



Planning Committee

Wednesday 24 November 2021 at 6.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note that this meeting will be held as a socially distanced physical meeting with all members of the Committee required to attend in person.

Guidance on the safe delivery of face-to-face meetings is included at the end of the agenda frontsheet.

Due to current restrictions and limits on the socially distanced venue capacity, any press and public wishing to attend this meeting are encouraged to do so via the live webcast. The link to attend the meeting will be made available [here](#)

Membership:

Members

Councillors:

Kelcher (Chair)
Johnson (Vice-Chair)
S Butt
Chappell
Dixon
Kennelly
Donnelly-Jackson
Maurice

Substitute Members

Councillors:

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

Councillors

Colwill and Kansagra

For further information contact: James Kinsella, Governance Manager
Email: james.kinsella@brent.gov.uk; Tel: 020 8937 2063

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

The members' virtual briefing will take place at 12.00 noon.

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.

ITEM	WARD	PAGE
1. Apologies for absence and clarification of alternative members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 20 October 2021 as a correct record.		1 - 10
APPLICATIONS FOR DECISION		
4. 21/2989 - Euro House, Fulton Road, Wembley, HA9 0TF	Tokynghon	15 - 88
5. 20/2096 - 5 Blackbird Hill, London, NW9 8RR	Welsh Harp	89 - 136
6. 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 her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 15 December 2021

Guidance on the delivery of safe meetings at The Drum, Brent Civic Centre

- We have revised the capacities and floor plans for event spaces to ensure they are Covid-19 compliant and meet the current social distancing guidelines.
- Attendees will need to maintain the necessary social distancing at all times.
- Signage and reminders, including floor markers for social distancing and one-way flow systems are present throughout The Drum and need to be followed.
- Please note the Civic Centre visitor lifts will have reduced capacity to help with social distancing.
- The use of face coverings is encouraged with hand sanitiser dispensers located at the main entrance to The Drum and within each meeting room.

- Those attending meetings are asked to scan the coronavirus NHS QR code for The Drum upon entry. Posters of the QR code are located in front of the main Drum entrance and outside each boardroom.
- Although not required, should anyone attending wish to do book a lateral flow test in advance these are also available at the Civic Centre and can be booked via the following link:
<https://www.brent.gov.uk/your-community/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 20 October 2021 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice-Chair) and Councillors S Butt, Chappell, Donnelly-Jackson and Maurice.

1. **Apologies for Absence and clarification of alternative members**

Apologies for absence were received from Councillors Dixon and Kennelly.

2. **Declarations of interests**

There were no declarations of interest made at the meeting

APPROACHES:

Agenda Item 4: 21/3059-6a and 7-8 Elmwood Crescent, Kingsbury, NW9

- All members of the Committee present at the meeting declared that they had received an approach from Councillor Crane as local ward councillor.

3. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on Wednesday 8 September 2021 be approved as an accurate record of the meeting.

4. **21/3059 - 6a and 7-8 Elmwood Crescent, Kingsbury, NW9 0NL**

PROPOSAL:

Demolition of existing bungalow and detached garage at No.6A Elmwood Crescent and erection of two-storey detached building to be used as accommodation for mental-health rehabilitation (Use Class C2), comprising of 9x self-contained units with associated landscaping, erection of single storey rear outbuilding, cycle & refuse storage and car-parking for use in conjunction with the residential institution at No.7-8 Elmwood Crescent.

RECOMMENDATION:

- (a) That the Committee resolve to grant planning permission subject to the conditions and informatives as set in the report and supplementary report.
- (b) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out in the report.

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- (c) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (d) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh, Planning Team Leader North, introduced the report, set out the key issues and answered members' questions. In introducing the report members were advised that the application proposed the demolition of the bungalow and garage at No 6a Elmwood Crescent and construction of a two-storey building, comprising nine self-contained studio flats for the provision of supported living for adults to be run in conjunction with the existing facility at No 7 & 8. The boundary wall and railings separating the two properties would be demolished to create a shared forecourt providing bin and cycle storage, soft landscaping and three parking spaces, with the existing access to No 7 & 8 used for access to both buildings. An office with ensuite bathroom would be provided in the proposed building for the use of staff, and a communal room for residents. An outbuilding would be constructed in the rear garden of No 7 & 8 to provide additional storage space for both buildings and space for occasional meetings.

In reference to the supplementary report circulated in advance of the meeting, the Planning Team Leader North drew members' attention to the following points:

- The receipt of a petition (containing 33 signatures) objecting to the scheme from residents of Elmwood Crescent and Stag Lane who felt their objections had not been adequately addressed in the report and were therefore requesting deferral of any decision to allow further discussions with officers. These concerns had been supported by a local ward councillor. The Committee advised they were not minded to support deferral on the basis that it was not felt appropriate to consult on the committee report itself.
- The receipt of an additional objection from an objector who had already commented on the application concerning the identified need for the development within the borough; why the development was not felt to represent an over intensification of the site (given refusal of a previous application); compliance with London Plan policies and of the proposed conditions with National Planning Policy Framework requirements; clarity over proposed use of the Community Infrastructure Levy funds from the proposal; space standards & quality of accommodation and fire safety.

The Committee was advised that as a result of the comments raised an amendment had been proposed to the wording of Condition 4 in order to clarify restrictions on the number of persons residing within the premises at any one time and Condition 7 in order to clarify the relevant Building Regulations that would apply. Having considered and addressed each of the issues raised within the

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supplemental report the recommendation remained to approve the application subject to the conditions (as amended) within the committee report.

Alex Litvin (objector) was then invited to address the Committee (as an online participant) in relation to the application who raised a number of concerns including:

- The over intensification of use on the site in seeking to extend the existing mental health rehabilitation facility from 11 to a total of 20 people.
- The severe negative impact and imbalance which the over-concentration of people being cared for in the facility would have on the character of the local residential area and also quality of rehabilitation in the extended care home.
- The reasons for the previous refusal of a similar application relating to the site, with the concerns relating to overconcentration and intensification still felt to be relevant in terms of planning policy and law and concern raised at what was regarded as limited reference within the committee report to articles breached by the proposed development such as GG1 of London Plan 21 aimed at protecting local communities.
- Concerns raised in relation to the proposed room size within the development, on the basis that the proposed 25m (square) was significantly smaller than the national guideline minimum.
- Reference to the in principle nature of support provided for the development by Adult Social Care within the committee report and damaging nature which local residents felt the scheme would have on the surrounding area and local community.

In response to questions from members, Alex Litvin made the following points:

- Residents concerns regarding the negative impact which the over-concentration of people being cared for in the facility would have on the local residential community had been based on the personal experience of noise and other nuisance created by residents in the existing facility.

Wojciech Poza (objector) was then invited to address the Committee (as an in person participant) in relation to the application who raised a number of concerns including:

- The overbearing nature of the development including overlooking, loss of light and privacy given the proximity of the boundaries to neighbouring properties on Stag Lane and in Elmwood Crescent.
- The over intensification of use of the site and detrimental effect it was felt this would create for the local community given levels of noise and nuisance already being experienced linked to residents at the current care facility.

