffic speeds along Rutherford Way and improve pedestrian connectivity.

***Impact on Northern Park***

The quality of the environment of the Northern Park would be unacceptably harmed, including through increased overshadowing and a claustrophobic feel.

Please see discussion in 'Scale' and 'Overshadowing of the Northern Park' sections below.

Northern Park appears to have reduced in size.

The overall size of the Northern Park would marginally increase by 244 sqm from 19,586 sqm (as previously approved) to 19,830 sqm. Furthermore, the useable green space would increase due to the reduction in water features.

NE04 and NE05 podium gardens too large and will reduce area of park.

The NE04 and NE05 podium gardens would remain broadly the same size as originally consented and would remain as raised areas of private amenity space rather than being part of the public park.

***Overdevelopment of area/pressure on services and green open space***

Overdevelopment of the area.

Whilst it is acknowledged that the proposed scheme would result in a denser form of development than previously consented, the

	<p>proposed configuration of the site would enable more homes to be delivered at an earlier stage. The application does not seek to increase the overall number of residential units approved within the Wembley Park Masterplan and no changes are proposed to the overall quantum or description of development as previously approved.</p>
<p>Lack of infrastructure provided in the area, increased pressure on local services such as GPs.</p>	<p>The Wembley Park Masterplan as a whole will deliver key elements of physical and social infrastructure including the provision of a park of around 8 acres, a nursery (in Plot E01/E02 which is under construction), a GP and health centre (in Plot NW09/10 and also under construction), a further community hall (which will come forward in Plot NE02) and various highway and transport improvements. These are secured through the S106 obligations and/or funded through the Community Infrastructure Levy (CIL). To date Quintain have paid £59million in CIL which will be used by the Council to provide local infrastructure to support Wembley Park.</p>
<p>Lack of open space in the area.</p>	<p>With regard to the provision of open green space, the masterplan includes a public park around 8 acres in size which is to be sited either side of Engineers Way. The Southern Park will provide a play park, lawns, water features and a Multi-Use Games Area. The Northern Park will be provided to the north of Engineers Way and the first phase will be provided with the first residential plots to be delivered in the North East Lands.</p> <p>In addition to the Park, Quintain have also delivered various other areas of public open space around Wembley including Elvin Gardens, Arena Square, White Horse Square, Market Square and, in conjunction with Brent Council, the refurbishment of Olympic Way as an area of high quality public realm.</p>
<p>Development would provide minimal additional benefit to the local area above what has already been consented.</p>	<p>By optimising the development potential of the site, more housing is likely to be delivered at an earlier stage of the development of the North East Lands as a whole. In addition, the changes to the park and public realm are considered to provide additional benefits compared to the previously consented scheme.</p>
<p><b>Urban design/Impact on streetscape</b></p>	
<p>The increase in height of the two proposed tall buildings would have an unacceptable impact on the streetscape and diminish the landmark</p>	<p>Please see discussion in 'Scale' section</p>

status of Canada Gardens (plot E03). Do not link into surrounding area well.	below.
Proposed tall towers next to park lack human scale.	Please see discussion in 'Scale' section below.
<b>Other matters</b>	
Construction impacts of development, including dust and noise.	There are various environmental management and mitigation measures that the applicants would implement throughout the demolition and construction works to either eliminate or significantly reduce impacts including dust emissions and noise. These measures are primarily secured through planning conditions requiring the submission of a Construction Management Strategy and a Construction Logistics Plan for approval by the Council prior to the commencement of each phase of development.
The proposed changes would decrease the value of existing properties.	Property value is not a material planning consideration and so cannot be taken into account.
Potential impact of increasing the building heights of NE02/NE03 on the effectiveness of the solar panels on the roof of Marathon House.	An overshadowing assessment of the proposed changes has been undertaken. The snapshot from 21 <sup>st</sup> June 06:00 BST shows that there would be some additional overshadowing on the roof of Marathon House/Archery Court at 06:00 BST. However from 07:00 BST there would be no additional shadowing. The overshadowing assessment also includes snapshots for 21 <sup>st</sup> March and 21 <sup>st</sup> December and these show no additional shadows on the roof. The taller elements of Plots NE02 and NE03 are over 64m away from Marathon House/Archery Court and the impact on the solar panels is shown to be negligible with only a short period of overshadowing taking place in the early morning during the summer months. The proposed development would therefore not have any significant impact on the operational effectiveness of the solar panels.
The new plans should include a new primary school as this is no longer likely to be accommodated on the York House car park site (plot YH1).	Consent has been granted for a primary school at the York House car park site through the original consent (reference 15/5550, as varied through the S73 consents listed within this report). The detailed design was also approved under a reserved matters application (18/0204). The site was sold to the Department for Education for the provision of a school. The York House Car Park site is also allocated for the provision of a primary school within the emerging Local Plan. This

	permission is still in place, and there has been no application to vary this element of the Masterplan, or for an alternative use or development on that element of the Masterplan. The current application does not propose to alter the land use or the quantum of development within the masterplan as a whole. Brent Council regularly updates its School Place Planning Strategy and works to ensure that there is sufficient capacity across the borough to ensure that all children applying for a school place will be able to access a local school. As this consent has already made provision for a new three form entry primary school and this remains the location identified in the local plan, it is not considered necessary, reasonable or appropriate to require the Developer to provide a second site for a primary school through this consent. Should an application be submitted for an alternative use of the York House Car Park, the provision of that alternative use would need to be considered at that stage.
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#### **External Consultees:**

##### **The Greater London Authority (GLA)**

Given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. The Council may, therefore, proceed to determine the application without further reference to the GLA.

##### **Thames Water**

No objections raised.

##### **Environment Agency**

No comments to make.

##### **Wembley National Stadium Limited**

No comments received.

#### **Internal Consultees:**

##### **Environmental Health (Noise)**

No objections raised, having reviewed conditions attached to previous planning approval 18/2214.

##### **Environmental Health (Air quality and site contamination)**

Satisfied with air quality information submitted and future approach outlined.

Satisfied with re-attachment of site contamination planning conditions.

##### **Recycling and Waste**

No objections raised.

#### **Applicants' public consultation exercise on revised proposals**

On Thursday 7<sup>th</sup> January 2021 Quintain hosted a meeting with residents of Marathon House and Archery Court on the revised proposals submitted in December 2020. The event took place virtually and was

attended by a number of residents. The matters discussed included daylight and sunlight impacts and urban design.

## **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 and Brent Development Management Policies 2016 and the Wembley Area Action Plan 2015.

Key policies include:

### **Regional**

#### **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
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality

### **Local**

#### **Brent Local Development Framework - Core Strategy (2010)**

- CP1- Spatial Development Strategy
- CP2- Population and Housing Growth
- CP5- Placemaking
- CP6- Design & Density in Place Shaping
- CP7- Wembley Growth Area
- CP15- Infrastructure to Support 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)**

- DMP 1: General Policy
- DMP 8: Open Space
- DMP 9a: Managing Flood Risk
- DMP 9b: On Site Water Management and Surface Water Attenuation
- DMP 11: Forming an Access on to a Road



DMP 12: Parking  
DMP 15: Affordable Housing  
DMP 18: Dwelling size and residential outbuildings  
DMP 19: Residential Amenity Space

Wembley Area Action Plan (2015)

WEM 1 – Urban Form  
WEM 2 – Gateways to Wembley  
WEM 3 – Public Realm  
WEM 5 – Tall Buildings  
WEM 6 – Protection of Stadium Views  
WEM 8 – Securing Design Quality  
WEM 10 – Low cost Business start-up Space  
WEM 14 – Car Parking Strategy  
WEM 15 – Car Parking Standards  
WEM 16 – Walking and Cycling  
WEM 18 – Housing Mix  
WEM 19 – Family Housing  
WEM 25 – Strategy Cultural Area  
WEM 30 – Decentralised Energy  
WEM 32 – Urban Greening  
WEM 33 – Flood Risk  
WEM 34 – Open Space Provision  
WEM 35 – Open Space Improvements  
WEM 38 – Play Provision  
Site W 18 – Wembley Retail Park

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

In addition, the London Mayor has formally approved a new London Plan, the 'Publication London Plan'. It has been prepared to address the Secretary of State's directions of the 13 March 2020 and 10 December 2020 to the Intend to Publish plan. On the 29<sup>th</sup> January 2021, the Secretary of State confirmed that the Mayor can proceed towards formally publishing the Publication London Plan.

The Mayor will now proceed with the final steps to publish the final London Plan and intends to publish the London Plan on 2 March. At the time of publication of this agenda, the Publication London Plan will carry substantial weight as an emerging document. However, it will represent adopted policy from 2 March.

Key relevant policies include:

**The London Plan – Publication version (2020)**

Chapter 1. Planning London's Future (Good Growth Policies)

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering the homes Londoners need  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience

Chapter 2. Spatial Development Patterns

Policy SD1 Opportunity Areas  
Policy SD10 Strategic and local regeneration

Chapter 3. Design

Policy D1 London's form, character and capacity for growth  
Policy D2 Infrastructure requirements for sustainable densities  
Policy D3 Optimising site capacity through the design-led approach  
Policy D4 Delivering good design  
Policy D5 Inclusive design  
Policy D6 Housing quality and standards  
Policy D7 Accessible housing

Policy D8 Public realm  
Policy D9 Tall buildings  
Policy D10 Basement development  
Policy D11 Safety, security and resilience to emergency  
Policy D12 Fire safety  
Policy D13 Agent of Change  
Policy D14 Noise

#### Chapter 4. Housing

Policy H1 Increasing housing supply  
Policy H4 Delivering affordable housing  
Policy H5 Threshold approach to applications  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy H9 Ensuring the best use of stock  
Policy H10 Housing size mix  
Policy H11 Build to Rent

#### Chapter 5. Social Infrastructure

Policy S1 Developing London's social infrastructure  
Policy S2 Health and social care facilities  
Policy S3 Education and childcare facilities  
Policy S4 Play and informal recreation  
Policy S5 Sports and recreation facilities

#### Chapter 6. Economy

Policy E2 Providing suitable business space  
Policy E10 Visitor infrastructure  
Policy E11 Skills and opportunities for all

#### Chapter 7. Heritage and Culture

Policy HC1 Heritage conservation and growth  
Policy HC3 Strategic and Local Views  
Policy HC5 Supporting London's culture and creative industries

#### Chapter 8. Green Infrastructure and Natural Environment

Policy G1 Green infrastructure  
Policy G4 Open space  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands  
Policy G9 Geodiversity

#### Chapter 9. Sustainable Infrastructure

Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 3 Energy infrastructure  
Policy SI 4 Managing heat risk  
Policy SI 5 Water infrastructure  
Policy SI 6 Digital connectivity infrastructure  
Policy SI 7 Reducing waste and supporting the circular economy  
Policy SI 8 Waste capacity and net waste self-sufficiency  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage

#### Chapter 10. Transport

Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.1 Residential parking

Policy T6.2 Office parking  
Policy T6.5 Non-residential disabled persons parking  
Policy T7 Deliveries, servicing and construction  
Policy T9 Funding transport infrastructure through planning

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Relevant policies include:

**General:**

DMP1 – Development Management General Policy

**Place:**

BP1 – Central  
BCGA1 – Wembley Growth Area  
BCSA8 – Wembley Retail Park

**Design:**

BD1 – Leading the way in good design  
BD2 – Tall buildings in Brent  
BD3 – Basement Development

**Housing:**

BH1 – Increasing Housing Supply  
BH2 – Priority Areas for Additional Housing Provision within Brent  
BH5 – Affordable Housing  
BH6 – Housing Size Mix  
BH13 – Residential Amenity Space

**Economy and Town Centres:**

BE1 – Economic Growth and Employment Opportunities for All  
BE4 – Supporting Strong Centres Diversity of Uses

**Heritage and Culture:**

BHC1 – Brent's Heritage Assets  
BHC2 – National Stadium Wembley

**Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent  
BGI2 – Trees and Woodland

**Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent  
BSUI2 – Air Quality  
BSUI3 – Managing Flood Risk  
BSUI4 – On-site Water Management and Surface Water Attenuation

**Transport:**

BT1 – Sustainable Travel Choice  
BT2 – Parking and Car Free Development  
BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)  
Mayor of London's Affordable Housing and Viability SPG 2017  
Mayor of London's Housing SPG 2016  
SPD1 Brent Design Guide 2018

## DETAILED CONSIDERATIONS

### Amendments since submission

1. The scheme was originally submitted in September 2020 and the key changes to the previously approved parameter plans proposed included:
  - Realignment of Plots NE01, NE02 and NE03 approximately 6.5m to the west to sit closer to Rutherford Way and realignment of NE02 and NE03 on a north/south axis
  - Realignment of Plot NE01 approximately 11.9m to the north
  - Realignment of Plot NE03 to the south
  - Changes to the height and massing of Plots NE02 and NE03, to include two tall buildings both of around +118m AOD
  - Changes to the Northern Park Parameters
  - Changes to parking, access and circulation arrangements
  - Changes to ground levels within the Northern Park and the ground and podium levels to Plots NE02 and NE03
2. Following discussions with officers, and in response to both officers' comments and matters raised within objections received from neighbouring occupiers, significant changes were sought by officers, and subsequently made by the applicants to the proposed scheme. The changes to the scheme originally submitted in September 2020 include:
  - the building line being pushed further back from Rutherford Way by 3 metres
  - a reduction in the height of the proposed tall building on plot NE03 by 20m from +118m to +98m AOD
  - an increase in height of the ends of the 'arms' to Plot NE04 and the north western 'arm' to Plot NE05 of 9m
  - the northern arm of NE05 being pulled back by 3.75m, away from the edge of plot NE02.
3. The amended scheme, received by the Council in December 2020, was again consulted upon, including the publication of a press notice, the erection of site notices and letters sent to neighbouring occupiers. The key changes to the previously approved parameter plans proposed by the scheme submitted in December 2020 will be discussed in more detail in the report below.

### Context

4. Plots NE01 to NE06 and the Northern Park form the North Eastern Lands site, in Wembley Park. To the west of Plots NE01 to NE03 is Rutherford Way, on the other side of which lie the now vacated Olympic Office Centre (for which a replacement predominantly residential scheme, known as the HTA scheme (ref. 17/5097), has a resolution to grant planning permission) at the north, Unite student accommodation within the middle and the residential development of Marathon House/Archery Court at the southern end. To the south of the site, beyond Engineers Way, are the recently completed predominantly residential mixed use buildings known as Plot E01/E02 and Canada Gardens (Plot E03). To the south east and north east of the site lie predominantly commercial buildings, several of which are now being redeveloped for alternative uses, including the Kelaty House site which is currently under construction for student accommodation and an Apart-Hotel, and the Watkin Road Strawberry Star scheme (ref: 20/0587) and Euro House scheme (ref. 20/2033) which the Council has recently resolved to approve for residential development. To the north of plot NE01, on the other side of Fulton Road, lies Pinnacle Tower which is residential and Apex House (known as Scape) which is student accommodation.
5. The site is well served by public transport. The majority of the site falls within an area with a PTAL (Public Transport Access Level) rating of 4 (good), whilst certain sections of the site have a rating of 5 (very good) or 3 (moderate).
6. The site is located within the Wembley Growth Area (Brent Core Strategy) and the Wembley Opportunity Area (London Plan).

## **Policy Considerations**

7. The principle of the land use has already been established through the original planning consent. However, the compliance of the current amendments must be assessed in relation to the Development Plan currently in force comprising Brent LDF Core Strategy, Brent Development Management Policies Document 2016 and the Wembley Area Action Plan 2015 along with the London Plan (Consolidated with Alterations since 2011) March 2016.
8. In addition, regard must be had to current national policy, principally the National Planning Policy Framework (NPPF) 2019, the emerging London Plan (Publication Version) relevant guidance such as the Brent Tall Building Strategy (March 2020) and the Brent Design Guide SPD1 (2018). The proposed amended scheme has been assessed in relation to the relevant planning policies and guidance and it is considered to be in keeping with these policies and guidance and the vision for how development in the Wembley Growth area is to take place.
9. The emerging London Plan maintains Wembley's status as an Opportunity Area and increases the indicative guideline figures for capacity as 14,000 new homes and 13,500 new jobs. Policy SD1 sets out the actions the Mayor will undertake to ensure that Opportunity Areas fully realise their growth and regeneration potential. For the boroughs, the policy advises that decisions should amongst other objectives 'support wider regeneration and ensure that development proposals integrate into their surroundings'. In addition, high standards of accessible and inclusive design are required and development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design by incorporating measure such as high quality landscaping and nature based sustainable drainage. Draft Policy T2 relates to 'Healthy Streets' and advises that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking and cycling.
10. In terms of the emerging Local Plan, the site is located within 'Central Place' which includes parts of Barnhill, Preston and Tokyngton ward areas. Draft Policy BP1 sets out the vision and delivery objectives for development in Central Place and relating to matters of 'Character, Heritage and Design' states 'Tall buildings are appropriate within the Wembley masterplan area, taking care to preserve protected views of the stadium and create a high quality new neighbourhood, integrating well with the suburban character of the surrounding area'. The North Eastern Lands are identified as an allocated site under BC5A8 (Wembley Retail Park) as suitable for mixed use residential development.
11. The following sections of the report assess the proposed development in relation to the local planning policy framework, including the emerging Brent Local Plan, the Wembley Area Action Plan 2015, the Brent Design Guide SPD, Brent's Development Management policies and the Brent Tall Building Strategy 2020.

## **Evolving planning and surrounding context**

12. Since the approval of the outline planning permission (ref. 15/5550), there have been significant changes to both the surrounding environment and the planning policy context. Reserved matters approval has been given for several nearby plots including E01/E02, E03 and the Southern Park. In addition, separate permissions have been granted for a number of other major schemes nearby including plots E05 and W03. These schemes are all either under construction, nearing completion or occupied, and will deliver over 2,700 new homes. Within close proximity to the application, a number of large scale buildings have been recently constructed including Apex House (29 storeys/116m AOD); Parkwood House (Barnard Point) (17 storeys / 81m AOD) and Felda House (18 storeys/89m AOD). Additionally, the Barratt Watkin Road building on Fulton Road (21 storeys/ 107m AOD) is under construction.
13. The evolving planning context for Wembley includes the following key aspects:
  - Wembley Park is the principal site within the wider Wembley Growth Area – the Council are seeking to continue to deliver transformational change reflecting the area's designation as an Opportunity Area in the emerging London Plan.
  - The capacity of Wembley as a Growth Area is to increase further with the emerging London Plan

(Publication version, December 2020) setting indicative guidelines for 14,000 new homes and 13,500 new jobs in Wembley.

- The emerging Brent Local Plan states that residential led mixed-use development within the Wembley Growth Area will be supported delivering a total of over 15,000 new homes, principally within the Wembley Park development.
- Two-way working of road networks around the stadium and upgrades to bus services will improve connectivity, transport links, road safety and the public realm.
- The changing character of the east side of Wembley Park since 2015 through new planning consents granted for higher density residential and student developments.
- The development capacity of the plots taking into account the surrounding context and matters such as townscape, sunlight/daylight and other environmental considerations.

## **Land Use**

14. The outline planning permission 15/5550 (as amended by 17/0328 and 18/2214) sets out maximum levels of floorspace in square metres which may be used for a specified range of uses. The range of land uses proposed for the current scheme is the same as those originally consented, comprising uses within classes B1 (Business) (new use class E(g)), D1 (education/healthcare/community) (new use classes E(e-f) and F1), C3 (Residential) and Sui Generis class student accommodation (only within plot NE01).
15. The site is designated as Site BCSA8 – Wembley Retail Park within the emerging Brent Local Plan with an indicative capacity of 2,180 residential units. The emerging Local Plan states that the site falls just outside the Wembley Town Centre boundary however it does sit within the wider Wembley Growth Area, making it suitable for residential development. The emerging Local Plan continues that given Brent's status as a provide capacity borough, should the parameters of the existing outline need to be reviewed or a full application is received the council will seek to ensure no net loss of the remaining employment floorspace and encourage maximisation of additional provision. It is noted that there is currently a small number of industrial warehouse units to the east and temporary office facilities within the site.
16. Whilst the current planning application seeks to alter the approved parameters in terms of the building form, positioning and heights of certain buildings within the site, it does not seek to make any changes to the range of uses permitted by the Masterplan consent or the range of uses permitted within the North East Lands site, or to the quantum of uses permitted by the Masterplan consent. It is acknowledged that there is an extant planning permission relating to this plot which is a material planning consideration. This extant planning permission could be implemented and allows for ground floor uses including D1 (community use) and B1 uses including offices (B1(a)), Research and development (B1(b)) and Industrial processes (B1(c)) which are defined as uses which can be carried out in a residential area without detriment to its amenity. In this instance, considerable weight must be given to the current approved plans.
17. Notwithstanding the above, it is acknowledged that when the Masterplan consent was approved in December 2016, the permitted development rights which applied at that time were different to those currently in place. Until September 2020, a planning application (or in certain instances a prior approval application) would have been needed to change from a B1 use to another use. From September 2020, the B1 use class has been revoked and effectively replaced with the new Class E(g) and premises could change to other uses within use class E, including retail and food and drink, without requiring planning permission.
18. In line with the Council's approach to a number of other schemes in the Borough, it is likely that, should a reserved matters application be submitted which includes plots which could be used for B1 uses, a condition would be attached to control future uses, by removing permitted development rights to change to other class E uses. An informative is recommended to cover this matter. This would mean that, at

the lower levels of plots NE04 and NE05, once introduced, uses which correspond to the former use class B1(a), (b) and (c) would be protected. These uses would fall under the following new use classes:

19. **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
- **E(g)(i)** Offices to carry out any operational or administrative functions,
  - **E(g)(ii)** Research and development of products or processes
  - **E(g)(iii)** Industrial processes
20. This would ensure that once occupied by uses falling within (former) use class B1 (new use class E(g)), any change to an alternative use in the future would require the submission of a planning application so that proposed changes could be assessed against the current planning policies in place. This would help retain employment floorspace to meet future need for provision within the Borough. Officers do not consider it appropriate to attach a condition to the Masterplan consent because this consent also covers plots which are already built out and occupied and it is not considered reasonable to apply this stipulation retrospectively to built out plots.
21. With regard to the heights and densities envisaged, whilst the WAAP is still the adopted local policy and the site allocation suggested lower heights (4-6 storeys, with taller elements at 8-12 storeys on corner plots on key junctions), permission 15/5550 approved the principle of greater heights and densities on this site. The emerging changes to policy as observed within BD2 of the emerging Local Plan are to be acknowledged and reflect the substantial increase in housing targets that have been introduced since the adoption of the WAAP in 2015. The emerging Local Plan policy can now be afforded substantial weight. Similarly emerging London Plan policy such as Policy D3 'Optimising site capacity through the design-led approach' requires development to make the best use of land by optimising the capacity of sites through a design-led approach. In addition, the Brent Tall Building Strategy (March 2020) forms part of the evidence base for the Draft Brent Local Plan. It includes Plots NE01, NE02, NE03, NE04 and NE05 within an area of "Sites Appropriate for Tall Buildings" at Wembley Park and identifies a height range of 1-34 storeys at Wembley Park. It identifies protected views of the Wembley Arch and sets out more general design criteria for tall developments.
22. Given the emerging planning policy context along with the heights and density of the emerging local urban landscape, including recently approved buildings within the immediate area, the suitability of this location for denser forms of development is acknowledged.

#### **Key proposed amendments to parameter plans**

##### ***Realignment of Plots NE01, NE02 and NE03 approximately 3.5m to the west to sit closer to Rutherford Way and realignment of NE02 and NE03 on a north/south axis***

23. A key change from the approved massing is the realignment of Plots NE01, NE02 and NE03 approximately 3.5m to the west so that they would sit closer to Rutherford Way. The area of public realm which would be provided along the eastern side of Rutherford Way would ensure the provision of a generous footpath, approximately 3m wide, on street inset parking and street tree planting. It is noted that the main building line of NE03 would still be set further away from the centre line of Rutherford Way than Marathon House. Marathon House is set around 10.9m from the road centreline, whilst NE03 would be set around 14.6m from the road centreline.
24. NE02 and NE03 would also be realigned on a north/south axis to provide a stronger connection with Olympic Way between the Barratt and Unite buildings. This takes into account the gas governor structure located next to the Unite building which compromises the original alignment of this important connection.

##### ***Realignment of Plot NE01 approximately 11.9m to the north***

25. Plot NE01 would be moved around 11.9m northwards to align its northern edge with the building line of Plots NW09/10 and NW11 on the other side of Olympic Way. The new position of the building would be

separated by around 15.5m from the buildings on the other side of Fulton Road at upper levels. Whilst this would be a tight relationship, it is noted that the Pinnacle and Apex House developments are built right up to the back edge of the Fulton Road footpath and therefore this inherently limits the separation distance that can be reasonably achieved.

26. Whilst Plot NE01 would be sited 5.5m from the kerb edge and 9.2m from the centre line of the road, Apex House, whose upper floors project forwards by around a metre, is built 3.7m from the back edge of the footpath at ground floor level and 2.7m at upper floor level. This leaves a distance of around 6.4m to the centre line of the road for the upper floors. Whilst the space between the buildings would narrow at this point, this reflects the relationship already established through Apex House and it is not considered to be harmful to the streetscene.

#### ***Realignment of Plot NE03 to the south***

27. The southern edge of Plot NE03 would be aligned with the adjacent southern building line of Marathon House. This would improve internal layouts and the efficiency of the blocks and also allow for the potential use of modern methods of construction, which could help to improve sustainability and construction efficiency whilst reducing on-site disruption.

#### ***Changes to the height and massing of Plots NE02, NE03, NE04 and NE05***

28. The applicants state that the reconfiguration of massing to Plots NE02, NE03, NE04 and NE05 is a response to the evolving context of the wider Wembley area. In reassessing the scheme, they considered that Plots NE02 and NE03 were of a low scale within this context and did not maximise the capacity and opportunity offered by the site. An increase in scale would allow the delivery of a greater number of homes, both private and affordable, within the first two phases of the North Eastern Lands, although no change is proposed to the overall number of dwellings consented by the Masterplan consent.
29. The changes would include an increase of mass on the eastern side of Plots NE02 and NE03 and the introduction of two taller elements, on either side of Allom Lane which would sit adjacent to the northern park. The tallest element of NE03 would increase from a maximum height of +58.4m AOD to a maximum height of +98.0m AOD, which represents the addition of 39.6m or an increase of around 12 storeys. The tallest element of NE02 would increase from a maximum height of +58.3m AOD to a maximum height of +117.9m AOD, which represents the addition of 59.6m or an increase of around 18 storeys. The resulting tallest buildings would be around 19 storeys tall (NE03) and 26 storeys tall (NE02).
30. The new height of NE03 is proposed at +98.0m AOD with NE02 stepping up to +117.9m AOD. These tall elements, which would be around 27m apart, would help to form a pedestrian gateway into the Northern Park at the end of Allom Lane. They would also work together to create a series of steps in height from south to north, with 20 metre gains in height between NE03 and NE02 and then NE02 and NE06 which would remain at its previously consented height of +136m AOD.
31. The western ends of the blocks to NE05 and the western end of the Northern block to NE04 would also increase in height by 9 metres each which would align them with the height of the central portions of those Plots. It would also lead to a more balanced relationship with the taller elements of Plots NE02 and NE03 opposite and assist in defining views into the park for those entering via Fulton Road.
32. Some changes are also proposed to the heights of the western blocks of NE02 and NE03 (adjacent to Rutherford Way). For the western block of NE03, the previously proposed step in this block would be omitted, but the proposed height of +67.2m AOD would be very similar to its consented height. For the western block of NE02 (opposite the student accommodation) the southern end would be lowered by around 10m, whilst the northern end would be raised by around 10m in order to help achieve good daylight and sunlight conditions to the block. However, the linear character of the building line along the length of Rutherford Way established under the approved masterplan would be maintained.
33. In addition, the massing of Plots NE02 and NE03 would be simplified by omitting angled façades which



would improve internal layouts and the efficiency of the blocks. It would also allow for the potential use of modern methods of construction, which could help to improve sustainability and construction efficiency whilst reducing on-site disruption.

34. Other more minor changes would include an increase in the podium level height of NE02 and NE03 to 8.1m to allow for the inclusion of double height spaces at ground level to accommodate a wider variety of potential configurations and uses. Floor to floor heights would also be increased to 3.225m to allow for the potential use of modern methods of construction.
35. Key townscape views have been assessed in the light of the proposed increases in the height of the tallest elements of NE02, NE03, NE04 and NE05. On balance, it is considered that the proposed increases in heights would not compromise the protected views of Wembley Stadium or materially harm the surrounding townscape. The protected views of Wembley Stadium are discussed in greater detail in the 'Views, including protected views' of this report.

#### ***Increase in width of Allom Lane***

36. The width of the route between Plots NE02 and NE03 known as 'Allom Lane' would be increased from around 14.5m to over 26m which is intended to enhance the experience of the public realm along this important route and arrival point into the Northern Park.

#### ***Increased set back of the western end of the North-Western block to NE05***

37. The western end of the north western block to NE05 would be pushed back by around 3.75m to maintain a separation of approximately 25m with Plot NE02 which would open up views into the park from the north and ensure that a generous spacing between blocks would be maintained.

#### ***Changes to the Northern Park and public realm***

38. The Northern Park would remain the focal point of the North Eastern Lands and the overall size of the Northern Park would marginally increase by 244 sqm from 19,586 sqm (as previously approved) to 19,830 sqm as a result of the proposed changes. The revisions to the Northern Park parameters would enhance the biodiversity, capacity and usability of the space, whilst retaining the continuity between the Southern Park and the Northern Park with an emphasis on providing key pedestrian connections. The network of primary pedestrian and cycle routes has been revised to reflect the revised alignment of Plots NE01, NE02, NE03, NE04 and NE05 whilst enhancing permeability throughout the park. Two raised tables are also proposed on Engineers Way and Rutherford Way to reduce traffic speeds and provide safe locations for pedestrians to cross.
39. There would also be some changes to the extent of public realm and of private and communal residential open space at ground floor level around Plots NE02 and NE03 in response to the revised park design and its relationship with these plots.
40. Indicative drawings showing the layout of the park have been provided. The full detail would be approved at a later date within a reserved matters application. The indicative layout of the park includes:

#### ***Water features***

41. A single body of open water is now indicated in the south eastern corner of the Northern Park. This pond would provide an attractive focus which would visually link this water feature to the existing water in the Southern Park via a water rill (narrow channel). The open water would be part of a water system combined with swales (linear planted areas which assist in channelling surface water), rain gardens (planted landscape features with sloped or gently stepped edges) and water retention areas to provide sustainable drainage. In turn these also create a range of landscape conditions that would add to the variety and richness of the planting proposals.

### ***The Meadows***

42. To the south west of the pond would be the Meadows which makes up the main central space in the Park. The Meadows are designed to relate to the Lawns of the Southern Park but are larger, have more open space and as such are able to accommodate larger events and gatherings whilst respecting social distancing measures if required. The large lawns proposed would help re-establish the natural topography of the land and incorporate the level changes within gentle gradients creating a park more accessible to all.

### ***Network of pathways***

43. The proposed routes through the park have been informed by a Spatial Accessibility Analysis. The network of pathways within Northern Park have been reconfigured to maximise permeability and to allow for the key connections across the park. The layout of the Park would present opportunities for movement through as well as quiet zones for rest and relaxation.

### ***Planting***

44. The spaces within the Northern Park would be framed by semi-mature tree planting and areas of herbaceous planting which would enhance the biodiversity of the park as a whole.

### ***Changes to parking, access and circulation arrangements***

45. Amendments are proposed to Parameter Plan 7 to allow flexibility for an alternative parking strategy for Plots NE01, NE02 and NE03. This would enable Plots NE02 and NE03 to be designed as car-free, other than for the provision of on-street inset spaces along Rutherford Way adjacent to Plots NE01-NE03 for parking bays to provide:
- accessible parking
  - pick-up / drop off
  - off carriageway service bays, and
  - flexibility for at least one space to be available to Essential User permit holders such as healthcare workers
46. The locations for the inset parking and off carriageway service bays have been identified with regard to the residential schemes on the western side of Rutherford Way and the retention of the bus stops. The lengths proposed for each inset servicing area are equivalent to three to four accessible parking spaces, allowing for ease of future conversion to accessible parking subject to relative demands. The applicants state that no on-street inset servicing space would be converted to accessible parking without it having been demonstrated that the corresponding facility has been regularly under-utilised for the intended purpose and that the remaining inset servicing spaces would continue to have sufficient capacity to accommodate any displaced demand. The quantum of parking and servicing facilities would be based on the latest policy and guidance provided by TfL. A condition would be attached requiring the submission and approval of a Parking Management Plan to enable the Council to fully assess the proposed allocation of parking spaces.
47. Service and vehicle access routes would be retained between Plots NE01 and NE02 and between NE02 and NE03 and a pedestrian zone with emergency vehicle access would be provided between the plots and around the Northern Park. This network would continue to be shared with pedestrian access, in line with the approved parameters.
48. In addition, raised table traffic calming measures to Rutherford Way would be introduced at key pedestrian crossing points, including one that aligns with Allom Lane.

### ***Ground levels***

49. Parameter Plan 04 is also proposed to be amended to allow minor revisions to proposed ground levels

within the Northern Park and ground and podium levels to Plots NE02 and NE03.

## **Layout and Uses, Landscaping and Trees, Scale and Appearance**

### **Layout of the site**

50. The key design principles for the North Eastern Lands defined in the outline planning application and which remain as important considerations in this S73 application include:
- The Northern Park is the focal point at the centre of the development plots within the North Eastern Lands.
  - The design of the park should reinforce the links and connectivity of the Northern and Southern Parks into a single open space.
  - Clear physical and visual routes are provided between each plot and will be prioritised for pedestrian access.
  - Plot NE06, designed as the tallest element within the North Eastern Lands, remains as originally approved, acting as a signpost into the Northern Park from Albion Way to the North, and the northern end of Olympic Way from the West.
  - The massing of the plots is designed to step up to NE06 from both the west and eastern edges of the Eastern Lands.
  - The western façades of Plots NE01, NE02 and NE03 form a strong urban edge along the length of Rutherford Way.
  - Residents' courtyards would be provided at podium level and are defined by the blocks of each plot, which open onto them for access. They are designed to incorporate open edges to allow views from one to another and across the park.
  - The plots would incorporate active edges to all sides with communal uses anticipated at lower levels.
  - Parking areas would be accessed from Rutherford Way and Fulton Road.

### ***Routes through Wembley Park***

51. Recent public realm improvements to the space between the Unite Student building and Marathon House along with the installation of plant enclosures between the Unite building and the proposed residential scheme on the former Olympic Office Centre block mean the southern-most of these two links is likely to become an important pedestrian access route from Olympic Way through to the Northern Park and the North Eastern Lands, away from the traffic of Fulton Road and Engineers Way. Owing to an existing gas governor which interrupts the northern edge of this linking route, the scheme proposes to move the centre-line of the through-route to the south. The width of this route known as 'Allom Lane' would be increased to over 26 metres to reflect its importance as a key pedestrian route. This change is supported as it would assist easy pedestrian access and lines of sight from Olympic Way through to the Northern Park and with careful design it is considered that an attractive and valued area of public realm could be created that helps foster a sense of place as a welcoming route into the main body of the park.

### ***Rutherford Way***

52. Rutherford Way primarily provides access to residents and visitors to the plots located either side of the road and is secondary in nature given that the primary north/south links through Wembley Park are provided via Olympic Way and the Northern Park. The consented width between the buildings either side of Rutherford Way is approximately 30 metres, which is a very generous width for a road of this type, in terms of urban and highway design. A degree of narrowing of this road, which would still maintain a façade to façade distance across Rutherford Way of around 25 – 26m, is considered appropriate in order to ensure an effective use of urban land, subject to achieving key planning objectives including ensuring a high quality street environment can be achieved and that the impact on neighbouring residents is within reasonable limits.
53. Officers consider that the Rutherford Way streetscape has the potential to be an engaging and characterful area of public realm. Through careful design it could demonstrate successful adherence to

'Healthy Streets' principles, by providing an environment where people feel safe and relaxed and which is pedestrian and cycle friendly. The planting of street trees along its length would contribute greatly to the creation of an attractive streetscape which would serve as a welcoming environment for future residents and park users.