In response to questions from members, Wojciech Poza made the following points:

- Whilst not having complained direct to the police or Council regarding the behaviour of some residents at the existing care facility and its impact on local residents, concerns had been raised with the facility manager. Although residents had recognised the role of the existing facility in providing care and

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rehabilitation for mental health service users it was felt the additional development as proposed represented an over intensification of use in the local area and would be too much to absorb within the local community.

Mostak Ahmed, the applicants representative, then addressed the Committee on several matters including:

- That whilst understanding the concern expressed by local residents an assurance was provided that the applicant had extensive experience of setting up and operating a number of similar schemes and working with neighbouring residents to address concerns around their client group and specific conditions.
- That the service operated at 7-8 Elmwood Crescent had been launched in 2015 and was now well established in the neighbourhood with very few issues or concerns being raised.
- The scheme would be staffed at all times which would assist in mitigating any perceived risks highlighted by local residents. It was stated that people with mental health issues often posed more risk to themselves than to others, with further assurance provided that those coming into the service were well established in the system meaning detailed background information was available to assist in supporting them to live with their condition.
- The key role played by residential neighbourhood community care facilities as part of the rehabilitation process for those suffering with mental health issues in terms of assisting to keep people in borough and close to support networks.
- The support expressed by Brent Adult Social Care and Mental Health service towards the application.
- That in order to further address concerns expressed by local residents regarding the impact of the development the applicant, as part of their management plan, would also be willing to provide a direct medium of communication for local people to raise any issues of concern.

In response to questions from members, Mostak Ahmed made the following points:

- The applicant had extensive experience of operating similar step down care schemes as an established provider of accommodation and care for mental health service users both in Brent and across London with a strong record of success in terms supporting 70-80% of their clients to transition from residential care back to independent living usually within a maximum timeframe of 4 years.
- Whilst not subject to CQC inspection as a regulated activity, the service would be subject to inspection and monitoring by Brent's Adult Social Care service for quality assurance purposes as a commissioned provider of Mental Health rehabilitation services.
- The standard and size of residential accommodation proposed would be comparable to that of the adjoining facility and met the standards commonly provided for this type of supported accommodation and had been designed to ensure the scheme remained viable given the inclusion of internal communal space, external amenity space and staff facilities.

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- The establishment of a direct communication and complaints process for local residents to raise concerns regarding the operation or nuisance being caused by residents at the adjoining facility (7-8 Elmwood Crescent) involving the site manager. The applicant was only aware of two complaints received in relation to the adjoining site and remained keen to foster good relationships with the local community.
- In terms of over intensification of use, the applicant highlighted the difficulty in being able to identify viable sites and lack of current provision of mental health placements within the borough. Members were reminded that the placements would not be permanent with the scheme designed to support the transition of clients back in to independent living.

In the ensuing discussion, members raised a number of issues including over intensification, flood risk and drainage, design, scale and appearance and relationship with adjoining properties, transport, traffic and parking impact. Officers then clarified a number of key points including:

- Given the proposed facility would be operated in conjunction with the existing C2 facility at 7-8 Elmwood Crescent and by the same operator as a means of providing step down care with the inclusion of office space, non self-contained residential accommodation designed to meet an identified need and communal facilities it was considered to be an appropriate use within a residential area that could be classified as a residential institution within Use Class C2 rather than within Use Class C3.
- Brent Adult Social Care had supported the application, highlighting the lack of provision of mental health placements in the borough with the additional provision extending capacity to place Brent service users within the borough and nomination rights secured within the recommended planning conditions. It was therefore considered that the proposal met an identified Brent need for a care home facility in accordance with policy DMP20 of Brent's Development Management Policies 2016 and policy BH7 of Brent's Draft Local Plan 2020. Members noted that neither policy included restrictions on over concentration of care home facilities within a local area with the emerging policy only applying this to Houses in Multiple Occupation.
- The increased occupation of the site would be acceptable in scale and would reflect Brent's emerging policy on the redevelopment of small sites, with the loss of a family sized dwelling to be compensated by the provision of non-self-contained housing to meet an identified Brent need.
- Brent's Adult Social Care team had confirmed that the quality, standard size and layout of accommodation space proposed was typical of supported living units and would be adequate for the needs of the client group proposed. As the scheme related to a care facility providing non self-contained accommodation falling within Use Class C2 bed space standards within the London Plan and National Technical Space Standards would not apply.
- The site was not in or located near any areas of flood risk and had not been assessed as materially impacting on drainage conditions in the area.
- The proposed building would be in keeping with the scale of surrounding properties with its height and siting within the plot retaining the main characteristics of the existing dwelling. The combined frontage would also be subject to new hard and soft landscaping works to contribute to the visual amenity of the area. In terms of impact on light and outlook, overlooking and

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privacy, the proposed building was felt to have an acceptable relationship with neighbouring properties in accordance with Brent's Design Guide SPD1. Whilst the communal room would contain two side facing windows at ground floor level a condition had been included to require these to be obscure glazed and non-opening to prevent any over-looking.

- In terms of parking and transport the scheme would provide three parking spaces on site, exceeding Brent's parking standards for the two buildings and so would provide additional parking for any visiting health or social care professionals. Whilst account had been taken of the low accessibility to public transport the site was located within close proximity of local shops and services to meet the needs of the proposed residents and would also improve access arrangements and provide adequate cycle parking and bin storage. The proposal, subject to the relevant recommended conditions was therefore felt to be acceptable in terms of transportation considerations.
- Brent's Adult Social Care team had confirmed that the eligibility criteria for the scheme would be adults with a mental health diagnosis assessed as able to live in the community and not designed to operate as a dual diagnosis service catering for residents who also had drug or alcohol addiction. The care and support provider would be expected to consider known and presenting behaviours and their possible impacts on the local community as part of any pre admission assessment process with a robust management plan also to be secured via conditions to minimise risk of incidents causing nuisance and ensure effective management of the scheme.

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 recommendations.

DECISION: Granted planning permission subject to the conditions (as amended below) and informatives set out in the report and supplementary agenda:

Condition 4 – to be updated to read as follows: That no more than 9 persons shall reside within the premises at any one time.

Condition 7 – to be updated to read as follows: The development shall be designed and constructed so as to limit the internal consumption of water to 105 litres or less per head per day, in line with part G, regulation 36 of the Building Regulations.

(Voting on the recommendation was as follows: For 6)

5. 20/1335 - Oman Court, Oman Avenue, London, NW2 6AY

PROPOSAL:

Redevelopment of part of rear parking to Oman Court to build 2 x two-bed residential duplexes with gardens

RECOMMENDATION:

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- (a) That the Committee resolve to grant planning permission subject to conditions and informatives as set out in the report, as well as securing a unilateral undertaking from the applicant.
- (b) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out in the report.
- (c) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Sarah Dille, Planning Officer South Team, introduced the report, set out the key issues and answered members' questions. In introducing the report members were advised that the application proposed two new dwellings to be located on the northern side of the existing car park to the rear of Oman Court. The dwellings would be part single, part two storey and would incorporate a front garden and parking space for each new dwelling. The proposal also includes the laying of block paving across a larger proportion of the car park.

Whilst no written supplementary update report had been provided the Committee were advised of the following clarifications and amendments to the original committee report:

- Within the summary of key issues section, reference had been made to the loss of seven parking spaces as a result of the development. However, as assessed within the main body of the report, clarification was provided that the proposed development would result in the loss of ten existing parking spaces.
- Reference had been made in Paragraph 47 of the Committee Report, that the agent had given the residents the opportunity to apply for parking permits and that this would attract a cost. The agent had subsequently clarified that the detailed terms and cost were not given to residents but rather residents were advised they could apply to the freeholder for a space.
- A change to condition 10, with it now recommended that the proposed parking spaces be included within the condition to ensure they were provided and made available prior to occupation. It was also recommended that the condition require the proposed spaces for the new dwelling to remain ancillary to the development.

David Connolly (objector) was then invited to address the Committee (as an online participant) in relation to the application who raised a number of concerns including:

- Local residents felt the application had been based on a serious breach of planning control relating to proximity to gardens and buildings.

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- In terms of the original breach (relating to application 10/2012- Oman Court Penthouses) residents had raised concerns relating to the impact of the development on parking although the Committee had been advised that 23 parking spaces had been proposed (as existing) within the retained parking court. However, a number of the existing lessees had subsequently been advised to remove their vehicles and not been invited back into the car park meaning the 23 car parking spaces were not retained as existing. This had been reported as a breach to the Council's Planning Enforcement Team and was also been subject to a formal complaint.
- Whilst noting the clarification provided by the Planning Officer, regarding the contact between the agent and residents in relation to parking spaces residents remained concerned about the discretion being exercised by the block management company in dealing with applications for parking spaces along with the cost being charged, which it was felt should reflect the cost of on-street parking.
- The proximity and overshadowing of the development to adjoining properties and gardens in Oman Court and Olive Road with the development felt to fall short of the required guidelines.
- The difficulties experienced by lessees in ensuring the applicant adhered to conditions and specifications as part of previous planning consent granted.
- The adverse impact the proposed development would have on residents in relation to amenity and overcrowding as a result of previous developments in relation to the Oman Court side extension and penthouse and Chronicle Height flats.

As the Committee had no questions for David Connolly the applicants agent, Dave Carroll, was then invited to address the Committee highlighting several matters including:

- The work undertaken to secure a design that has been carefully sculpted and a building carefully positioned to ensure that it delivered what the Council's planning officer had described as 'a good quality design that adequately respects the character and appearance of the surroundings'.
- The proposed development had complied with London Plan Housing standards and although the external amenity space was 3m (square) smaller than Brent's standards, this was considered sufficient to satisfy the needs of future residents (noting also the presence of Gladstone Park in the area).
- In respect of car parking, whilst off-street car parking spaces would be lost that would leave five unassigned spaces within the parking court which the applicant had advised they would (if necessary secured via condition in relation to a car parking management plan) be prepared to rent to residents at a rate equivalent to those in the CPZ with sufficient additional on-street parking capacity also available.
- The replacement trees proposed had been deemed as acceptable by the Council alongside the proposed green roof.
- It was felt that the proposed development would not result in adverse harm to the amenity of nearby residents and their gardens.

In response to questions from members, Dave Carroll made the following points:

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- In terms of further greening of the proposed development, whilst the development would include the removal of three trees these would be replaced with a green roof also proposed to the flat roof and hedging to the boundaries of the front gardens. It was considered this would result in a more green visual appearance.

In the ensuing discussion, members raised several issues including the character and appearance of the development along with its impact in terms of distance and overlooking on neighbouring amenity, parking and bin storage access. Officers then clarified a number of key points including:

- The proposal was considered to be a good quality design that adequately respected the character of its surroundings and would have appropriate relationship with the surrounding buildings and street scene.
- The development had been assessed against loss of light, outlook and sense of enclosure on all neighbouring properties and was considered to comply with the relevant guidance contained in SPD1 and not result in adverse harm to the residential amenity of any nearby properties or their gardens.
- As refuse vehicles would be unable to access the site it was proposed that residents within the proposed development would place their bins in the communal bin storage area at the western end of Oman Court on collection days. Concerns expressed regarding the location and distance to the communal bin storage area could be addressed by inclusion of an additional condition requiring the submission and approval of revised bin storage details relating to collection distance.
- In relation to the issues highlighted on parking, officers considered (on the basis of the parking survey undertaken and reviewed by Brent Transport Team) that sufficient parking was available on and off-street to meet likely future demand. Whilst issues relating to the cost of parking could not be secured via planning condition, members were advised it would be possible for the Committee to request that an undertaking be obtained relating to parking costs as a means of addressing the concerns expressed.
- Whilst confirming that a case was ongoing in relation to a breach of a previous planning consent relating to the site, officers confirmed that this would not impact on the ability of the Committee to determine the current application, which it was noted would need to be considered on its current planning considerations and merit. The inclusion of an additional informative was also recommended relating to the wider sites previous permission(s), which would advise the applicant to vary all condition/plans amended as a result of this application.

With no further issues raised and having established that all member had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

DECISION: Granted planning permission subject to the prior completion of a legal agreement, the conditions (as amended below) and informatives as set out in the report:

Condition 10 – to be amended to include the proposed parking spaces in order ensure they are provided and made available prior to occupation. The condition to

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also require that the proposed spaces for the new dwelling remain ancillary to the development.

The inclusion of an additional Condition to require the submission and approval of revised bin storage details relating to collection distance

In addition it was **RESOLVED:**

- (1) that in advance of the planning permission being issued a unilateral undertaking should be obtained relating to parking cost.
- (2) An informative be included relating to the wider sites previous permission(s), the informative would advise the applicant to vary all condition/plans which would be amended as a result of this application.

(Voting on the recommendation was as follows: For 6)

6. Any Other Urgent Business

None

The Committee noted that, following consultation with the Chair, the date for the December meeting had been brought forward from Wednesday 22 to Wednesday 15 December 2021 with a 6pm start time.