### ***Moving of outer edges of building lines further north and further south***

54. Whilst moving the northern flank wall of NE01 further north would bring it closer to the Pinnacle Tower residential development and the Scape student accommodation on the northern side of Fulton Road, this relationship between buildings on either side of the road (a separation of around 15.5m at its closest point) is not unusual in the immediate area. Furthermore, it is noted that the flank wall of NE01 would only be around 18m wide, resulting in a tall yet slender building, and angled views to openness either side of it would be possible from the windows or balconies of the units opposite. In this instance, the proposed change in building line is considered acceptable in layout terms.
55. It is noted that the edge of NE01 would still retain around 5.5m between the building and the edge of the footpath with the carriageway and around 9.2m to the centre of the carriageway. It would therefore have a greater degree of set back than Pinnacle Tower which is built to within around 2.7m of the footpath edge above its recessed ground level.
56. Altering the southern edge of the NE03 plot to square it off to line up with the edge of Marathon House is also considered an acceptable change to the layout of this part of the site which would present a strong, angular corner which is considered acceptable in urban design terms.
57. The proposed amendments to the layout of the site are considered to be acceptable in urban design terms and in terms of ensuring that the site is easily accessible to pedestrians and visually permeable in views from the surrounding area whilst allowing an increase in the built form to make effective use of the land for residential-led development.

### **Uses within the buildings**

58. As discussed above, uses are not proposed to change within the scheme from those approved within the existing consent. The range of authorised uses for the ground/first floors of the plots within the development are:
  - Plot NE01 and NE03 – D1 (education/healthcare/community uses)
  - Plot NE02 - D1 (education/healthcare/community uses) and C3 (residential)
  - Plots NE04 and NE05 - B1 (business), D1 (education/healthcare/community uses) and C3 (residential).
  - The upper floors exclusively have residential (class C3) as their permitted use, with the exception of plot NE01 which could be used for C3 (residential) use or Sui Generis student accommodation. This is the same range of uses as previously consented under the original parameter plans.
59. Officers consider that the D1 (education/healthcare/community uses) and B1 (commercial) secured at ground floor level in accordance with the Masterplan consent have the potential to ensure the provision of workable, active frontages wrapping around building façades and offering high levels of animation and natural surveillance, and this would be examined further at detailed design stage.
60. Whilst the current application only seeks consent for parameter plan changes and does not include detailed proposals, the applicants have indicated that the north east corner of Plot NE02 is intended to be a double height space which would accommodate the second community hall to be delivered within Wembley Park, referred to as "The Green" due to its relationship with the park and outdoor space.
61. The design of the community hall and its usage would ensure this corner has a strong connection with the adjacent park. It is proposed that the community hall would have a terrace area immediately adjacent to the building but would also allow for uses and activities to 'spill out' into the adjacent park area to the east. A second 'MUGA' (Multi use games area) may be provided in this area, although the

intention would be that this facility would be provided as a less formal playable space rather than a formal MUGA as seen adjacent to Plot E01/02.

### **Relationship to Wembley Masterplan hybrid consent**

62. Taking into account the new footprint of the proposed development, the overall building heights and typical floor to ceiling heights, the proposed parameter plans would allow for an increase in useable floorspace within Plots NE02 to NE05 compared to the development which could take place in line with the originally approved parameter plans. However, the overall floorspace that can be provided within the Wembley Masterplan site as a whole would not increase as a result of the proposal, as the original consent sets out specific limits to overall floorspace levels. The detailed design of the scheme would be fully assessed through Reserved Matters applications, and the compliance of the scheme with the Masterplan floorspace limits would also be fully assessed at that stage. It is considered that a detailed scheme could be designed which would have an acceptable impact on the environment, the local area and the amenities of neighbouring residents, in accordance with the proposed amendments to the parameter plans.

### **Landscaping and Trees**

63. Details of landscaping and amenity areas within the plots are only indicative at this stage owing to the proposals still being in outline form. However, no in principle objection is raised to the overall concept of facing blocks separated by a podium amenity space with extensive areas of public realm at ground level forming attractive and spacious routes into the park.
64. Trees are proposed all along the Rutherford Way frontage which would help soften the appearance of the new buildings within street level views.
65. Details of the park have also only been presented in outline form, but the design put forward at this stage indicates that an attractive, readily usable space could be provided, offering distinct areas with different characters and principal functions alongside biodiversity and water management benefits.

### **Scale**

66. The Application Site is within the area defined as being 'appropriate' for tall buildings on Map 4.4 within the Wembley Area Action Plan 2015. Chapter 4 of the Wembley Area Action Plan states that the Stadium is the most significant building in Wembley and that views of the Stadium contribute a significant amount to the perception of Wembley as a whole, performing a range of functions that add a layer of depth to the visual experience of the area. The council will therefore protect a range of short, middle and long distance views of the National Stadium. As discussed in the 'Views, including protected views' section below, a views assessment has been submitted with the current application which shows the impact of the proposals on Wembley Stadium and its arch, in conjunction with previously consented schemes.
67. The Design and Access Statement submitted with the application describes the design process that has led to the proposed changes and the evolving planning context which has been taken into account. This includes reference to the Brent Tall Building Strategy which also identifies plots NE01, NE02 and NE03 as being within an area of "Sites Appropriate for Tall Buildings" and identifies a height range of 1-34 storeys at Wembley Park. It identifies protected views of the Wembley Arch and sets out more general design criteria for tall developments. Furthermore, consideration is made of the evolving context with recent buildings in close proximity having increased the scale of development in the locality of Plots NE01, NE02 and NE03.
68. Whilst of considerable height, it is considered that the two taller buildings proposed on Plots NE02 and NE03 would be well-spaced on the skyline and, if carefully designed, would read as a balanced pair of attractive buildings heralding a key entrance point to this urban park. With the NE03 tall element at around 20m lower than the NE02 tall element, they would complement one another and read collectively as a well composed pair. They would step down from the tallest building, Plot NE06, at the northern

entrance to the park and would also be of a lower height than the completed Canada Gardens on the Eastern Lands. They would therefore fit appropriately into the hierarchy of tall buildings without being unduly dominant in views from the surrounding area.

69. When approaching the park from the west, the taller buildings on NE02 and NE03 would be visible beyond the linear blocks on Rutherford Way, creating a layered composition and marking the park beyond. When viewed from the east side of the park, the proposed buildings have the potential through high quality detailed design to address the edge of the park appropriately with their ground level features softening the transition between the more solid built form and the more organic park edge.
70. The buildings would be of a comparable scale and height to newly completed and consented buildings within Wembley Park. Overall, it is considered that the proposed changes to the height and massing of the North East Land plots would continue to promote the high quality design principles of the Wembley Park Masterplan and relate appropriately to the recently constructed and consented buildings in the vicinity.

### **Impact of changes on the Northern Park**

71. It is crucial that the scale of the tallest buildings does not unduly harm the character and environmental quality of the park which is proposed to be delivered through this consent, through an imposing presence or overshadowing.
72. At detailed design stage, officers would expect the design to demonstrate how the tall elements would relate well to their surroundings at ground level and above, with the massing at lower levels appropriately softened to create a built form that responds well to the more modest and personal scale of the adjacent park. Whilst the southernmost tall building within NE03 would be around 63.7m above ground level, a distance of around 100m would separate it from the buildings of NE04 on the other side of the park and there would be a good degree of openness to its south stretching across Engineers Way and into the Southern Park. It is therefore not considered that this tall building would have an oppressive or overbearing presence in this more open part of park, given the generous distances from other built development to its east and south.
73. The tall building within NE02 would be positioned in a part of the site where the built form is becoming denser, but there would still be a separation of over 50m from the centre of its eastern façade to the closest corner of NE05 to its immediate east. It would be read as a part of a hierarchy of taller buildings, progressively leading up to NE06 as the tallest building within this development at the northern entrance point to the park. Provided it is of exemplary design, it is considered that this tall building would be capable of relating well at ground level as an intrinsic part of the built forms surrounding the edges of the park, whilst its height would be compatible with the loftier built forms which would border the northern parts of the Northern Park.
74. Overshadowing in the Northern Park is discussed in more detail below but it is noted that the BRE guidelines state that at least 50% of an amenity area should receive two hours or more of direct sun on 21<sup>st</sup> March. In a comparison with the Consented Development position, which would see 99.6% of the total area seeing at least two hours of sun, the Proposed changes scenario would still see 91.5% of the total area seeing at least two hours of direct sunlight. Whilst this represents a reduction of 8.1%, overall, officers consider, based on the submitted overshadowing assessments, that the park would continue to receive adequate levels of sunlight and would still provide a pleasant and enjoyable environment to spend time in at different times of the day and throughout the year.

### **Appearance**

75. Illustrative views have been submitted with the application, showing how the proposed buildings, park and public realm would relate to surroundings. However, full details of the appearance of the buildings, park and public realm areas would need to be submitted for approval at Reserved Matters stage and the materials proposed would need to be approved through condition discharge planning applications.

76. The height and length of the proposed buildings would be comparable to that of other developments in the vicinity, so it is not considered that the development would appear unduly bulky or incongruous in views from the surrounding area. Trees and other planting would help soften the impact of the development in street level views. This would include trees that would be planted along the length of Rutherford Way.

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

77. Policy WEM 5 of the Wembley Area Action Plan (WAAP) 2015 states that tall buildings will be acceptable where they can demonstrate the highest architectural quality, and that where they are proposed, the submission of a key views assessment will need to accompany planning applications. Map 4.4 identifies areas as appropriate for and 'sensitive to tall buildings. The Application Site is within the area defined as being appropriate for tall buildings. Policy WEM 6 defines protected views of the Stadium, relevant for the consideration of tall building proposals.
78. A series of images has been submitted with the application which indicate the impact on views to the Stadium from the protected and other viewpoints.

#### **Assessment of protected WAAP views**

79. The proposed changes would not be seen from Barn Hill (view 1) nor from the processional route moving south from Wembley Park station along Olympic Way (views 6 and 8).
80. In the views from Elmwood Park (view 2), Welsh Harp (view 5) and Neasden Station (view 11), the upper part of the tall building proposed on Plot NE02 would be visible on the skyline, stepping up towards NE06 to the north. The tall building on NE03 would be set lower and would be largely hidden in these distant views. Both tall elements would be set away from the Stadium arch, appearing between the taller buildings on Plot E03 (built) and Plot NE06 (consented). A varied skyline composition would be maintained as would the landmark character of the Stadium arch.
81. At One Tree Hill (view 4), the tall buildings proposed on Plots NE02 and NE03 would appear closer together at the base of the Stadium arch. The tall building on NE03 would be barely detectable, directly beyond the arch and largely hidden by foreground buildings. The taller element on NE02 would appear left of the arch. Both buildings would be read alongside the existing buildings on the South West Lands. The landmark Stadium arch would remain clearly legible and dominant in the view.
82. In Chalkhill Park (view 9), existing views towards the Stadium arch are partly obscured by trees and existing and consented tall buildings. At the position assessed in the 2018 ES, the tip of the tall building proposed on Plot NE02 would conceal part of the Stadium arch, however a new tree now obscures much of that view. Moving right of that position to avoid the tree (view 9a), the Stadium arch is seen more clearly, though still partially obscured on either side by trees at the edge of the park. The proposed tall building on Plot NE03 would be set lower than NE02 and would allow the Stadium arch to be read fully above it. The taller element on NE02 would appear to the right of the arch and would be largely obscured by the trees at the edge of the park. The tall building outlined in green within the centre of the arch is the tallest part of NE05 (which is unchanged from the consented scheme in this application). The curved profile of the arch would remain clearly legible, and would dominate the view to the distance beyond the trees and tall buildings. It is considered that the visibility and distinctive character of the Stadium arch would be preserved.
83. A second cumulative scenario has been provided for the Chalkhill Park view (view 9a) which includes two schemes which have a resolution to grant consent (Euro House planning application ref: 20/2033 and Watkin Road (Strawberry Star) planning application ref: 20/0587). The Euro House scheme would appear to the left of the arch. The Watkin Road (Strawberry Star) scheme towards the centre and right of the arch would almost fully obscure Plots NE02 and NE03. The part of NE02 not obscured by the Strawberry Star scheme would be set well to the right of the Stadium arch and would be almost entirely hidden by trees. The profile of the Stadium arch would still be legible on the skyline and the top of the arch would not be impacted by either the proposed scheme or the Strawberry Star scheme.

## **Assessment of undesignated mid-distant and local views**

84. From Barn Way (view 13), within the Barn Hill Conservation Area, the tip of the tall building proposed on Plot NE02 would clip the Stadium arch to the left of the consented taller building on NE06. The green wireline further left outlines one of the taller elements on NE05 (the height of which is unchanged from the consent in this application). However, the Stadium arch would remain clearly visible rising beyond the proposed and consented buildings.
85. In the local verified views within the Wembley Park Masterplan, the tall buildings proposed on Plots NE02 and NE03 would not be visible when looking east past the Civic Centre (view 26). Plots NE02 and NE03 would also not be seen when looking south along Albion Way (view 29). When looking east along Fulton Road from Olympic Way (view 28), the north end of the proposed Plot NE01 would be seen, with the taller consented Plot NE06 building beyond, marking the northern entrance to the park. Looking north along Rutherford Way (view 36), the western blocks proposed on Plots NE02 and NE03 would maintain the linear character of that route and balance the existing blocks on the west side of the road.
86. Sketched views submitted illustrate key views from the west edge of the park, south of Plot NE03 on Engineers Way; from beside Plot E03 at the east end of the park; and from the south end of the park. These views show that the two taller buildings proposed on Plots NE02 and NE03 would be well spaced on the skyline and would be stepped in height, gesturing up to the taller building, at Plot NE06, consented at the northern entrance to the park. When approaching the park from the west, the taller buildings would be visible beyond the linear blocks on Rutherford Way, creating a layered composition and marking the park beyond. When viewed from the east side of the park, the proposed tall buildings would be prominent, new buildings fronting the park. Their visual relationship with the park, including ground level detailing would be further examined at the detailed design stage, should the current amendments be approved.
87. Whilst development of this scale would inevitably be visible from a wide area, it is considered that the landmark presence of the Stadium arch would be preserved in the views designated in the WAAP. Where visible, the taller building on NE02 would often be seen stepping up towards the landmark point of NE06, at the northern entrance to the park, and away from the Stadium. In distant views, NE02 and NE03 where visible would contribute to a varied and interesting skyline composition but the Stadium arch itself would remain dominant.
88. In local views, the tall buildings proposed within plots NE02 and NE03 would have an impact upon the local skyline, seen from various points within the Wembley area. However, they would be set below the greater height of the tall buildings on Plots E03 and NE06, at the eastern and northern entrances to the park. In a similar way to the more distant views, the tall elements of NE02 and NE03 would have a stepped composition in height, rising up to the north and reinforcing the landmark role of NE06. Despite the significant height of the two newly proposed tall buildings, it is considered that the Stadium arch would maintain an acceptable level of prominence for the National Stadium in local views.

## **Neighbouring Amenity**

### **Privacy and adequacy of separation distances**

89. In order to retain acceptable privacy levels to properties, SPD1 states that proposed habitable room windows should achieve an 18m of separation from the rear facing habitable room windows of other properties. However, this standard does not apply to street facing windows. SPD1 specifies that for sites within an existing street scene, the distance between front elevations should normally be determined by the character of the road widths or set-backs from roads in the area.
90. The separation distance between Plot NE01 and the buildings on the north side of Fulton Road is 15.5m at its closest. However, as noted above, the Pinnacle and Apex House developments are built right up to the back edge of the Fulton Road footpath which limits the separation distance that can be reasonably achieved. As there is an existing street between the buildings, and the width of the flank wall of Plot NE01 is relatively modest at 18m, this separation distance is considered to provide an adequate separation between the façades, appropriate to this urban context.



91. Furthermore it is noted that overlooking/privacy issues would be considered as part of any subsequent reserved matters application, at which stage a number of design responses may be used, which could include restricting habitable room windows or balconies within the NE01 flank façade or the use of east/west facing oriel windows.
92. On its western façade, Plot NE01 would be separated from the consented mixed use residential scheme by around 26m, which is considered adequate to ensure acceptable privacy conditions.
93. With regard to the Unite student accommodation, a separation distance of around 26.3m from Plot NE02 would be maintained which similarly is considered adequate to ensure acceptable privacy conditions.
94. With regard to Plot NE03, a separation distance from Marathon House and Archery Court of around 25.5m to the nearest building and over 64m to the taller building next to the park would be maintained. A separation distance of over 35m (at an angle) from Plots E01/E02 to the south would be maintained. These are considered adequate distances to ensure acceptable privacy conditions.
95. Overall, the level of privacy that would be afforded to existing and future occupiers is considered to be acceptable.
96. In view of the above separation distances it is also considered that the form of the proposed development would not prove to be unduly overbearing for the occupiers of existing residential properties. Whilst it is acknowledged that the tallest buildings proposed within Plots NE02 and NE03 would be significantly taller than the buildings previously consented on the eastern side of those plots, as they would be over 64m away from the existing façades, it is not considered that they would have an unacceptably imposing presence.

### **Daylight and Sunlight Considerations**

97. Daylight, sunlight and overshadowing effects of the proposed development have been assessed, including the effects of the development on the surrounding area and the amenity of surrounding residential properties. A full daylight and sunlight report has been submitted and undertaken in accordance with BRE guidelines.
98. The impact on windows has been considered in terms of both vertical sky component (VSC) and no sky line (NSL) measures to consider daylight, and annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) to consider sunlight.
99. There would be some change from both the existing situation and the consented situation, with some habitable rooms of neighbouring properties adversely affected as a result of the building lines of the proposed scheme moving closer towards existing properties and increases in proposed building heights. However, overall acceptable levels of daylight and sunlight would be retained to surrounding neighbouring properties, and the proposed development would broadly comply with BRE guidelines.
100. In considering the acceptability of a degree of light loss to neighbouring properties, it is important to consider the following:
  - The application site has been identified in Brent policies for many years as a site for redevelopment and as a key site forming part of the extensive Wembley Park regeneration project.
  - The site is part of the wider Wembley Masterplan scheme, granted consent in 2016.
  - The application site is within the Wembley Growth Area which is designated within the London Plan as an area within which significant housing provision is anticipated.
  - Many of the losses of light experienced by neighbouring properties are due to the positioning of

windows below balconies or within recessed parts of the building. Balconies usually adversely affect the light reaching nearby windows but this is a necessary compromise given the amenity benefits of balconies. Likewise, building façades often include recesses as these enhance the visual attractiveness of the building and reflect the internal configuration of the building.

- The observed obstructions to daylight availability inherent in the building design due to the setback elevations and the presence of protruding balconies affects several adjacent buildings including Marathon House and Archery Court, Pinnacle Tower and Apex House, particularly at the lower levels. Therefore, when assessed against the consented position under planning permission ref: 18/2214, a number of these units receive relatively low VSC levels, and even a small reduction in *actual* VSC levels (which is unlikely to be noticeable to the occupiers of the apartments) would appear as a high *percentage* reduction. For example, if an apartment would receive a VSC value of 5% under the consented scheme and this would be reduced to a value of 3% under the proposed scheme, this would be a 40% reduction. Whilst this sounds like a major reduction, it is only an absolute reduction in VSC value of 2% and such a small reduction is unlikely to be noticeable by the occupants of the apartment.
- A high number of the rooms experiencing light losses are bedrooms. These are considered by BRE guidelines to be less sensitive to daylight losses than main living and kitchen areas. Further, within Marathon House and Archery Court, where living rooms are affected, they are also served by a second window which reduces the overall daylight impact.
- Officers place some weight on the fact that Apex House (Scape) and the Unite building house student accommodation, which is more transient in its nature, rather than permanent living spaces. While a reasonable expectation of daylight and sunlight is required in such accommodation, there is acknowledgement from the BRE that it is of lower sensitivity in comparison with the expected levels of occupiers of permanent homes.

101. Major regeneration projects will inevitably have an impact on surrounding developments and in many cases will lead to a degree of light loss. Notwithstanding this, proposed developments should be designed to keep any adverse impacts within reasonable limits. In terms of the design of the proposed development in relation to the surrounding developments, it is important to note the following:

- The proposed development would be set within an existing densely developed urban environment in which neighbouring developments are tall and built close to the edge of the footpath and the centre line of the adjacent road. This relationship manifestly reduces the amount of light these properties will receive when the surrounding area is developed.
- In December 2020, the applicant made a number of significant changes from the originally submitted plans (September 2020) which have had beneficial impacts on daylight and sunlight of neighbouring properties. These included moving buildings further away from neighbouring properties and reducing the height of some buildings.
- The buildings proposed along Rutherford Way would almost all be lower in height than those opposite. For example, Marathon House is 49.21m above ground level (82.5m AOD) whereas the proposed NE03 building directly opposite would be 33.72m above ground level (67.2m AOD).
- The buildings proposed along Rutherford Way be set back a greater distance from the centre point of the road than those on the opposite side of the road. For example, the main façade of Marathon House is around 10.9m from the road centreline, whereas the NE03 building directly opposite would be 14.6m from the road centreline.
- The building of NE01 would be set back a greater distance from the centre point of the Fulton Road than those on the opposite side of the road.
- 'Mirror massing' is a recognised BRE assessment approach whereby the impact of a proposed scheme is compared to the impact that would be experienced if a 'mirror image' of the existing development were to be constructed. If the existing Rutherford Way buildings were replicated as a mirror image on the opposite side of the road, the impact on neighbouring daylight and sunlight would

be worse than the impact of the proposed scheme.

102. Whilst it is important to ensure that acceptable daylight and sunlight conditions are achieved for surrounding properties, full compliance with BRE guidelines is rarely achieved in dense urban locations such as this. Indeed, the BRE guidance itself notes that it should be taken as guidance rather than a rigid set of rules and the guidance was formulated to be most appropriately applied to lower density suburban environments rather than dense urban environments. The BRE guidance acknowledges (paragraph 1.6) that 'In special circumstances, the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.'

### **Assessment Methodology**

103. The surrounding properties considered sensitive to daylight and sunlight have been identified as:

- Marathon House/Archery Court (completed residential development);
- Unite (completed student accommodation);
- Olympic Office / HTA; (application 17/5097 for residential development which has a resolution to grant permission);
- Pinnacle Tower (completed residential development);
- Apex House (completed student accommodation);
- Wembley Park Masterplan Plots E01, E02 and E03 (completed residential development);
- NE06 within the application site itself.

104. The applicants have compared the impact of the proposed changes to the already consented scheme rather than the existing situations. The BRE guidance acknowledges that this is a legitimate approach. The guidance states at Appendix F, paragraph F2 that:

- *"Sometimes there may be an extant planning permission for a site but the developer wants to change the design. In assessing the loss of light to existing windows nearby, a local authority may allow the vertical sky component (VSC) and annual probable sunlight hours (APSH) for the permitted scheme to be used as alternative benchmarks."*

105. In this instance, the report adopts the 20% reduction in light as initial guidance in relation to a potentially 'noticeable' change in light compared to the consented scheme and not to determine whether the loss incurred is compliant with the guidance.

106. The application site is generally open or currently occupied by low rise buildings and therefore the existing properties on the western side of Rutherford Way generally benefit from atypically good baseline levels of daylight owing to the phased implementation of the wider masterplan. In this situation, the impact from this position will necessarily be greater once surrounding plots are redeveloped for denser schemes, which are to be expected in a regeneration and growth area. In this instance, an assessment comparing a consented scheme to a proposed scheme is considered reasonable because whilst the site has been largely cleared, it could just as easily have contained buildings of the scale that were originally consented, and be put forward for redevelopment on a denser scale.

107. Officers consider that in these circumstances, a range of assessments to measure the overall impact are valuable. The applicants' approach of comparing the consented scheme to the proposed scheme is considered valuable and appropriate as one part of the assessment. However, it is important to note that the conclusions of 'negligible impact' and 'minor adverse impact' are based on the difference between the *consented* and *proposed* scheme and not between the existing situation and the proposed scheme and that if the difference between the existing situation and the proposed scheme were assessed, the results would be likely to be considerably worse for some windows. However, it is a realistic expectation that a site will be developed in a way that reflects the height and proportions of existing buildings close by, and it is therefore reasonable to use a 'consented scheme to proposed

scheme' comparative assessment in combination with other approaches recognised by the BRE to assess the daylight and sunlight impact of the proposed development on neighbouring properties. These include a 'Mirror massing assessment' and a 'No balconies assessment' which are discussed in more detail below.

108. With regard to measures of daylight, vertical sky component (VSC) and no-sky line (NSL) are used. VSC is a 'spot' measure of the skylight reaching the mid-point of a window from an overcast sky and is a measure of the distribution of diffuse daylight within a room. NSL is a measure of how much of the 'working plane' in a room (the horizontal plane 0.85m high) can receive direct skylight.
109. With regard to measures of sunlight, annual probable sunlight hours (APSH) and Winter probable sunlight hours (WPSH) are used. APSH is a measure of sunlight that a given window may expect over a year period whilst WPSH is a measure of sunlight that a given window may expect during the winter months (Sept 21<sup>st</sup> – March 21<sup>st</sup>). The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation.
110. With regard to daylight, sunlight and overshadowing for the proposed dwellings themselves, an Internal Daylight, Sunlight and Overshadowing Report has been submitted which assesses the daylight Vertical sky component (VSC) and sunlight (APSH and WPSH) potential upon the façades of each plot. The No-sky line (NSL) was also measured for the most affected rooms.

### ***Mirror Massing Assessment***

111. A daylight and sunlight assessment within a mirror massing scenario, depicting a 'mirror image' of the existing buildings on the other side of Rutherford Way mirrored onto the site of plots NE01-03, has been undertaken. Paragraph F3 of the BRE Guidelines states that this approach be adopted in cases "where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light." It continues, "To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these windows could be set to those for a 'mirror-image' building of the same height and size, an equal distance away on the other side of the boundary."
112. Whilst this is a theoretical position, it highlights that reductions in daylight and sunlight are inevitable with any meaningful development within the site which matches the height and proportions of neighbouring buildings. The following buildings were considered in a mirror massing scenario:
  - Marathon House/Archery Court;
  - Unite Student Accommodation; and
  - Olympic Office / HTA Residential Scheme

### ***No Balconies Assessment***

113. This daylight and sunlight assessment is based on a no balconies scenario, whereby protruding balconies, which inherently obstruct daylight and sunlight availability, are removed from the surrounding residential properties. This allows for an accurate assessment of the impact due to the proposed development's massing, as opposed to where a reduction in daylight and sunlight is a result of the design of the existing building itself. The relevant buildings where a no balconies assessment has been undertaken are:
  - Marathon House/Archery Court

### ***Overshadowing***

114. The sunlight condition (sun hours on ground) of the amenity areas between each plot has also been assessed. The surrounding public and private amenity areas considered sensitive to overshadowing from the proposed changes are:

- Northern Park.

115. The overshadowing levels within the proposed amenity areas within the site have also been considered. The relevant areas assessed are:

- Podium terraces and roof terraces of Plots NE01, NE02, NE03, NE04 and NE05.

### **Daylight and Sunlight Results on Neighbouring Buildings – Executive Summary**

116. Following review of the findings of the Daylight and Sunlight reports submitted with this application, officers consider that the revised scheme based on the amended parameter plans would have an acceptable impact overall on the amenity of existing and future residents of nearby residential properties in terms of daylight and sunlight measures. Although some rooms would fall below the targets set out within BRE guidelines, this shortfall is considered acceptable in this densely developed urban context undergoing extensive regeneration.

117. Officers note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser urban locations.

118. Furthermore, at paragraph 123 of the National Planning Policy Framework (NPPF), it is stated that “when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.

119. The Growth area location and site allocation, which envisions significant housing growth on this site and surrounding sites, are given significant weight. The expectation for significant housing provision within this site, as set out in policy, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance. As discussed in earlier paragraphs of the report, the consented scheme involves an unusually generous set back of the building line on the east side of Rutherford Way which therefore establishes a rather generous baseline scenario which would naturally result in a certain degree of change in the context of any development proposal designed to optimise the potential of the site for housing delivery. Having regard to the impacts of the proposal and the benefits of the scheme as outlined in this report, the benefits are considered to outweigh the harm as identified above.

### **Daylight Results**

120. When assessed against the BRE guidance, the following impacts were concluded on neighbouring buildings when assessing the change from the consented development to the proposed development:

• Marathon House/Archery Court	Negligible (not significant)
• Unite Student Accommodation	Negligible (not significant)
• Olympic Office / HTA Residential Scheme	Negligible (not significant)
• Pinnacle Tower	Minor Adverse (not significant)
• Apex House	Minor Adverse (not significant)
• NE06, E01/02 and E03	Negligible (not significant)

121. As explained above, given there is an existing consent in place and the high-density urban nature of this setting, it is considered appropriate and in line with BRE guidance to use the consented development / proposed development comparison rather than a comparison to the existing baseline which would be unrealistic in view of the density of development that is characteristic of this area.

122. A more detailed summary assessment of the above findings is set out below:

#### **Marathon House/Archery Court**

123. This building comprises 14 storeys and is located west of the Site, directly opposite block NE03. A total

of 530 windows serving 288 rooms were assessed for daylight within this building. For VSC, 428 of the 530 windows assessed (80.8%) would see alterations below 20% and are therefore considered to experience a Negligible effect. 34 windows would see improvements in VSC compared with the approved position.

#### *Vertical Sky Component (VSC)*

124. Of the 102 more affected windows, 63 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 20 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 19 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
125. Of the 102 more affected windows, a total of 43 affected windows serve bedrooms, which are less sensitive to daylight alterations as per BRE Guidelines. The remaining 59 are windows serving Lounge-kitchen-diners (LKDs) and living rooms which have a second window which reduces the overall impact experienced in the room. Owing to the setback elevations and presence of balconies, obstructions to daylight are inherent in the building design itself and therefore the reductions are largely a function of the presence of balconies. The absolute change in VSC ranges from around 0-6% at each of the windows serving the affected LKDs and living rooms. Those windows located on the 8th storey upwards would retain mid teen VSC levels which would be considered commensurate within an area undergoing regeneration.

#### *No sky line (NSL)*

126. For NSL, 229 of the 288 (79.5%) rooms assessed would see alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 59 more affected rooms, 24 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 21 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 14 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
127. The impacts to NSL occur on the first to seventh storeys, at rooms located beneath protruding balconies or on setback elevations, inherently obstructing daylight distribution within these rooms. Of the 59 more affected rooms, 40 are bedrooms, which are less sensitive to daylight alterations as per BRE Guidelines.

#### *No-balconies assessment*

128. The limitations to daylight availability as a result of balconies is presented in a supplementary no-balconies assessment undertaken in relation to the Consented Development. The VSC results of the no balconies assessment indicate that 518 windows (97.7%) would experience a Negligible effect or no effect, with alterations below 20% from the Consented Development levels, were it not for their own balconies. This assessment highlights that the Moderate to Major Adverse reductions are primarily a result of the presence of balconies, rather than of the proposed changes to the consented massing.

#### *Mirror Massing assessment*

129. Within a Mirror Massing assessment, a theoretical mirrored permutation of Marathon House/Archery Court is mirrored onto the application site. The daylight results for Marathon House/Archery Court based on the theoretical mirrored scheme being in place are then compared to the daylight results for Marathon House/Archery Court based on the proposed scheme being in place. Under this comparison, there would be a 99.7% compliance rate for both VSC and NSL, with improvements in daylight within a large portion of windows and rooms. The reductions in VSC from the mirrored permutation is an isolated occurrence at one bedroom window, with overall beneficial alterations or comparable results. The Mirror Massing assessment highlights that the proposed scheme would represent an overall improvement from the theoretical mirrored permutation. This suggests that the proposed levels are in line with those dictated by the local urban grain and are therefore acceptable within this context.

## *Conclusion*

130. Overall, a large portion of affected rooms are bedrooms, whilst all affected LKDs are served by additional windows. The no balconies assessment shows that the significant percentage changes are a function of the balconies themselves, which inherently obstruct daylight availability. Additionally, the Mirror Massing assessment highlights an overall improvement from the theoretical mirrored permutation. It is also noted that changes in daylight and sunlight are predominantly driven by the shift of NE02 and NE03 closer to Rutherford Way, rather than by the presence of the taller elements proposed on the eastern side of these two plots. These taller elements would be located almost 64 metres from Marathon House/Archery Court and are relatively narrow blocks by virtue of their design. As a result, the sky would remain visible around them, limiting any effect as any obstruction would only be to a relatively small portion of the sky.
131. Therefore, taking these factors into consideration, the change in daylight effect at Marathon House/Archery Court when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

## **Unite Student Accommodation**

132. This student accommodation comprising 18 storeys is located west of the Site, directly opposite Plot NE02. Owing to the transient nature of occupancy at student accommodation, BRE recognise that this building is of somewhat lower sensitivity than buildings of permanent occupancy. A total of 685 windows serving 471 rooms were assessed for daylight within this building.

### *Vertical Sky Component (VSC)*

133. For VSC, 518 of the 685 (75.6%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 167 more affected windows, 92 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 66 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining nine windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
134. Of the 167 more affected windows, 151 serve bedrooms, which are considered less sensitive in relation to daylight alterations as per BRE Guidelines. The remaining 16 serve LKDs, each of which are dual aspect and therefore are likely to experience good daylight levels overall.

### *No sky line (NSL)*

135. For NSL, 300 of the 471 (63.7%) rooms assessed would meet BRE's criteria and are therefore considered to experience a Negligible effect or no effect. Of the 171 more affected rooms, 52 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 44 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 75 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
136. In terms of NSL for the 171 more affected rooms, 166 impacts occur to bedrooms located on the set back elevations of the building thereby inherently obstruction daylight distribution within the rooms. The remaining five effects occur at LKDs, which are not unduly affected in relation to VSC.

### *Mirror Massing assessment*

137. The percentage changes of the Proposed changes when compared to the Consented Development position are supported by the Mirror Massing assessment of this building. With a theoretical mirrored permutation of Unite Student Accommodation mirrored onto the Site, there would be a 96.6% compliance rate for both VSC and NSL, with improvements in daylight within a large portion of windows and rooms. The reductions in VSC from the mirrored permutation are isolated occurrences at two

windows serving bedrooms, with overall beneficial alterations or comparable results.

### *Conclusion*

138. Overall, taking into account the Mirror Massing scenario and the recognised lower sensitivity of student accommodation, and given that the majority of affected rooms are bedrooms and that any affected LKDs are dual aspect, the overall change in effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

### **Olympic Office / HTA Residential Scheme**

139. This future residential building has a resolution to grant planning permission and is therefore considered a sensitive receptor even though permission is yet to be issued and the building is yet to be constructed. The development site for this building is located west of the Site, directly opposite Plot NE01. A total of 476 windows serving 330 rooms were assessed for daylight within this building.

### *Vertical Sky Component (VSC)*

140. For VSC, 320 of the 476 (67.2%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 156 more affected windows, 42 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 21 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 93 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect.
141. Seventy-eight of these windows serve bedrooms, which are less sensitive to daylight alterations as per BRE Guidelines. The remaining 78 windows serve LKDs, each of which are obstructed in the Consented Development position as they are located beneath recessed balconies and therefore have low existing levels of daylight. The reductions range from circa. 0-2% absolute VSC which is unlikely to be perceptible. Therefore, the percentage alteration is disproportionate to what is considered a noticeable change.

### *No sky line (NSL)*

142. For NSL, 205 of the 330 (62.1%) rooms assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 125 more affected rooms, 30 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 29 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 66 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
143. The changes in impact to sky visibility within the rooms when comparing the Proposed changes to the Consented Development occur mainly at 99 bedrooms which are less sensitive to daylight alterations as per BRE Guidelines.