The meeting closed at 7.50pm

COUNCILLOR KELCHER
Chair

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

24 November, 2021
03
21/2989

SITE INFORMATION

RECEIVED	2 August, 2021
WARD	Tokynghon
PLANNING AREA	Brent Connects Wembley
LOCATION	Euro House, Fulton Road, Wembley, HA9 0TF
PROPOSAL	<p>Demolition and redevelopment of the site to provide erection of five buildings ranging from ground plus 14 to 23 storeys; comprising up to 759 residential units, retail floorspace and workspace / storage floorspace, private and communal amenity space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works</p> <p>APPLICATION SUBJECT TO AN ENVIRONMENTAL STATEMENT</p>
PLAN NO'S	Refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_156417</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "21/2989" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
 - A. Any direction by the London Mayor pursuant to the Mayor of London Order
 - B. Any direction by the Secretary of State pursuant to the Consultation Direction
 - C. 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) Provision of 218 affordable housing units, comprised of:
 - 80 units for affordable rent (at London Affordable Rent levels, in accordance with the Mayor of London's Affordable Housing Programme 2016-2021 Funding Guidance (dated November 2016) and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights on first lets and 75% nomination rights on subsequent lets for the Council)
 - 62 units for affordable rent (at no more than 65% of open market rents, inclusive of service charges, and capped at Local Housing Allowance rates), disposed on a freehold / minimum 125 year leasehold to a Registered Provider and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights for the Council on initial lets and 75% nomination rights for the Council on subsequent lets)
 - 76 units for Shared Ownership (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that target a gross household income of up to £90,000 per annum, where net annual household income should not exceed 70% of gross income, and where total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider
 - In the event that the development does not commence within 24 months, an appropriate early stage review mechanism against the agreed base appraisal, assessing actual residential sales values, to secure an on-site provision of affordable housing that complies more closely with Brent's policy target affordable housing tenure split, with any additional surplus providing additional on-site affordable housing, as per an agreed formula to capture uplift in value (as demonstrated achievable through financial viability assessments).
 - In the event that construction on all 5 blocks does not commence within 25 months of commencement of the development, an appropriate middle stage review mechanism against the agreed base appraisal, assessing actual residential sales values, to secure an on-site provision of affordable housing that complies more closely with Brent's policy target affordable housing tenure split, with any additional surplus providing additional on-site affordable housing, as per an agreed formula to capture uplift in value (as demonstrated achievable through financial viability assessments).
 - An appropriate late stage review mechanism against the agreed base appraisal, assessing actual residential sales values, and securing any additional deferred affordable housing obligations as per an agreed formula to capture uplift in value (as demonstrated through financial viability assessments) within a commuted sum to be paid to the Council towards the provision and enablement of off-site affordable housing.
 - (d) Employment and Training obligations, comprised of:
 - 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;
 - 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;
 - a commitment to deliver the employment targets set out in the attached document;
 - a commitment to attend regular progress meetings with the Council to review progress of the

initiatives;

- specific commitments in respect to employment opportunities in relation to operational phases;
- where it is not possible to achieve employment targets in line with the approved Employment and Training Plan, a commitment to pay the financial contributions which are calculated as follows:
- 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)
- 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)

(e) S38/S278 highway works under the Highways act 1980 to provide:

- Construction of a footway loading bay within the eastern footway of Fulton Road fronting the site measuring 18m x 3.5m with the construction and adoption of a 2m wide footway to the rear;
- Widening of the public highway in the southwestern corner of the site to increase the width of the footway by up to 1.5m at the junction of Fifth Way and Fulton Road;
- Construction of speed tables across the bellmouth of Fulton Road and across Fulton Road adjacent to the northwestern corner of the site together with the installation of tactile paving;
- Construction of three speed cushions within Fifth Way and within First Way to either side of the junction with Fulton Road;
- Construction of a new site access junction from Fifth Way at the eastern end of the site with kerb radii not exceeding 6m and with tactile paving, incorporating the recommendations from the submitted Stage 1 Road Safety Audit, including enhanced signing to ensure that drivers do not mistake the road through the site for a two-way road and a reduction to the kerb radius of the junction on its western side to no more than 6 metres
- Removal of the existing vehicular access to the site from Fulton Road and reinstatement to footway with full height kerbs;
- Resurfacing of the footways of Fifth Way and Fulton Road adjoining the site;

(f) Designation of a new pedestrian and cycle route alongside the Wealdstone Brook as a permissive path for the use of the general public

(g) Parking permit restriction to be applied to all new residential units

(h) Enhanced travel plan to be submitted, implemented and monitored including:

- A commitment to fund subsidised membership of the Car Club for three years for all new residents
- The provision of a car club vehicle on or close to the site from the first occupation until at least 3 years after final occupation of development

(i) Financial contribution towards improving local bus capacity, paid to TfL (£408,167)

(j) Financial contribution towards a year-round local Controlled Parking Zone (£50,000)

(k) Financial contribution towards the provision of a bus shelter along Fifth Way, paid to TfL (£TBC)

(l) Commitment to net zero carbon with a minimum of 35% carbon reduction on site for both residential and commercial, with any shortfall to be secured via a financial contribution towards carbon offsetting.

(m) Commitment to 'Be Seen' monitoring in respect of carbon emissions

(n) Detailed submission of Television and Radio Reception Impact and underwriting of all mitigation required in addressing any interference

(o) Indexation of contributions in line with inflation

(p) Any other planning obligation(s) considered necessary by the Head of Planning.

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

Compliance

1. Time Limit for commencement (3 years)
2. Approved drawings/documents
3. Number of residential units secured
4. Non-residential use classes restriction (2,704sqm @ E(g)(ii), E(g)(iii) & B8 / 391sqm @ E(a), E(b) & E(c))
5. Wheelchair Accessible Units to be secured
6. A communal satellite/aerial to be provided so as to prevent multiple satellite dishes
7. Removal of C4 permitted development rights for the flats
8. Water consumption to be limited in line with policy
9. Non-road Mobile Machinery to be restricted
10. Blue badge parking spaces, cycle stores, visitor cycle stands and bin stores laid out prior to occupation
11. Cycle stores and refuse stores to be laid out prior to occupation of each phase
12. Obscure glazing for certain windows to be secured
13. Electric Vehicle Charging Points to be secured
14. Drawing showing future connection to District Heating Network to be secured
15. Tree protection measures to be secured
16. Flood Risk Assessment and Drainage strategy measures to be secured
17. Ecological mitigation measures to be secured
18. Noise and Vibration impact assessment mitigation measures to be secured
19. Car park management plan to be secured

Submission (Pre-commencement)

20. Phasing plan and CIL chargeable development phasing plan to be submitted
21. Archaeological recording details to be submitted
22. Construction Environmental Method statement to be submitted
23. Construction Ecological Management Plan to be submitted
24. Revised construction logistics plan to be submitted

Submission (Post-commencement)

25. Land contamination and remediation report to be submitted
26. Piling method statement to be submitted
27. Detailed designs of treatments to the doors and vents to the bin stores serving clock E to be submitted
28. All external materials (including samples) to be submitted
29. Management plan for the 'Goods Yard' space to be submitted, outlining measures to ensure no conflict between vehicle servicing and use of the space for public gathering
30. Safety and security measures to ensure an inviting, safe and secure route alongside the brook after hours to be submitted
31. Plan showing microclimate mitigation measures to be submitted, including details of specific communal roof terraces screening

32. Public Safety measures as recommended by the Metropolitan Police to be submitted
33. Full details of landscaping strategy (including green roofs, play spaces, biodiversity enhancements and tree species)
34. Waste management plan or revised plans of bin stores serving blocks A, B and C to achieve suitable circulation space to be submitted
35. Lighting plan, including luminance levels and ecological sensitivity measures, to be submitted

Submission (Pre-occupation)

36. Confirmation of final extent of roof plant
37. Delivery and Servicing Management and associated long term maintenance plan to be submitted
38. Plant noise levels to be submitted before installation

Submission (Post-occupation)

39. Confirmation via BREEAM Post-Assessment that 'Excellent' rating is secured for non-residential parts of the scheme.


Informatives

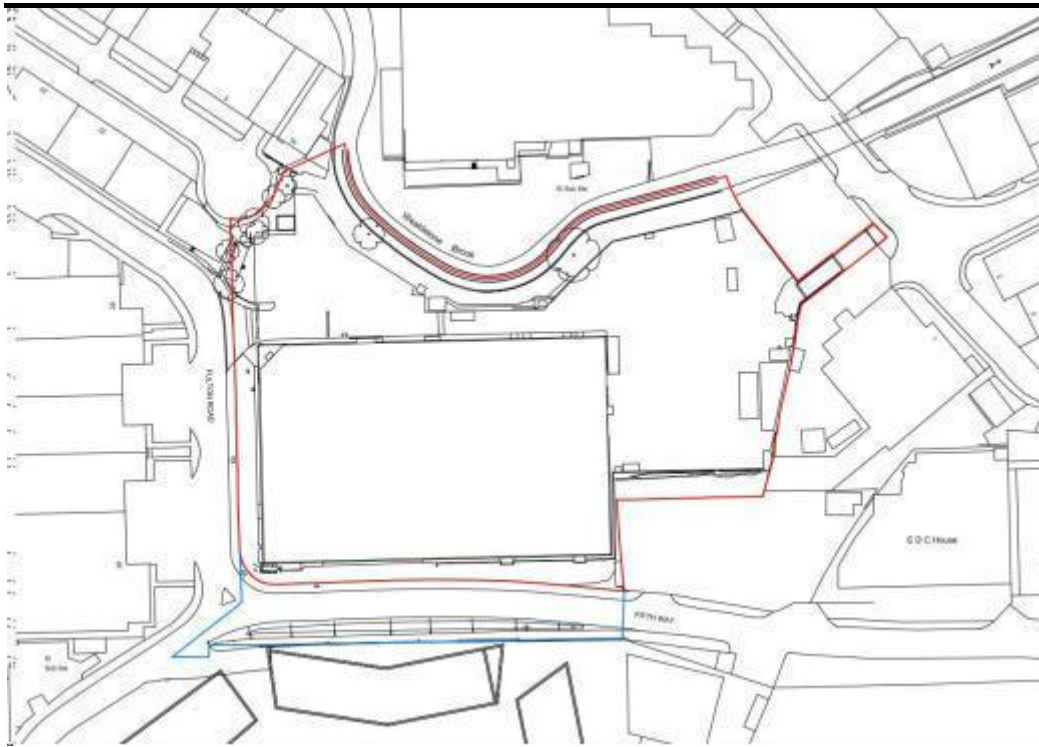
1. CIL liability
2. Party wall information
3. Building near boundary information
4. Affinity Water guidance note
5. Environment Agency guidance note
6. Thames Water guidance note
7. London Living Wage
8. Fire safety advisory note
9. Any other informative(s) considered necessary by the Head of Planning

3. 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

4. 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.

SITE MAP

	Brent	Planning Committee Map
Site address: Euro House, Fulton Road, Wembley, HA9 0TF		
© Crown copyright and database rights 2011 Ordnance Survey 100025260		



This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the mixed use re-development of the site, demolishing the existing two-storey industrial building and replacing it with five new blocks (A-E), ranging from 12 storeys to 24 storeys in height. The five blocks would be physically connected by a podium level which would create a continuous frontage around the edges of the site. Two of the blocks (C & D) would be connected at upper floor levels and would appear as a single building on the skyline, whilst the other three blocks (A, B & E) are connected through the podium layer only and would appear as three separate buildings on the skyline.

A breakdown of existing and proposed floorspace (GIA) across the scheme is provided in the table below:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Residential (Class C3)	0	59,153	+59,153
Storage and Distribution (B8)	5,396	0	-5,396
Retail / Café / Restaurant / Financial and Professional Services (E(a)-(c))	0	391	+391
Workspace / Light Industrial / Storage (E(g)(ii) / E(g)(iii) / B8)	0	2,704	+2,704
Parking and Plant	0	3,856	+3,856
Total	5,396	67,238	+61,842

By comparison, the previously approved scheme at the site (20/2033) proposed the following uses:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Residential (Class C3)	0	47,912	+47,912
Storage/ distribution (Class B8)	5,396	0	-5,396
Light industrial floorspace (Class E(g)(iii))	0	2,787	+2,787
Retail (Class E(a))	0	98	+98
Total	5,396	50,797	+45,401

A total of 759 residential flats would be provided within all five blocks, with a proposed mix of 134 x studio, 242 x 1-bed, 305 x 2-bed and 78 x 3-bed units. 218 affordable homes would be made available within the scheme, with 80 of those being at a London Affordable rent, and all of these being located within Block E. A further 62 units would be provided at Affordable rents (with rents capped at 65% of the market rent and at Local Housing Allowance rates), also located within Block E. The remaining 76 units would be provided as Shared Ownership homes, located across Blocks D and E. All dwellings would meet internal space standards as set out in policy D6 of the London Plan, and would have access to both private and communal amenity space. The homes to be delivered are summarised in the table below.

	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	134	134 (17.7%)
1-bed	15	13	31	182	241 (31.7%)
2-bed	37	24	45	199	305 (40.2%)
3-bed	28	25	0	26	79 (10.4%)
TOTAL	80 (10.5%)	62 (8.2%)	76 (10.0%)	541 (71.3%)	759 (100%)
29% Affordable	(36.7% of Aff)	(28.4% of Aff)	(34.9% of Aff)		

** Affordable rents secured with a cap at the lower of (a) 65% of the open market rent and (b) the Local Housing Allowance. This is significantly more affordable than the base definition of the product, which caps rents at up to 80% of the open market rent.*

A total of 2,704sqm of replacement light industrial floorspace (Class E(g)(ii)(iii) and B8), in the form of industrial workspaces, would be provided across two large units, a smaller unit at the base of blocks B and D, and a larger unit at the base of blocks C and E. The remaining commercial floorspace comprises 391sqm of retail units mainly consolidated at the base of block A, on the corner of the new route alongside the Wealdstone Brook and Fulton Road.

The proposals would also involve the provision of cycle and refuse parking, with improved public realm and the enhancement of linkages to Wealdstone Brook to the north of the site. The scheme would involve the creation of a new landscaped podiums between Blocks A, B, C and D, and another between blocks C, D and E, with further communal terraces for residents' use created at the roof level of all the blocks. A total of 25 parking spaces are proposed at ground floor level, exclusively as Blue Badge parking spaces for residential occupiers, predominantly underneath the landscaped podium and accessible from an internal one way service road to be created along the eastern edge of the site.

Amendments since submission

Minor revisions were received in October and November 2021 in response to comments raised by Council officers and the GLA. The revisions were considered minor in nature and not requiring any further public re-consultation. A summary of the revisions are outlined below:

- The addition of a PV array to the roof of the development and the demonstration of a resultant improvement in carbon savings
- Minor alterations to some units (B-0204; E-0211; B-0304 to 1104; and E-0307 to 1107) to achieve better light and outlook to kitchens
- Obscure glazing to some windows between the 2nd and 14th floors of blocks A and B to ensure suitably private relationships between homes

EXISTING

The application site measures approximately 1.29ha site and is located in the Wembley Growth Area, forming part of site allocation W27: Euro Car Parts within the Wembley Area Action Plan (Site allocation BCSA4: Fifth Way/ Euro Car Parts in the emerging Local Plan). It has a roughly rectangular shape and is bound to the north by Wealdstone Brook, to the south by Fifth Way, to the west by Fulton Way, and to the east by adjoining industrial land comprising yard space, car parking and a warehouse. The Site connects to Fourth Way through this industrial land to the east.