### *Mirror Massing assessment*

144. The percentage changes from the Consented Development are further supported by the Mirror Massing assessment of this building. With a theoretical permutation of the HTA Residential Scheme mirrored onto the Site, there would be an 82.4% compliance for VSC and 76.4% for NSL. However, the VSC reductions which are not compliant in percentage terms (i.e. alterations above 20%) would be at windows whereby the levels in the mirrored permutation are low, for example in recesses or below balconies. The percentage reductions highlighted are disproportionate to what is considered to be a noticeable change in daylight, as most rooms would see an absolute VSC loss of up to 1%. Additionally, there are instances of improvements in VSC occurring as a result of the Proposed changes (up to 4.4% VSC) when compared against the mirrored scenario. For NSL noticeable reductions would occur mainly to bedrooms, which are less sensitive, and are balanced by beneficial alterations in other rooms within



the same building. As such, the changes in daylight occurring as a result of the Proposed changes and Mirrored permutation are not considered significantly different.

### *Conclusion*

145. The Olympic Office / HTA Residential Scheme, which has a resolution to grant, was submitted with prior knowledge of the consented Wembley Park Masterplan in the surrounding contextual environment. Given that the absolute changes in daylight are very low and therefore generally unlikely to be perceptible, with Moderate to Major Adverse effects primarily occurring at bedrooms and alterations in daylight to LKDs a function of the recessed balcony design itself, the overall change in daylight effect when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

### **Pinnacle Tower**

146. This residential building is located north west of the Site, comprising 20 storeys. A total of 298 windows serving 260 rooms were assessed for daylight within this building.

### *Vertical Sky Component (VSC)*

147. For VSC, 260 of the 298 (87.2%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 38 more affected windows, 17 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 9 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 12 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
148. Of the 38 more affected windows, 23 serve bedrooms which are less sensitive to daylight alterations as per BRE Guidelines. The remaining 15 windows serve LKDs located beneath recessed balconies or are obstructed by architectural features of the building itself, as shown by the daylight levels in the Consented Position. With the Proposed changes in situ, the absolute LKD windows changes from the Consented Development scenario range from around 0-5% VSC, and therefore in the majority of cases would be unlikely to be readily noticeable.

### *No sky line (NSL)*

149. For NSL, 178 of the 193 (92.2%) rooms assessed would see alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 15 affected rooms, four would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and six would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining five rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
150. The rooms affected in terms of NSL are located on the first to seventh storeys, with the effects occurring at rooms where daylight distribution is limited by architectural features of the building, such as windows situated beneath recessed balconies and protruding design features of the building itself.

### *Conclusion*

151. Overall, owing to the number of affected rooms that are bedrooms, which are less sensitive to daylight alterations, as well as obstructions to daylight availability resulting from the design features of the building itself, the overall change in effect to this building when comparing the Proposed changes against the Consented Development position is considered **Minor Adverse (not significant)**.

### **Apex House**

152. This building is located to the north of the Site, comprising student accommodation. Owing to the

transient nature of occupancy, this building is considered to be of somewhat lower sensitivity than permanent residential accommodation. A total of 666 windows serving 403 rooms were assessed for daylight within this building.

#### *Vertical Sky Component (VSC)*

153. For VSC, 618 of the 666 (92.8%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible (Non-significant) effect or no effect. Of the 48 more affected windows, 36 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect (Non-significant) whilst four would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining eight would experience an alteration in VSC beyond 40% which is considered a Major Adverse effect.
154. 29 of the 48 windows serve bedrooms, which paragraph 2.2.8 of the BRE Guidelines notes are less important in relation to daylight alterations.
155. The remaining 19 windows serve six living-kitchen-diners (LKDs) and 13 studios, each of which have VSC levels ranging from around 11-15% in the Consented Development position. These windows are located on the second to seventh storey on the elevation closest to the site boundary where the proposed Plot NE01 is located. Owing to their location closest to the Proposed changes, these localised impacts can be anticipated with any increase in massing. With the absolute change from the Consented Development position being 2-6% VSC, the magnitude of impact (the percentage change) is disproportionate to what would be perceptible to the occupants.

#### *No sky line (NSL)*

156. For NSL, 380 of the 403 (94.3%) rooms assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 23 affected rooms, 14 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect whilst four would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining five would experience an alteration in VSC beyond 40% which is considered a Major Adverse effect.
157. Five of the rooms are bedrooms, which are less important in relation to daylight alterations as per BRE Guidelines. The remaining rooms affected are six LKDs and 12 studios. All the studios would experience Minor Adverse reductions, with no noticeable impacts to VSC. The six LKDs would experience alterations which may be noticeable, however, daylight distribution is inherently obstructed by the window locations and architectural features of the building.

#### *Conclusion*

158. Overall, within the Apex student accommodation development there are only twelve windows serving rooms that experience a Moderate to Major impact, of which half are bedrooms and are therefore less sensitive to daylight alterations. The remaining six are an isolated bank of LKDs which would experience daylight reductions beyond the Consented Development position, which may be noticeable. However, these occur at a localised portion of the building closest to the Site boundary, with features which inherently obstruct daylight. The remaining windows seeing alterations are Minor Adverse in nature and serve 23 bedrooms which are less sensitive to daylight alterations as per BRE Guidelines. Finally, 13 windows serving studios would experience Minor Adverse alterations, which may not be perceptible to the occupants beyond the Consented Development and therefore are considered not significant in the context of an area undergoing regeneration. Therefore, the overall change in daylight effect to the building when comparing the Proposed changes against the Consented Development position in relation to Apex House are considered **Minor Adverse (not significant)**.

#### **VSC Façade Study on Surrounding Wembley Park Masterplan Plots**

159. The façades of Plot NE06 and Plots E01, E02 and E03 have been assessed for VSC:

## NE06

160. With the Proposed changes in place, the assessment illustrates that the majority of Plot NE06 would experience no change from the Consented Development, with a small portion of the south-eastern and south-western ground level corner experiencing alterations of around 20%.

## E01, E02 and E03

161. Five blocks across Plots E01, E02 and E03 have been tested. The majority of windows would experience no alteration beyond 20% at each of the buildings assessed. A small number of isolated windows beneath balconies would experience reductions beyond 20%. However, each of these has very low levels of light in the Consented Development position, owing to their location beneath balconies and therefore the alteration would be disproportionate to the percentage change and unlikely to be noticeable to the occupants.

162. Therefore, the overall change in VSC effects on NE06, E01/02 and E03 from the Consented Development scenario with the Proposed changes in place is considered **Negligible (not significant)**

## Sunlight Results

163. When assessed against the BRE guidance, the following impacts were concluded on neighbouring buildings when assessing the change from the consented development to the proposed development:

• Marathon House/Archery Court	Negligible (not significant)
• Unite Student Accommodation	Negligible (not significant)
• Olympic Office / HTA Residential Scheme	Negligible (not significant)
• Pinnacle Tower	Negligible (not significant)
• Apex House	Negligible (not significant)
• NE06,	Negligible (not significant)

164. As explained above, given there is an existing consent in place and the high-density urban nature of this setting, it is considered appropriate and in line with BRE guidance to use the consented development / proposed development comparison rather than a comparison to the existing baseline which would be unrealistic in view of the density of development that is characteristic of this area.

165. A more detailed assessment of the above findings is set out below:

### Marathon House/Archery Court

166. A total of 56 rooms were assessed for sunlight within this building of which 51 (91.1%) would not experience a noticeable alteration for both Annual and Winter PSH. For Annual PSH, 52 of the 56 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect.

167. All four rooms affected annually would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse impact. Three of the four rooms are LKDs which would retain levels from 15-24% APSH, which would be considered commensurate within an urban location.

168. For Winter PSH, 53 of the 56 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect. Of the three rooms affected in the winter, one would experience an alteration in Winter PSH between 20-29.9% which is considered a Minor Adverse, one would experience an alteration in Winter PSH between 30-39.9% which is considered a Moderate Adverse effect and one would experience an alteration in excess of 40% which is considered a Major Adverse effect.

169. The east facing façade of this building which faces directly towards the Site has been assessed and this

receives limited sunlight availability throughout winter. Therefore, given the levels of WPSH, the percentage alterations are disproportionate to what is likely to be noticeable.

170. Overall, given that alterations to the majority of rooms do not change from the Consented Development position, with the majority of changes occurring at bedrooms which are less sensitive to sunlight alterations, and only very localised changes in effect occurring at a small number of LKDs, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Unite Student Accommodation**

171. A total of 123 rooms were assessed for sunlight within this building of which 120 (97.6%) would not experience a noticeable alteration for both Annual and Winter PSH. For Annual PSH, 120 of the 123 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect.
172. All three rooms affected annually are LKDs and would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse effect. However, each of these rooms would retain 22-24% APSH. No noticeable reductions would occur in relation to Winter PSH.
173. Overall, given that alterations to the majority of rooms would not change from the Consented Development position, with only very localised changes in effect occurring at an isolated bank of LKDs, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Olympic Office / HTA Residential Scheme**

174. A total of 70 rooms were assessed for sunlight within this building of which 66 (94.3%) would not experience a noticeable change for both Annual and Winter PSH.
175. For Annual PSH, 67 of the 70 rooms assessed would not experience a noticeable change and are therefore considered to experience a Negligible effect. All three rooms affected annually would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse effect. Therefore, further assessment is required.
176. The sunlight alterations occurring annually are at three bedrooms, which are considered less sensitive to sunlight alterations as per BRE Guidelines.
177. For Winter PSH, 67 of the 70 rooms assessed would not experience a noticeable change and are therefore considered to experience a Negligible effect. Of the three rooms affected in the winter, two would experience an alteration in Winter PSH between 20-29.9% which is considered a Minor Adverse effect, which are bedrooms and one would experience an alteration in excess of 40% which is considered a Major Adverse effect, but would retain 26% APSH annually.
178. Overall, given that alterations to the majority of rooms do not change from the Consented Development position, with the majority of changes occurring at bedrooms which are less sensitive to sunlight alterations, the change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Pinnacle Tower**

179. A total of 171 rooms were assessed for sunlight within this building of which 152 (88.9%) would not experience a noticeable change for both Annual and Winter PSH. For Annual PSH, 152 of the 171 (88.9%) rooms assessed would not experience a noticeable change and are therefore considered to experience a Negligible effect.
180. Of the 19 rooms affected annually, five would experience an alteration in Annual PSH between

20-29.9% which is considered a Minor Adverse effect and six would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining six rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.

181. Ten of the rooms affected in relation to APSH are bedrooms, which are considered less sensitive to sunlight alterations as per BRE Guidelines. The remaining nine LKDs would retain between 15-23% APSH which is considered commensurate within an area undergoing high density regeneration.
182. For Winter PSH, 160 of the 171 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect. The remaining 11 would see losses greater than 40% which is considered a Major Adverse effect. Each of the affected rooms are located beside by an obtruding feature of the building itself, inherently shading these windows from the available evening sunlight. Given that there is limited sunlight available throughout winter, the percentage changes are disproportionate to what is likely to be noticeable.
183. Overall, given that alterations to the majority of rooms would not change from the Consented Development position, with the majority of alterations occurring to bedrooms which are less sensitive to sunlight alterations, and with only very localised changes in effect occurring at small number of LKDs, which retain mid-teen to 22% APSH, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Apex House**

184. A total of 236 rooms were assessed for sunlight within this building of which 179 (75.8%) would meet the BRE's criteria for both Annual and Winter PSH.
185. For Annual PSH, 179 of the 236 rooms assessed would not experience a noticeable change according to BRE guidance and are therefore considered to experience a Negligible effect or no effect. Of the 57 rooms affected annually, 21 would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse effect and 26 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining ten rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
186. The changes in sunlight impacts occur on the second to seventh storeys at 27 bedrooms (which are considered less sensitive in relation to sunlight as per BRE Guidelines), 24 studios and an isolated bank of six LKDs located at the south-eastern corner closest to the Site boundary. Each of the affected rooms would experience APSH ranging from 12-14% with the Proposed changes in place.
187. For Winter PSH, 211 of the 236 rooms assessed would not experience a noticeable change according to BRE and are therefore considered to experience a Negligible effect or no effect. Of the 25 rooms affected in the winter, five would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect and 20 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
188. Owing to the lower levels of sunlight available throughout winter, the percentage changes are proportionally greater than what is likely to be noticeable to the occupants. With WPSH levels no greater than 6% in the Consented Development position, the rooms affected throughout winter would retain from 3-5%, with mid-teen levels of APSH experienced annually.
189. Overall, owing to the levels of sunlight available with the Proposed changes in place both annually and throughout winter, and student accommodation being less sensitive than permanent residential accommodation in relation to sunlight, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

## **Plot NE06**

190. The façades of Plot NE06 which face within 90 degrees of south have been assessed for APSH. With the Proposed changes in place, the assessment demonstrates that the majority of Plot NE06 would experience no change from the Consented Development, with a small portion of the south-eastern ground level corner experiencing alterations of around 20%. Therefore, the overall change in APSH effects from the Consented Development scenario with the Proposed changes in place is considered **Negligible (not significant)**.

## **Internal daylight, sunlight and overshadowing levels within the Plots NE01, NE02, NE03, NE04 and NE05**

191. In order to ascertain the daylight and sunlight potential of the residential blocks submitted in outline, assessments of daylight potential (Vertical Sky Component or VSC) have been undertaken on all façades and assessments of sunlight potential (Annual Probable Sunlight Hours or APSH) have been carried out on all elevations with an expectation of direct sunlight, i.e. those facing within 90° of due south. All public or communal outdoor spaces have been assessed for Sun Hours on Ground, as recommended by BRE. This includes the amenity areas provided at podium-level, as well as roof terraces.

### **Daylight**

192. The frontages of blocks overlooking the park enjoy a mostly unobstructed outlook and therefore achieve a very good daylight potential. In these areas, a conventional design of the elevations and layouts is likely to lead to acceptable levels of daylight within the rooms.
193. As is typical of any dense scheme, where two parallel façades are in close proximity of one another, such as facing one another over a podium garden, their access to daylight and sunlight is inevitably more restricted. At detailed design stage, care would need to be taken to ensure that the daylight ingress is maximised, especially into living areas. Room depths should be kept to a minimum and the fenestration to living areas may need to be more generous than in less obstructed locations.
194. It should also be noted that balconies restrict the access to daylight and sunlight to the windows below them (if projecting) or behind them (if recessed). With living areas having both a higher daylight requirement than bedrooms and generally a greater expectation of sunlight, a balcony strategy should be devised so as not to cause further obstruction to living areas. This can be achieved through a number of different strategies, for instance by providing living areas with additional windows free of obstructions or by staggering the balconies or internal layouts so that the windows serving living areas are not overhung.
195. There are a few isolated areas on the lowest storeys where the daylight availability is more restricted. The design of internal layouts should respond to these constraints by seeking to locate spaces with no expectation for daylight (such as cores, bathrooms, circulation spaces etc.) in the most obstructed areas, as well as by having dual-aspect units where possible with at least one less-obstructed façade. Bedrooms may be positioned in more constrained areas if they are provided with generous fenestration.

### **Sunlight**

196. The sunlight assessment has shown very good access to sunlight both throughout the year and during the winter months on the majority of the elevations. Lower levels are seen in isolated areas on the lowest storeys, as is typical within any densely built urban environment. At detailed design stage, the strategies described above can be further refined to ensure that the constraints inherent to any scheme of this nature are taken into consideration and good levels of daylight and sunlight are achieved internally.

### **Overshadowing**

197. Good levels of sunlight would be available to the proposed areas of communal amenity. Sun Hours on Ground assessments show that for Plots NE01 (72.4%), NE02 (71.5%), NE03 (100%), NE04 (83.6%) and NE05 (97%) respectively, the open spaces assessed would see at least two hours of direct sunlight on 21st March. As such, they would all offer good levels of sunlight amenity, overall. When looking at each area individually, all but one (the podium level terrace of NE02) would meet this criterion on more than 50% of their area.
198. The scheme would therefore provide good levels of sunlight to the open spaces, overall, and the results are typical of a regeneration scheme of this nature. In conclusion, the Proposed changes have the potential to result in acceptable levels of daylight and sunlight amenity, in line with the conclusions of the 2018 ES.

### **Overshadowing of the Northern Park**

199. The potential overshadowing and sun on ground impacts of the Proposed changes on Northern Park have been assessed against the Consented Development scenario. The Northern Park area has been assessed using the BRE sun hours on ground test on 21st March. The BRE guidelines state that at least 50% of the amenity area should receive two hours or more of direct sun on this day. In a comparison with the Consented Development position, which would see 99.6% of the total area seeing at least two hours of sun, the Proposed changes scenario would experience a 8.1% reduction, with 91.5% of the total area seeing at least two hours of direct sunlight.
200. The reduction in direct sunlight would be most apparent to the north of the park between Plots NE06 and NE01. However, a supplementary sun exposure assessment has been undertaken, showing the total available sunlight hours on March 21st and June 21st. In the Proposed changes scenario, on March 21st, the north element of Northern Park would see up to three hours of direct sunlight, with the rest of the park experiencing at least 6 hours. Overall, reductions can be observed in the northern portion of Northern Park, with the southern and larger portion retaining good levels of sunlight similar to the Consented Development scenario. On June 21st, most of the northern portion of Northern Park would experience approximately 3 to 6 hours of direct sunlight. The southern and larger portion of Northern Park would experience between 6 and 12+ hours of sunlight in the Proposed changes, which is overall similar to that of the Consented Development scenario.
201. Officers note that an increase in height will inevitably lead to a greater degree of overshadowing, which would be most noticeable in the afternoon when the two proposed taller buildings would cast shadows across portions of the park. However, it is considered that overall the Northern Park would still achieve good levels of direct sunlight on average and would provide a pleasant, high quality environment for those using it for leisure purposes or as part of their journey through the area.
202. Therefore, with the Proposed changes in place, the Northern Park would achieve on average very good levels of direct sunlight, with only a limited effect in comparison to the Consented Development. As such, the effect is considered **Negligible (not significant)**.

### **Noise**

203. Regarding the residential suitability of the development buildings themselves, an assessment has been undertaken considering the realignment of Plots NE01, NE02 and NE03 westward and increases of height to Plots NE02, NE03, NE04 and NE05. This has been assessed on the basis that the new dimensions of the buildings within these maximum parameters have the potential for increased exposure to noise from sources including road traffic and events at Wembley Stadium.
204. 3D noise modelling has been used to assess the extent of the sensitivity of the changes to increased noise levels. Using reasonable worst case assumptions, it is predicted that increases to noise affecting the façade of the buildings as a result of the new layout would be less than 1 dB for all assessed plots. This change is considered to be negligible, and it is concluded that the measures recommended in the 2018 ES to ensure residential suitability do not require updating. This applies to scenarios involving noise from events at Wembley Stadium, as well as typical daily noise conditions.

205. The impact of the proposed amended scheme on existing and future neighbouring residents would be assessed at Reserved Matters stage and through the discharge of planning conditions attached to the previous planning consent (18/2214). Conditions relate to noise and vibration effects arising from construction activities, plant noise and sound insulation. The Council's Environmental Health Officer is satisfied with this approach.

### **Air Quality**

206. Air quality impacts most affecting residents during construction works are principally related to dust emissions. Whilst there are a number of buildings which would be demolished, the mitigation measures would be defined within a Construction Method Statement (CMS) the approval of which would be required under Condition 37 to the updated planning permission, if approved. The CMS would include an Air Quality Dust Management Plan (AQDMP) setting out the dust and pollution control measures as defined within the Development Specification, consistent with the Mayor's Supplementary Planning Guidance on the Control of Dust and Emissions During Construction and Demolition.

207. The Proposed changes to the parameters of Plots NE01, NE02, NE03, NE04 and NE05 would enable some of these plots to potentially come forward as 'car-free'. This is likely to reduce the number of vehicle trips generated by the overall development, with a corresponding reduction in emissions and associated impacts from those assumed in the 2018 ES.

208. A detailed modelling study for the Hudson Energy Centre already in operation within plot E03 was recently undertaken with modelling re-run to include receptors taking account of the increased heights at plots NE02 and NE03 in relation to the Energy Centre flues. The updated study concludes that the energy centre and transport related emissions would be at acceptable levels in relation to air quality effects.

209. Notwithstanding the above, should consent be granted a condition would be attached, as per condition 37 of planning consent 18/2214, to require the submission and approval of an Air Quality Neutral Assessment that is in accordance with relevant guidance published by the Greater London Authority (GLA), and which includes mitigation measures should the development be found to not be air quality neutral. The Council's Environmental Health Officer is satisfied with this approach.

### **Wind Microclimate**

210. A boundary layer wind tunnel study was carried out to assess the pedestrian wind environment resulting from the Wembley Park Masterplan and was included in the 2015 ES and was updated through a qualitative assessment in the 2018 ES. The study concluded that not only were conditions within and around the entire masterplan area suitable for pedestrian activities, but that conditions were further suitable for more sedentary activities across the Site. Furthermore, the study showed that ground level conditions in and around Plots NE01, NE02 and NE03 were generally suitable for at least short periods of sitting throughout the site and surrounding area. A further qualitative study has been conducted to assess the changes to wind conditions within and around Plots NE01, NE02, NE03, NE04 and NE05 following the Proposed changes to the parameter design, massing and siting of these plots.

211. The proposed changes that are relevant with respect to wind microclimate are as follows:

212. A wider spacing between the points of height to Plots NE02 and NE03, with the spacing set at approximately 27m.
- Moving of Plot NE01 northwards.
  - An increase in height to the highest points of Plots NE02 and NE03 to around 118m AOD and 98m AOD respectively.
  - NE05 cut back and increases in height to Plots NE04 and NE05 of 9m.
- Following the qualitative review of these proposed changes, the assessment concludes that:



213. The increase in height of Plots NE02 and NE03 is likely to create marginally windier conditions than those in the Consented Development. However, Plots NE02 and NE03 remain largely sheltered from prevailing winds by the wider masterplan and the stadium to the south-southwest and southwest, as well as relatively tall and wide existing buildings to the west, across Rutherford Way. The increase in spacing between the points of height to Plots NE02 and NE03 is expected to marginally improve wind conditions.

- The stepping up of mass in the direction of the prevailing wind (from south-west to north-east) results in each block being somewhat sheltered by the block(s) downwind and would therefore reduce the likelihood of significant downdraughts.
- Wind conditions on Rutherford Way are unlikely to become materially windier than those previously assessed and are likely to remain generally suitable for short periods of sitting.
- The 1.1m reduction in space between Plots NE05 and NE02 and stepping up in height of the southern elements of Plots NE05 and NE04 may marginally increase local wind speeds, but this area is well sheltered from prevailing winds and conditions are likely to remain suitable for pedestrian activities.
- Plot NE06 is well sheltered by Plots NE01 and NE02 and is oriented to limit the potential for downdraughts on the western and southern façades. Moreover, the ability of prevailing winds to travel northwards between Plots NE06 and NE01/NE05 is minimised, due to the shelter afforded by Plots NE01, NE02 and NE03. Conditions in this area are therefore expected to remain suitable for proposed pedestrian use.
- The assessment concludes that there would not be material changes in relation to the wind microclimate which would affect the conclusions of the 2018 ES and conditions would remain suitable, both in terms of pedestrian safety and pedestrian comfort. However, detailed wind tunnel testing would be conducted at reserved matters stage. Details of measures to mitigate the impacts of wind within the development, such as carefully positioned soft landscaping or screening close to seating areas, would need to be submitted pursuant to Planning Condition 19(h) of the Wembley Park outline planning permission.

### **Highways and Transportation**

214. The site has PTAL ranging between 3 and 5, with the majority of the site rated good or very good. The proposed development is highly accessible by a range of public transport modes, with a number of local bus stops on and three railway / London Underground stations (Wembley Stadium, Wembley Central and Wembley Park) easily accessible from the Site.
215. The proposed amendments to the parameter plans for the site do not alter the overall quantum of development in the area, so would not have any materially differing impact on the wider transport networks than the approved hybrid planning permission. Indeed, flexibility is sought to reduce the amount of car parking proposed, which would reduce any negative impact on highway capacity. Whilst this may result in more trips being made by public transport, the area has good access to Wembley Park station and numerous bus services. The Transport Assessment undertaken in 2015 therefore remains valid and the mitigation measures secured through planning permission 15/5550 (as amended by 18/2214) remain suitable.
216. The changes to the siting of the blocks on Plots NE01-NE03 would reduce the distance across Rutherford Way to buildings on the western side of the street, but a suitable setback distance from the existing eastern kerbline of Rutherford Way would be retained and would provide space for landscaping and pedestrian movement.
217. The revised parameter plans also intend to include an option to provide on-street disabled parking bays (in addition to the approved loading bays) in lay-bys along the eastern side of Rutherford Way. These on-street bays are proposed in the event that Plots NE02 and NE03 are developed as 'car-free', to ensure that Blue Badge parking is still provided in close proximity to these buildings.

218. The lay-bys would be accommodated through the widening of the highway to ensure an adopted footway is retained. Sufficient space would be provided for this and it is recommended that a 3m width is provided for the servicing/disabled bays (in line with TfL guidance on kerbside loading). The applicants highlight that there would also be flexibility for at least one space to be available to Essential User permit holders such as healthcare workers. As such, the proposals are acceptable in principle, subject to the agreement of a detailed highway layout plan as each plot comes forward for detailed consideration.
219. The repositioning of the blocks on NE01-NE03 is also intended to enhance the pedestrian link between Olympic Way and the proposed Northern Park across Rutherford Way. To aid this, Parameter Plan 7 also proposes speed tables on Rutherford Way in the vicinity of Plots NE02/NE03 and at the junction with Engineers Way. These would complement similar proposals for the northern stretch of Rutherford Way secured through planning consent 17/5097 and would allow the street to be incorporated into the surrounding 20mph zone, so are very much welcomed.
220. The works to deliver the loading/Blue Badge parking bays and realigned footway would be undertaken through the S38/S278 Agreement secured under Item 6 at the Eighth Schedule of the S106 Agreement secured with the Masterplan prior to the occupation of the adjoining plots.
221. For the speed tables, these are not specifically referenced in the list of Highway Works in the S106 Agreement, but are considered to fall within the scope of “ancillary highway works” as allowed in the general description of the Highway Works and can be treated as such when agreeing the scope of the S278 works.
222. Finally, the revised parameter plan includes more detail on the proposed layout of the routes around the northern park and these are supported, providing good permeability into and around the park.
223. Officers in Transportation therefore raise no objections on transportation grounds to the proposed amendments to the site parameter plans.

### **Flood Risk**

224. The majority of the application site is within ‘Flood Zone 1’ and is therefore at a low risk of flooding from a fluvial or tidal source. A small area along the boundary of the North Eastern Lands has been identified as falling within ‘Flood Zone 2’. There is no change in the flood zone mapping since the 2018 ES. The Brent (Welsh Harp) Reservoir is located on the River Brent and Silk Stream and is approximately 1.6km north-east of the Site. The 2018 ES identified that with regards to areas within the Site, the North Eastern Lands would be at risk from reservoir flooding, and notes that in this unlikely event, basement areas are designed to have an internal staircase to an upper dry level.
225. The existing Site comprises previously developed land, with a mainly impermeable surface throughout. The consented development is designed to accommodate a 1:100 year storm event plus future changes in rainfall as a result of climate change within the contours of the soft and hard landscaped areas and the proposed changes would not result in any changes to this approach.
226. A detailed drainage strategy and detailed surface water drainage scheme for each relevant part of the Proposed Development is required to be submitted under Conditions 45 and 47 of the Planning Permission 18/2214, including details of green and brown roofs and permeable paving and other Sustainable Drainage Systems (SUDS). This approach is considered acceptable. Thames Water have raised no objection to the current application.

### **Environmental Impact Assessment**

227. A Supplementary Environmental Statement has been submitted with this application in which the proposed changes to the Parameter Plans are reviewed and audited against the findings of the original Environmental Statement of 2015 and the Supplementary Environmental Statements of 2017 and 2018 to establish whether further environmental information is required under the EIA Regulations.

228. In respect of construction related effects, the review has concluded that these impacts are not materially affected by the proposed revisions to Plots NE01 to NE05. Moreover, all the measures related to the mitigation of construction impacts remain a suitable and appropriate basis for securing the mitigation measures identified in the 2018 ES.
229. With regard to the impacts of the completed development, the effects related to ground conditions and contamination, water resources, ecology, archaeology and socio-economics are not influenced by detailed design matters of the nature of the proposed changes. Visual effects, wind effects and daylight and sunlight effects are related to massing and form. However, the assessment of the proposed development concludes that the scale of the proposed changes, would not materially affect the assessments carried out or the mitigation measures contained in the 2018 ES.
230. For these reasons, it is concluded that the mitigation measures to be secured by planning conditions and/or S106 obligations remain robust and no changes are required to any of the conditions attached to outline planning permission 15/5550 as amended by 17/0328 and 18/2214, or to the S106 obligations, in order to secure further mitigation measures.

#### **Other matters – planning conditions and S106 obligations**

231. The implications of the proposal in relation to matters such as groundwater, soils and contamination, water resources, archaeology, ecology, acoustics, demolition and construction, safety and security considerations, local employment opportunities and cycle parking would all be assessed at Reserved Matters stage, through the discharge of planning conditions attached to the previous planning consent (18/2214) and by assessment in relation to S106 obligations.
232. With regard to energy and sustainability matters, appropriate measures have already been secured through the s106 legal agreement of the Masterplan consent and at detailed design stage a Sustainability Assessment would be submitted for each plot setting out the calculated reduction in carbon dioxide emissions and sustainable design standards to which the buildings would be constructed. All NEL plots would be connected to the Masterplan district heating and hot water system located in Canada Gardens.

#### **Conclusion**

233. The proposed amendments to the previously approved parameters plans would enable a revised scheme to be delivered which would provide a number of benefits over the previously approved outline plans. The proposed amended scheme is considered to be in keeping with the vision for how development in the Wembley regeneration area is to take place, and would introduce activity and vitality in this area whilst creating a pleasant environment along Rutherford Way and a welcoming link to the Northern Park. Based on the illustrative images, the building designs would deliver an attractive and contemporary scheme, the final quality of which would be secured through the submission of detailed plans at Reserved Matters stage and the approval of appropriate materials through condition.
234. An increase in the density of elements of the scheme through increased heights and moving building lines closer to existing residential properties would inevitably have some impacts in terms of daylight, sunlight and overshadowing levels for existing properties and the Northern Park. However, on balance, and taking into account the wider regenerative benefits of the scheme, it is considered that these impacts would be within reasonable limits and acceptable amenity levels would still be maintained.
235. Taken as a whole, the revised scheme accords with the relevant planning policies and guidance and it is therefore recommended that the proposed amendments set out within this Section 73 planning application are approved.

#### **CIL**

236. This planning application seeks the approval of amendments to plans previously approved under the

Wembley Masterplan application. However, full details have not yet been submitted for approval. Once individual sites benefit from detailed approval, they will become CIL liable.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 20/2844

To: Paula Carney  
CarneySweeney Planning  
77 Farringdon Road  
London  
EC1M 3JU

I refer to your application dated **01/09/2020** proposing the following:

Variation of conditions application (under Section 73 of the Town and Country Planning Act 1990) to vary parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 18/2214 (dated 17 August 2018) which varied parameter plans 04-12 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 17/0328 (dated 26 May 2017) which varied parameter plans 04-13 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 15/5550 (dated 23 December 2016) which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development). This application is accompanied by an Environmental Impact Assessment.

and accompanied by plans or documents listed here:  
Please see condition 4.

**at Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet**

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: 02/03/2021

Signature:

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

### Notes

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

Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

Revised Planning Policy Framework 2019  
 London Plan consolidated with alterations since 2011 (March 2016)  
 Brent Local Plan Development Management Policies 2016  
 Brent Local Development Framework Core Strategy 2010  
 Wembley Area Action Plan 2015

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

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

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

- 2 All applications for Reserved Matters pursuant to Condition No. 1 shall be made to the Local Planning Authority, before the expiration of 15 years from the date of the hybrid planning permission reference 15/5550 (23 December 2016).

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and since a period of 15 years is considered to be a reasonable time limit in view of the extent and timescale of the proposal.

- 3 The development to which this permission relates shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of the hybrid planning permission reference 15/5550 (23 December 2016) or (b) the expiration of two years from the date of approval for the final approval of reserved matters, or in the case of different dates, the final approval of the last such matter to be approved.

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

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

**OUTLINE**

A-00-001 Parameter Plan 01: Site Location Plan 1:1250 A0  
 A-00-002 Parameter Plan 02: Extent of Reserved Matters 1:1250 A0  
 A-00-003 Parameter Plan 03: Existing Ground Levels 1:1250 A0  
 A-00-004 Rev 5 Parameter Plan 04: Proposed Ground and Podium Levels\*  
 A-00-005 Rev 5 Parameter Plan 05: Proposed Maximum Plot Extent\*  
 A-00-006 Rev 5 Parameter Plan 06: Proposed Extent of Parking and Servicing Areas at Ground and above Ground Levels\*  
 TPHS/220/PP/007 Rev F Parameter Plan 07: Access and Circulation\*  
 A-00-008 Rev 5 Parameter Plan 08: Proposed Uses\*  
 A-00-009 Rev 6 Parameter Plan 09: Proposed Heights\*  
 A-00-010 Rev 5 Parameter Plan 10: Proposed Critical Dimensions\*

A-00-011 Rev D Parameter Plan 11: Proposed Public Realm and Open Space at Ground Level\*  
A-00-012 Rev D Parameter Plan 12 – Proposed Open Space at Upper Levels\*  
A-00-013 Rev C Parameter Plan 13: Tree Removal Plan  
Development Specification Wembley Park Masterplan dated November 2015  
Wembley Park Masterplan Design and Access Statement dated 30 November 2015

#### **RESERVED MATTERS PLANS FOR PLOT W06**

WBL-CPA-W06-RF-DR-A-0101 Site Location Plan 1:1250 A1  
WBL-CPA-W06-RF-DR-A-0102 Site Location Plan showing Plots within Outline Planning  
Permission 1:1250 A1  
WBL-CPA-W06-ZZ-DR-A-0110 Existing Site Plan 1:250 A1  
WBL-CPA-W06-01-DR-A-0202 First Floor Plan Proposed 1:200 A1  
WBL-CPA-W06A-01-DR-A-0222 First Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-02-DR-A-0223 Second Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-03-DR-A-0224 Third Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-04-DR-A-0225 Fourth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-05-DR-A-0226 Fifth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-06-DR-A-0227 Sixth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-07-DR-A-0228 Seventh Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-08-DR-A-0229 Eighth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-09-DR-A-0230 Roof Plant Plan Proposed 1:100 A1  
WBL-CPA-W06A-GF-DR-A-0220 Ground Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-MZ-DR-A-0221 Mezzanine Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-RF-DR-A-0231 Roof Plan Proposed 1:100 A1  
WBL-CPA-W06B-01-DR-A-0242 First Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-02-DR-A-0243 Second Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-03-DR-A-0244 Third Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-04-DR-A-0245 Fourth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-05-DR-A-0246 Fifth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-06-DR-A-0247 Sixth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-07-DR-A-0248 Seventh Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-08-DR-A-0249 Eighth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-09-DR-A-0250 Ninth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-10-DR-A-0251 Tenth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-11-DR-A-0252 Eleventh Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-12-DR-A-0253 Roof Terrace Plan Proposed 1:100 A1  
WBL-CPA-W06B-ZZ-B1-DR-A-0255 Basement Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-GF-DR-A-0240 Ground Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-MZ-DR-A-0241 Mezzanine Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-RF-DR-A-0254 Roof Plan Proposed 1:100 A1  
WBL-CPA-W06B-ZZ-DR-A-0800 Studio – 1B1P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0801 Studio – 1B1P – A2 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0810 One Bed – 1B2P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0811 One Bed – 1B2P – A2 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0820 Two Bed – 2B4P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0821 Two Bed – 2B4P – B1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0822 Two Bed – 2B4P – B2 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0823 Two Bed – 2B4P – C1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0830 Three Bed – 3B6P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0831 Three Bed – 3B6P – B1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0840 Four Bed – 4B6P – A1 – Flat Plan A3  
WBL-CPA-W06-GF-A-0200 Rev Ground Floor Plan Proposed 1:200 A1  
WBL-CPA-W06-MZ-DR-A-0201 Mezzanine Floor Plan Proposed 1:200 A1  
WBL-CPA-W06-RF-DR-A-0204 Roof Plan Proposed 1:200 A1  
WBL-CPA-W06-ZZ-DR-A-0203 Typical Floor Plan Proposed 1:200 A1  
WBL-CPA-W06A-ZZ-DR-A-0620 Wembley Boulevard Elevation 1:100 A1



WBL-CPA-W06A-ZZ-DR-A-0621 Perimeter Way West Elevation 1:100 A1  
 WBL-CPA-W06A-ZZ-DR-A-0622 Elevation Proposed 1:100 A1  
 WBL-CPA-W06A-ZZ-DR-A-0623 South West Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0640 Wembley Park Boulevard Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0641 Perimeter Way West Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0642 Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0643 Elevation Proposed 1:100 A1  
 WBL-CPA-W06-ZZ-DR-A-0600 Wembley Park Boulevard Elevation Proposed 1:200 A1  
 WBL-CPA-W06-ZZ-DR-A-0601 Perimeter Way West Elevation Proposed 1:200 A1  
 WBL-CPA-W06A-ZZ-DR-A-0720 Cross Section A Proposed 1:100 A1  
 WBL-CPA-W06A-ZZ-DR-A-0721 Cross Section B Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0740 Cross Section A Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0741 Cross Section B Proposed 1:100 A1  
 WBL-CPA-W06-ZZ-DR-A-0700 Site Cross Section Proposed 1:200 A1  
 WBL-FBK-W06-01-DR-L-100 REV P1 Level 01 – Roof Terrace Colour Landscape Plan 1:200 A1  
 WBL-FBK-W06-12-DR-L-100 REV P1 Level 12 – Roof Terrace Colour Landscape Plan 1:200 A1  
 WBL-FBK-W06-GF-DR-L-100 REV P1 Ground Floor – Landscape Colour Masterplan 1:200 A1  
 Swept Path Analysis 4740-ATR-005 A 1:250 A3

#### **RESERVED MATTERS PLANS FOR PLOT E05**

3554-01-802 Proposed Site Plan 1:500 A0  
 3554-02-800 PL Ground Floor Plan Coach Parking 1:200 A0  
 3554-02-801 PL Mezz Floor Plan 1:200 A0  
 3554-02-802 PL First Floor Plan Residential Parking 1:200 A0  
 3554-02-803 PL Second Floor Plan Accessible Parking 1:200 A0  
 3554-02-804 PL Third Floor Plan Premium Club 1:200 A0  
 3554-02-805 PL Fourth to Eight Floor Plan Standard Parking 1:200 A0  
 3554-02-810 PL Ninth Floor Plan Standard Parking 1:200 A0  
 3554-02-811 PL Roof Plan Parking 1:200 A0  
 3554-04-800 PL East and West Elevations 1:200 A0  
 3554-04-801 PL North and South Elevations 1:200 A0  
 3554-04-810 PL Sections 1 and 2 1:200 A0  
 4797\_PL\_004 Proposed Landscape Plan 1:200 A0 A  
 4797\_PL\_005 Landscape Site Sections 1:200 A1 A  
 Blue MSCP: Façade Design Parameters

#### **SUPPORTING DOCUMENTS**

Environmental Statement Wembley Park Masterplan dated November 2015  
 Planning Statement Wembley Park Masterplan dated November 2015  
 Wembley Park Masterplan Sustainability Statement Revision 03 Dated 30 November 2015  
 Wembley Park Masterplan Energy Statement Revision 03 Dated 30 November 2015  
 Regeneration Statement - Wembley Park Masterplan  
 Wembley Masterplan Operational Waste Management Strategy Dated 30 November 2015  
 Wembley Masterplan Site Waste Management Plan Revision 01 Dated 26 November 2015  
 Wembley Park Masterplan Statement of Community Involvement  
 Wembley Park Masterplan Utilities Strategy Revision 02 Dated 30 November 2015  
 Tree Constraints Report: Wembley Masterplan dated 6 October 2015

Design and Access Statement Prepared in support of Section 73 application relating to Planning Permission 15/5550 dated 02/07/18  
 Supplementary Environmental Statement dated July 2018

\* these drawings and documents are those which differ from those approved through outline planning consent reference 15/5550 as amended by 17/0328 and 18/2214.

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

- 5 The plots or parts of plots denoted as optional use A1-A5 (use classes E(a), E(b), E(c), public houses, wine bars, or drinking establishments (sui generis class) and hot food takeaways (sui generis class) from September 2020) within drawing A-00-008 Rev 5 shall only be used for purposes within Use Class A1, A2, A3 and A4 (use classes E(a), E(b), E(c) and public houses, wine bars, or drinking establishments (sui generis class) from September 2020).

Reason: In the interest of proper planning, as the description of development did not refer to use class A5 (hot food takeaways (sui generis class) from September 2020).

- 6 No individual retail unit with a floorspace in excess of 2,000 square metres (Gross External Area) within the development hereby approved shall be used for food retailing.

Reason: Sequentially preferable sites are identified in the Wembley Area Action Plan.

- 7 The number of rooms of Student Accommodation that may be delivered pursuant to this consent shall not exceed 361 unless an alternative number of rooms is submitted to and approved in writing by the Local Planning Authority, such amount not to exceed the proportion of student accommodation set out within Policy WEM 23 of the Wembley Area Action Plan 2015 or the maximum floorspace set out within the description of development.

Reason: To ensure a mixed and balanced community and to ensure that the delivery of student housing does not affect the delivery of conventional housing against the Council's housing targets

- 8 The student accommodation hereby approved shall not be occupied for a period of more than 13 weeks in any year other than by Students. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education institution for not less than 80 % of the course time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation meets an identified need and contributes towards a balanced community.

- 9 The development within Plot W10 shall not be occupied unless the adjoining element of the "Boulevard", between Royal Route and South Way (as detailed within planning application reference 15/3599 or any subsequent consent which includes the construction of this element of the Boulevard) has been completed in full unless a programme of works has been submitted to and approved in writing by the Local Planning Authority and the works are completed in full accordance with that programme.

Reason: In the interest of the character and appearance of the Boulevard

- 10 The works to Royal Route, its structure and to the ground levels and surface treatments under Royal Route shall be completed in full prior to earlier of first occupation of the development within: Plots W08; W10; or the proposed hotel within the site of application reference 15/3599 (or any subsequent application for the redevelopment of this part of that site) unless a programme of works has been submitted to and approved in writing by the Local Planning Authority and the works are completed in full accordance with that programme.

Reason: In the interest of the streetscene, design and appearance of the area, legibility and permeability for pedestrians and cyclists.

- 11 Residential car parking shall not be provided within Plots E01, E02, E03 or E05 unless details of alternative accesses that do not conflict with stadium vehicular or crowd flows have been submitted to and approved in writing by the Local Planning Authority and those details have been implemented in full.

Reason: In the interest of highway flow and safety, as residential car parking within these plots may result in increases in the egress time during Stadium events for the Blue Car Park hereby approved, and may result in potential conflict between pedestrians and vehicles along Perimeter Way on Stadium Event Days

- 12 The residential car parking spaces shall be used for the parking of vehicles associated with the residential units within this development and shall not be used for any other purpose, such as the provision of Stadium Parking.

Reason: In the interest of highway flow and safety.

- 13 No goods, equipment, waste products, pallets or materials shall be stored in any open area within the site and the loading areas indicated on the approved plans shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure a satisfactory environment for future users.

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

Reason: In the interests of traffic and pedestrian safety.

- 15 The construction tolerances referred to within drawing A-00-009 Rev 6 "Parameter Plan 09 – Proposed Heights" shall only relate to the final constructed heights of building and the buildings as proposed within applications for the approval of Reserved Matters shall be designed to comply with the maximum heights as denoted on this drawing, as altered by the additional height specified for lift motor rooms, plant and extract, and the additional height specified for parapet levels.

Reason: In the interest of visual amenity and townscape.

- 16 Parapets that project more than one metre above the relevant maximum height specified with drawing A-00-009 Rev 6 shall be designed to be predominantly open in their visual appearance.

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

- 17 A Student Accommodation Demand Assessment shall be submitted to and approved in writing by the Local Planning Authority in relation to each Reserved Matters Applications within which Student Accommodation (Sui Generis) is proposed.

Reason: In the interest of the provision of a mixed and balanced community

- 18 Prior to first occupation of any plots that include Student Accommodation, a Student Management Plan detailing measures to manage the use of any associated servicing bay(s) during key periods including the periods when students will load and unload possessions at the start and end of the college year, the pre-booking of arrival times and staff resourcing to assist this and having regard to Stadium Event day conditions, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full for the life of the development.

Reason: In the interest of highway and pedestrian safety and flow, and parking saturation in the locality.

- 19 Prior to the commencement of works to the superstructure on relevant part of the development as hereby permitted, details of the following as they relate to that part of the development shall

be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters applications (if specifically referenced within that submission) or under separate cover, with the exception of plots E05 & W06 which shall only be subject to the submission and approval of paragraphs a) to j) below.

- a) Details of materials for all external surfaces, including samples which shall be made available for viewing on site or in another location as agreed;
- b) Details of any plant, including locations, external appearance and any proposed screening;
- c) Highway, footpath and cycle way layout, within the relevant part of the development including connections and traffic management measures, sub-surface details, surfacing materials and street furniture;
- d) Details of cycle storage, including the number of spaces (which shall accord with London Plan standards), structures, layout, equipment, access, security and weather proofing appropriate to the type of cycle storage;
- e) Details of any motorcycle and car parking provision, including layouts, allocation, cumulative (site-wide) parking provision and projected future provision, which shall not exceed 0.4 car parking spaces per residential unit, but shall include disabled parking provision comprising 10 % of allocation for residential parking spaces and 5 % allocation for commercial premises;
- f) Details of electric vehicle charging points, which shall comprise a minimum of:
  - i. 20 % of car parking spaces with active and 20 % with passive charging points for residential development;
  - ii. 20 % active and 10 % passive for office development; and
  - iii. 10 % active and 10 % passive for retail parking spaces.
- g) Details of any CCTV;
- h) Measures incorporated to mitigate the impacts of wind within the development.
- i) Details of the on plot connections to the site wide heat network and relative to the indicative or actual routing of the site wide network.
- j) The location of services, including the grouping of services where feasible;
- k) The internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, any plant room(s), any other internal area and any areas of external space.
- l) Means of access for vehicles, pedestrians and cyclists to and from the relevant part of the development;
- m) Details of the levels of daylight received for Habitable Room windows of any Residential Dwellings within the relevant part of the Development.
- n) Details of the provision of private external amenity space for residential units, including the size, location of private balconies, terraces and gardens and access between the dwellings and their associated space(s).

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

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

- 20 Prior to the commencement of works on the superstructure on the relevant part of the development hereby approved, scheme for the landscape works and treatment of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- a) a planting plan, (including species, plant sizes and planting densities);
- b) subsurface treatments, including details of root management systems for all trees;
- c) proposed walls and fences, indicating siting, materials and heights;
- d) any proposed contours and ground levels;
- e) areas of hard landscape works and external furniture, and proposed materials;
- f) the detailing and provision of green/brown roof(s);
- g) measures to enhance the ecological value of the site;
- h) Details of any Sustainable Urban Drainage Systems;
- i) Details of the proposed arrangements for the maintenance of the landscape works.

Any trees or shrubs that are a 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 and in the same positions,

unless the Local Planning Authority first gives written consent to any variation.

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

- 21 A Parking Management Plan relating to non-event days, setting out the allocation control, operation and charging structures for non-residential parking, and the allocation of non-residential parking spaces shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented in full.

Reason: In the interest of highway flow and safety, and sustainable transport.

- 22 A Stadium Event Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Wembley National Stadium Limited / The FA and Transport for London prior to the commencement of works on plots E01, E02, E03, E04 or E05 or on the park to the south of Engineers Way hereby approved, and the plan shall thereafter be implemented in full for the life of the development. The Plan shall include:

- Details of the Stadium Event Car and Coach Parking Spaces, comprising the location of spaces, the maximum number of car, coach and mini-bus parking spaces within each area;
- Scenarios for the allocation of the parking spaces (should the allocation of spaces be proposed to vary from event to event), including the number of cars and coaches to be parked in each area for each scenario;
- The means by which parking spaces are booked and allocated;
- Access and egress routes and arrangements for vehicles between the Stadium Event Car and Coach Parking Spaces and the wider network;
- Access and egress routes and arrangements for pedestrians travelling between the parking areas and the Stadium, including proposed road closures such as the closure of part of South Way;
- Event day management procedures, including the marshalling of vehicles and pedestrians during stadium access and egress;
- Details demonstrating that the cumulative total number of Stadium Event Car and Coach Parking Spaces for each scenario equals 2,900 cars; or 1200 cars and 458 coaches and 43 minibuses; or combination thereof;
- The location of blue badge parking spaces, the number of spaces within each area and the route between the parking spaces and the Stadium including any management measures to assist disabled visitors;
- The means by which the relevant authorities and bodies will be notified which scenario will be implemented for each event;

On Stadium Event Days, the identified number of spaces within the areas designated for stadium car, coach and/or mini-bus parking for the selected scenario pursuant to the Stadium Event Parking Management Plan shall only be used for the purpose of stadium car, coach and/or mini-bus parking.

Reason: In the interest of highway flow and safety, disabled access, access and egress associated with Stadium Events and the regeneration of the area.

- 23 Prior to the commencement of works on the superstructure of the school, details of the arrangements for the parking of vehicles for the proposed school within the "Red" multi-storey car park shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.

Reason: In the interest of highway flow and safety.

- 24 Prior to the commencement of works of on the superstructure of the new school on Plot YH1 (York House car park), a scheme of improvement works to the Royal Route footways between Wembley Hill Road and the pedestrian entrance to the Red Car Park shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to first occupation of the school.

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

- 25 Notwithstanding the details provided within Parameter Plan 11 (Drawing A-00-0011 Rev D), further details of the cycle routes accompany all applications for Reserved Matters for parts of the development which include areas within which “primary pedestrian/cycle routes” are located within this parameter plan, detailing the width and nature of cycle routes, surface treatments, signage and how the cycle routes are proposed to be marked out.

Reason: In the interest of sustainable transportation, non-car modes of access and the provision of cycling infrastructure together with the character and recreational value of the park.

- 26 Prior to first occupation of the relevant part of the development, a Delivery and Servicing Plan (DSP) based on the Framework DSP, and which shall also:
- Restrict the maximum length of servicing vehicles using on site access routes other than Harbutt Road, Olympic Way and West Olympic Way to 12 m; and
  - Restrict the hours of on-street servicing to 0630 to 1000 hours and 2000 to 2200 hours Monday to Saturday and 0800 to 1100 hours on Sundays
- shall be submitted to and approved in writing by the Local Planning Authority and the approved DSP shall be implemented for the life of the development.

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

- 27 Prior to the commencement of works on the relevant part of the development, a Construction Logistics Plan (CLP) based on the Framework CLP shall be submitted to and approved in writing by the Local Planning Authority and the approved CLP shall be implemented for the duration of demolition and construction.

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

- 28 A site management plan, detailing the maintenance and cleaning regime for the public and communal external spaces within the development, shall be submitted to and approved in writing prior to first use of the public or communal spaces within the development and the approved plan shall be implemented for the life of this development.

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

- 29 Applications for the approval of Reserved Matters for part of the development that include residential floorspace (within Use Class C3) shall be accompanied by details of the provision of play and recreational space and any associated equipment within the communal parts the relevant part of the development that are required to meet the minimum standards for play space as set out within Wembley AAP Policy WEM 38. The approved play and recreational space and any associated equipment situated within the relevant part of the development site shall be implemented in full prior to first occupation of the relevant part of the development. The playspace shall thereafter be retained and maintained in accordance with the manufacturers specifications.

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

- 30 A minimum of
- 10 % of hotel rooms;
  - 5 % of student accommodation rooms;
  - 10 % of Affordable Rented residential units;
- shall be provided as wheelchair accessible accommodation whilst 10 % of all private and intermediate residential units and 5 % of student accommodation rooms (in addition to the 5 % of student accommodation rooms referred to above) shall be “easily adaptable” for residents who are wheelchair users. Reserved matters applications that include such accommodation shall demonstrate that these minimum targets for accessible and easily adaptable rooms and units will be achieved.

Reason: To ensure that the development is suitably accessible.

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

development hereby approved.

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

- 32 Any plant shall be installed, together with any associated ancillary equipment, so as to minimise the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. Prior to the installation of plant, an assessment of the expected noise levels of any plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in material compliance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and shall include any mitigation measures necessary to achieve the above required noise levels. The plant shall thereafter be installed and maintained in accordance with the approved details.

**Reason:** To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Brent Policy EP2.

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

Reason: To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Brent Policy EP2.

- 34 Prior to the commencement of construction works to the superstructure on the relevant part of the development, details shall be submitted to and approved in writing by the local planning authority demonstrating that residential units, rooms of student accommodation, and hotel rooms (unless the relevant part does not include such uses) will be constructed so as to provide sound insulation against externally generated noise such that:

- For facades identified as being affected by stadium and/or rail noise, the resultant internal noise levels between the hours of 11.00pm and 7.00 am shall not exceed 33 dB LAeq, 15 min and 38 LAeq, 15 min from 7.00am to 11.00pm;
- For all other facades the resultant internal noise levels between the hours of 11.00pm and 7.00 am shall not exceed 30 dB LAeq, 8hr and 35 LAeq, 16 hr from 7.00am to 11.00pm;

These criteria apply with windows shut and with an appropriate ventilation system installed. Any mechanical ventilation system shall not give rise to a noise level greater than the above internal noise standards or a sound level in any 1/3 octave band in the range 50Hz to 8kHz that is more than 5 dB above immediate adjacent 1/3 octave bands.

The development shall be constructed in accordance with the approved details and any noise mitigation measures shall be retained for the life of the development.

Reason: To safeguard the amenities of residents and other occupiers.

- 35 Prior to the commencement of works on the superstructure of any relevant part of the development that within which an educational establishment is proposed, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that sound insulation against externally generated noise has been incorporated such that the resultant internal noise levels during the hours of operation of the school are in compliance with recommended levels within BB93 acoustic design of schools unless otherwise agreed in writing by the Local Planning Authority. The relevant part of the development shall be constructed in accordance with the approved details.

**Reason:** To safeguard the amenities of users of the educational establishment(s).

- 36 Details demonstrating that the relevant part of the development will be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz), as set out below, are not exceeded in relation to residential development (Use Class C3) or Student Accommodation (Sui Generis) shall be submitted to and approved in writing prior to the commencement of works on the superstructure of the relevant part of the development and the relevant part of the development shall be carried out in

accordance with the approve details.

Place	Vibration dose values - Low probability of adverse comment (m/s <sup>1.75</sup> )
Residential buildings 16 h day	0.2 to 0.4
Residential buildings 8 h night	0.1 to 0.2

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources

- 37 Prior to the commencement of the relevant part of the development, a Construction Method Statement (CMS) shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works. The CMS shall confirm that:
- The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise from the site;
  - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
  - Vehicular access to adjoining and opposite premises shall not be impeded;
  - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
  - A barrier shall be constructed around the site, to be erected prior to demolition;
  - A suitable and sufficient means of suppressing dust must be provided and maintained.
  - A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.

The approved plan, or a revised plan as subsequently approved pursuant to this condition, shall be fully implemented throughout the demolition and construction of the proposed development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance

- 38 An Air Quality Neutral Assessment that is in accordance with relevant guidance published by the Greater London Authority (GLA), and which includes mitigation measures should the development be found to not be air quality neutral, shall be submitted to and approved and writing by the Local Planning Authority prior to the commencement of works to the superstructure on the relevant part of the development. The approved assessment shall be carried out in full in relation to the relevant part of the development.

Reason: To protect local air quality, in accordance with Brent Policy EP3

- 39 Prior to the installation of the Combined Heat and Power (CHP) unit, details demonstrating the emissions standards of the CHP unit, which shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment, shall be submitted to and approved in writing by the Local Planning Authority and the unit shall be installed in full accordance with the approved details and the unit shall be maintained thereafter in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- 40 Prior to the commencement of the use of the CHP unit (other than use required to undertake testing of the unit), details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4.

- 41 Prior to the installation of any boilers within the development (other than the CHP unit), details of the boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NO<sub>x</sub>) do not exceed 40 mg/kWh shall be submitted to and approved in writing by the Local Planning



Authority. The approved details shall be implemented in full and the boilers shall be maintained in accordance with the manufacturers specifications.

Reason: To protect local air quality, in accordance with Brent Policy EP3

- 42 The relevant part of the development hereby approved shall not commence unless a site investigation is carried out and remediation strategy is prepared by an appropriate person to determine the nature and extent of any contamination present. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority prior to the commencement of works, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority;

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

- 43 Prior to first occupation of, or the commencement of the use within the relevant part of the development hereby approved unless a verification report, written by a suitably qualified person, has been submitted to and approved in writing by to the Local Planning Authority stating that remediation has been carried out in accordance with the remediation scheme approved pursuant to condition **42** and the site is safe for end use.

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6

- 44 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.

- 45 Prior to the commencement of works on the superstructure on the relevant part of the development, a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

- 46 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 47 Prior to the commencement of works on the superstructure on the relevant part of the

development, a detailed surface water drainage scheme for the site, based on the 'Wembley Park Masterplan Flood Risk Assessment' reference 033770 Revision 03 dated 30 November 2015 produced by Burohappold Engineering shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Flood Risk Assessment. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

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

Reason: To ensure a satisfactory standard of residential accommodation.

- 49 Prior to the commencement of works on the relevant part of the development hereby approved, details of an indicative phasing plan, including projections for the commencement and completion, as they relate to that part of the development shall be submitted to the Local Planning Authority, either within the Reserved Matters applications (if specifically referenced within that submission) or under separate cover.

Reason: to allow the local planning authority to understand the projected phasing of the development and to define the extent of a CIL phase for the purposes of the CIL Regulations 2010 as amended.

- 50 In relation to Plot W06 only, details of communal facilities to be provided for residents of the residential units within Plot W06 hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential units within Plot W06. Such details shall include the location, type and size of communal facility, hours of access and details of access arrangements including hours of access, which residents will be able to access those facilities and any other restrictions associated with access to the facilities. The facilities shall be provided prior to the first occupation of units or in accordance with a programme of delivery that has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained and made available for the residents of the development as set out in the details approved pursuant to this condition.

Reason: To ensure a satisfactory standard of accommodation for future residents having regard to the Mayor's Housing Supplementary Planning Guidance and the development specification hereby approved.

## INFORMATIVES

- 1 Environmental Health advise that, given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 2 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- 3 Thames Water advise that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 4 Thames Water advise that they would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 5 Thames Water advise that a Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
- 6 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 7 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 8 This is a phased development for the purposes of the CIL Regulations (2010 as amended). A phase can comprise: site preparation and demolition works, sub-structures, and/or buildings, plots or groups of plots. The extent of the CIL phase will be defined on the relevant phasing plan.
- 9 Superstructure is defined the part of a building or structure above its foundations.
- 10 The applicant is reminded that, should a reserved matters application be submitted which includes plots which could be used for B1 uses, it is likely that a condition would be attached to control future uses, by removing permitted development rights to change to other class E uses, in the interests of proper planning and to ensure the adequate provision of employment floorspace and industrial capacity within the Borough.

- 11 For the avoidance of doubt, the Supporting Documents for this application that are not listed within condition 4 of this consent are:

WBL-HTL-NEL-SK161 Wembley NEL Masterplan Planning Parameters Plot Massing Heights, dated 29.01,21  
Illustrative Layout of the Northern and Southern Park with key dimensions, prepared by Haworth Tompkins

Any person wishing to inspect the above papers should contact Hilary Seaton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1427

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 March, 2021  
04  
20/1163

## SITE INFORMATION

RECEIVED	9 April, 2020
WARD	Queensbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	1 Burnt Oak Broadway, Edgware, HA8 5LD
PROPOSAL	Partial demolition, restoration and extension of former bingo hall (Use Class D2) to create a part-7, part-8 storey building to provide co-working space and purpose-built shared living units (Use Class Sui Generis), café (Use Class A3) with ancillary facilities and associated shared amenity space, landscaping, cycle and disabled parking.
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_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</a></p> <p><b><u>When viewing this as a 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 "20/1163" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
  - A. Any direction by the Secretary of State pursuant to the Consultation Direction
  - B. The prior completion of a legal agreement to secure the following planning obligations:
    - (a) Payment of legal, planning negotiation and planning monitoring costs associated with preparing and monitoring the Section 106 agreement
    - (b) Notification of commencement 28 days prior to material start
    - (c) Appropriate two-stage pre- and post-implementation financial review mechanism to reassess scheme viability and actual values and costs prior to commencement and 6 months prior to practical completion (or such other time agreed by the Council), against the agreed land value and profit, to determine any development surplus. If surplus is secured, this would take the form of an off-site cash in lieu payment in line with Intend to Publish London Plan policies H5 and H16 and the formulas laid out within Mayor's Viability and Affordable Housing SPG
    - (d) The submission and approval of a Management Plan prior to first occupation of the development, meeting all requirements of Policy H16 of the Intend to Publish London Plan
    - (e) Employment and Training obligations, comprised of:
      - (i) The submission of an 'Employment and Training Plan (a document setting out how the obligations in section 106 agreement will be met and which includes information about the provision of training, skills and employment initiatives for Local Residents relating to the construction and operational phase of the development) to the Council for its approval prior to the material start of the development;
      - (ii) a commitment to meet with Brent Works (the Council's job brokerage agency dedicated to assisting unemployed Residents into sustainable employment), or such relevant equivalent successor body (working with local partners including local colleges, the Job Centre Plus and third sector welfare providers to reduce current levels of unemployment within the borough) to identify the anticipated employment and training opportunities arising during the construction phase;
      - (iii) a commitment to deliver the employment targets set out in the attached document;
      - (iv) a commitment to attend regular progress meetings with the Council to review progress of the initiatives;
      - (v) specific commitments in respect to employment opportunities in relation to operational phases;
      - (vi) a commitment to source at least 20% of all the materials used in major development schemes locally;
      - (vii) where it is not possible to achieve employment targets in line with the attached document, a commitment to pay the financial contributions which are calculated as follows:
        - (1) Shortfall against target numbers of jobs lasting a minimum of 26 weeks for an unemployed Local Resident x £4,400 (the average cost of supporting an unemployed Local Resident into sustained employment)
        - (2) Shortfall against target number of apprenticeship starts x £5,000 (approx. cost of creating and supporting a Local Resident to complete a typical construction level 2 Apprenticeship elsewhere in the borough)
  - (f) S38/S278 highway works under the Highways act 1980 to provide:
    - (i) reconstruction and resurfacing of the rear service road along the rear of the site and its adoption as Public Highway maintainable at public expense and
    - (ii) the resurfacing of the Burnt Oak Broadway footway fronting the site and installation of bicycle stands (n.b. any CPZ would also need to include the adopted section of the rear service road).
  - (g) An agreement that prevents all residents and businesses from obtaining a parking permit in the event that a CPZ is introduced
  - (h) Enhanced travel plan to be submitted, ensuring a set of robust sustainable travel measures which actively encourage sustainable modes rather than just provide information on them.



- (i) The submission of a Delivery and Servicing Plan
  - (j) Financial contribution towards the implementation of a local Controlled Parking Zone (£63,000)
  - (k) 2/3 year free membership for all occupiers to local Car Club
  - (l) Carbon offset contribution to be paid (currently estimated at £81,990) – or an opportunity to resubmit an improved energy statement and reduce the offset payment.
  - (m) A post-assessment to be submitted and approved by the Council demonstrating that BREEAM 'Excellent' to be secured
  - (n) Indexation of contributions in line with inflation
  - (n) Any other planning obligation(s) considered necessary by the Head of Planning.
3. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 1. Time Limit for commencement (3 years)
  - 2. Approved drawings/documents
  - 3. A total of 125 co-living studio units secured
  - 4. Hours of proposed cafe use to be secured
  - 5. Blue badge parking spaces and visitor cycle stands laid out prior to occupation
  - 6. Cycle stores and refuse stores to be laid out prior to occupation of each phase
  - 7. NRMM to be restricted
  - 8. Tree protection measures to be secured
  - 9. FRA and Drainage strategy measures to be secured
  - 10. Water consumption to be limited in line with regulations
  - 11. Ecological mitigation measures to be secured
  - 12. EVCP to be secured
  - 13. Construction Environmental Management Plan to be submitted
  - 14. Construction logistics plan to be submitted
  - 15. Land contamination and remediation report to be submitted
  - 16. Connection to future District heating Network to be submitted
  - 17. Full details of landscaping strategy (including green roofs) to be submitted
  - 18. All external materials (including samples) to be submitted
  - 19. Wheelchair Accessible Units to be secured
  - 20. Car park management plan to be submitted
  - 21. Delivery and Servicing Management plan to be submitted
  - 22. Plant noise levels to be submitted before installation
  - 23. Sound insulation measures to be submitted

#### Informatives

- 1. CIL liability
- 2. Party wall information
- 3. Building near boundary information
- 4. London Living Wage



## PROPOSAL IN DETAIL

The application proposes the re-development of this Grade II listed former bingo hall, including roof and side extensions, to convert it into a co-living, co-working space with associated communal facilities (Class Sui Generis) and the provision of a café (Class E(b)) at ground floor level. The proposals comprise the following elements:

- Conversion of the Grade II listed building to provide co-working/co living accommodation with shared kitchens and amenity facilities including a gym, library, launderette, cinema room, lounges, and a publicly accessible café at ground floor. A total of 125 studio flats would be provided, ranging from 17 sqm to 29 sqm in size, and including 11 wheelchair accessible rooms.
- The existing roof to the building would be demolished and replaced with a new three-storey roof extension, alongside the erection of a new seven-storey side extension to the northern portion of the site.
- Associated external alterations to the building, including repairs to the original cinema building with a relative light touch to the street facades, reinstating the main entrance and signage.

The proposals would also include the provision of cycle and refuse storage, and improvements to the public realm along Burnt Oak Broadway including new street tree planting and benches installed. A total of 4 parking spaces are proposed to the rear access road, exclusively as Blue Badge parking spaces for future occupiers of the development.

An application for listed building consent for the proposed external and internal alterations in connection with this re-development accompanies the main planning application, with the specific considerations addressed in a separate report (under ref. 20/1164).

## EXISTING

The site relates to a former Grade II listed cinema, dating from 1938, which was converted into a bingo hall and is now vacant. It is located on the western side of Burnt Oak Broadway, and forms part of the designated Burnt Oak/ Colindale Growth Area, as well as being part of the Burnt Oak District Centre (designated as Secondary Frontage). It also forms part of the Colindale/ Burnt Oak Opportunity Area, as designated in the London Plan.

The immediate surrounding area comprises a shopping parade including retail and food establishments with residential uses above to the north and south. To the east, it is a predominantly residential area comprising two, three and six storey apartment blocks and to the west, the area comprises two storey semi-detached dwellings. Immediately to the north of the site, a seven storey residential block has been approved and is currently under construction.

Burnt Oak Underground Station is located approx. 770m away (about 10 minutes' walk), and the site is served by a bus stop approximately 50m away which provides routes to Edgware, Borehamwood and Watford. The site has a PTAL rating of 4.

## AMENDMENTS SINCE SUBMISSION

Revisions to both internal and external elements of the proposal were formally submitted in September 2020, following lengthy discussions with the council's urban design and heritage officers, Historic England, the CTA and feedback from the Theatres Trust. A re-consultation exercise with all adjoining residents and statutory external consultees was undertaken on these revisions. The key changes to the main application are summarised below:

- Increase in height to the proposed side extension to a maximum of eight storeys, and changes to façade treatment and design of side extension
- Introduction of darker cladding to roof extension
- Glazed link between original building and side extension further recessed from principal front elevation
- Introduction of external communal terrace at 7<sup>th</sup> floor level
- Change to internal layouts, reducing the overall number of studios to 125 (from 127)

- Introduction of further soft landscaping and smoking area to front elevation

## SUMMARY OF KEY ISSUES

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

1. **Objections from adjoining neighbours and interested groups:** 182 properties were consulted on the proposal, as well as The Friends of Eton Grove Association. A total of four objections were received across the two consultation periods, with grounds of objection including potential overlooking and overshadowing impacts, increased noise and disturbance, and detrimental impacts on parking and traffic in the local area. These issues are all addressed within the main remarks section of the report. A number of letters of support for the scheme were also received.
2. **Principle of redevelopment of the site for co-living use:** The re-development of the site for co-living and workspace is considered appropriate within this part of the Burnt Oak/ Colindale Growth Area, and broadly accords with the objectives set out in currently adopted and emerging site allocations within the Local Plan. The proposals would also bring the listed former bingo hall back into use, having been vacant since 2014.
3. **Viability and Affordable Housing:** The scheme would not provide any contribution in lieu of affordable housing, which is required by policy H16 of the draft London Plan. However it has been demonstrated by a financial viability appraisal that this cannot viably be provided, and subject to a section 106 agreement securing both early and late stage review mechanisms, is considered acceptable.
4. **Design and heritage:** The proposed extensions would take the building to between seven and eight storeys high, which is considered to be in keeping with the heights of buildings in the surrounding townscape. The proposed extensions have been sympathetically designed to minimise the potential harm to this Grade II listed building, and to be of a high quality with final details reserved by condition.
5. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers and compares favourably with similar co-living developments approved in neighbouring London boroughs.
7. **Neighbouring amenity:** There would be a loss of light to some windows of surrounding buildings, which is a function of a development on this scale. The impact is considered to be acceptable given the urban context of the site. The overall impact of the development is considered acceptable, particularly in view of the wider regenerative benefits of the scheme and the Council's strategic objectives.
8. **Highways and transportation:** A financial contribution of £100,000 will be secured to enable the Council towards extending CPZ's into the area is proposed with the removal of rights for residents within the development to apply for parking permits. To encourage sustainable travel patterns, the scheme will be 'car-free' with the exception of blue badge parking spaces.
9. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, and subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to future residential occupiers.

## RELEVANT SITE HISTORY

Although there have been planning applications made in relation to minor external alterations and the installation of telecommunications equipment on the building, there has been nothing directly relevant in terms of previous planning history on the site.

## CONSULTATIONS

### Public Consultation

Original scheme (April 2020):

A total of 182 addresses within Burnt Oak Broadway, Limesdale Gardens and The Hyde were consulted on the application. The Friends of Eton Grove Association were also consulted.

A Site Notice was displayed 28/04/2020  
A Press Notice was published 28/04/2020.

Two letters of objection were raised to the proposals. The grounds for objection are summarised below:

Grounds of objection	Officer response
Proposals would result in a loss of privacy and increased overlooking to adjoining occupiers	This issue is discussed in more detail within paragraphs 81-83 of the report below.
Proposals would result in increased overshadowing and loss of light to adjoining gardens	This issue is discussed in more detail within paragraphs 48-80 of the report below.
Proposals would result in increased noise and disturbance	This issue is discussed in more detail within paragraphs 86 of the report below.
Proposals would result in increased traffic generation associated with restaurant outlets etc	This issue is discussed in more detail within the highways section of the report. To clarify, the proposals only include a single café outlet as part of the application.
Proposals would have a negative impact on property values	Impact on property values is not a material planning consideration.

Four letters of support were received on the grounds that the proposals would create affordable living for single dwellers, support existing businesses and encourage much-needed regeneration in the area, enhance and bring back the historic building into use, with the potential for lower levels to be used for community and cultural events such as an art gallery, exhibitions etc.