The site currently contains a large two-storey, detached warehouse building of approximately 5,396 sqm (GIA), which is in lawful use as Class B8. The building occupies a prominent corner location at the junction of First Way, Fifth Way and Fulton Road in the south and west of the Site. Immediately to the north of the building is a car parking area and in the east of the Site there is a loading/unloading yard, which are ancillary to the warehouse.

Wealdstone Brook forms the site's northern boundary, and is a Grade II designated Site of Importance for Nature Conservation (SINC). There is a level change along Fifth Way to the south roughly equivalent to one storey in height. This results in a circa 2-3m high retaining wall along the southern boundary of the Site. This comprises a narrow, grassed bank which then levels and wraps around the building's western boundary on to Fulton Way.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Whilst no objections have been received, a number of consultees have commented on the proposal and such matters are discussed within the remarks section. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

Consultation: 307 properties were consulted on the proposal. In response, one letter of support was received. A number of consultees also responded, which are addressed within the main remarks section of the report.

Principle of mixed-use redevelopment of the site: The re-development of the site accords with its designation within the Wembley Growth Area and both currently adopted and emerging site allocations within the Local Plan. The scheme includes the provision of 759 new homes and the re-provision of 2,704sqm of industrial floorspace, while representing a reduction in employment floorspace on site, is considered acceptable given the site is a non-designated industrial site, rather than being a designated LSIS or SIL, and the high number of good quality and affordable homes being provided on site.

Affordable Housing and housing mix: The scheme would provide a total of 218 affordable units (29 % by units and 35% by Habitable room), of which 80 would be low-cost homes provided at a London Affordable Rent. Although this is below both Brent and London Plan threshold targets, it has been demonstrated by a financial viability appraisal to exceed the maximum amount of affordable housing which can viably be provided on site, and therefore is policy compliant. The proposal includes 10.4% of three bedroom units which is below the target of 25% as set out in CP2 and emerging policy BH6. However, this is considered acceptable when weighing the benefit associated with the provision of Affordable homes, given the negative effect on scheme viability associated with the provision of higher proportions of family sized homes.

Design, layout and height: The proposed buildings would range from 12 to 24 storeys high, which is considered to be in keeping with the heights of buildings in the surrounding Wembley Park Masterplan area, while ensuring that strategic views of the Wembley Stadium Arch would be preserved. The building utilises good architecture with quality detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development. The proposals would also contribute to the wider enhancement and improved linkages of this part of the Wealdstone Brook, which is a significant benefit of the scheme.

Quality of the resulting residential accommodation: The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light. The amount of external private/communal space is below standards, but would include high quality external communal terraces which would significantly improve the enjoyment of the site for future occupiers. This is considered acceptable for a high density scheme.

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.

Highways and transportation: The alterations to the public highway as required in the S106 would be acceptable, considering the needs of pedestrians, cyclists and motorists. The highway works will include: (i) construction of a footway loading bay within the eastern footway of Fulton Road fronting the site measuring 18m x 3.5m with the construction and adoption of a 2m wide footway to the rear; (ii) Widening of the public highway in the southwestern corner of the site to increase the width of the footway by up to 1.5m at the junction of Fifth Way and Fulton Road; (iii) Construction of speed tables across the bellmouth of Fulton Road and across Fulton Road adjacent to the northwestern corner of the site together with the installation of tactile paving; (iv) Construction of three speed cushions within Fifth Way and within First Way to either side of the junction with Fulton Road; (v) Construction of a new site access junction from Fifth Way at the eastern end of the site with kerb radii not exceeding 6m and with tactile paving, incorporating the recommendations from the submitted Stage 1 Road Safety Audit, including enhanced signing to ensure that drivers do not mistake the road through the site for a two-way road and a reduction to the kerb radius of the junction on its western side to no more than 6 metres; (vi) Removal of the existing vehicular access to the site from Fulton Road and reinstatement to footway with full height kerbs; (vii) Resurfacing of the footways of Fifth Way and Fulton Road adjoining the site. A financial contribution of £50,000 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. A financial contribution (£408,167) for bus service enhancements in the area, as required by TfL, will also be secured together with a financial contribution towards the provision of a bus shelter along Fifth Way.

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.

MONITORING

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

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Dwelling houses				63009	63009
Either B1, B2 and / or B8				2704	2704
Shops				391	391
Storage and distribution	5396		5396		

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Affordable Rent Flat)										
EXISTING (Flats û Intermediate)										
EXISTING (Flats û Market)										
PROPOSED (Affordable Rent Flat)	28	61	53							
PROPOSED (Flats û Intermediate)	31	45	0							
PROPOSED (Flats û Market)	316	199	26							

RELEVANT SITE HISTORY

Planning permission was initially granted in June 1985 for the erection of an industrial unit with ancillary offices and provision of parking, currently in place on the site (ref. 85/0575). Planning permission was then granted in May 1992 for the change of use of the building from general industry (B2) to general industry (B2) and storage and distribution (B8), remaining as the lawful use of the property as it currently stands.

In December 2020, the Planning Committee resolved to grant planning permission for the demolition of the industrial unit and the site's redevelopment to provide new buildings ranging between 11 and 21 storeys with basement levels; all for a mix of uses comprising 493 residential units, retail (Use Class A1) and industrial floorspace (Use Class B1(c); provision of private and communal space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works (ref: 20/2033).

The subject planning application (received July 2021) seeks permission for an alternative redevelopment of the site, with a greater number of residential units and additional commercial floorspace compared with the scheme which received a resolution to grant consent by the Planning Committee in 2020.

CONSULTATIONS

Public Consultation

A total of 307 addresses were consulted on the application by letter on 17/08/2021.

A Press Notice was published on 19/08/2021.

Site Notices were displayed on 18/10/2021

One letter of support was received on the following grounds:

- the site is in an area where regeneration should be prioritised
- the proposal commits to sustainable design

No further representations were received.

Statutory/ External Consultees

Greater London Authority and Transport for London (Stage 1 response):

The GLA/TfL have commented on a number of strategic issues raised by the scheme, which are summarised as follows:

Principle of development: Redevelopment of this brownfield site in the Wembley Opportunity Area to provide residential and intensified industrial uses is acceptable in accordance with London Plan Policies SD1, H1, E2, E4, and E7.

Housing and Affordable Housing: The 35% affordable housing offer would not meet the 50% threshold and would therefore need to be considered under the Viability Tested Route. Accordingly, viability information will be scrutinised by GLA officers to ensure the maximum reasonable is provided. The agreed affordable housing provision should be secured in the s106 along with Early and Late Stage Reviews.

Urban design and Heritage: The proposal shows signs of over development. The applicant should also confirm design measures proposed to ensure that the residential units would enjoy high levels of residential amenity without compromising industrial functions on site and in the vicinity in line with Policy D13. The proposal would result in no harm and less than substantial harm to heritage assets.

Transport: A contribution of £408,167 towards bus service improvements and a separate contribution towards the provision of a bus shelter in Fifth Way are required. Highway improvements should be secured through a Section 278 agreement. Future residents must be prevented from obtaining CPZ permits through the S106 agreement. A Parking Management Plan, EVCPs, Travel Plan, DSP and CLP should all be secured.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

Affinity Water

No objections. Guidance offered to applicant to be communicated by way of informative.