A further petition containing 31 signatures was received in support of the proposals. The grounds for support are summarised as follows:

- The restoration of the Grade II listed building ensuring that both the exterior and interior aspects are retained and the building's features are enhanced
- Provide new affordable workspace which there is a lack of in the local area.
- Increase the number of visitors to the local area supporting trade for local traders.
- Provide quality rental accommodation for young professionals.
- Deliver high quality public realm improvements to aid the regeneration of Burnt Oak.

#### Revised scheme (September/ October 2020):

The same 182 addresses and those commenting on the original scheme were re-consulted following the receipt of revised drawings and associated documents. A fresh site and press notice were also published as part of the re-consultation exercise.

A further two objections were received, with the grounds for objection summarised below:

Grounds of objection	Officer response
Proposals would not provide any parking for non-disabled occupiers or visitors, having a cumulative impact on parking pressures for adjoining residents	This issue is discussed in more detail within paragraphs 92-99 of the report below.
Increased traffic and associated noise and pollution	This issue is discussed in more detail within paragraphs 106-113 of the report below.
Increased pressures on local infrastructure, i.e. medical centres, schools etc.	The principle of the co-living use, and its appropriateness within a Growth Area location, is discussed in more

	detail within 1-4 and 13-28 of the report.
Increased noise and anti-social behaviour	This issue is discussed in more detail within paragraphs 86 of the report below.

A further two letters of support were received, stating that the proposed development would bring wider community benefits by restoring the historic building, the creation of new jobs, and removing an eyesore from the local area.

One neutral comment was also received, stating general support in bringing the building back into use, but requesting that the central hall (theatre) is made more accessible for local people for events, celebrations etc. Strongly objects to any betting shops, adult gaming centres or pawnbrokers.

### **Statutory/ External Consultees**

Comments received from Historic England, the Cinema Theatres Association and the Theatres Trust are set out and largely addressed within the associated report for listed building consent. One issue is raised concerning the loss of the community/ cultural use of the building, with the Theatres Trust stating that continued community use should be prioritised. This issue is considered in more detail within paras. 5-12 of the report.

#### **London Fire Brigade**

No objections subject to ensuring the plans conform to Part B of Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority. Also recommendations around the installation of a sprinkler system internally.

#### **Thames Water**

No objection subject to an informative relating to protecting adjacent underground waste water assets during construction works.

#### **LB Barnet**

Objection. Proposals would have a detrimental impact on the significance of the Grade II listed building, by virtue of its height, massing and over-dominance of the heritage asset. In turn, this results in a development which has a cumulative harmful impact on the setting and views out of the designated heritage asset that is the Watling Conservation Area.

**Officer comments:** The issues raised are discussed in more detail within paras. Xx- xx of the report, and within the report associated within the listed building consent.

### **Internal consultation**

#### **Burnt Oak Town Centre Manager**

Broadly supportive of the proposal. It helps bring a redundant and at-risk listed building back into use within the town centre and the mixed use and intensification along this stretch shouldn't impact negatively on retail. Some other comments which are addressed within the main considerations.

#### **Environmental Health**

Environmental health supports the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact, and contaminated land. See detailed considerations section of report for further comments on these issues.

### **Statement of Community Involvement**

A Statement of Community Involvement has been submitted with the application, setting out the public consultation and level of engagement undertaken before submission of the proposals, as required through the Localism Act (2011).

The main consultation exercise involved a community consultation event and presentation of the proposals held on Monday 24th February 2020 from 3pm to 8pm at Love Burnt Oak, 102a Watling Avenue, Burnt Oak, HA8 0LN. A consultation leaflet advertising the consultation event, consultation website

and contact details of the project team, including a freephone telephone line and email address was sent to 2,137 properties located within 500m of the site. Details of the consultation event and proposals were also sent to local businesses through a leaflet drop on Friday 21<sup>st</sup> February, and an advert was placed in the Brent and Kilburn Times on 20<sup>th</sup> February. Local community and amenity groups were also notified of the consultation event by email where possible, as well as an email sent to 29 councillors, MPs and London Assembly Members (referred to forthwith as AMs) across Barnet, Brent and Harrow advising them of the consultation.

A total of 20 written responses (i.e. via email or consultation form) were received from 15 residents, with 8 of these residing in LB Barnet, 6 from residents in LB Brent, and 1 is from a business based in the north east of England. A summary of the issues received from these responses is provided below:

- Concerns regarding the need for a Controlled Parking Zone in the London Borough of Brent
- Requests for public access to be made available to the cinema and/or gym
- Criticisms of local, regional or national planning policies rather than of the application itself
- Queries regarding what support towards local infrastructure will be given by the applicant

In addition, 31 residents attended the consultation event, with 12 residents completed consultation feedback on the day with 2 residents who attended subsequently sending comments via the consultation website. The key issues raised at the consultation event/ subsequent feedback are summarised as follows:

- Concerns regarding the need for a Controlled Parking Zone in the London Borough of Brent
- Requests for public access to be made available to the cinema and/or gym
- Queries regarding what support towards local infrastructure will be given by the applicant

These consultation events and methods are considered appropriate to the scale of the development and reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement. The issues raised during this consultation exercise will be considered in more detail within the detailed considerations section of the report below.

## **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 and Brent Development Management Policies 2016.

Key policies include:

### **Regional**

#### **London Plan 2016**

- 2.13 Opportunity areas and intensification areas
- 3.3 Increasing housing supply
- 3.8 Housing choice
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.16 Social infrastructure
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment

7.4 Local character  
7.8 Heritage assets and archaeology  
7.14 Improving air quality

## **Local**

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

CP 1 - Spatial Development Strategy  
CP 2 - Population and Housing Growth  
CP 11 – Burnt Oak/ Colindale Growth Area  
CP 19 - Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP 21 - A Balanced Housing Stock  
CP 23 – Protection of existing and provision of new Community and Cultural Facilities

### **Brent Development Management Policies (2016)**

DMP 1 - General Development Management Policy  
DMP 7 - Brent's Heritage Assets  
DMP 9b - On Site Water Management and Surface Water Attenuation  
DMP 13 - Movement of Goods and Materials  
DMP 19 - Residential Amenity Space  
DMP 20 – Accommodation with Shared Facilities or additional support

The Mayor has produced a Publication Version of the London Plan that he intends to adopt on 2 March 2021. As such, the Publication Version of the London Plan is likely to be adopted policy at the time that the Planning Committee consider this application.

Key relevant policies include:

### **Draft London Plan (Publication version) 2020**

Key policies include:

D3: Optimising site capacity through the design-led approach  
D4: Delivering good design  
D6: Housing quality and standards  
D7: Accessible Housing  
D8: Public realm  
D11: Safety, security and resilience to emergency  
D12: Fire safety  
H1: Increasing housing supply  
H4: Delivering affordable housing  
H5: Threshold approach to applications  
H16: Large-scale purposed-built shared living  
HC1: Heritage conservation and growth  
HC3: Strategic and Local Views  
G1: Green infrastructure  
G4: Open space  
G6: Biodiversity and access to nature  
T2: Healthy Streets  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T7: Deliveries, servicing and construction  
T9: Funding transport infrastructure through planning

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors requested some additional information alongside a consolidated schedule of modifications (to reflect discussions during the examination hearings). This information will be submitted to the Inspectors on 15 January. It is estimated that a final Inspectors report will be issued in June 2021, subject to further modifications, with adoption of the final Plan not likely until late Summer 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by officers that greater weight can now be applied to policies contained within the draft Brent Local Plan. Relevant draft policies include:



**General:**

DMP1 – Development Management General Policy

**Place:**

BP3 – North

BNGA1 – Burnt Oak / Colindale Growth Area

BNSA4 – Former Mecca Bingo Site

**Design:**

BD1 – Leading the way in good design

**Housing:**

BH1 – Increasing Housing Supply

BH7 – Accommodation with Shared Facilities or Additional Support

BH13 – Residential Amenity Space

**Social Infrastructure:**

BSI1 – Social Infrastructure and Community Facilities

**Economy and Town Centres:**

BE1 – Economic Growth and Employment Opportunities for All

**Heritage and Culture:**

BHC1 – Brent's Heritage Assets

**Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent

**Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

BSUI4 – On-site Water Management and Surface Water Attenuation

**Transport:**

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3 – Freight and Servicing, Provision and Protection of Freight Facilities

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018

## DETAILED CONSIDERATIONS

### Principle of development

#### Burnt Oak / Colindale Growth Area: Adopted and emerging policy context

1. The application site is of strategic importance given its position within the Burnt Oak/ Colindale Growth Area, as designated within the Local Plan, which also forms part of the wider Colindale/Burnt Oak Opportunity Area designated in the London Plan.
2. Policy CP11 (Burnt Oak/Colindale Growth Area) of the Core Strategy states that *'the Burnt Oak/ Colindale area is promoted for mixed use regeneration along the axis of Edgware Road. While tall buildings are acceptable in appropriate places along Edgware Road, the council will facilitate a shift in character and use towards a traditional street pattern supporting pedestrian movement, street frontages and public spaces and squares. New economic activity will be created in the form of ground floor commercial frontage (including retail, where compliant with the sequential approach).'* This is reinforced by emerging policy BNGA1 of the

3. Building on this is the draft site allocation for the Mecca Bingo Site (policy BNSA4). The following key planning considerations are identified within the policy:

- The site is located within the town centre boundary of Burnt Oak. As such, the council would like to see active frontage created on this site, where considered appropriate. Furthermore, the site is within the boundaries of the Burnt Oak and Colindale Growth Area, being a sustainable location to accommodate growth.
- The former cinema on this site is Grade II listed and is a 'Building at Risk' contained on Historic England's Heritage at Risk Register. The cinema was constructed in 1938 and is a good example of a relatively unaltered large suburban neighbourhood super-cinema of the 1930s. Development at this site should ensure that proposals do not adversely affect its character as a building of special architectural or historic interest.
- In comparison to other areas within Burnt Oak and Colindale, this site has relatively high PTAL levels. Therefore, development at this site should be car-free.
- There are six trees within proximity to the site. Development at this site should not result in the loss of these trees.

4. The policy also sets out that development at this site can support appropriate improvements to the Grade II listed building, with the aim of removing it from Historic England's 'Building at Risk' register. There is a preference to create active frontage within this area to support the vitality and viability of the town centre, which can be achieved through introducing community floorspace on the ground floor of this site.

#### Loss of community/ cultural facility

5. As set out within the existing site section of the report above, the building was originally constructed as a Savoy cinema in 1936, before being converted into a bingo hall in 1961. Therefore, it has historically been used for cultural and community purposes until its closure in 2014. Policy CP23 of the Council's Core Strategy (2010) is relevant, as well as Policy 3.16(B) of the London Plan, which focuses on the need to prevent the loss of social infrastructure. The Theatres Trust have submitted a detailed objection to the proposals on these grounds, stating that insufficient information has been submitted to adequately demonstrate that the building has been marketed for continued community or cultural use, and no justification has been provided for its loss.

6. The applicants have responded to the concerns raised by the Theatres Trust and provide further justification to support a departure from these policies. They state that continued stand-alone use of the building for community/ cultural events was explored when the building was first purchased, although no marketing of the site for this type of use was carried out. However, they state that it was clear that there was a lack of demand for a community/ cultural use in its own right, particularly given the unique layout of the listed building and the practical difficulties in altering it internally to be fit for purpose.

7. The applicants go on to refer to their financial viability appraisal, which sets out that the scheme is in a challenging viability position due to the size and nature of the existing building, and the co-working space being effectively cross-subsidised by the co-living accommodation. Replacing this co-working space with community use would be expected to generate less revenue, further impacting on the viability of the scheme. Furthermore, significant revisions have been required during the course of the application which have increased costs, including the important upgrades to key heritage features such as restoring the original canopy and signage, and changes to internal layouts which have reduced the overall number of studio flats being proposed (from 127 to 125).

8. The applicant's covering letter concludes that these factors would all have a further impact on the financial viability of the scheme, and limit the ability of the co-living element of the scheme to cross-subsidise the less efficient/viable co-work element. It is therefore important for the delivery of the scheme for this element to contain a use which promotes the viability of the scheme, while working cohesively with the other scheme elements from an operational perspective.

9. Nevertheless, the applicants acknowledge that some continued cultural and community use would offer important benefits to the local community and promote the building to a wider audience. They have therefore provisionally committed to a programme of events within their Operational Management Plan, to which local community groups and residents would have access to. The types of events include:

- **Business Support** – advisory and networking sessions ranging from motivational speakers to accounts and marketing masterclasses

- **Cinema and culture** – screenings and shows for tenants and other interested parties – bringing entertainment back to Burnt Oak Broadway. We plan a focus on world cinema to cater for the cosmopolitan community that we intend to create.
- **Music** – a well-managed programme of musical learning and performance ranging from musical technician classes to live bands and concerts.
- **Health and lifestyle** – such as dieticians and yoga practitioners – the facilities will cater for a diverse range of interests, hobbies and learning opportunities. There will be an emphasis on sustainable lifestyle and the potential for a programme of ‘green credits’ will be explored looking at incentivising tenants to prioritise environmentally friendly living.

10. The applicants have also been encouraged to open up the main auditorium as an informal event space outside of normal working hours, and the building has been designed to operate flexibly on this basis, for example through the use of easily movable partitions to meeting rooms and co-working spaces. In order to ensure a commitment to this moving forward, a User Management Plan would be required as part of the section 106 agreement.

11. The council’s heritage officer has also commented on the Theatres Trust concerns. While acknowledging that limited marketing evidence has been put forward, officers place greater weight on the fact that the building has been vacant since 2014, and the need for refurbishment is underlined by its place on Historic England’s Building at Risk Register. Officers consider that the enhancements to the building in terms of restoring key heritage features such as the proscenium, the original canopy and the SAVOY lettering would all be significant benefits, but would come at some cost. Therefore in order to secure these improvements and bring the building back into viable use, some flexibility needs to be shown in policy terms, particularly given the commitment to encouraging elements of community use within the existing building where possible.

12. Overall, officers consider that there would be a departure from Local Plan policy CP23, London Plan policy 3.16 and relevant parts of the NPPF. However, this needs to be weighed against the significant heritage and public benefits associated with restoring and enhancing the existing building and bringing it back into use, as well as the community uses and events which would be actively sought via the section 106 agreement. On balance, the proposals are therefore acceptable in this regard.

#### Principle of co-living use

##### *Adopted and emerging policy context*

13. Policy H16 of the draft London Plan recognises that large scale shared living developments may provide a housing option for single person households who cannot or choose not to live in self-contained homes or HMOs. This policy ensures that new purpose-built shared living developments are of acceptable quality, well-managed and integrated into their surroundings.

14. Policy H16 applies to large-scale purpose-built shared living developments which in planning terms are sui generis non-self-contained market housing. These are not restricted to particular groups by occupation or specific need such as students, nurses or people requiring temporary or emergency accommodation proposed by speciality providers.

15. Large-scale purpose-built shared living developments are generally of at least 50 units. This type of accommodation is seen as providing an alternative to traditional flat shares and includes additional services and facilities, such as room cleaning, bed linen, on-site gym and concierge service.

16. Policy H16 of the draft London Plan states that large-scale purpose built shared living development must meet the following criteria:

- 1) it is of good quality and design
- 2) it contributes towards mixed and inclusive neighbourhoods
- 3) it is located in an area well-connected to local services and employment by walking, cycling and public transport, and its design does not contribute to car dependency
- 4) it is under single management
- 5) its units are all for rent with minimum tenancy lengths of no less than three months
- 6) communal facilities and services are provided that are sufficient to meet the requirements of the

intended number of residents and offer at least:

- a) convenient access to a communal kitchen
- b) outside communal amenity space (roof terrace and/or garden)
- c) internal communal amenity space (dining rooms, lounges)
- d) laundry and drying facilities
- e) a concierge
- f) bedding and linen changing and/or room cleaning services.

- 7) the private units provide adequate functional living space and layout, and are not self-contained homes or capable of being used as self-contained homes
- 8) a management plan is provided with the application
- 9) it delivers a cash in lieu contribution towards conventional C3 affordable housing. Boroughs should seek this contribution for the provision of new C3 off-site affordable housing as either an:
  - a) upfront cash in lieu payment to the local authority, or
  - b) in perpetuity annual payment to the local authority\*

*\*this criteria is considered in more detail within the viability/ affordable housing section of the report below.*

17. Policy DMP20 of the Council's Local Plan (and Draft Policy BH7 of the emerging Local Plan) (Accommodation with Shared Facilities or Additional Support) are also of relevance. DMP20 states that proposals for non self-contained residential accommodation with shared facilities or on-site support/care to assist residents in their daily lives will be supported where the development meets all the following criteria:

- a) is located in an area with good access to public transport and other amenities, including shops (normally within 400m);
- b) is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/ care and mobility;
- c) includes management arrangements agreed with the council suitable to its proposed use and size to not unacceptably impact on neighbour amenity;
- d) demonstrates that there is a specific Brent need, or in the case of education a London need, for the particular use.

17. The supporting text for draft policy BH7 notes that whilst the majority of housing needs will be met through self-contained residential accommodation, some will be met through non self-contained accommodation with shared facilities such as co-living. The policy recognises that changes in demographics, welfare and lifestyle choices mean that there will be increased demand for this type of accommodation. Non-self contained accommodation make a contribution to meeting local needs. They can also assist in developments through increased viability and vitality and more balanced communities.

18. The above policies refer to the need for co-living units to be of sufficient quality. The emerging London Plan policy refers to certain factors which influence co-living housing quality, the policies do not set metrics for quality, such as minimum amounts of internal or outdoor space. Instead, this must be considered on a case-by-case basis having regard to the size and quality of both private and communal spaces, with co-living schemes normally including a significantly greater amount and variety of communal indoor space than a typical flatted development. Given the reliance on the communal spaces to achieve a sufficient level of housing quality, access to the communal spaces is normally included within the rental charges for the co-living units rather than being an optional extra facility. The quality of accommodation within the proposed scheme is discussed in more detail later in this report.

#### *Analysis of co-living use against Mayoral and LB Brent criteria*

19. Firstly, the site's position within the Burnt Oak Town Centre and the wider Burnt Oak/ Colindale Growth Area means that it is considered an appropriate location for this type of co-living use, which benefits from good levels of public transport accessibility (PTAL of 4), ensuring there would be no car dependency. The development would be made car-free, with full details of this set out in the transport section of the report below. The site is close to a range of local services and amenities which would support future occupiers, as well as businesses and individuals using the flexible workspace.

20. The applicant's submission includes a comprehensive design and access statement which sets out the lengthy design process undertaken both at pre-application and application stage. The design and layout of the co-living space is considered to be legible and well thought-out, accounting for the constraints imposed by the listed nature of the existing building. The co-living units would be located at upper floors, with a clear separation between it and the workspace at lower levels, as well as the communal facilities. Adequate

communal facilities (i.e. kitchens, break out relaxation areas) are provided on each floor, while the principal communal areas at lower levels would be easy to access (as well as being wheelchair accessible).

21. The proposals include a draft Operational Management Plan (OMP), which sets out how the applicants – EEH Properties – will operate the development as a single management company, with different managers set up to oversee the co-living and co-working elements of the development. The OMP states that units will only be let out on a minimum three months tenancy basis. The OMP also states that there would be a 24-hour concierge desk located at the main entrance to the building, with co-living residents given a key card to access individual rooms and the communal areas to prevent security issues. CCTV would also be installed throughout the building.

22. The draft OMP is considered robust and detailed enough to assure officers that the proposed development would meet Policy H16 requirements; however a full Management Plan would be secured as part of the section 106 agreement, with requirements for this to be monitored and updated on a regular basis once the use commences. This is broadly in accordance with other approved schemes elsewhere in London, including The Collective in Old Oak.

23. With regard to facilities provided for residents, the development includes shared kitchens and lounge spaces on each floor of studio accommodation to provide cooking, eating and socialising opportunities. Further shared internal amenity spaces on the lower floors comprise a cinema room, gym, lounges, shared dining rooms, library and launderette. The revised proposals provide external amenity space in the form of an 88 sqm communal roof terrace at 7<sup>th</sup> floor level, which supplements the small balconies which serve a significant number of the studios on lower floors (these are considered in more detail within later sections of the report). Overall, a good level of facilities for future residents would be provided and would meet the requirements of Policy H16.

24. Each unit would be of a good size and layout, measuring at least 25 sqm, with a number of them being larger in order to cater for wheelchair access (11 in total, adjacent to the lift cores on floors 1-5) and to provide a range of unit types. The units provide sufficient space for a fold up bed, sofa, desk, full depth wardrobe, overhead storage and en-suite bathroom, with a significant number also served by a full width private balcony. The development also proposes that two studios can be converted into a larger 50sqm unit, however this would be controlled through the section 106 agreement so that they could not become self-contained units in their own right.

25. Policy DMP20 of the Local Plan additionally requires an assessment of local need for this type of shared living accommodation. A Demographic and Residential Market Overview report has been submitted to demonstrate this need. The report identifies that within 1km of the site, there is a slightly higher proportion of people aged under 35 (50.5%) compared with LB Brent (48.4%) average and in particular a higher proportion of those aged 25 to 34 than elsewhere in the Borough. There is also expected to be an increase of approximately 21,800 residents under 35 living within Brent by 2041, which is approximately 13.6% higher than it currently stands. At the same time, the local area is dominated by lower than average income households, with 51.7% of households within 1km of the site earning below £35,000 per annum.

26. The report concludes that there is a particular shortage of accommodation within the Queensbury ward catering for younger, single people, and that the more flexible co-living model would represent a better alternative for this part of the population (which is ever growing) than other forms of shared housing, particularly poor quality HMOs. Officers have comprehensively reviewed the report and consider the conclusions to be robust and sufficiently demonstrate there is a genuine need and demand for this type of shared living accommodation in the area, therefore complying with the criteria set out in Policy DMP20.

27. Overall, the proposed development is considered to a high quality scheme that would offer a flexible and low-cost type of accommodation for future residents, contributing towards a mixed community and appropriately located in close proximity to the town centre and sustainable transport modes. Furthermore, the proposed scheme would provide a satisfactory amount of internal and external amenity space and communal facilities for future occupiers, with minimum tenancy lengths and management plan to be secured via Section 106 agreement. Therefore, officers consider that the proposed co-living accommodation would satisfy the requirements of policy H18 of the draft London Plan

#### Provision of co-working space

28. The proposed co-working space would be located predominantly within the existing building, and is considered to be the best and most viable use of this space, which ensures there is no harmful sub-division

of the main auditorium space or need for major interventions to the building fabric. The co-working element of the scheme would provide a range of flexible workspace and meeting areas for local businesses and individuals in line with the aims of London Plan Policy 4.10 and contributes to the strategic objectives of the Burnt Oak/ Colindale Growth Area and Opportunity Area.

#### Provision of café at ground floor level

29. The proposed ground floor café would have a GIA of approximately 105 sqm, and would be accessible by the public from the street as well as internally by co-working/co-living tenants. Located within the proposed side extension, importantly it would provide a degree of active frontage and vitality to this part of the Burnt Oak town centre and Growth Area, which is one of the key priorities identified within Policy CP11 of the Core Strategy and the designated site allocation (policy BNSA4).

30. The modest size of the café is considered appropriate in relation to the size, role and function of the wider Burnt Oak town centre and the site's location towards the edge of this town centre. Officers recommend a condition restricting the use of this unit to Class E(a) and E(b) to ensure that this degree of active frontage is maintained for the duration of the development, thereby meeting one of the key strategic objectives of the Growth Area.

#### **Viability and affordable housing**

31. As set out in paragraph 13 above, draft London Plan Policy H16 requires such developments to deliver a cash in lieu contribution towards conventional C3 affordable housing off-site. It states that Councils should seek this contribution as either a) an upfront cash in lieu payment to the local authority; or b) in perpetuity annual payment to the local authority.

32. Policy H16 goes on to state that this contribution should:

33. be equivalent to 35 per cent of the units (when not on public sector land or industrial land appropriate for residential uses), to be provided at a discount of 50 per cent of market rent.

- All large-scale purpose-built shared living schemes will be subject to the Viability Tested Route set out in Policy H5 'Threshold approach to applications', however, developments which provide a contribution equal to 35 per cent of the units at a discount of 50 per cent of the market rent will not be subject to a Late Stage Viability Review.

• Essentially, the development is therefore subject to the same viability tests as a conventional Use Class C3 housing scheme in this regard. A Financial Viability Assessment (FVA) has been submitted with the application, and this concludes that the proposed development would generate a deficit of approximately £7.7m below the benchmark profit, and therefore the development could not viably provide any cash in lieu contribution to affordable housing elsewhere in the borough.

34. The FVA has been independently reviewed by BNP Paribas (BNPP) on behalf of the Council. BNPP do not agree with some of the assumptions made within the FVA, including the level of developer's profit and the benchmark land value. However despite these differences, BNPP conclude that the scheme would be in a deficit of 2.37m below the benchmark profit, and therefore it would not be viable to provide any cash in lieu contribution up front towards affordable housing. There are a number of reasons identified for this significant deficit, with a significant one being the high build costs resulting from the new extensions, removing the existing roof and ensuring that the new roof extension is structurally sound to sit above the listed building. There are also a number of substantial improvements to the exterior of the listed building which have an impact on the build costs, which in themselves are expected to be approximately £22.8m. At the same time, it is expected that the proposed co-working and associated activities at lower floors would not generate high rental/ lease values, with the co-living parts of the scheme expected to cross-subsidise these other uses. Options for getting more 'high value' uses at lower levels are restricted because of the layout of the building and the heritage considerations here. a listed building, particularly where heritage benefits would be secured.

35. However as set out above, Policy H16 of the draft London Plan requires a late stage viability review to be secured where schemes do not provide a contribution equal to 35% of the units at a discount of 50% of the market rent. In this instance, the applicant has agreed to both early and late stage reviews to be secured under a section 106 agreement. As well as giving the applicant an incentive to commence the development quickly, this also ensures that a cash in lieu contribution to off-site affordable housing could still be secured, should the scheme deliver a surplus profit when it becomes operational. On this basis, officers consider that

the proposals would comply with this key criteria of Policy H16 of the draft London Plan..

## **Design**

36. Brent's DMP1 policy and SPD1 guidance set out the policy objectives and general requirements for good design in the built environment. Overall, officers consider that the proposal responds positively to this policy and guidance context and the specific elements of its design including: general layout, public realm, height and massing and architecture/materiality are discussed in the following sections.

### **Layout and Public Realm**

The layout of the building has been generally led by the significance of the heritage asset, with the need to retain and enhance the main heritage features i.e. the auditorium, foyer and façade of the existing building. Internally, the walls and ceiling of the auditorium are to be restored and preserved with the existing stalls and main stage re-purposed for the proposed co-working space. The contour of the balcony seating at 1st/2nd floor is preserved but the seating replaced with lecture rooms and cinema space at the former and shared amenity space for the co-living units at the latter. The original cinema entrance will be reinstated and will serve as the primary access for both the co-working space and co-living units, and acts as a clearly defined and legible entrance to the development. A new stair and lift core is proposed next to the existing side wall of the building to provide step free access to all floors. There is a link between the existing building and the side extension to the north. The ground floor is activated by the ground floor café to this extension, as well as the restored main entrance.

37. The proposals also includes several public realm improvements along the Burnt Oak Broadway frontage, with the existing paving proposed to be replaced by high quality permeable large format concrete paving and the six existing trees in front of the building will be retained with improved dark grey metal tree grilles. Two additional trees are proposed in front of the café to provide further urban greening and shading opportunities. Smaller scale concrete paving will be provided in the external seating area at the café to visually differentiate from the pavement. New benches are also proposed along the frontage to provide an additional public realm offer. Furthermore, the existing façade will be cleaned and the original door openings will be restored to create additional visual interest in the less active existing frontage.

### **Height and massing of proposed extensions**

38. The proposed height and massing of the two main extensions within the site have been carefully considered to ensure that they appear appropriately subservient to the listed building and therefore do not detract from its special character and/ or setting. The three-storey roof extension would be set back from the principal front façade of the listed building, as well as being set in from the southern edge by between 3.5m and 5.2m, and has been designed to appear as a lightweight addition to the building. The existing pitch of the roof means that the extension would only sit one storey taller than the existing building.

39. The height and massing of the proposed side extension has been significantly revised during the application process. Although it would sit slightly taller with an 8<sup>th</sup> storey component, the glazed link between the two elements has been further recessed and widened to create a clearer visual separation between them. The side extension has a clear base in the form of the full width glazing to the café at ground floor, while the full height windows and reveals on upper floors, with horizontal banding separating each floor, giving it a simple but elegant appearance which would complement the listed building, rather than competing with it visually.

40. The building would predominantly sit at 7 storeys, rising to 8 storeys only in part to the northern portion of the site. This matches the lower parapet height of the neighbouring residential development at 3 Burnt Oak Broadway, and generally matches the height and scale of buildings elsewhere along this part of the parade. This is considered appropriate given the site's location within a Growth Area, where additional scale and height can be supported (balanced against the heritage considerations on this site). It is also acknowledged that the proposed set-backs to the south-western elevation nonetheless reflect the stepped massing and transition in height to the lower-rise buildings immediately to the south.

### **Architecture and Materiality**

41. The visual design and architecture of the extensions and alterations would be of a very high quality, which is to be expected given the building's Grade II-listed status. The proposed side extension to the

northern edge would now have a simple brick façade to match the existing, with dark grey aluminium curtainwall/ windows and aluminium panels on upper levels. A lighter mid-grey would be used to clad the roof extension to provide clear distinction between the two elements, with darker grey panels and metal balustrades providing variety on each floor and helping to further break up the massing of these extensions. Details of the proposed reinstated canopy and new metal canopy to the proposed café have been provided and would be of a very high quality.

42. Officers confirm that samples of all materials to be used in the development will be reviewed and approved by officers prior to any works commencing, and this would be secured by condition.

#### Impact to Heritage Assets

##### Conservation Areas and Listed Buildings

43. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively require the decision maker to have “special regard” to the desirability of preserving a listed building or its setting, and pay “special attention” to the desirability of preserving or enhancing the character or appearance of a conservation area. As has been outlined at length above, the proposals involve extensions and alterations to a listed building. In addition, while the site is not located within a conservation area, it sits adjacent to the Watling Estate Conservation Area within LB Barnet, which is approximately 60-70m to the east of the site.

44. LB Barnet initially raised objections to the proposals on the grounds that they would have a detrimental impact on the significance of the Grade II listed building because of its height, massing and over-dominance of the heritage asset. Barnet consider this would subsequently cause harm to the setting and views out of the Watling Estate Conservation Area. The NPPF states that where a proposed development will lead to substantial harm to designated heritage assets, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or in wholly exceptional circumstances identified in paragraph 195 of the NPPF. Where the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal.

45. The applicants have submitted a townscape analysis as part of the design and access statement which considers the development in longer views along Burnt Oak Broadway. As has been set out above and in detail within the listed building consent report, the revised scheme is not considered to harm the special character or setting of the listed building itself. The proposed height and massing of the development is considered to be in keeping with similar developments along this part of Burnt Oak Broadway, which would have a comparable impact on the Watling Estate CA. The site is not immediately adjacent to the conservation area, and although views of the proposed development would be possible from parts of it, it is not considered that these views would cause harm to the conservation area (including less than substantial harm).

#### Impact on neighbouring residential amenity

46. Brent’s DMP1 policy within the emerging and adopted Local Plan and Brent’s SPD1 guidance sets out a number of criteria for judging impact on neighbouring residential properties in terms of losses of privacy and the creation of a sense of enclosure. It will be important to consider the extent to which the SPD1 guidance is complied with in relation to these properties, and for this impact to be weighed up as part of an overall judgement. The SPD1 amenity impact tests and the development’s performance against them are explained below.

#### Daylight and Sunlight Impact

47. The applicant has submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties, utilising the recommendations set out in the BRE ‘Site layout planning for daylight and sunlight - a guide to good practice (2011)’ document. This has been included within the submitted Environmental Statement.

48. Officers are satisfied that the report successfully identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:

- 3 Burnt Oak Broadway
- Nos. 2-38 (inclusive) Limesdale Gardens (evens)
- Flats above 1-15 Holmstall Parade



- Kedyngton House
- Clare House
- Curtlington House

The results of the daylight and sunlight testing of these properties is set out below:

### 3 Burnt Oak Broadway

49. Planning permission was granted for the erection of a new seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units) on upper floors in April 2011. The development has now been constructed and is beginning to be occupied. A total of 122 windows have been tested within the adjoining development using VSC criteria. A total of 103 of the 122 windows (84%) tested would meet the BRE standards in terms of VSC. Of the remaining 19 windows, the majority of these would be located directly on the southern/ south-eastern boundary of No. 3 and therefore are directly facing the proposed northern side extension, where impacts would be significantly greater. However a number of these windows are also affected by the fact that they are served by recessed balconies, which has an impact on existing daylight levels reaching these.

49. BRE guidance allows for further testing to effectively remove these balconies and assess the effect these balconies have on daylight levels, rather than just the proposed development itself. The results of these tests indicate that removing the balconies does have an impact on VSC levels, and although the development itself would result in daylight reductions of more than 20%, the level of losses would be significantly reduced. The table below demonstrates this in more detail:

Scenarios	VSC	3 Burnt Oak - rear windows in SW corner				
		1st floor	2nd floor	3rd floor	4th floor	5th floor
With balconies	before	12.22	12.92	12.51	12.58	15.47
	after	8.14	8.35	7.92	7.78	12.51
	reduction	33.39%	35.37%	36.69%	38.16%	19.13%
No balconies	before	29.13	29.4	29.9	30.5	33.13
	after	21.63	22.46	23.01	24.7	30.35
	reduction	25.75%	23.61%	23.04%	19.02%	8.39%

**Table 4.1: VSC results for scenario with and without balconies – rear windows at 3 Burnt Oak Broadway**

50. The table demonstrates that, when discounting the impact of the recessed balconies and assessing solely the impact of the proposed extensions, the reduction in VSC is significantly lessened, falling closer to the maximum recommended 20%. This indicates that the low daylight figures achieved for these windows are in great part due to the size of the existing balconies overshadowing the assessed windows. The true perception of the loss of daylight would therefore be much less noticeable than the figures would indicate.

51. The wider context of the site and its surroundings must also be taken into consideration. While there is a significant set away of the existing building from No. 3, the fact that the application site has a site allocation which proposes residential intensification, as well as being located in a Growth Area where higher densities are encouraged, means that some new footprint and massing was to be expected to the northern boundary of the site. This would inevitably have some impact on the adjoining site, and it is considered overall that this would be minimised, with a relatively high degree of compliance with VSC levels to No. 3 overall. On balance, the proposed development would therefore be acceptable.

52. As No. 3 Burnt Oak Broadway is a recently constructed scheme and exact floor/ room layouts are known, daylight analysis has also been carried out using an assessment of Average Daylight Factor (ADF), in line with BRE guidance. This has been tested to the flats on the south/ south-eastern boundary of No. 3, i.e. closest to the application site. The results indicate that there would be between 13 and 35% reduction in ADF levels to the respective flats, with greater reductions experienced at first and second floor levels. However it is noted that the layout of these flats means that the rooms served by the windows most directly affected by the proposals (i.e. those directly facing onto the proposed side extension) would be larger living/kitchen/diner

spaces, which obtain their main source of light and outlook from south-west facing full-height windows, rather than these secondary openings. The units on this corner would also all be triple aspect, meaning they still benefit from at least one unobstructed source of light and outlook. On balance, given the urban context and the site circumstances, the shortfalls in ADF levels would be acceptable.

53. In terms of sunlight testing, the same overall high degree of compliance with BRE criteria would be achieved across the development. However there would be higher levels of sunlight impact closest to the south-west boundary of No. 3 Burnt Oak Broadway, particularly in terms of APSH losses. The loss of sunlight to these windows will be in the region of 30-45%, which exceeds the recommended value of 20% below the existing scenario.

54. In justifying these losses, the report sets out that BRE Guidance does state that, where balconies are present in the existing buildings, alternative modelling should be carried for both, existing and proposed, scenarios without the balconies in place. If the results achieved for the situation without balconies pass the recommended values or the loss of sunlight is below 20% then it can be concluded that the presence of the balconies, rather than the size of the new obstruction, is the main factor in the relative loss of sunlight.