Environment Agency

No objections subject to informative requiring the applicant to obtain a flood risk activity permit if/ where necessary.

Health and Safety Executive

No objections but comments made in relation to mechanical smoke ventilator system, fire main inlets, fire assembly points and fire hydrants.

Historic England

Raised no objections and did not wish to comment.

Thames Water

No objection subject to a condition requiring a piling method statement to be submitted given the location of the development within 15 metres of a strategic sewer, and informatives relating to measures undertaken to minimise groundwater discharges into the public sewer.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

Internal consultation

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.

Energy and Sustainability

Considered that the energy strategy is broadly in line with the latest guidance within the London Plan. Some further points of clarification sought which will be addressed as part of a Stage 2 referral alongside the GLA's concerns.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

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 application was publicised by the delivery of 6,490 leaflets to residents and businesses in the local vicinity, as well as personalised letters being sent to Ward councillors, and other key local community stakeholder groups. A dedicated e-mail address and phone line were established to supply further information to interested parties. All of the stakeholders were invited to attend one of three public virtual presentation and Q&A / webinar of the scheme. The webinars took place through online video conferencing software Zoom on the 12th, 13th and 15th May 2021.

A total of 22 local stakeholders attended the webinars, whilst 57 feedback responses were received from the consultation process overall. The key themes that emerged from the feedback included:

- Need for new affordable housing in Wembley
- Clarity over scale and height of proposals
- Delivery of employment opportunities through new ground floor uses
- Need for the environmental and ecological improvement of the Wealdstone Brook
- The importance of an environmentally sustainable design

Feedback received was generally positive as follows:

- 64% of respondents fully supported the proposals, 10% somewhat supported the proposals, 3% had no strong feelings, 10% did not fully support the proposals whilst 13% were fully against supporting the proposals
- 64% of respondents supported the homes and affordable homes proposed, 20% were unsure and 20% did not support this;
- 72% supported the design of the development, 14% were unsure and 14% did not support the design
- 69% supported new retail and employment generating uses, 12% were unsure whilst 19% were against this
- 83% of respondents supported the creation of the new public route alongside the Wealdstone Brook, 11% were unsure and 6% were against this
- When asked where one would like local infrastructure spending prioritised, the most popular answers were as follows (in descending order): Healthcare infrastructure, public transport infrastructure, education funding, public realm improvements, ecological improvements.

These consultation events 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 lack of a physical exhibition is understood and accepted given the ongoing covid-19 restrictions that have been in place nationally until relatively recently.

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 2021, Brent Core Strategy 2010, Brent Development Management Policies 2016 and the Wembley Area Action Plan 2015.

Key policies include:

Regional

London Plan 2021

SD1: Opportunity Areas
 D3: Optimising site capacity through the design-led approach
 D4: Delivering good design
 D5: Inclusive Design
 D6: Housing quality and standards
 D7: Accessible Housing
 D8: Public realm
 D9: Tall buildings
 D10: Basement development
 D11: Safety, security and resilience to emergency
 D12: Fire safety
 D13: Agent of Change
 E4: Land for industry, logistics and services to support London's economic function
 E7: Industrial intensification, co-location and substitution
 H1: Increasing housing supply
 H4: Delivering affordable housing
 H5: Threshold approach to applications
 H6: Affordable housing tenure
 H7: Monitoring of affordable housing
 HC1: Heritage conservation and growth
 HC3: Strategic and Local Views
 G1: Green infrastructure
 G4: Open space
 G5: Urban greening
 G6: Biodiversity and access to nature
 S4: Play and informal recreation
 SI1: Improving air quality
 SI2: Minimising greenhouse gas emissions
 SI3: Energy infrastructure
 SI4: Managing heat risk
 SI5: Water infrastructure
 SI7: Reducing waste and supporting the circular economy.
 SI13: Sustainable drainage
 T1: Strategic approach to transport
 T2: Healthy Streets
 T4: Assessing and mitigating transport impacts
 T5: Cycling
 T6: Car Parking
 T6.1 Residential parking
 T7: Deliveries, servicing and construction
 T9: Funding transport infrastructure through planning

Local

Brent Core Strategy (2010)

CP 1 - Spatial Development Strategy
 CP 2 - Population and Housing Growth
 CP 7 - Wembley Growth Area
 CP 19 - Brent Strategic Climate Change Mitigation and Adaptation Measures
 CP 21 - A Balanced Housing Stock

Brent Development Management Policies (2016)

DMP 1 - General Development Management Policy
 DMP 7 - Brent's Heritage Assets
 DMP 8 - Open Space
 DMP 9 - Waterside Development
 DMP 9a - Managing Flood Risk
 DMP 9b - On Site Water Management and Surface Water Attenuation
 DMP 13 - Movement of Goods and Materials
 DMP 14 – Employment Sites
 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 24 – New Retail Development
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
WEM 40 – River Brent and Wealdstone Brook
Site W 27 – Euro Car Parts

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

Emerging Policy

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which took place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

Relevant policies include:

General:

DMP1 – Development Management General Policy

Place:

BP1 – Central
BCGA1 – Wembley Growth Area
BCSA4 – Fifth Way/ Euro Car Parts

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

BE3 – Local Employment Sites and Work-Live

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

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

BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2021)

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

Mayor's 'Be Seen' energy monitoring guidance (September 2021)

SPD1 Brent Design Guide 2018

Basement SPD 2017

DETAILED CONSIDERATIONS

Environmental Impact Assessment

1. The application is accompanied by an Environmental Statement (ES). The Council's Scoping Opinion, issued on 28th April 2021, reflected consultation with statutory consultees as identified in the EIA Regulations 2018, and identified the following topics for consideration as part of the ES:

Topic	Addressed in report paragraphs
Air Quality	Paras. 255-257
Archaeology/ Built Heritage	Paras. 80-94
Climate Change	Paras. 267-283 (Sustainability and energy section)
Daylight, Sunlight, Overshadowing	Paras. 101-140
Health; Noise and Vibration	Paras. 258-266
Socio-Economics	Para. 319
Townscape and Visual Impact Assessment	Paras. 42-79
Traffic and Transport	Paras. 207-254
Wind Microclimate	Paras. 297

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2. The previous application (20/2033), in addition to the above, identified 'Ecology and Biodiversity' & 'Water Resources, Flood Risk and Drainage' as topics within EIA scope. These topics were not identified as being within EIA scope for this application and have been addressed by the applicants through separate reports outside of the Environmental Statement.