55. As with the VSC testing, further analysis has been carried out on a 'without balconies' scenario to assess what impact this has on APSH results. The results are summarised in the table below:

Scenarios	APSH		3 Burnt Oak - rear windows in SW corner				
			1st floor	2nd floor	3rd floor	4th floor	5th floor
With balconies	Before	Annual	23.85	26.18	27.73	28.36	31.58
		Winter	18.58	20.62	22.74	23.36	24.29
	After	Annual	14.02	14.63	13.94	14.63	21.80
		Winter	10.94	11.27	10.85	10.85	14.53
	Reduction	Annual	41.22%	44.12%	49.73%	48.41%	30.97%
		Winter	N/A as winter figures pass, i.e. >5%				
No balconies	Before	Annual	50.17	51.86	54.94	55.56	56.26
		Winter	23.65	25.34	28.41	29.04	29.04
	After	Annual	30.26	31.33	33.97	38.49	46.21
		Winter	13.36	13.46	13.46	13.88	19.05
	Reduction	Annual	N/A as summer figures pass, i.e. >25%				
		Winter	N/A as winter figures pass, i.e. >5%				

**Table 6.1: APSH results for scenario with and without balconies – rear windows at 3 Burnt Oak Broadway**

56. The results demonstrate that, when the balconies are removed to No. 3, the APSH figures pass the BRE check meeting the recommended values of 25% of sunlight hours throughout the year and 5% of sunlight hours during the winter. This indicates that the height and massing of the proposed development are not as significant an issue as the results suggest, with the main impact coming from the presence of existing balconies overhanging the assessed windows. Given this context, and the relatively high degree of compliance with BRE criteria overall, officers consider the reductions in sunlight levels to isolated units within No. 3 Burnt Oak Broadway are acceptable.

### 2-38 Limesdale Gardens

57. Nos. 2-38 Limesdale Gardens are two-storey semi-detached dwellings to the immediate south/south-west of the application site.

58. A total of 80 rear facing windows were assessed within these 20 properties, and it has been confirmed that 78 of these 80 windows (97%) would meet the BRE guidelines for the Vertical Sky Component, i.e. retaining a Vertical Sky Component (VSC) factor of at least 27% or seeing a reduction from the existing scenario Vertical Sky Component of no more than 20%. A No Sky Line assessment (NSL) has

not been carried out as precise room layouts for these flats are not available.

59. The two windows which would see a greater reduction than VSC guidelines account for are situated to the rear extension of No. 22-26 Limesdale Gardens. However these windows would still retain a VSC of 0.78, which is only marginally below the 0.8 value and is therefore considered acceptable on balance. With regard to sunlight impact, all 15 of the rooms tested meet the criteria for both winter probable sunlight hours (WPSH) and annual probable sunlight hours (APSH).

60. With regard to sunlight, rear facing windows of these properties would not face within 90 degrees of due south due to their orientation and therefore would not be affected by the proposed development, and do not require to be tested in accordance with BRE guidelines.

#### Flats above 1-15 Holmstall Parade

61. This parade is located to the immediate south-east of the site and is occupied by commercial units at ground floor, with two-storey maisonettes above. A total of 43 adjoining windows have been assessed, and the report outlines that all windows would meet the BRE guidelines in terms of VSC with the proposed development in situ. A No Sky Line assessment (NSL) has not been carried out as precise room layouts for these flats are not available.

62. With regard to sunlight impact, 33 rooms were assessed. None of the rooms would experience WPSH or APSH losses of more than 20% of existing, and therefore the proposed development would comply with BRE criteria in this regard.

#### Kedyngton House

63. Kedyngton House is a three-storey flatted block to the immediate east/ north-east of the site, on the opposite side of Burnt Oak Broadway (within LB Barnet boundary).

64. A total of 36 windows were assessed in terms of impact on VSC, with all windows meeting BRE criteria and retaining a VSC of more than 27%. A No Sky Line assessment (NSL) has not been carried out as precise room layouts for these flats are not available.

65. With regard to sunlight, 36 rooms were assessed. None of the rooms were found to experience WPSH or APSH losses of more than 20% of existing levels, and therefore again the BRE criteria would be met in this regard.

#### Clare House

66. Clare House is another three-storey flatted block to the immediate east/ north-east of the site, on the opposite side of Burnt Oak Broadway (within LB Barnet boundary), adjacent to Kedyngton House

67. A total of 36 windows were assessed within this block in terms of VSC impact, with all windows meeting BRE criteria and all but one of these retaining a VSC of more than 27%. A No Sky Line assessment (NSL) has not been carried out as precise room layouts for these flats are not available.

68. In terms of sunlight testing, 36 rooms were tested, with all of these retaining WPSH and APSH levels which comply with BRE criteria.

#### Curtlington House

69. Curtlington House is another three-storey flatted block to the immediate east/ north-east of the site, on the opposite of Burnt Oak Broadway (within LB Barnet boundary), to the immediate north of Clare House. A total of 37 windows were assessed within this block in terms of VSC impact, with all windows retaining sufficient VSC levels to meet BRE criteria, and all but three of these windows retaining a VSC of more than 27%. A No Sky Line assessment (NSL) has not been carried out as precise room layouts for these flats are not available.

70. In terms of sunlight testing, 36 rooms were tested, with all of these retaining WPSH and APSH levels which comply with BRE criteria.

#### Overshadowing to outdoor amenity spaces

71. The applicants have also considered the impact to nearby outdoor amenity spaces. The relevant

amenity spaces which are closest and which would warrant overshadowing testing are the rear communal area and terraces to the north/ north-west at 3 Burnt Oak Broadway, the rear balconies to the south of the site serving the upper floor flats on Holmstall Parade, and the rear gardens of properties to the east/ south-east at Limesdale Gardens.

72. The BRE overshadowing assessment is passed where at least 50% of the garden area would retain exposure to at least 2 hours of direct sunlight on 21st March. While some additional overshadowing would occur to the rear gardens of properties on Limesdale Gardens, this would be minimal and gardens would still retain at least 2 hours of direct sunlight, complying with the BRE guidance.

### Summary

73. Overall, officers consider the impacts to adjoining properties are acceptable when seen in the context of the scheme's wider benefits, and the overall high degree of compliance with the relevant BRE criteria. Officers would note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser town centre locations.

74. Furthermore, at paragraph 123 of the National Planning Policy Framework (NPPF), it is stated that *"when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)"*.

75. The growth area location and site allocation, which expects residential intensification on this site and surrounding sites are given significant weight. Impacts are generally limited to the consented scheme at No. 3 Burnt Oak Broadway, and then only isolated units directly on the boundary with the application site. The existing situation establishes a more generous baseline scenario which would naturally result in a significant change in the context of any development proposal to deliver more height and massing on the site.

### Privacy

76. In order to retain acceptable privacy levels to properties, SPD1 states that all primary habitable room windows within a property should be at least 9m from the boundary with the private external amenity space of neighbouring properties or adjoining sites. All secondary habitable room windows and non-habitable room windows should be obscure glazed if they cannot achieve this standard too. Furthermore, proposed habitable room windows should achieve a full 18m of separation from the habitable room windows of other properties. These standards are in the interests of protecting the privacy of neighbouring occupiers.

77. The proposals would introduce new windows and balconies within the proposed extensions, with the predominant concern being those new openings to the rear elevation which would offer views towards the rear windows and gardens of properties on Limesdale Gardens. However a minimum of 9.5m would be maintained between the rear façade and the adjoining gardens of these properties, a number of which have rear garages and outbuildings which soften any impact further. The separation distance would increase to a minimum of 25m to the nearest rear facing windows of these properties (this would generally increase to 30m for most of the rear windows). Therefore although a number of new windows and balconies are being introduced to this elevation, their impact is mitigated sufficiently by the generous separation distances.

78. It is acknowledged that a closer relationship would exist between the proposed development and No. 3 Burnt Oak Broadway, however there are no windows or balconies directly facing onto the northern boundary which ensures there would be no material loss of privacy or direct overlooking to this newly built scheme. Similarly no windows or balconies are proposed to be installed to the south/ south-east elevations which would result in any overlooking concerns to the upper floor occupiers within 1-15 Holmstall Parade. It is not considered there would be any other adjoining properties materially affected by the proposed development in terms of overlooking.

### Sense of enclosure

79. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2m height at the nearest edge of an affected property private amenity space. The proposed buildings should also sit underneath a 30-degree line drawn from a 2m height at the nearest rear habitable room

windows within neighbouring properties that face towards the proposed buildings.

80. To the immediate west/south-west of the site are properties on the east side of Limesdale Gardens. There would be some breach of the 30-degree line as a result of the proposed height and massing introduced to the building, and in particular the top two storeys. However this additional bulk is unlikely to appear overbearing or oppressive because of the 25-30 metres maintained between the rear elevation of these properties and the rear building line of the application site, particularly when considered in context of surrounding development and the height and prominence of the existing roof. Similarly, there would be some breach of the 45-degree line from the proposed extensions to the adjoining gardens along Limesdale Gardens. Some of the properties on Limesdale Gardens have garages and other outbuildings which would mitigate some of this impact, and on balance it is not considered that the additional extensions would appear overly oppressive or overbearing, particularly given the roof extension would have a more lightweight appearance than the existing roof structure.

#### Noise and disturbance

81. There would be some additional noise and activity generated by the proposed co-living use, however it is reasonable to expect this not to be materially worse to surrounding properties than levels of activity associated with the previous bingo hall use and which could be lawfully carried out under any new lawful D2 use on the site. The proposed balconies maintain a sufficient distance from the adjoining rear gardens and windows of properties on Limesdale Gardens, and the main communal terrace has been sited towards the Burnt Oak Broadway frontage to mitigate any additional noise and disturbance concerns to adjoining occupiers to the west/ south-west.

#### Summary

82. It is considered that the relationship of this development to its surroundings complies with relevant guidance in SPD1. Although there is a significant amount of new height and massing introduced by the proposed extensions, reasonable separation distances are maintained between the development and the low-rise suburban dwellings to the immediate south/ south-west. It is also noted that the height and massing is comparable to newly constructed and consented developments to the immediate north on Burnt Oak Broadway, which has been considered appropriate within this Growth Area. Officers therefore consider the proposals acceptable in this regard.

#### Standard of proposed co-living accommodation

83. With regard to standards of accommodation for co-living schemes such as that proposed, there is limited guidance provided in draft policy H16 of the London Plan, except that a good layout and design should be provided, with adequate communal facilities including external amenity space. This is reinforced within the supporting text for draft policy BH7 of Brent's Local Plan 2020. It is considered that some weight can also be given to relevant adopted policies within the London Plan and Brent's Local Plan, including Policy DMP1 and policy D6 of the draft London Plan. These policies require developments to achieve high quality standards of internal amenity and quality of accommodation, regardless of the type of accommodation being provided.

84. As set out in paragraphs 19 and 20 above, officers consider that the scheme is of a good overall layout and provides adequate internal and external communal facilities. However in the absence of any precise standards, it is useful to compare the proposed scheme with similar co-living developments which have been approved in neighbouring London boroughs, looking at key factors such as studio floorspace sizes, levels of daylight and outlook, and amounts of amenity space provided for the flats (both internal and external). A summary is provided in the table below:

	<b>Proposed scheme</b>	LB Ealing – Western Avenue, Acton (ref. 19/0312/FUL)	LB Harrow – 55-59 Palmerston Road (ref. P/2555/18)	LB Hounslow – Land to Rear of 21 High Street, Feltham (allowed at appeal – ref. P/2018/2426)
No of rooms	<b>125</b>	335	222	204
Room Sizes (Smallest)	<b>17 sqm</b>	16sqm	14sqm	20/22/24 sqm
Room Sizes (Largest)	<b>29 sqm</b>	34.9sqm	24sqm	30sqm

Room size average	<b>25 sqm</b>	16sqm	16sqm (67% of flats in total)	24 sqm
Accessible Units	<b>11 (8.3%)</b>	17 (5%)	23 (10%)	21 (10%)
Dual Aspect	<b>0</b>	1 Unit (0.3%)	0	0
Internal daylight	<b>93% of studio rooms achieve ADF targets (in most cases 2.7-3% ADF achieved)</b>	72% achieve ADF targets	No figures could be obtained from committee report/ information available on LB Harrow website	
Internal Communal facilities	<b>942 sqm (average 7.5 sqm per unit)</b>	2557sqm (average 7.6 sqm per unit)	No precise floorspace figures available	1495 sqm (internal) (average 7.3 sqm per unit)
Private Amenity	<b>96% of units (120 of 125) would have a balcony of 3 or 4 sqm</b>	0	some units have 5sqm balcony	0
Shared amenity	<b>88 sqm roof terrace</b>	961sqm GF and 1117sqm Roof terraces	Terrace at fifth and eighth floor level	436 sqm

85. The table demonstrates that the proposed scheme generally compares favourably with other approved developments. The vast majority of the units would have a minimum of 25 sqm, which exceeds the average unit size within all three other developments, and 11 of the 125 rooms (8.3%) would be wheelchair accessible and made up of larger 26-29 sqm units. These would all be located next to the main lift cores on the 1<sup>st</sup> -5<sup>th</sup> floors, and all communal facilities would be step-free, ensuring that the key parts of the co-living space would be fully accessible. Significantly, the development is also the only one of these four to provide some form of private balcony/ terrace to the significant majority of the co-living units, and this access to outside space is considered a significant benefit to future occupiers, supplemented by the communal terrace. Although these balconies would be limited to 3-4 sqm, they would offer a private place for occupiers to stand/ sit out in, and offers some additional variety to what is still a relatively constrained living space.

86. Officers acknowledge that in some areas, for example the lack of any dual aspect units and levels of daylight (if balconies are not excluded), the proposed scheme falls short when compared to traditional residential developments. However this must be seen in context with the constraints of the listed building and the minimal interventions which can be undertaken to improve daylight and outlook to spaces within the existing build. All of the co-living studios are served by a window which offers sufficient levels of daylight and outlook for each occupier, as well as 96% having a private balcony. The development has also been revised to improve on certain elements, including the provision of a communal roof terrace and larger internal communal areas at all levels. Overall, the scheme is considered to provide a good standard of accommodation, and complies with relevant London and Local Plan policies in this regard.

## **Transport and highways**

### **Site context**

87. The application site is located along Burnt Oak Broadway, a London Distributor Road. To the rear is a service road, with the land to the south of the site being adopted. As a result of recent approved schemes at 3 and 5 Burnt Oak Broadway, the land to the north is either adopted or in the process of being adopted. As such, the service road in the demise of this site is the only stretch left to go through the process of adoption.

88. Burnt Oak Broadway has extensive parking restrictions including an inset bay outside the premises which has parking and loading restrictions between 7am - 10am and between 4pm - 7pm the same hours of the operation of the bus lane. The residential side streets generally have unrestricted parking apart from at their junctions with other roads.

### Car parking

89. Due to the good PTAL, the maximum car parking allowance for the proposed 125 studio flats in accordance with the existing adopted Brent DMP would be 95 spaces, whilst the maximum car parking allowance in accordance with the adopted London Plan would be 63 spaces (neither the Brent DMP nor the 2016 London Plan provides standards for co-living schemes). However, the draft London Plan policy T6.1 states that large scale purpose-built shared living schemes should be car-free.

90. No off-street car parking spaces are proposed aside from disabled spaces. The applicants have submitted a Transport Assessment with the application. This indicates that based upon Census data, the development would result in a demand for approximately 63 cars, similar to the maximum allowance in the emerging London Plan. Car parking beat surveys confirm that the surrounding streets are heavily parked, so there is no scope to safely accommodate this level of parking on-street.

91. The site is within a Growth Area where it is intended that a CPZ will be implemented within the vicinity, and to mitigate the potential impact of the scheme, eligibility for permits for residents of this development would be withdrawn. To help to facilitate this, a financial contribution of £63,000 is sought towards the implementation of a CPZ, and right of future residents of this development to on-street parking permits should the CPZ be implemented would be secured via the section 106 agreement.

92. Notwithstanding this, disabled parking spaces are minimum requirements. In this case, the requirement would be 4 disabled parking spaces based upon the emerging London Plan standards. The applicant has proposed 5 bays to be located on the rear service road.

93. The council's highways officers raised concerns regarding the layout of the proposed disabled spaces, with sufficient width of 2 metres only achievable if cars are parked parallel to a footway. At least 2 of them do not adjoining a footway, whilst the space that is furthest south has no direct footway access to the residential entrance at the northern end of the building. However, these concerns can be overcome by removing one of the spaces and accommodating these spaces to the northern end of the building. Officers therefore consider a condition is attached requiring revised drawings to be submitted showing an amended layout for 4 Blue Badge spaces before any part of the development is occupied. A condition is attached ensuring that at least one of these has an active electric charging point, with the remaining three to be secured as passive charging points.

94. The rear service road itself is adopted highway between Holmstall Avenue and the site boundary and is currently under an agreement for adoption for the stretch to the north of the site. The applicant has confirmed they are willing to enter into a Section 38 Agreement to bring the stretch of road within their ownership up to an adoptable standard and offer it for adoption. This is welcomed and will complete the adoption of its entire length from Holmstall Avenue to Limesdale Gardens.

### Cycle parking

95. The minimum cycle parking requirements for the co-living units would be 125 spaces. The proposals include the provision of 72 cycle spaces by way of two-tier stands and 57 folding bike lockers. Officers have raised concerns regarding the proposed use of folding bike lockers, as they cater for only one type of bicycle that is generally more expensive than a typical cycle, whilst standard Sheffield stands and two-tier stands can accommodate both folding and non-folding cycles.

96. However given the constraints of the site, and in particularly its status as a listed building, some flexibility to the type of cycle storage offered is considered acceptable. Two-tier stands would still be the predominant means of storage, with a further eight cycle stands to the front of the building provided for visitors and those using the co-working and other spaces. Weight is also given to the fact that it is difficult for the building to accommodate additional cycle storage space, given the need to provide a range of other communal facilities connected to the co-living use, as well as the workspace at lower levels.

97. Nevertheless, a condition is attached to ensure that the layout of the two-tier stands is amended to meet the LCDS minimum aisle width requirements, as these are currently shown as 200 cm rather than the required 250 cm.

98. The proposed 8 cycle stands to the front of the building, of which 5 would be within the public highway, are also acceptable. These will need to be installed as part of works to resurface the footway fronting the site as

part of a section 278 agreement.

#### Refuse and servicing

99. The proposals would require a refuse capacity of 120 litres for each studio (60l for general waste and 60l for recyclable waste), which results in the need for a capacity requirement of approximately 15,000 litres, plus 2920 litres for organic waste. This would provide the required capacity for general waste and recycling, but three of the wheeled bins should be substituted by two Eurobins to provide sufficient organic waste storage. A Waste Management Plan is attached as a condition to ensure that the development adheres to these requirements. All bins are to be located at the rear yard, within 10m of where a refuse vehicle would be parked for loading along the rear service road.

100. Servicing of the residential units, café and co-working units is proposed to be provided by the creation of a loading bay within the inset parking bays fronting the site. It should be noted that there are waiting and loading restrictions in this loading bay during the times that the bus lane is in operation. Officers therefore recommend a condition requiring the submission of a Delivery and Servicing Management Plan for approval, which prevents vehicles from servicing the site during these hours, unless they use the rear service road instead.

#### Trip generation and Travel Plans

101. The Transport Assessment includes an Active Travel Zone Analysis, with a study of road accidents in the local area. This identifies a number of remedial actions which would have a positive impact in the immediate vicinity of the site. These should form a focus for the use of CIL funds. CIL funds should also be focussed on supporting proposed improvements along the A5 corridor, with Brent having been seeking funding for such improvements.

102. The council's highways officers have raised some concerns with the proposed transport assessment. Although being promoted as a pedestrian improvement scheme, the scheme currently prioritises traffic flow over pedestrian safety, with only one of the three arms of the junction having any formal pedestrian crossing phase and cyclist provision comprising only advanced stop lines. This means that there is no designated cycle lane to enable cyclists to overtake stationary traffic on the approach to the junction. It is nevertheless likely that the informal crossing will become a formal signalised crossing, which could provide scope to introduce a right- turn filter light for cyclists. Officers therefore consider the impacts of the development would be mitigated by future works once undertaken.

103. In terms of trip generation, estimates of total future trips by all modes of transport have been based upon surveys of five other residential developments and three office developments in London, albeit more centrally located sites than this one.

104. These total trips have then been assigned to various modes of transport based on data held in the 2011 Census. The results have then been adjusted to reflect the limited off-street car parking with car driver trips being allocated to other modes of transport. However, whether this actually happens depends on whether a CPZ has been introduced in the area to prevent residents and employees simply parking on-street in the area instead, which highlights the importance of the CPZ contribution and parking permit restriction agreement in making sure the development has an acceptable transport impact.

105. The final development is estimated to generate 82 arrivals/67 departures in the morning peak hour (8-9am) and 33 arrivals/76 departures in the pm peak hour by all modes of transport. Of these just 5-6 journeys in each peak hour are estimated to be made by car, which is not significant enough to have a noticeable impact on the local road network capacity.

106. Public transport journeys are estimated to total 35 trips in the morning peak hour and 27 trips in the afternoon peak hour by bus, with 78 and 47 trips estimated by rail/tube in each peak hour respectively. This equates to an average of less than one additional passenger per bus passing close to the site and approximately 2-3 extra passengers per train passing through nearby Burnt Oak Underground station. These additional flows are not considered likely to have any noticeable impact on local public transport service capacity.

107. The applicants have submitted a draft Travel Plan, however officers have recommended that this needs to be more robust in terms of measures to ensure that these actively encourage sustainable modes rather than just provide information on them, for example by providing a dedicated Travel Plan co-ordinator for the



development. A detailed Travel Plan is required to be submitted and approved as part of a section 106 agreement to pick up on these points, as well as the need for the applicant to sign up to local Car Club Membership, with 2-3 years free membership offered to occupiers. Highways officers confirm that the nearest club is 500-600m away within LB Barnet boundary, but would be appropriate in order to further mitigate parking impacts arising from the development.

108. Finally, it appears that revolving doors are proposed on the northern part of Burnt Oak Broadway and that these would protrude onto the public highway, which would be contrary to the 1980 Highways Act. A condition is attached to ensure that no doors open outward onto the highway.

### **Environmental Health Considerations**

#### **Air quality**

109. An air quality assessment (including an air quality neutral assessment) considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, and impact of heating plant emissions. This has been reviewed by Brent's regulatory services team.

110. The assessment is sufficiently robust and detailed, considering the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. Officers are satisfied that the development would have a negligible impact on air quality without any mitigation measures being required.

#### **Construction noise and nuisance**

111. The development is within an Air Quality Management Area and located very close to other residential and commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.

112. It should be noted that in relation to these matters, there is also control through Environmental Health Legislation and a planning cannot duplicate any controls that are available under other legislation. However, the council's regulatory services team have recommended a condition requiring a Construction Method Statement to be submitted for approval before works start. This would be required to cover highways issues as well, and has been attached.

113. A further standard condition is also attached requiring all non-road mobile machinery to meet low emission standards, as set out within the London Plan (both adopted and emerging documents).

#### **Contaminated land**

114. The applicant has submitted an initial site investigation report and this has been reviewed by the Council's Regulatory Services team. The site to be redeveloped and the surrounding area has been identified as previously contaminated. This assessment does indicate remediation works are required in relation to soils and also gas protection measures. The report also advises that further investigative works should be undertaken when the site is vacated. Officers are satisfied that the proposals are acceptable, subject to conditions requiring further site investigation works following demolition of the existing building, and any remediation works arising from this to be completed before first occupation or use.

#### **Kitchen odour associated with café use**

115. The council's Regulatory Services team have recommended a condition requiring details of the extract duct and associated equipment associated with any commercial kitchen associated with the proposed café use at ground floor. Officers have attached this condition as part of the draft planning permission.

### **Sustainability and energy**

#### **Policy background**

116. 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 day. Major commercial floorspace is required to achieve a BREEAM 'Excellent' rating and this also needs to be clearly evidenced. Policy DMP9B of Brent's Local Plan also requires sustainable drainage measures to be adequately implemented.

117. Major residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy 5.2. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

118. In terms of non-domestic floorspace, the policy target is a 35% on-site reduction, and this must be separately evidenced within a submitted Energy Assessment. However, significant weight is also placed on the Intend to Publish London Plan policy SI2, which applies the zero carbon standard (with 35% reduction on on-site emissions) to both residential and commercial elements of the scheme.

#### Carbon emissions

119. The energy assessment submitted sets how the London Plan energy hierarchy has been applied, with carbon emissions savings identified from passive energy saving measures including low fabric U-values, the use of mechanical ventilation with heat recovery (MVHR), as well as the installation of air source heat pumps and PV panels at roof level.

120. The assessment demonstrates that the scheme would deliver a 58.6% reduction in carbon emissions below the 2019 Building Regulations baseline, which is broken down into the following site-wide elements below:

Carbon Dioxide Emissions	BER [kg CO <sub>2</sub> /m <sup>2</sup> /year]	Total emissions [kg CO <sub>2</sub> /year]
Existing scenario	33.1	280,104
Proposed scenario (ASHP & PV)	13.7	115,929
Improvement	19.4	164,175
% Improvement	<b>58.61%</b>	

121. The assessment demonstrates that a significant amount of this carbon reduction would be achieved on site through 'be lean' measures including low U values within the internal glazing to minimise heat gains, efficient heating systems, inclusion of heat recovery, efficient ventilation systems, energy efficient lighting and energy efficient and saving equipment. The use of renewable technologies would also be incorporated into the scheme, including air source heat pumps and PV panels at roof level.

122. It is acknowledged that there are constraints associated with the listed building, for example not all of the co-working spaces at lower levels, and not all of the shared communal facilities serving the co-living spaces on upper floors, are served by windows and therefore cannot rely solely on natural ventilation. However officers consider that within the new build elements of the scheme, energy saving measures have been maximised and would utilise the renewable energy methods installed at roof level. Officers also note that the roof of the new side extension is partly utilised as communal terrace, as well as other sections of ancillary plant. The need to provide this communal amenity space, as well as the heat pumps, has limited the scope to provide more PV panels.

123. The energy assessment also sets out that a feasibility study into the use of CHP and connection to a district heating network has been carried out. No known networks in the area are known, however the assessment points out that for CHP to be viable, it would need to run continuously and requires a permanent heat demand and therefore the development would not fully utilise the energy generated by a CHP engine. Given the development largely relates to the conversion of an existing building which has heritage constraints, officers consider the lack of any future connection point as acceptable.

124. Nevertheless, the scheme achieves the baseline 35% reduction in carbon emissions for the conversion and new build elements. A carbon offsetting contribution of £81,990 has been calculated to

account for the shortfall below the zero carbon target (on the new build element of the scheme), in line with London Plan guidance. This would be secured via the section 106 agreement.

125. Given the non-residential elements of the scheme, a BREEAM Pre-Assessment has also been submitted and this demonstrates that the scheme would achieve a 'Very Good' rating of 66.5%. This is below the Excellent rating required by London Plan policies. The council's sustainability officers have been consulted during both the pre-application and application stage. It is acknowledged that the constraints imposed by the listed nature of the building mean it is difficult to 'retrofit' certain design elements which would help achieve a better overall score. For example:

- *Daylight and aspect* – potentially 3 credits could be gained, but this requires relevant rooms to achieve a good level of daylight. Certain relevant rooms (eg communal areas where close work will be carried out, kitchen areas etc) will fail, and daylight and aspect cannot be added due to the impacts on the listed building.
- *NOx emissions* – the heating strategy will be all electric. BREEAM 2014 assigns a grid carbon factor that will achieve zero credits.

126. The council's sustainability officers have therefore recommended a condition has been recommended requiring a final stage-BREEAM assessment to be submitted, before occupation of any part of the building, to ensure that all measures have reasonably been carried out to achieve an 'excellent' rating. In the event this cannot be achieved, a full justification would need to be provided to demonstrate why the shortfall would be acceptable in this instance. On this basis, the initial findings of the BREEAM assessment are considered acceptable.

#### Sustainable design

127. The submitted Sustainability Statement outlined a number of sustainable design measures which would be incorporated into the scheme. These include measures to source construction materials sustainably and locally, including using recyclable materials and insulation materials within low GWP, and minimising on-site waste. The development would also incorporate the use of permeable paving and green roofs, which helps to ensure that 6 of the 8 available credits on water measures would be secured within the BREEAM pre-assessment. This is in accordance with Policy SI.5 of the Intend to Publish London Plan and is strongly supported.

#### Flooding and Drainage

128. The site is located within Flood Zone 1 and the proposals do not involve any major excavation, however a Flood Risk Assessment (FRA) and Drainage Strategy have been submitted with the application.

129. The proposed development would utilise the existing drainage network present to the existing building, which discharges to the existing Thames Water network. The proposal would provide attenuation totalling approximately 1290 sqm, largely in the form of an attenuation tank and tanked permeable paving, but supplemented by the use of green roofs. This would be an acceptable level of attenuation to meet Thames Water network capacity.

130. Additionally, a number of mitigation measures have been set out within the FRA in order to minimise flood risks, including the use of SuDS and de-watering during the construction phases. Officers recommend a condition to ensure these mitigation measures are properly implemented both during the construction process and when the development is operational.

131. Thames Water have reviewed the proposal and do not raise any concerns from a construction perspective or an operational perspective in relation to surface water and foul water capacity. However they have requested an informative is attached to any permission requiring that construction works are carried out in accordance with Thames Water practices given the proximity to underground waste water assets.

#### Ecology and Biodiversity

132. The site is not located within any Site in Nature Conservation (SINC) and is considered of low to negligible ecological value overall. However, the applicants have submitted a Preliminary Ecological Appraisal (PEA), which indicated that the building was found to have moderate suitability for roosting bats. On this basis, further bat emergence/re-entry surveys were conducted in July 2020, and a follow-up bat roost survey

(dated August 2020) was submitted with the application.

133. The surveys concluded that a common pipistrelle day roost was detected within the existing roof structure of the building. Given the proposals involve the removal of the roof structure to enable extensions above, the report states that it is unlikely to be feasible to retain the roost in-situ, and therefore a mitigation licence from Natural England would be required to remove it prior to any construction/ demolition works. As part of the licence conditions, the report states that a bat box would need to be provided as close as possible to the original roost location. The following measures are also stated as being necessary by the report:

- As an interim measure, a bat box will be installed in an area unaffected by the proposed works; this bat box will remain in place thereafter as an enhancement for the development.
- A total of four bat boxes will be installed, with one on each aspect of the building to enhance the site for roosting bats and ensure the building continues to provide a variety of roosting opportunities.

134. Officers recommend a condition is attached requiring all of these mitigation measures to be carried out and implemented where necessary before any part of the development can be occupied. An informative will also be attached reminding the applicants of the need to obtain a licence from Natural England before any construction works commence, and that without this licence, any works which could disturb, kill or injure bats are considered criminal offences under the Conservation of Habitats and Species Regulations (2017).

135. The PEA also addresses the likelihood of other roosting or foraging animals including badgers, great crested newts, reptiles, birds, invertebrates, dormice and other notable mammals, as well as flora. Generally, the development is deemed unlikely to adversely affect these species, however there is some evidence that the site would support nesting birds. The appraisal recommends mitigation measures in the form of sensitive clearance works (outside of the bird breeding season where possible, March to August inclusive), and the provision of artificial bird boxes integrated within or mounted on the proposed building. These measures are recommended to be implemented as a condition of any permission.

### **Trees and Landscaping**

**136.** The applicant has submitted an arboricultural assessment which identifies 9 trees either within or adjacent to the site, 7 of which front Burnt Oak Broadway and the remaining two to the rear of the building. These trees are all considered to have either a Category B or C value, with none having any specific TPO or classified as of an 'A' value.

137. The report sets out that none of the trees (or their root protection areas) potentially affected would be removed as a result of the proposals, which largely involve extensions and alterations to the existing building. The report sets out a number of protective measures and a tree protection plan, which amount to the use of tree protective fencing during construction works. Subject to a condition ensuring these measures are satisfactorily implemented during works, the proposals are considered acceptable.

138. In terms of new tree planting, given the nature of the works and the largely developed site, there is limited scope for new trees to be planted. However, a scheme of soft landscaping would be required as part of the new communal roof terrace, and areas of green roof are to be installed. A condition will require that final detailed landscaping drawings are submitted, approved and implemented prior to the occupation of the development, and on this basis is considered acceptable.

### **Fire Safety**

**139.** Fire Safety is formally considered at Building Regulations stage. However the proposals demonstrate that sufficient consideration to fire safety measures has been given, with the applicants' design and access statement setting out the following measures:

- All external doors and windows which are accessible directly from outside or accessible by climbing, jumping, etc. will be fire rated and PAS 24 Standard security, and emergency exits are adequately provided at ground floor level
- Fire fighters access will be aided by Gerda fire safety boxes installed on the ground floor near the entrance to disable the door locks to the lifts and stair doors, and there is sufficient access for emergency vehicles both to the front and rear of the building.

- Ground floor cafe to be provided with direct access to outside

140. London Fire Brigade have been consulted on the application and advised that they raise no objections to the application. However officers consider a detailed fire strategy should be submitted for approval before first occupation of any part of the development, and a condition is attached to this effect. On this basis, the proposals would comply with Policy D12 of the draft London Plan.

### Equalities

141. 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.

142. 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

143. 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 and completion of a Section 106 Agreement.

144. The principle of the proposed co-living use is considered acceptable, given the site's location within the Burnt Oak/ Colindale Growth Area as identified by both adopted and emerging Local Plans, and in an area well served by public transport. The scheme would provide a good quality level of accommodation, and it has been demonstrated adequately that there would be a local need for this type of shared living, therefore meeting the requirements of policy H16 of the London Plan, subject to section 106 agreement.

145. The scheme also offers significant public and heritage benefits by bringing a vacant and run-down listed building back into viable use. The proposed extensions and external alterations would add height and massing to the listed building, they have been designed to minimise the potential harm to its special character or setting. As set out in the report for the listed building application, some aspects of the proposal are considered to result in less than substantial harm to the listed building, including the works to the balcony and the removal of the roof and replacement with a three storey extension. It is acknowledged that some element of cultural and community use would be lost. The less than substantial harm is considered to be outweighed by the benefits outlined above.

146. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions and a Section 106 obligation.

## CIL DETAILS

This application is liable to pay **£614,150.25** \* 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): 0 sq. m.

Total amount of floorspace on completion (G): 8468 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) Assembly and leisure		3421	-3421	£40.00	£0.00	-£204,038.21	£0.00
(Brent) Sui generis	8468		8468	£40.00	£0.00	£505,055.71	£0.00
(Mayoral)		3421	-3421	£0.00	£60.00	£0.00	-£212,250.28

Assembly and leisure							
(Mayoral) Sui generis	8468		8468	£0.00	£60.00	£0.00	£525,383.03

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£301,017.50</b>	<b>£313,132.75</b>

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

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

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 20/1163

To: Mr Turner  
Sphere 25  
101-135 Kings Road  
Brentwood  
Essex  
CM14 4DR

I refer to your application dated **09/04/2020** proposing the following:

Partial demolition, restoration and extension of former bingo hall (Use Class D2) to create a part-7, part-8 storey building to provide co-working space and purpose-built shared living units (Use Class Sui Generis), café (Use Class A3) with ancillary facilities and associated shared amenity space, landscaping, cycle and disabled parking.

and accompanied by plans or documents listed here:  
See condition 2

at **1 Burnt Oak Broadway, Edgware, HA8 5LD**

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: 02/03/2021

Signature:

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

### Notes

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

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

*Adopted Policy*

- The National Planning Policy Framework (2019)
- The London Plan (2016 – Consolidated with alterations since 2011)
- Brent's Core Strategy (2010)
- Brent's Development Management Policies (2016)
- Brent's Wembley Area Action Plan (2015)

*Emerging Policy*

- The Intend to Publish London Plan (2020)
- Brent's Local Plan (Reg 19 Version – 2019)

*Supplementary Planning Guidance / Documents*

- Mayor of London's Affordable Housing and Viability SPG (2017)
- Mayor of London's Housing SPG (2016)
- SPD1 Brent Design Guide (2018)
- Brent's Basements SPD (2017)

- 1 The development to which this permission relates must be begun not later than the expiration of five 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):

PL-050 R1; PL-051 R1; PL-052 R1; PL-053 R1; PL-090 R2; PL-091 R2; PL-099; PL-100 R2; PL-101 R3; PL-102 R3; PL-103 R3; PL-104 R3; PL-105 R3; PL-106 R3; PL-110 R2; PL-200 R1; PL-201 R1; PL-202 R1; PL-203; PL-300 R1; PL-301 R2; PL-302 R2; PL-303 R2; PL-304 R2; PL-401 R1; PL-402; PL-403; PL-404 R1; PL-405; PL-406; PL-407 R1

PL-001; PL-005; PL-010; PL-011; PL-012; PL-013; PL-014; PL-015; PL-020; PL-021; PL-031; PL-032; PL-033

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

- 3 The scheme hereby approved shall contain a maximum of 125 co-living studio units (Class Sui Generis) units as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 Unless otherwise agreed in writing by the local planning authority, the café/restaurant hereby approved shall only be open to the public between: 7:00am and 22:00pm on Mondays to Saturdays and between the hours of 10:00am and 18:00pm on Sundays and Bank Holidays, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the operation of the ground floor use is compatible with residential amenity, in accordance with policy DM 1 of the Development Management Policies 2016.



- 5 The Blue Badge parking spaces and visitor cycle stands shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the lifetime of the development.

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

- 6 The cycle storage facilities and refuse storage within a building shall be installed prior to occupation of that building hereby approved and thereafter retained and maintained for the lifetime of the development. The cycle storage facilities shall not be used other than for purposes ancillary to the occupation of the building hereby approved.

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

- 7 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's 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.

- 8 Unless alternative details are first agreed in writing by the Local Planning Authority, the tree protection recommendations set out in the submitted Arboricultural Impact Assessment (prepared by SES Ltd - dated 25<sup>th</sup> March 2020 – ref. AIA/Burnt Oak/25-03-20 Rev A) shall be fully implemented following the commencement of the development.

Reason: To ensure the development suitably protects trees that could be damaged by the development.

- 9 Unless alternative details are first agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out in full accordance with the submitted Flood Risk Assessment and Drainage Strategy (Create Consulting Engineers Ltd – ref. EW/CC/P20-1948/01 Rev B – dated March 2020).

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.

- 10 The development hereby approved 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.

- 11 Unless alternative details are first agreed in writing by the Local Planning Authority, the ecology mitigation and enhancement recommendations set out in the submitted Preliminary Ecological Appraisal and Bat Survey Report (prepared by SES Ltd dated March 2020) shall be fully implemented following the commencement of the development.

Reason: To ensure the development suitably mitigates ecological impact and takes the opportunities to enhance ecology and biodiversity.

- 12 Within six months of commencement of development hereby approved, electric vehicle charging points shall be provided to 20% (1 of 4) of the Blue Badge spaces provided, whilst the remaining spaces will provide passive charging facilities. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy 6.13.

- 13 Prior to the commencement of the development, a Construction Environmental Method Statement which incorporates a dust management plan shall be submitted and approved by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) outlining measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 14 Prior to the commencement of the development, a Construction Logistics Plan shall be submitted and approved by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) outlining measures that will be taken to address issues such as delivery of materials, lorry routeing, staff parking etc., whilst also minimising lorry movements by recycling on site and back loading spoil and aggregates. The plan will need to comply with TfL's guidance on Construction Logistics Plans and in specific relation to this site, will need to carefully consider co-ordination with other development projects in the area. The approved statement shall be implemented throughout the duration of demolition and construction.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Pre-commencement Reason: The condition relates to details of construction, which need to be known before commencement of that construction.

- 15 (a) Following the demolition of the building(s) (where relevant) and prior to the commencement of building works within a Phase, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within that Phase. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works within that Phase (in writing through the submission of an application for approval of details reserved by condition) that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil remediation required by the Local Planning Authority shall be carried out in full in accordance with the approved remediation works for any Phase. Prior to the occupation of each Phase, a verification report shall be submitted to and approved in writing by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) stating that remediation has been carried out for the Phase in accordance with the approved remediation scheme and the land within that Phase is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 16 Prior to the commencement of construction works (excluding demolition, site clearance and the laying of foundations), 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 (in writing through the submission of an application for approval of details reserved by condition) and the development shall be completed in accordance with the approved details.

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

- 17 Notwithstanding the plans hereby approved, within six months of commencing ground works on site (excluding demolition of the roof structure and internal alterations to the listed building) further details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) details of any outdoor furniture such as benches
- (b) full details of all green roofs and associated soft landscaping to the communal roof terrace and other parts of the site

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

- 18 Details of materials of the development, for all external work, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the development, excluding demolition, site clearance and laying of foundations. 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.

- 19 A minimum of 8.3% of the co-living units shall be 'Wheelchair Accessible' unless otherwise agreed in writing by the local planning authority.

Reason: To ensure provision of 'Wheelchair and Accessible and adaptable' housing in accordance with policies 3.8 of the The London Plan.

- 20 Prior to the first occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition). The approved details shall thereafter be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate parking arrangement and system of parking management for the development.

- 21 Prior to the first occupation of any commercial element of the development hereby approved, a final Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition). The Delivery and Servicing Plan shall include details of how adopted footways would be protected and how arrangements can be made for safe and efficient operations without detrimental impact on pedestrian movement, and confirmation that there would be specific areas for refuse storage on the day of collection identified, which otherwise

could have an impact on amenity.

The development shall thereafter operate in accordance with the approved delivery and servicing management plan unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To minimise negative impacts associated with servicing demand of the commercial units.

- 22 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 (in writing through the submission of an application for approval of details reserved by condition). All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours.

- 23 The development hereby approved shall be constructed to provide sound insulation against internally generated noise. This sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the residential part of the development.

The proposal must comply with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels: For daytime (0700 - 2300) noise levels for living rooms and bedrooms the maximum noise levels are 35 dB LAeq (16hr). Outside of this time (2300 - 0700) the standard for bedrooms is 30 dB LAeq (8hr), 45 dB Lmax.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the residents by reason of undue noise emission and/or unacceptable disturbance, in accordance with Brent's Noise Policy.

## 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 (PWAL) 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 (F16) 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 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.

- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).

Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.thameswater.co.uk&d=DwIFaQ&c=s=NJ1M7LtxulFk4\\_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk&d=DwIFaQ&c=s=NJ1M7LtxulFk4_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 7 .The applicants are reminded of the need to implement all necessary mitigation measures set out in both the Ecological Appraisal and Preliminary Bat Roost Assessment, which are referred to in condition 11.

It is the responsibility of the applicant to ensure all works are undertaken in accordance with relevant legislation, both within and outside of the planning framework, and obtain all necessary licences and permits in advance of relevant works taking place.

Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 March, 2021  
05  
20/1164

## SITE INFORMATION

RECEIVED	9 April, 2020
WARD	Queensbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	1 Burnt Oak Broadway, Edgware, HA8 5LD
PROPOSAL	Listed building consent for partial demolition, restoration and extension of Grade II listed bingo hall (Use Class D2) to create a part-7, part-8 storey building to provide co-working space and purpose-built shared living units (Use Class Sui Generis), café (Use Class A3) with ancillary facilities and associated shared amenity space, landscaping, cycle and disabled parking.
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_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</a></p> <p><b><u>When viewing this as a 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 "20/1164" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT listed building consent subject to the conditions set out below.

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


### Conditions

1. 3 year rule
2. Approved plans
3. Condition survey and schedule of repair/restoration to the brickwork and faience
4. Internal condition survey and schedule of repair/restoration works
5. Structural report and analysis for the balcony
6. Details of the full height glazing of the balcony
7. Details of the services, ventilation and privacy screening proposed within the glazed balcony spaces
8. Specification and samples (where necessary) of the windows and doors; entrance canopy; floor coverings; light fitting and handrails; stage, understage and orchestra pit; orchestra rail; and balcony front and stepping behind.
9. Specification for the removal of the stud partitioning and lowered ceiling within the former cafe area
10. Full written schedule of works and specifications for the repair of the internal plasterwork
11. Paint analysis is to be undertaken within the auditorium and the front of house areas (including foyers and former café) by a specialist and a report to be submitted
12. Specification of any cleaning works internally or externally
13. No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted for approval
14. Specification and samples (where necessary) for the proposed roof extension; and the proposed side extensions
15. Full details of all plant equipment (and associated screening), PV panels and ASHP
16. Hard and soft landscape works

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 or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

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

## SITE MAP

	<b>Planning Committee Map</b>
	Site address: 1 Burnt Oak Broadway, Edgware, HA8 5LD
	© Crown copyright and database rights 2011 Ordnance Survey 100025260





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## PROPOSAL IN DETAIL

The application seeks listed building consent for internal and external alterations in connection with the re-development of the former bingo hall into a co-living, co-working space with associated communal facilities and the provision of a café at ground floor level. The proposals comprise the following elements:

- Conversion of the Grade II listed building to provide co-working/co living accommodation with shared kitchens and amenity facilities including a gym, library, launderette, cinema room, lounges, and a publically accessible café at ground floor.
- The existing roof to the building would be demolished and replaced with a new three-storey roof extension, alongside the erection of a new seven-storey side extension to the northern portion of the site.
- Significant internal alterations including the restoration and preservation of auditorium walls and ceiling, and the proscenium arch above the main stage restored to its original height. The stage and stalls would be repurposed for co-working space and furnished with flexible seating and work stations.
- At balcony level the lower section of the structure and seating would be retained and repurposed for lecture and cinema rooms, subdivided within glazed boxes. The upper section would be demolished and horizontal slab inserted. The ground and first floor foyers, along with the connecting staircase would be restored as communal areas.
- Associated external alterations to the building, including repairs to the original cinema building with a relative light touch to the street facades, reinstating the main entrance and signage.

A planning application for the change of use of the building, and the extensions and external alterations proposed, accompanies this listed building consent application (ref. 20/1163).

## EXISTING

The application relates to a former Grade II listed cinema, dating from 1938, which was converted into a bingo hall and is now vacant. It is located on the western side of Burnt Oak Broadway, and forms part of the designated Burnt Oak/ Colindale Growth Area, as well as being part of the Burnt Oak District Centre (designated as Secondary Frontage). It also forms part of the Colindale/ Burnt Oak Opportunity Area, as designated in the London Plan.

The immediate surrounding area comprises a shopping parade including retail and food establishments with residential uses above to the north and south. To the east, it is a predominantly residential area comprising two, three and six storey apartment blocks and to the west, the area comprises two storey semi-detached dwellings. Immediately to the north of the site, a seven storey residential block has been approved and is currently under construction.

Burnt Oak LUL Station is located approx. 770m away (about 10 minutes' walk), and the site is served by a bus stop approximately 50m away which provides routes to Edgware, Borehamwood and Watford. The site has a PTAL rating of 4.

## SUMMARY OF KEY ISSUES

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

- 1. Impact of the proposed extensions and alterations on the special character and setting of the listed building:** The proposals have been significantly revised to ensure that the initial concerns raised by the Council's heritage officer, Historic England and other key stakeholders have been largely addressed. The proposals ensure that the main heritage features of the interior are retained and enhanced, in particular the main auditorium, proscenium and stage. The proposed extensions would appear subservient to the listed building, ensuring its special character is enhanced and retains its dominant presence within the townscape. While some interventions internally are required, these are considered to

cause less than substantial harm when weighed against the public benefits of bringing this heritage building back into viable use.

## **RELEVANT SITE HISTORY**

Although there have been applications for listed building consent made in relation to minor external alterations and the installation of telecommunications equipment on the building, there has been nothing directly relevant in terms of previous planning history on the site.

## **CONSULTATIONS**

### **Public Consultation**

#### Original scheme (April 2020):

A total of 182 addresses within Burnt Oak Broadway, Limesdale Gardens and The Hyde were consulted on the application. The Friends of Eton Grove Association were also consulted.

A Site Notice was displayed 28/04/2020  
A Press Notice was published 28/04/2020.

One letter of support was received on the grounds that the proposals would be an asset to the community if developed in a sympathetic manner, retaining the original décor of the building, and would also benefit from wider community uses such as an art gallery or for community events.

A petition containing 31 signatures from neighbouring residents (including addresses in Burnt Oak Broadway, Watling Avenue and Holmstall Parade) was also received in support of the proposals, including on the grounds that they would restore the Grade II listed building, ensuring that both exterior and interior aspects are retained and the building's features are enhanced.

One letter of objection was received, however this raises issues which are not specifically related to the listed building elements of the proposals, and are addressed in more detail with the report associated with the main planning application.

#### Revised scheme (September/ October 2020):

The same 182 addresses and those commenting on the original scheme were re-consulted following the receipt of revised drawings and associated documents. A fresh site and press notice were also published.

A further two letters of objection were received, again raising non-heritage related issues which are considered with the report associated with the main planning application.

### **Statutory/ External Consultees**

#### Cinema Theatre Association (CTA)

Initial objections were received, largely regarding the proposed internal alterations around the main features of the building, as well as the entrance canopy. Following discussions and the submission of revised drawings, further comments were received, summarised as follows:

The architects undertook to revise six elements, and these have been addressed satisfactorily in the revised submission:

- a) Reinstate the original form of the entrance canopy
- b) Reinstate the original form of the auditorium stage and orchestra rail
- c) Reinstate the decorative grille detail in the ante-proscenium
- d) Use darker materials and increase the 'shadow gap' on the exterior to keep the prominence of the original cinema
- e) Re-design the small auditoria on the interior balcony
- f) Provide a proper proposal for the new structure

No further objections are therefore made, subject to the following being addressed by further

consultation or dealt with by condition with the CTA:

- The original Cafe on the first floor should be treated as an important 'heritage' space.
- The structural appraisal by Elliott Wood needs further development, with a condition imposed to quantify and develop this further.
- Consultation on heritage details, such as colour schemes, as they are developed.

#### Theatres Trust

Objections to original proposals, summarised as follows:

Issue	Officer response
Insufficient evidence has been submitted to demonstrate that the loss of the community use is acceptable in terms of policy. Retention of community use is priority.	This is considered in more detail within the report associated with the planning application.
The height and scale of the development would detract from the building's form and character as a heritage asset. Substantial changes to cinema appearance would only be supported if the loss of community use can be sufficiently demonstrated.	These issues have been partly addressed by the revised proposals. Further consideration of these comments is provided in paras. 18 - 25
Concerns of overall level of development. Loss of substantial parts of foyer, auditorium and back of house areas.	These issues have been partly addressed by the revised proposals. Further consideration of these comments is provided in paras. 14 - 17
Although foyer and auditorium is intended to be restored, this would be at the loss of the distinctive Art Deco Style. The balconies would also be lost.	These issues have been partly addressed by the revised proposals. Further consideration of these comments is provided in paras. 14 - 17

The Theatres Trust were consulted on the revised proposals, however no further comments have been received.

#### Historic England

Support the principle of repairing, restoring and repurposing the former cinema, which is on Historic England's Buildings at Risk Register. Initial objections were received, which have been largely addressed through the submission of revised drawings, and these offer further heritage benefits which are welcomed. However, the scheme would cause less than substantial harm to the significance of the listed building, which needs to be weighed against the public benefits of the proposals, ensuring the harm is limited.

In particular, the following elements require further assessment and justification:

##### Upper and Lower Balcony Areas

The loss of the upper balcony remains a major intervention of the proposals within an area of high significance. The loss of the historic fabric is regrettable, and would cause clear harm to the significance of the heritage asset.

We however appreciate the stepped structure of the balcony is difficult to integrate with the new use. Securing the long-term viable use for this listed building is a vital step and indeed a public benefit. Should officers therefore be satisfied there is no commercially viable solution for reinstating the building in its former cinema use, such as through the provision of a valuation report/marketing exercise; the loss would in our view be justified.

##### Roof extension

Whilst we note some minor design changes, the principal concerns previously raised regarding the mass and bulk of the top storey of the extension remain valid and would cause harm to the significance of the building. In our view stepping this storey further back and/or redistributing some density could help to mitigate this impact. We recognise this could have implications on the viability of the scheme, therefore officers will need to be convinced that this justification has been clearly and convincingly set out in the submission.

#### Further information/discussions

Should your Council be minded to approve the scheme, we recommend that conditions are imposed or further information and discussion is undertaken between the Applicant and your Conservation Officer, regarding the following:

- Structural report confirming the installation of such large panes of glazing will not have structural implications on the lower balcony
- Production of valuation report/marketing exercise
- Detailed condition survey and schedule of repair/restoration works
- Paint analysis is to be undertaken in the auditorium and the original decorative paint scheme be reinstated.
- The decorative treatment and floor finishes for the main entrance reception and lobby area to be submitted.
- Detailed structural analysis to confirm the front balcony can support the weight of the glazed boxes.
- Details of the services, ventilation and privacy screening proposed within the glazed balcony spaces.
- Further consideration of a greater recession of the glazed link between the two buildings. In our view a gap that allows the return wall beyond the entrance block to remain clear and obvious would further mitigate the risk of appearing as facade retention.

#### London and Middlesex Archaeological Society (LAMAS)

No objections, however requested a condition for archaeological mitigation works in relation to part of the development to the western portion of the site, with further advice to be provided by GLAAS.

Officer comments: This condition has been attached to the draft listed building consent.

#### Internal consultation

##### Principal Heritage and Conservation Officer

No objections following significant revisions to internal alterations and form and scale of proposed roof extensions and side extensions, and subject to detailed conditions and informatives set out. Supports the re-use of the building which has been vacant for a substantial period, and is on Historic England's Buildings at Risk Register.

See detailed considerations section of report for full comments.

## **POLICY CONSIDERATIONS**

### **The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990**

The above legislation provides specific protection for buildings and areas of special architectural or historic interest. Section 66(1) of the Act states that in the consideration of proposals for planning permission which affect a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving i) that setting, or ii) any features of special; architectural or historic interest it possesses.

#### **National level policy and guidance**

The Revised National Planning Policy Framework (NPPF) was published in 2019. The relevant parts of the document include:

1. Introduction
7. Requiring Good Design
12. Conserving and Enhancing the Historic Environment

## **Regional policy and guidance:**

### **London Plan 2016**

7.4 Local character  
7.6 Architecture  
7.8 Heritage assets and archaeology

## **Local policy and guidance:**

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

CP 11 – Burnt Oak/ Colindale Growth Area

### **Brent Development Management Policies (2016)**

DMP 1 - General Development Management Policy  
DMP 7 - Brent's Heritage Assets

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

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 an "Publication" version dated December 2020 and the Mayor intends to adopt this on 2 March. As such, this version of the London Plan is likely to be adopted policy when the committee consider this application.

Key relevant policies include:

### **Draft London Plan (publication version) 2020**

Key policies include:

HC1: Heritage conservation and growth

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors requested some additional information alongside a consolidated schedule of modifications (to reflect discussions during the examination hearings). This information will be submitted to the Inspectors on 15 January. It is estimated that a final Inspectors report will be issued in June 2021, subject to further modifications, with adoption of the final Plan not likely until late summer 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by officers that greater weight can now be applied to policies contained within the draft Brent Local Plan. Relevant draft policies include:

#### **General:**

DMP1 – Development Management General Policy

#### **Heritage and Culture:**

BHC1 – Brent's Heritage Assets

## **DETAILED CONSIDERATIONS**

### **Amendments since submission**

Revisions to both internal and external elements of the proposal were formally submitted in September 2020, following lengthy discussions with the council's urban design and heritage officers, Historic England, the CTA and feedback from the Theatres Trust. A re-consultation exercise with all adjoining residents and statutory external consultees was undertaken on these revisions. A summary of the revisions are outlined below:

#### **Internal changes**

- Reinstatement of the original form of the auditorium stage and orchestra rail
- Reinstatement of the decorative grille detail in the ante-proscenium
- Re-design of the small auditoria on the interior balcony
- Changes to third floor layout to remove studio and replace with additional communal facilities

### External changes

- Reinstatement of the original form of the entrance canopy
- Cleaning and repair of front elevation, including new 'SAVOY' lettering to enhance main facade
- Small increase in height to the proposed side extension to a maximum of eight storeys, and changes to façade treatment and design of side extension
- Introduction of darker cladding to roof extension
- Glazed link between original building and side extension further recessed from principal front elevation
- Introduction of external communal terrace at 7<sup>th</sup> floor level
- Introduction of further soft landscaping

### Significance of Grade II listed building

1. The site is a Grade II listed cultural and heritage asset, opening originally as the Savoy in 1936. It was designed by prominent cinema architect George Coles in an Art Deco style. Historic England describe it as "an impressive cinema with all of its internal Moderne fittings intact", although acknowledge it is in a declining state. The full listing description of the building is provided below:

*'Former cinema, constructed 1938 as the Savoy for Abraham Goide, to the designs of George Coles, FRIBA. Brown brick with faience dressings, on steel frame and with pitched roof. Double-height auditorium with single rear balcony, and impressive double-height foyer and staircase hall. The foyer block is ranged to the right, the auditorium running to the left parallel to the street.*

*EXTERIOR: Moderne composition with Classical embellishments. To the left of the main entrance doors are six more exit doors. There is a shallow canopy above the entrance, which extends around a later extension to the right. Rising over the entrance is an arched double-height window, with a broad faience surround and scrolling keystone. There are engaged columns (with composite capitals) dividing the window into three parts, over which is an entablature and glazed lunette. Complex Moderne metal glazing bars. Flanking this window are two urns on low plinths. At the summit of the foyer block there is a full entablature, the frieze of which has Rinceau ornament. Flat-pitched parapet. The long auditorium wall is blank except for two pedimented tabernacle windows at either end, connected by a faience string. Both windows also have balustraded balconettes supported on twin consoles. The left window is flanked by smaller plain window apertures. All the windows have Moderne metal glazing bars. Plain faience frieze and parapet coping. A short section of the return walls are similarly handled; further windows have faience surrounds, an arrangement continuing for the full depth of the right return, which also has a row of unadorned square windows on the second floor. Four flagstaffs: two on the higher block with two more on the lower wing. No roof seen above the foyer but a low-pitched roof is visible over the auditorium. On the far left, a chimney rises from the auditorium roof. The rear walls are functional and were not intended to be seen.*

*INTERIOR: Spacious foyer with streamlined Moderne ceiling in the form of large lighting coves. At the far end, a central flight of stairs rises to a landing, divides into left and right flights to subsidiary landings, quarter-turning into flights up to the balcony foyer. One scrolling Art Deco metal balustrade with a brass handrail in the middle of the first flight. Doors on the left of the foyer lead through to the large Moderne auditorium. The plain proscenium is enclosed by one lighting cove. The dado extends back from the proscenium as does the stylized Anthemion frieze under the cornice. On the ante-proscenium splays are double-height niche features with recessed tops, partly filled with Art Deco fibrous plaster grills to cover heating ducts and what was formerly the organ chamber. The niches stand on long balconettes below which are horizontal runs of Art Deco grill-work. The niches are flanked by plain-topped pilasters with superimposed engaged half-columns surmounted by electric torches. The side walls are divided by plain-topped pilasters into three sections and bear more electric torches. The areas between the pilasters are subdivided into triple compositions comprising tall fields and verticals carrying wave mouldings and horizontal banding supporting blind Art Deco grills and plain roundels. Balcony with one central vomitory. Several subsidiary sets of doors in the side and rear walls. The balcony front is relieved by three lines of indented mouldings. The timber barrier at the rear of the balcony has small Moderne grills. Classical ceiling coving with stepped mouldings and a central lighting float in Moderne style, bound by more plaster mouldings. Shallow stage. Moderne fronted balcony over the upper foyer stairwell. The upper foyer has two vertical windows with Moderne glazing, a scalloped cornice and streamlined ceiling coving with a central roundel.*

*ANALYSIS: A good example of a relatively unaltered large suburban neighbourhood' super-cinema of the*

*1930s. Both externally and internally, the architectural elements are handled with the dexterity associated with one of the best and most versatile architects specializing in cinema design during the pre-World War II heyday of cinema construction. It closed in 1961 to become a bingo club and is said to be the first permanent building in London to be exclusively devoted to the game.'*

2. The Theatres Trust have commented that the building is a significant heritage asset and designated at Grade II because of its architectural and historic interest. It was equipped with a stage and hosted occasional variety shows and some concerts, however cinema use ceased in 1961 after which it was converted to bingo use until closure in 2014. Like cinema and theatre, bingo is considered a community and cultural use which contributes towards the social and cultural wellbeing of local people and its users.

3. Both externally and internally, the architectural elements are handled with the dexterity associated with one of the best and most versatile architects specializing in cinema design during the pre-World War II heyday of cinema construction.

4. The National Planning Policy Framework requires applicants to describe the significance of the heritage asset, including any contribution made by their setting, and use this understanding to inform development proposals. The significance may be archaeological, architectural, artistic or historic interest. Each of these interests has been reviewed within the submitted Heritage Statement, and is summarised below:

#### *Archaeological*

5. The Heritage Statement concludes that as a well-documented 20th century building, the former Savoy Cinema carries little, if any, intrinsic archaeological interest. Historic England and the council's principal heritage officer agree with this view.

#### *Architectural*

6. As detailed above in the listing description, the building is largely considered of listed status because of its significant architectural interest. Its stand-out original features, including the auditorium with original proscenium and balcony, and Art Deco form and character of the main staircase have all been retained, as well as the main arched window to the entrance which is its signature feature. For the most part the special features of interest will be restored, reinstated and revealed. The Heritage Statement also outlines the importance of the character of the second floor, which provides a useful insight into the nature and layout of the smaller, behind the scenes areas of the cinema, which were utilitarian functional spaces in complete contrast to the much larger opulent public spaces below.

7. The Statement goes on to refer to a number of harmful alterations and extensions carried out to the building prior to listing and since its conversion to a bingo hall, which have detracted from and diluted the remaining heritage significance of the original cinema. Externally, these comprise the addition of ground floor render along the main façade and a side extension with wraparound roof which has replaced the original entrance and separate canopy. The roof of the cinema, which is covered in telecommunications equipment, is also considered to be of low heritage significance. The side and rear elevations are also clearly of lesser significance than the main façade along the Broadway.

#### *Artistic*

8. The Heritage Statement outlines that the building would have limited artistic interest, however any physical artistic interest can be seen in its surviving internal Art Deco detailing including grilles, electric torches mouldings and decoration, particularly in the auditorium. It also has some artistic interest in respect of its original function as a cinema and performance venue.

#### *Historic*

9. The building does have a significant degree of historic interest given it is a well-preserved example of an Art Deco style inter-war cinema theatre, which is architecturally striking and prominent within the townscape. Cinemas made the greatest impact during the inter-war period. Going to the pictures provided the easiest form of escapism and their architecture, especially their interiors reflected this. Although the building has lost some of its opulence and grandeur, it still retains that architectural prominence and its conversion to a bingo hall ensured it retained some status as a social hub and place of leisure for the local community.



## **Heritage at Risk Register**

10. The former Savoy cinema is included on Historic England's Heritage at Risk Register which includes buildings and structures that are statutory listed and have been assessed and found to be at risk. It is categorised as 'C - *Slow decay; no solution agreed*' and as '*an impressive cinema with all of its internal Moderne fittings intact*'. Historic England comments that despite several attempts to sell, occupy and find a new use for the building it remains empty and in a declining state with crumbling plasterwork.

11. The Heritage Statement also outlines that recent and ongoing water ingress, particularly through the modern side extension, is damaging the fabric and decoration of the building, and in doing so is further diminishing its heritage significance. It also states that without a viable use, the building is at serious risk of further deterioration.

## **Assessment of proposals**

12. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively require the decision maker to have "special regard" to the desirability of preserving a listed building or its setting, and pay "special attention" to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF states that where a proposed development will lead to substantial harm to designated heritage assets, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or in wholly exceptional circumstances identified in paragraph 195 of the NPPF. Where the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal. This is set out in paragraph 196 of the NPPF.

13. A comprehensive Heritage Statement has been provided with the application which clearly sets out the buildings significance and sets out how the proposed works will be justified in terms of the NPPF, Brent's Local Plan, and the Council's Draft Local Plan Policy BHC1.

## **Internal alterations**

14. As outlined in earlier sections, the principal changes to the internal layout are summarised as follows, in response to concerns raised by the council's heritage officer, Historic England, the CTA and Theatres Trust:

- Reinstatement of the original form of the entrance canopy
- Reinstatement of the original form of the auditorium stage and orchestra rail
- Reinstatement of the decorative grille detail in the ante-proscenium
- Re-design of the small auditoria on the interior balcony

15. The council's heritage officer has assessed both the original and revised proposals, and is satisfied that the amendments made to the scheme address the most significant concerns raised by Historic England, the CTA and the Theatres Trust. Internally the building will be restored. The Art Deco plasterwork will be repaired and reinstated where missing, and this is considered to be a major enhancement to the building which is strongly welcomed. Fundamentally, the foyer, auditorium and proscenium stage will be returned to their original conditions, with the stage level reinstated to its original levels as well as the orchestra pit and rail. This arrangement will allow the auditorium to be used for hires in its original configuration, and its restoration is considered to be a public benefit.

16. The former foyers will also be restored and new toilets provided. These areas have been fitted out for Bingo use and restoration will allow features such as the lighting troughs and panelling to be appreciated. The removal of the partitions within the former tea room area are also considered to be a significant benefit of the scheme.

17. The one main intervention is the works proposed to the former balcony. This sees the creation of spaces to be used for meetings or lecture rooms etc. These spaces/rooms have been carefully designed using sheet glass allowing the palpable sense of the auditorium to remain. Furthermore, the stepping and rows of seats will remain along with the balcony front. The auditorium plasterwork will also remain untouched. These internal alterations would cause some harm to the significance of the listed building. However this is considered to be less than substantial harm, and would be outweighed by the wider public and heritage benefits secured in terms of the wider improvements to the building, which would ensure it would no longer be a designated Heritage Building at Risk, and bringing it back into long-term viable use.

### Three-storey roof extension

18. The proposals would involve the removal of the existing roof structure to the main building and the erection of a three-storey roof extension. Officers acknowledge that this would represent a significant change to the external appearance of the listed building. Although the existing pitched roof would be lost, it is identified as having 'low heritage significance' in the Heritage Statement, and this assessment is accepted by the council's heritage officer as well as the heritage consultees.

19. While the proposed extension would read as a three-storey extension, the heritage statement sets out that it would effectively add only one additional storey, given the height and angle of pitch to the existing roof. The revised form and design of the extension, being further set back from the main façade would ensure that it would clearly appear as a subservient addition to the listed building. Furthermore, it has been designed to reflect the character of the listed building with the light grey horizontal aluminium streamlined bands contrasting with the cream faience to the existing building and the darker tones of the metal screens. On balance, the roof extension element of the proposals would therefore ensure less than substantial harm to the character and setting of the listed building.

20. The council's heritage officer has also commented on concerns raised by Historic England and the Theatres Trust regarding the additional bulk and massing of the roof extension. The heritage officer has commented that any concerns must be weighed against the fact that this level of additional floorspace is required in order to make the scheme viable, bringing the building back into use. It is also required to ensure the restoration and repair of the significant architectural features of the building. This issue is considered in more detail within the report associated with the main planning application.

21. A structural report has also been submitted with as part of the revised proposals, following comments raised by the heritage officer and other key stakeholders that an outline report must be submitted at application stage to demonstrate that the historic walls of the listed building can support major new structural columns required to enable a three-storey extension on top.

22. The structural assessment submitted has been prepared by a qualified, professional set of structural engineers and sets out in detail three alternative approaches to ensuring that the proposed roof extension can be supported by the existing building, which include the use of new structural columns through the building, the use of trusses at each level, or the use of a 'transfer level' to support a lightweight structure above. Importantly, the report also sets out that there could be an opportunity for the existing structure to support additional load.

23. Officers consider that the report is sufficiently detailed, and its findings sufficient to demonstrate there is a structural design approach feasible to enable a three-storey roof extension to be supported. However, in order to allow further assessment to be carried out and a definitive approach to be finalised, a condition is recommended to ensure a full structural report is submitted for approval before any works to the building begin. This is also designed to ensure discussions with heritage officers, Historic England and other key stakeholders take place before any works are agreed, and that interventions required do not harm any key heritage features or historic fabric of the building.

### Part-seven, part-eight storey side extension

24. The revised form and design of the side extension ensures that it would read as a contemporary addition to the site, rather than competing visually with the listed building. Importantly, the extension has been set further back from the main entrance block, and the dark glazed tinted link has been widened to create a more distinctive visual separation between the new build and the existing building. The Heritage Statement suggests it would 'allow the former cinema to maintain its distinctiveness and primary visual focus within the new building arrangement', and this is a view that the council's heritage officer agrees with. On this basis, officers are satisfied that this element would not compete with or harm the setting of the listed building.

25. A condition is attached ensuring that the final materials and detailed drawings of the side extension are submitted for approval before works commence, in order to ensure that a high quality appearance and finish to this element of the proposals is secured.

### Associated external alterations

26. The external restoration of the building will restore its original appearance. The building will be

cleaned and its brickwork and faience repaired. A major enhancement will be the reinstatement of its original entrance canopy, flag poles and 'SAVOY' lettering. This will considerably enhance the building and the streetscene, and would bring a further public benefit in this regard.

### **Equalities**

27. 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.

28. 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**

29. In conclusion, it is considered that the proposed internal alterations to the listed building including the conversion of the existing building to co-living accommodation, the proposed roof extensions and side extensions and associated internal and external alterations, would result in less than substantial harm to the significance of the Grade II listed building. However, officers consider that the works would secure the future use of this local landmark, which is currently on Historic England's Buildings at Risk Register, as well as bringing significant public and heritage benefits which would outweigh this less than substantial harm. On this basis, the proposals would comply with paragraphs 195 and 196 of the NPPF, and listed building consent can be granted.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

PLANNING (LISTED BUILDING & CONSERVATION AREAS)  
ACT 1990

### DECISION NOTICE – LISTED BUILDING CONSENT APPROVAL

=====

Application No: 20/1164

To: Mr Turner  
Sphere 25  
101-135 Kings Road  
Brentwood  
Essex  
CM14 4DR

I refer to your application dated **09/04/2020** proposing the following:

Listed building consent for partial demolition, restoration and extension of Grade II listed bingo hall (Use Class D2) to create a part-7, part-8 storey building to provide co-working space and purpose-built shared living units (Use Class Sui Generis), café (Use Class A3) with ancillary facilities and associated shared amenity space, landscaping, cycle and disabled parking.

and accompanied by plans or documents listed here:  
See condition 2

at **1 Burnt Oak Broadway, Edgware, HA8 5LD**

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

Date: 02/03/2021

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 approval does not include PLANNING PERMISSION or BUILDING REGULATIONS APPROVAL and the work should not be commenced before such permissions, if necessary, have been obtained.

DnLbcGC

**SUMMARY OF REASONS FOR APPROVAL**

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

- The National Planning Policy Framework (2019)
- The London Plan (2016 – Consolidated with alterations since 2011)
- Brent's Core Strategy (2010)
- Brent's Development Management Policies (2016)

- 1 The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

PL-050 R1; PL-051 R1; PL-052 R1; PL-053 R1; PL-090 R2; PL-091 R2; PL-099; PL-100 R2; PL-101 R3; PL-102 R3; PL-103 R3; PL-104 R3; PL-105 R3; PL-106 R3; PL-110 R2; PL-200 R1; PL-201 R1; PL-202 R1; PL-203; PL-300 R1; PL-301 R2; PL-302 R2; PL-303 R2; PL-304 R2; PL-401 R1; PL-402; PL-403; PL-404 R1; PL-405; PL-406; PL-407 R1

PL-001; PL-005; PL-010; PL-011; PL-012; PL-013; PL-014; PL-015; PL-020; PL-021; PL-031; PL-032; PL-033.

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

- 3 No works shall be undertaken to the existing façades until a detailed condition survey and schedule of repair/restoration to the brickwork and faience been submitted to and approved on site and in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 4 No works shall be undertaken until a detailed internal condition survey and schedule of repair/restoration works has been submitted to and approved on site and in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 5 No works shall be undertaken within the balcony until a structural report and analysis has been submitted to show that the balcony can take the weight of the new screens/glazing within the balcony. This shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of

the listed building.

- 6 No works shall be undertaken within the balcony until full details (including sections at an appropriate scale and a specification) of the full height glazing showing the construction and the proposed interface between the existing building and the new build is submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 7 No works shall be undertaken within the balcony until full details (including sections at an appropriate scale and a specification) of the services, ventilation and privacy screening proposed within the glazed balcony spaces is submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 8 No works shall be undertaken until full details (at scale 1:10, with sections) to include a specification and samples (where necessary) of the following shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition:

- A window and door schedule (existing and proposed).
- The entrance canopy.
- Floor coverings, wall coverings and fitting out as well as any decorative finishes.
- Works to existing or proposed light fittings and handrails.
- Works to the stage, understage and orchestra pit.
- The new orchestra rail.
- Works to the balcony front and stepping behind.

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

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 9 No works shall be undertaken within the former café area until a specification for the removal of the stud partitioning and lowered ceiling has been submitted to and agreed on site and in writing by the Local Planning Authority. Notwithstanding the approved plans, the design of new screens and positioning as well as any fitting out is to be submitted to and agreed on site and in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 10 Detailed drawings at a scale of 1:10 (as necessary) and a full written schedule of works and specifications for the repair of the internal plasterwork shall be submitted to and agreed on site and in writing by the Local Planning Authority before the commence of works, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 11 Paint analysis is to be undertaken within the auditorium and the front of house areas (including foyers and former café) by a specialist and a report is to be submitted to and agreed in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition, before the commence of works. The original decorative paint scheme is to be reinstated in accordance with the report or otherwise agreed on site and in writing by the Local Planning Authority.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 12 Full details including a specification of any cleaning works internally or externally shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 13 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing through the submission of an application for approval of details reserved by condition. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 14 No works shall be undertaken until full details (at scale 1:10, with sections) to include a specification and samples (where necessary) of the following shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition:

- The proposed roof extension

- The proposed side extensions

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

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.

- 15 Full details of all plant equipment (and associated screening), PV panels and ASHP to be installed on the roof of the proposed roof and side extensions to the listed building shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such equipment. The approved plant equipment, screening and panels shall be provided prior to first occupation of the building and shall be retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

The following information shall be provided:

- (a) roof plan showing the location of all plant equipment
- (b) full details of the photovoltaic panels including the size, location and orientation of the photovoltaic panels in accordance with the sustainability measures secured as part of the full planning application ref: 20/1163,
- (c) elevation plan showing the design of the equipment together with any proposed screening in the form of louvers and/or acoustic screen. This shall include full details of the materials and finishes of the screening.
- (d) sections through the roof showing the relationship of the equipment and associated screening and photovoltaic panels/ ASHP with the roof and parapet detailing

Reason: In the interests of preserving the character of the listed building through careful design of architectural detailing.

- 16 Notwithstanding the plans hereby approved, within six months of commencing ground works on site (excluding demolition of the roof structure and internal alterations to the listed building) further details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) details of any outdoor furniture such as benches
- (b) full details of all green roofs and associated soft landscaping to the communal roof terrace and other parts of the site

Reason: In the interests of the visual amenity of the locality and the setting of the listed building.



Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 March, 2021  
06  
20/3502

## SITE INFORMATION

RECEIVED	29 October, 2020
WARD	Barnhill
PLANNING AREA	
LOCATION	167 Preston Hill, Harrow, HA3 9UY
PROPOSAL	Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, extended crossover, refuse and cycle storage to front and subdivision of rear garden
PLAN NO'S	Please see Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</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 "20/3502" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to the conditions set out below.

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

### Conditions

#### *Compliance*

1. 3 year rule
2. Approved plans
3. Withdraw PD rights for conversion to C4 small HMO
4. Parking etc to be provided and retained
5. Obscure side windows
6. Crossover works

#### *Pre-commencement*

7. Construction Method Statement

#### *During construction*

8. Contaminated land investigation and remediation
9. Materials samples including balcony screening
10. Landscaping scheme

#### *Pre-occupation*

11. Internal noise levels.

### Informatives as listed at the end of this report.

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 or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

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

## SITE MAP

 <b>Brent</b>	<b>Planning Committee Map</b>
Site address: 167 Preston Hill, Harrow, HA3 9UY	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

## PROPOSAL IN DETAIL

The proposal is to demolish the existing building and construct a three-storey building consisting of six flats (one x 3bed, one x 2bed, two x 1bed and two x studios). Amendments to the vehicle crossover are proposed, together with two off-street parking spaces, bin storage, cycle storage and soft landscaping.

Amended plans were received on 25 January 2021 and 9 February 2021, to secure the following amendments requested by officers:

- Building shifted marginally to the west, to provide a 1.2m wide pathway on the eastern boundary to allow access to cycle storage in the rear garden;
- Cycle storage relocated from frontage to lockable covered compound in rear garden;
- Windows on flank elevations marked as obscure glazed;
- Front entrance porch added;
- Parking spaces relocated to eastern boundary of site and proposed crossover reduced to 4.5m width;
- Footpath to front entrance added;
- Bin storage relocated to against front garden wall;
- Area of soft landscaping on frontage increased;
- Rear garden layout altered to create communal area and private areas for two ground floor flats;
- On top floor, side and rear areas of parapet infilled to prevent access and use as balcony;
- Room layouts for top floor flats clarified.

These amendments did not materially alter the scheme and so did not require reconsultation.

## EXISTING

The site consists of a large 3bed detached house and its residential curtilage, located on the southern side of Preston Hill within an established residential area. Ground levels fall from west to east by about 1m across the site.

The site is not in a conservation area and does not contain any listed buildings. Surrounding buildings include a flatted development, Bellamy House, adjacent to the site to the west, the Birchwood Grange Care Home further to the west, the Brent Hotel adjacent to the site to the east, and residential properties on Kinch Grove, a cul-de-sac, to the south. The rear boundary of the site is adjacent to the side boundary of No 2 Kinch Grove.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Sixteen 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:** Fifteen neighbour objections have been received, raising concerns about the proposal's similarity to a previous application, over-development and over-intensification of the site, the design, height and bulk of the building, loss of light, outlook and privacy to neighbouring properties, the standard of accommodation proposed, and the level of parking provision. These issues are considered at the relevant points in the report.

**Principle of development:** The proposal would provide six new homes on an existing residential site including a family-sized unit. The proposal is acceptable in principle subject to other material planning considerations.

**Design, scale and appearance:** The proposed building would be three stories in height, in keeping with the prevailing character of the area, and of a scale appropriate to the size of the site. The bulk and mass would be well modulated by the contemporary architectural approach and use of contrasting materials. The design would contribute to a high quality development that would complement the existing street scene.

**Relationship with neighbouring properties:** The proposal would retain an adequate separation distance to the rear boundary and would comply with all relevant policies and standards so as not to cause any

significant adverse impacts to neighbouring properties in terms of light, outlook or privacy.

**Residential living standards:** The proposed homes would comply with minimum floorspace standards and other requirements, and would be well-designed to provide a good standard of accommodation. A combination of private and communal external amenity space would be provided in accordance with DMP19 standards.

**Environmental health considerations:** All relevant matters would be addressed through the imposition of conditions.

**Transport considerations:** The proposal would provide two on-site parking spaces. Transport officers have confirmed that an additional car could be accommodated on-street along the site frontage, and that based on 2011 Census data on car ownership amongst flats in the area, three parking spaces would be sufficient to meet the demand for parking generated by this development. Cycle storage and bin storage would be provided in accordance with policy, and works to existing crossovers would be carried out at the developers' expense.

## RELEVANT SITE HISTORY

### 20/1844

Full Planning Permission

Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, new crossover, refuse storage to front, cycle and amenities storage to rear, and subdivision of rear garden

Refused 03/09/2020

Reasons for refusal:

1. The proposed development would result in the loss of a family dwelling within the borough, and fails to re-provide family sized accommodation (three or more bedrooms) within the scheme with direct access to external amenity space. This would be contrary to policies CP2 and CP21 of Brent's adopted Core Strategy (2010), policy DMP16 of Brent's Development Management Policies (2016), and Policy BH6 of the emerging Local Plan (2020).
2. The proposed development, by reason of its incongruous design comprising false front gable features, would result in an unsympathetic form of development which would fail to respect the architectural design of the neighbouring properties, and pattern of development in the surrounding area. It would therefore be contrary to Policy DMP1 of the Brent Development Management Policies (2016) and the guidance in Supplementary Planning Document 1 (2018).
3. The proposed development, by reason of its scale, depth, and proximity to the shared boundary with neighbouring properties No. 165 Preston Hill, No. 2 Kinch Grove, and Bellamy House, would result in an overbearing and unduly detrimental impact on the amenities of the occupiers of these neighbouring properties with regard to loss of outlook and appearing visually obtrusive when viewed from their rear habitable room windows, rear gardens, and balconies. Further, the siting and proximity of the proposed upper floor balconies to the shared boundaries with neighbouring properties would result in significant levels of overlooking and loss of privacy for these neighbouring properties. This is contrary to Policy DMP1 of the Brent Development Management Policies (2016), and the guidance in Supplementary Planning Document 1 (2018).
4. The proposal, by reason of the provision of insufficient external amenity space for the proposed new upper floor flats (Flats 3-6), would result in a substandard form of accommodation to the detriment of its occupiers. It would therefore be contrary to policy DMP19 of the Development Management Policies (2016), together with Supplementary Planning Document 1 Brent's Design Guide (2018).

### 19/4461

Householder

Proposed two storey rear extension, first floor side extension on the right side, conversion of existing ground floor garage and utility room in to habitable room by replacing garage shutter with window and erection of first floor side extension on the left side, construction of front porch, to dwellinghouse

Withdrawn 13/02/2020

### 19/1774

Householder

Appeal Dismissed 21/11/2019

Demolition of existing ground floor garage and utility room side extension, erection of 2 x two storey side extensions, two storey rear extension, roof extension including a crown roof and addition of 9 dormer windows, and front porch to dwellinghouse

## CONSULTATIONS

21 neighbouring properties were consulted by letter on 13 November and 3 December 2020. 15 objections were received and are summarised as follows:

Comment	Officer response
Extent of neighbour consultation	Neighbour consultation has been in accordance with statutory requirements
Proposal is similar to previous application and has not addressed previous reasons for refusal	Previous reasons for refusal are discussed in the context of this proposal in the relevant sections of the report.
Additional pressure on local amenities and services	The proposal would be liable for Community Infrastructure Levy payments to contribute towards local infrastructure improvements.
Proposal treated more favourably than similar application at No 163 Preston Hill (ref 19/3057), where only four units were allowed.	Each application is assessed on its own merits against current adopted and emerging policies. Four units were proposed and approved under Ref 19/3057 and the assessment of a case does not generally consider whether an additional number of units beyond that proposed would be acceptable. No previous applications for a larger number of units on that site have been made.
The proposal is town cramming and overdevelopment of the site (235% increase in floorspace) in low density area, and will impact on the ambience and character of Preston Hill.	See 'Principle of Development' section of report.
Building is excessive in scale and would be obtrusive, unbalanced and bulky, overbearing on the streetscene, out of scale with the plot, out of character with the lower density in the neighbourhood which is mainly family dwellings. Bulk, massing, detailing and materials are of poor design. Reference to development at Alexander Place is misleading and disingenuous as this is an area of different character with lots of flatted developments.	See 'Design, Scale and Appearance' section of report. The development at Alexander Place is part of John Perrin Place, which is located opposite the application site on Preston Hill.
Area would be over-dominated by flats as application for flats has already been granted at No 163 Preston Hill.	See 'Design, Scale and Appearance' section of report.
Front building line protrudes beyond neighbouring properties. Bin store and cycle store protrude from front entrance, and lack of private front gardens and individual front doors, conflicts with SPD1 guidance on active frontages.	See 'Design, Scale and Appearance' section of report.
Rear building line protrudes beyond neighbouring	See 'Relationship with neighbouring properties'



properties.	section of report.
Impact on light and overshadowing to neighbouring gardens and buildings	See 'Relationship with neighbouring properties' section of report.
Overlooking from first and second floor windows and balconies, noise from balconies and resultant impact on residential privacy.	See 'Relationship with neighbouring properties' section of report.
Impact on flank wall habitable room windows at No 165.	See 'Relationship with neighbouring properties' section of report.
No professional risk assessment re loss of amenity light, trees will not resolve privacy issues due to issues with tree roots and high hedges act	See 'Relationship with neighbouring properties' section of report. A professional risk assessment is not a requirement for this application.
Flats do not meet London Plan minimum standards for flat sizes and amenity space.	See 'Residential Living Standards' section of report.
Not clear whether 1.5m deep front garden and 0.5m deep planting strip recommended in SPD1 is provided for ground floor units.	See 'Residential Living Standards' section of report.
Loss of green space and right to enjoy quiet and safe environment.	The site does not contain any designated or publicly accessible green space, only a residential garden. Impacts on noise and safety in the area are considered to be similar to those arising from the existing residential use.
Impact on flooding due to loss of soft landscaping and site being within 100m of flood risk area.	The site is not in a Flood Risk Zone and the proposal does not require a Flood Risk Assessment.
Application form inaccurate, states existing site has one parking space and no new accesses are required, whereas there are two existing spaces and amendments to access will be required.	These points have been clarified during the course of the application. See 'Transport Considerations' section of report.
Inadequate on-site parking in PTAL 2 area, and overspill parking impacts including impact on refuse vehicle access to Kinch Grove. Parking survey undertaken during lockdown and does not factor in visitor parking to Wembley Stadium, Brent Hotel, nearby nursing home and other commercial destinations or to Preston Road station.	See 'Transport Considerations' section of report.
Parking on frontage conflicts with SPD1 guidance on parking layout, would block communal entrance. Not clear how parking affects legibility of entrance. Dimensions of parking spaces unclear, not adequate for disabled users and not including electric charging points.	See 'Transport Considerations' section of report. Disabled parking and electric vehicle charging points are not policy requirements for this application.
Increase in traffic including construction traffic. Impact on highway safety and convenience of road users. Concerns re construction access and parking.	See 'Transport Considerations' section of report. Construction traffic issues would be addressed through a Construction Method Statement.

Noise and disturbance from construction work.	These issues would be addressed through a Construction Method Statement.
Increased rubbish overflow due to inadequate space for bin store, leading to rodent nuisance.	See 'Transport Considerations' section of report.
Building flats will increase anti-social behaviour, increase risk of incidents and security concerns.	There is no evidence to suggest that building flats in itself leads to these outcomes.
Existing property is in use as a HMO, resulting in social and amenity impacts.	This is not a material planning consideration in relation to this application.
Impact on neighbouring property values.	This is not a material planning consideration.
Loss of view to neighbouring properties.	This is not a material planning consideration.
Construction hours	This is not a material planning consideration. Construction hours are controlled under environmental nuisance regulations.

### Internal consultees

Environmental Health: No objection subject to conditions (these are discussed in the main body of the report).

## POLICY CONSIDERATIONS

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

### London Plan 2016

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 7.4 Local character
- 7.6 Architecture

### Brent Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP21 A Balanced Housing Stock

### Brent Development Management Policies 2016

- DMP1 Development Management General Policy
- DMP9b On Site Water Management and Surface Water Attenuation
- DMP11 Forming an Access on to a Road
- DMP12 Parking
- DMP18 Dwelling Size and Residential Outbuildings
- DMP19 Residential Amenity Space

The following are also relevant material considerations:

The National Planning Policy Framework 2019  
Planning Practice Guidance

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft London Plan has recently been subject to an Examination in Public, and is at publication stage. It has now been agreed by the Secretary of State, and is intended to be adopted on 2 March. At the time of the Planning Committee meeting, the London Plan is likely to be adopted policy.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes. Relevant policies include:

#### Draft London Plan Publication version (2020)

D1	London's form, character and capacity for growth
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
H1	Increasing housing supply
H2	Small sites
S13	Sustainable drainage
T6	Car parking
T6.1	Residential parking

#### Draft Local Plan (Regulation 19 version)

DMP1	Development management general policy
BP3	North
BD1	Leading the way in good urban design
BH1	Increasing housing supply in Brent
BH4	Small sites and small housing developments in Brent
BH13	Residential amenity space
BSUI4	On-site water management and surface water attenuation
BT2	Parking and car free development
BT4	Forming an access on to a road

## DETAILED CONSIDERATIONS

### Principle of development

1. The NPPF 2019 expects the planning system to significantly increase the supply of housing, and Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes in Brent over the 2007-2026 period including a target of 25% family sized homes. Draft London Plan Policy H1 sets out new ten-year targets, of which Brent is required to deliver 23,250 new homes, and draft Policy H2 encourages well-designed homes on small sites (below 0.25ha).
2. Brent's emerging policies reflect these aims and also emphasise the need for family-sized homes in the Borough. Policy BH4 supports draft London Plan Policy H2 but also gives weight to the existing character of the area when considering applications on small sites outside priority locations, whilst emerging Policy BH6 requires one of every four units to be family-sized.
3. Objections have been received from neighbours which specify that this would be the over-development of the site. However, the policy context supports the sensitive intensification of small sites in existing residential use to provide a greater number of housing units. A previous application for a building containing six flats (Ref 20/1844) was refused as it did not include a family-sized dwelling to compensate

for the loss of the existing house on the site. The proposal would provide six new dwellings including one family-sized home (3 bedroom home) on the ground floor with direct access to external amenity space, which would address the reason for refusal of the previous application.

4. The proposal would comply with adopted and emerging policy and is considered to be acceptable in principle.

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

5. Policy CP17 aims to protect suburban areas from inappropriate development including development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings, while Policy DMP1 requires the scale, type and design of development to respect and complement the character of the surrounding area. 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. Emerging policy BH4 in Brent's Draft Local Plan sets out that for proposals on small sites outside priority locations greater weight will be placed on the existing character of the area amongst other considerations when determining the appropriate intensity of development. The Brent Design Guide SPD1 provides further advice on principles of good design.
6. In this case, this section of Preston Hill is part of a primary route and bus route between Kenton and Kingsbury stations. Whilst the buildings along this route are predominantly residential, they are slightly different in character to those on the surrounding side streets and do include examples of three-storey flatted developments as well as large detached and semi-detached houses and buildings in other uses, such as the Brent Hotel adjacent to the proposal site to the east, which consists of a two-storey building with dormer windows providing accommodation in the roof. Adjacent to the site to the west is Bellamy House, a three-storey flatted development. Further to the west, Birchwood Grange is a three-storey residential care home with an extensive frontage and opposite this John Perrin Place is a partly two-storey partly three-storey large flatted development.
7. The architectural style of the surrounding area is mixed, with both traditional pitched roof construction and more contemporary flat roofs. Detached and semi-detached houses generally face onto the street with limited separation distances between them, whilst larger developments have a variety of layouts with the built form generally more concentrated and surrounded by more extensive areas of open space. Consequently there is no strong building line along the street and little sense of a coherent and consistent architectural character. The existing building on the site is two-storey, in a combination of red brick and white render, with a tiled hipped roof. It has single-storey elements to both sides which extend to the side boundaries and have large hipped roofs adding to the overall bulk and mass.
8. The proposed building would be three stories high, however the top storey would be set back on all sides and in an aluminium cladding material to contrast with the brickwork of the main building and to reduce the impact of the additional height and mass. Its height would be further mitigated by the first floor brickwork continuing up to provide a balustrade for the second floor balconies. In relation to the surrounding area it would mediate between the slightly lower height of the Brent Hotel and the slightly greater height of Bellamy House. The building height is considered to be acceptable in this context.
9. The front building line would be generally in keeping with the staggered building line of Brent Hotel and the angled building line of Bellamy House. Given the lack of a strong building line within the street and the retention of a 5m deep setback from the road, the building line is not considered to be unduly obtrusive or out of character with the area. The overall mass and bulk of the building would be greater than that of the existing dwelling, however distances to the side boundaries of 0.8m and 1.2m respectively would be retained and this is acceptable in the context of the adjoining buildings and other properties in the area.
10. The bulk and mass of the building are considered to be acceptable and would be effectively modulated by the interaction between projecting and recessed elements, whilst the addition of a front entrance porch would create a legible entrance and a strong sense of arrival for residents. Whilst neighbour objections have suggested that the proposal does not comply with some of the design guidelines set out in SPD1, these are intended as guidance which needs to be interpreted according to the context. A communal entrance is considered appropriate in this case and private front gardens are not characteristic of the streetscene on Preston Hill.
11. The previous proposal was for a building in a similar contemporary style but with the addition of false front gable end features, which were considered to be incongruous and unsympathetic design features

resulting in a detrimental impact on the street scene. The proposal was refused on design grounds, however there were no objections to the contemporary style itself, the bulk and mass of the building or any other architectural features. The current proposal does not include these features and consequently is considered to have addressed this reason for refusal.

12. Overall, the contemporary design approach is considered to provide a building of high quality that would contribute positively to the streetscene. Further details of materials would be required by condition.

### **Relationship with neighbouring properties**

13. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in accordance with Policy DMP1 and the detailed guidance set out in SPD1. Proposed buildings should sit within a 30 degree line of existing rear habitable room windows (measured at 2m high above internal floor level) and a 45 degree line of existing private rear garden boundaries (measured at 2m above ground level) in order to avoid appearing overbearing and causing loss of outlook to neighbouring properties. Windows serving habitable rooms should retain separation distances of 18m to neighbouring habitable room windows and 9m to boundaries with adjoining properties or development sites should be maintained, to ensure adequate privacy for existing and new residents. SPD1 also requires compliance with the 2:1 rule, that rear building lines at first floor level and above should not project any further to the rear than half the distance to the nearest rear habitable room window on adjacent properties, to ensure adequate outlook to these is retained.
14. The rear building line would be 9m distant from the rear site boundary with the garden of No 2 Kinch Grove, and the building would sit well within a 45 degree line from that boundary. As the rear windows of that property are at right angles to the proposed building, it is not relevant to apply the 30 degree line or 18m separation distances. It is considered that the position of the building would not have any material impact on light and outlook to those windows, and would not result in any harmful degree of overlooking. Revised plans have been received, closing off an area of balcony on the second floor that would not have been easily accessible from the proposed units, and the one remaining first floor balcony would maintain a distance of 9m to the boundary. Other properties on Kinch Grove would not be directly affected.
15. The proposal would comply with the 2:1 rule with respect to the Brent Hotel (although it should be highlighted that this is not a residential property so the 2:1 rule would not need to be applied) and Bellamy House, as the centre of the nearest rear habitable room windows in these properties would be approx 4m and 5.7m respectively from the flank walls of the proposed building, which would project at first floor level by approx 1.6m and 2.8m (including balcony) respectively from these existing rear elevations. The second floor level would be further set back on all sides so as to prevent any additional impact from this floor. A previous site visit confirmed that neither adjacent property has any primary habitable room windows in the flank wall that would be affected in terms of light and outlook.
16. The previous application was refused due to its impact on neighbouring properties, primarily because the rear of the building (including the first floor balconies) was less than 9m from the rear boundary and so did not provide sufficient privacy for No 2 Kinch Grove. Due to the positioning of the building in relation to the adjacent properties, overlooking onto gardens from the balconies was also a concern. The current proposal retains a 9m separation distance to the rear boundary, as noted above. Furthermore, only one rear balcony is proposed and, whilst this would allow for some overlooking onto the garden of Bellamy House, a condition is recommended for a high level screen to be provided along the side of the balcony to prevent direct overlooking. The proposal has addressed the reason for refusal of the previous application.
17. Notwithstanding neighbour objections in relation to overlooking and loss of light and outlook, the proposal is fully compliant with Brent's adopted policies and guidance in this respect, and is considered not to have any materially adverse impacts on neighbouring properties. Side-facing windows in the proposed building would not provide sole outlook for habitable rooms, and are indicated on the plans as being obscured and non-opening which would be secured by condition.

### **Residential living standards**

18. All development is required to comply with internal space standards set out in Policy D6 of the Draft New London Plan and Brent's Policy DMP18, and Policy D4 also sets out further detailed criteria to secure a generally high quality of accommodation.
19. Brent's Policy DMP19 establishes that all new dwellings are required to have external private amenity

space of a sufficient size and type to satisfy proposed residents' needs. This will normally be expected to be 20sqm for a studio, one or two-bedroom home and 50sqm for family housing (homes with 3 or more bedrooms). The requirement for external private amenity space established through DMP19 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20sqm or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluating whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.

20. With regard to the quality of the space, the supporting text to Policy DMP19 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take the maximum advantage of daylight and sunlight, whilst Brent's SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
21. Emerging London Plan Policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth of 1.5m is reconfirmed in the emerging policy.
22. The proposed dwellings would all have a good standard of light and outlook with dual aspect onto the front and rear, bedrooms exceeding minimum space standards, adequate internal storage and ceiling heights of 2.5m. They would all comply with minimum floorspace standards as follows:

Unit	Type	Floorspace proposed	Minimum floorspace
1 (ground floor)	1b2p	50.2sqm	50sqm
2 (ground floor)	3b4p	75.8sqm	74sqm
3 (first floor)	2b3p	61.7sqm	61sqm
4 (first floor)	1b2p	50.3sqm	50sqm
5 (second floor)	1b1p with shower room	37sqm	37sqm
6 (second floor)	1b1p with shower room	37.3sqm	37sqm

23. The front-facing bedroom windows on Units 1 and 2 would be provided with defensible planting strips of approx 0.8m depth to provide an element of privacy for residents. Whilst this is below the recommended 1.5m depth, it is considered acceptable in this instance as the windows would not face directly onto the street and pedestrian flows outside these windows would be limited to other residents accessing the pathways along the sides of the building.
24. External amenity space is proposed to include private areas for each unit as follows:

Unit	space proposed	policy standard	shortfall
1	6.4sqm	20sqm	13.6sqm
2	49.3sqm	50sqm	0.7sqm
3	6.2sqm	20sqm	13.8sqm
4	6.1sqm	20sqm	13.9sqm
5	6.8sqm	20sqm	13.2sqm
6	8.2sqm	20sqm	11.8sqm
<b>Cumulative shortfall</b>			<b>67sqm</b>

25. When assessed against the standards set out in Policy DMP19, Unit 2 would require 50sqm of amenity space and the other units would all require 20sqm each. The proposal would therefore result in a cumulative shortfall of 67sqm. This shortfall would be mitigated by the provision of a communal rear garden of 68.6sqm which would be available to all residents and accessed via the side of the building. Consequently there would be no residual shortfall against the policy standard.

26. The separate areas of rear garden would be demarcated by boundary hedging, and the private garden areas for Units 1 and 2 would provide an adequate amount of defensible space to provide privacy for ground floor windows of these units. Further details of hedging and other proposed planting would be secured through the submission of a landscaping scheme required by condition.
27. The previous application proposed dividing the rear garden area into private garden areas for the two ground floor flats and providing private balconies for the four upper floor flats. This resulted in the level of external amenity space for the upper floor flats being significantly below Policy DMP19 standards, and the application was refused on this basis. The proposal has addressed this reason for refusal.
28. The proposal is considered to provide a good standard of internal accommodation and to comply fully with the requirements of emerging London Plan Policy D6 and Brent Policy DMP18 in this respect. Furthermore, the proposal would provide external amenity space that is sufficient in size and type to satisfy the needs of future residents and fully accords with Brent Policy DMP19 and emerging London Plan Policy D6 in relation to the provision of external amenity space.

### **Environmental health considerations**

29. The site is within an Air Quality Management Area and located very close to other residential properties. Demolition and construction therefore have the potential to contribute to background air pollution and cause nuisance to neighbours. A construction method statement would be required by condition, outlining measures to control dust, noise and other environmental impacts and to safeguard residential amenity in this regard. This would need to be a pre-commencement condition, and the applicants have agreed to this being imposed.
30. The surrounding area has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. This would be secured by condition.
31. Environmental Health officers have also requested that a scheme of sound insulation measures designed to meet the relevant British Standards be submitted to the Local Planning Authority for approval. This would be required by condition, to ensure acceptable noise levels for future residents.

### **Flood risk**

32. Notwithstanding neighbour objections relating to flood risk nearby, the application site is located within Flood Zone 1 and the proposal does not therefore raise concerns regarding flooding or require submission of a Flood Risk Assessment.

### **Transport considerations**

33. Brent's maximum parking allowances are set out in Policy DMP12 and Appendix 1 of the Development Management Policies. Emerging London Plan Policy T6.1, which sets out maximum parking allowances across London, is also a material consideration of significant weight. Emerging Policy T5 provides standards for cycle parking and Brent's Waste Planning Guidance provides requirements for refuse and recycling bin storage for new developments.
34. Preston Hill is a local distributor road and Kinch Grove is a narrow road, approx. 5m wide. The site has moderate public transport accessibility (PTAL 2), with two bus routes available locally, and Preston Road tube station within walking distance. The maximum parking allowance for the existing house is 1.5 spaces and the existing forecourt is able to accommodate at least this amount.
35. The maximum parking allowance for the proposed six units is 6.5 spaces. Two spaces are proposed, which accords with the maximum allowance. However, Policy DMP12 also states that new developments should not add to on-street parking demand where on-street parking spaces cannot meet existing demand, such as on heavily parked streets. To address this point, a car parking survey has been submitted in support of the application. This was undertaken in the early hours of both a Thursday and a Friday in May 2020, and indicates that no vehicles were parked on either night within the seven available unrestricted kerbside spaces fronting the site between Kinch Grove and Bellamy House.
36. Furthermore, Transport officers have interrogated 2011 Census data, which demonstrate that average car ownership amongst the 45 flats in the immediate area equates to 0.5 cars per flat. Consequently it is expected that the demand for car parking arising from this development would be three spaces. The

proposal would provide two spaces on site, and an additional vehicle could be accommodated on-street along the site frontage, so the parking demand could be met without impacting on the availability of on-street parking in the wider area.

37. The proposal originally involved replacing the two existing crossovers with one located more centrally, with two parking spaces also in the centre of the site. Transport officers requested amendments to the layout, repositioning the vehicle crossover and two parking spaces to one of the side boundaries, with the existing associated crossover widened accordingly to 4.2m and the other crossover removed. These amendments were secured in revised plans. The redundant vehicle crossover would be reinstated to footway at the developers' expense, and this would be secured as a condition.
38. Cycle storage was originally proposed on the site frontage. Following the submission of revised plans, nine cycle parking spaces would be provided in a cycle store located in the communal rear garden. This would be accessed via the 1.2m wide side pathway, and is in accordance with emerging Policy T5. Further details of cycle storage would be required by condition.
39. Two x 1,100l Eurobins would be provided in a store on the site frontage. This would provide sufficient refuse storage capacity for both recyclable waste and general waste, and would be convenient for residents and for collection operatives. A separate pedestrian path to the front entrance would be provided, and the remaining areas of the frontage would be soft landscaped in accordance with Policy DMP12. Details of bin storage and hard and soft landscaping would be required as part of the landscaping condition.

## Equalities

40. 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

41. The proposal would make efficient use of a small residential site to contribute to the Borough's housing targets. Notwithstanding the number of neighbour objections, the proposal would comply fully with all relevant policies and is considered to have satisfactorily addressed the reasons for refusal of the previous application. The proposal is considered to accord with the development plan and it is recommended that permission is granted.

## CIL DETAILS

This application is liable to pay **£74,575.38** \* 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): 144 sq. m.

Total amount of floorspace on completion (G): 351.87 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	351.87		207.87	£200.00	£0.00	£61,989.80	£0.00
(Mayoral) Dwelling houses	351.87		207.87	£0.00	£60.00	£0.00	£12,585.58

BCIS figure for year in which the charging schedule took effect (Ic)	224	330
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£61,989.80</b>	<b>£12,585.58</b>



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

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

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 20/3502

To: Mr Carroll  
Dave Carroll Planning Limited  
30 Altenburg Avenue  
London  
W13 9RN

I refer to your application dated **29/10/2020** proposing the following:

Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, extended crossover, refuse and cycle storage to front and subdivision of rear garden

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

at **167 Preston Hill, Harrow, HA3 9UY**

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: 02/03/2021

Signature:

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

### Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposal is in general accordance with the following documents:

Adopted Policy

The National Planning Policy Framework (2019)  
The London Plan (2016)  
Brent's Core Strategy (2010)  
Brent's Development Management Policies (2016)

Emerging Policy

The Publication Version London Plan (2020)  
Brent's Draft Local Plan (2020)

Supplementary Planning Guidance / Documents

SPD1 Brent Design Guide (2018)

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

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

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

021/EX/001  
021/EX/002  
021/EX/100  
021/EX/101  
021/EX/102  
021/EX/103  
021/EX/104  
021/EX/120  
021/EX/121  
021/EX/160  
021/EX/161  
021/PL/200 REV E  
021/PL/201 REV D  
021/PL/202 REV D  
021/PL/203 REV C  
021/PL/204 REV E  
021/PL/220 REV C  
021/PL/221 REV C  
021/PL/222 REV D  
021/PL/223 REV D  
021/PR/240  
Parking stress survey

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 use class C3 residential to a use class 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 equivalent provision in 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 parking spaces, cycle storage and bin storage facilities as shown on the approved plans shall be installed prior to occupation of the development and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

- 5 Any upper-floor window located in a wall forming a side elevation of the building must be—
- (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

and shall be permanently maintained in that condition thereafter unless planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

- 6 Prior to first occupation of the development, works to increase the width of the vehicle crossover on the eastern site boundary to 4.2 and to remove the vehicle crossover on the western site boundary and reinstate the footway shall be carried out to the satisfaction of the local highway authority, at the developer's expense.

Reason: To ensure adequate access to the site.

- 7 Prior to the commencement of the development a Demolition and Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Reason for pre-commencement condition: Adverse impacts of demolition and construction can arise at any time after works commence, and adequate controls will need to be in place from this time.

- 8 (a) Following the demolition of the existing building on site and prior to the commencement of building works:

(i) a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011.

(ii) a report shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. The report shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

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

- 9 Prior to the commencement of construction works (excluding demolition, site clearance and the laying of foundations), details of materials of the development, for all external work, including samples, and including details of a privacy screen of not less than 1.8m in height above finished floor level to be installed on the western side of the balcony to Unit 4, shall be submitted to and approved in writing by the Local Planning Authority.

The work shall be carried out in accordance with the approved details.

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

- 10 Within six months of works commencing, and notwithstanding the approved plans, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition. The scheme shall include detailed proposals for the following aspects:

- Hard landscaped areas including materials samples and details of any proposed level changes;
- A planting scheme including species, locations and densities for all grass, shrubs and trees;
- Bin storage and cycle storage;
- Boundary treatments including gates.

The approved landscaping scheme shall be completed prior to the first occupation of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning Authority.

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

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

- 11 Prior to first occupation of the development, the results of sound tests to show that the required internal noise levels, as set out below, have been achieved shall be submitted to and approved in writing by the local planning authority.

All residential premises shall be designed in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings, to attain the following internal noise levels:

Time	Area	Maximum noise level
Daytime 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Reason: To obtain required sound insulation and prevent noise nuisance.

## 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 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00

Saturday - permitted between 08:00 to 13:00

At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at [ens.noiseteam@brent.gov.uk](mailto:ens.noiseteam@brent.gov.uk) to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 3 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer and constructor of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction of the development.
- 4 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 5 In relation to the conditions requiring the submission of details pertaining to land contamination, 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.
- 6 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials
- 7 The developer is advised to contact Brent's Head of Highways and Infrastructure to make arrangements for works to the vehicle crossovers to be undertaken on their behalf.

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

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