Principle of development

Residential-led redevelopment and loss of industrial floorspace

3. Policy GG2 of the London Plan identifies the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent's Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the current London Plan includes a minimum annual monitoring target for Brent at 2,325 additional homes per year until 2029. Emerging local plan policy BH1 reflects this target.
4. Within local policy, Brent Policy CP8 sets out a target of at least 11,500 new homes being delivered in the Wembley Growth Area between 2010 and 2026, however since the Core Strategy was adopted in 2010, this target has been significantly increased to more than 15,000 homes across the same growth area within the emerging Local Plan (policy BP1). Whilst the development meets the requirements of Core Strategy policy CP2 in principle, the need for housing has increased significantly since the adoption of this policy in 2010 and these increasing targets necessitate a greater delivery of homes within Brent than is anticipated in adopted policy.
5. Policy DMP14 (and BE3 in the emerging Local Plan) provides protection for local employment sites (referred to as Non-Designated Industrial Land within the London Plan), setting out specific criteria for their release, and seeks to limit the loss of industrial land to approximately 11.5ha within the plan period. However, this excess capacity was subsequently met and if all consents / proposals were implemented, the resultant loss of industrial land would exceed the policy target before the end of the plan period and any further loss of industrial floorspace would reduce Brent's industrial land supply and would be inconsistent with Policy DMP14.
6. London Plan Policy E7(c) sets out an approach on non-designated industrial sites to support mixed use or residential development where it has been allocated in an adopted local Development Plan Document for residential or mixed use development.
7. The site is part of a specifically allocated site by the Council for mixed use development in both the adopted 2015 Wembley Area Action Plan (Site W27, with an indicative capacity of 360 residential units) and site allocation BCSA4 in the emerging Local Plan (with an increased indicative capacity of 450 residential units). Brent's emerging site specific allocation suggests an appropriate focus for the site being on the delivery of homes and industrial floor space. The site allocation brief states: *"Given the identified need within the borough, the council will seek the maximum viable re-provision of industrial floorspace"*.
8. The scheme proposes a total of 759 homes as part of a residential led mixed use scheme. It is acknowledged that the proposal is in excess of the indicative draft site capacity of the whole site allocation (and it is noted that the application site does not include the whole site allocation). However, it should be noted that the site capacities within policies are only indicative and the scheme would deliver a significant number of homes which would make a significant contribution towards identified housing need for both private and affordable homes. The increase in the number of new homes, above the indicative capacity within the allocation is therefore considered to be a benefit of the scheme and supported in principle subject to the consideration of the remainder of the material planning considerations. The London Plan places emphasis on site capacity being optimised through a design-led approach and this is set out in full in policy D3, through a qualitative approach that seeks to confirm suitable development density through the achievement of a proposal that is demonstrably of a high quality and which is well designed.
9. A key priority of the policy context at both local and London levels is to reverse recent trends towards the loss of industrial floorspace across London, and Brent was previously one of a number of boroughs that was expected under the draft new London Plan to provide new industrial capacity. One of the Secretary of State's Directions informing the adopted version of the London Plan was a removal of the requirement

to ensure no net loss of industrial floorspace capacity in so called 'provide capacity' boroughs. This Direction was carried forward into the final version of the London Plan (adopted in March 2021) and the 'no net loss' requirement which formed relevant policy context for the previous application at this site (20/2033) therefore no longer applies. However, a requirement for boroughs to meet their industrial needs remains, which in Brent's case will be to provide additional capacity.

10. The applicants are proposing a total provision of 2,704sqm of employment floor space within the use Classes E(g)(ii)&(iii) (research and development, light industry) and B8 (storage and distribution) in the form of a 1,825sqm flexible workspace across the ground floors of Blocks C and E and an additional 879sqm unit at the ground floor of Block B. An additional 391sqm of commercial floor space would be provided at the ground floor of Block A for retail uses only (E(a) – (c)). The total industrial floor space provision would be 2,704sqm which represents just over 50% of the existing industrial floorspace on the site. This is a very similar but a slightly smaller re-provision compared to that of the previous application, which included 2,787sqm of industrial use space (a 51% re-provision). However, the current scheme proposes more consolidated and highly flexible workspaces which are considered to be a significant improvement on the previous scheme's re-provision and which provide a better relationship to the site frontages. These use classes would be secured by condition.

11. A breakdown of existing and proposed commercial floorspace (GIA) across the scheme is provided in the table below:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Storage and Distribution (B8)	5,396	0	-5,396
Retail / Café / Restaurant / Financial and Professional Services (E(a)-(c))	0	391	+391
Workspace / Light Industrial / Storage (E(g)(ii) / E(g)(iii) / B8)		2,704	+2,704
Total	5,396	3,095	-2,301

12. By comparison, the previously approved scheme at the site (20/2033) proposed the following commercial uses:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Storage/ distribution (B8)	5,396	0	-5,396
Retail (E(a))	0	98	+98
Workspace / Light industrial (E(g)(iii))	0	2,787	+2,787
Total	5,396	2,885	-2,511

13. It is acknowledged that the overall employment and industrial floorspace re-provision represents a reduction on the previous scheme (20/2033) even though the overall commercial floorspace re-provision would be greater, and this results in this scheme being less aligned with policy DMP14 in terms of quantitative replacement. Nonetheless, the composition of the space is such that it would be far more flexible and usable than that of the previous scheme. The applicant's financial viability assessment concludes that the proposal's gross development value is in a deficit and that the scheme is therefore unviable. This has been independently verified by a Council instructed third party and it can therefore be concluded that (unless affordable housing provision were lessened or overall housing provision increased) the scheme provides more than the maximum viable re-provision of industrial floorspace, as required by emerging policy BE3 and site allocation BCSA4.
14. On this topic, the GLA note that, although it does not yet form part of the adopted development plan, it is acknowledged that this site is allocated for residential-led mixed-use development in the emerging local plan; and that despite the net loss of industrial capacity on the site, the principle of intensification of employment floorspace and co-location with residential uses can be considered acceptable in line with London Plan Policy E7.

15. Emerging Local Plan policy BE1 requires that Growth Area developments proposing 3,000sqm or more of employment floorspace should allocate at least 10% of their employment floorspace as affordable workspace. Since this development proposes 2,704sqm of employment floorspace, it falls short of this threshold and policy BE1 need not be applied to this scheme.
16. On the above bases, it is considered that the quantum of employment floorspace proposed would be the optimum deliverable by the scheme.

Affordable housing and unit mix

Adopted affordable housing policy

17. Brent's adopted local policy (CP2 and DMP15) requiring affordable housing requirements for major applications stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing. The policies allow for the reduction in the level of Affordable Housing (below the 50 % target) on economic viability grounds. This is discussed in more detail later in this report.
18. The London Plan policies H4, H5 and H6 establish the threshold approach to applications where a policy compliant tenure mix is proposed*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:
 - 35 % Affordable Housing; or
 - 50 % Affordable Housing on industrial land** or public sector land where there is no portfolio agreement with the Mayor.

** other criteria are also applicable.*

*** industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.*

19. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:
 - A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
 - A minimum of 30% intermediate homes;
 - 40% to be determined by the borough based on identified need.
20. When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of Affordable Rent : Intermediate) and Brent's emerging policies (70:30 ratio of Social Rent / London Affordable Rent : Intermediate) provide clarity on the tenure of the third category (40% to be determined by the borough). This means that this element of Affordable housing mix should be provided as Affordable Rented homes.

Emerging affordable housing policy

21. Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes delivering at least 35% (or 50% on public sector land / industrial land and that propose a policy compliant tenure split) not viability tested at application stage. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.
22. Very substantial weight can be given to BH5 given the advanced stage that the Council is at in implementing its emerging Local Plan.

Affordable housing offer

23. The applicants would provide 35% of the development as affordable housing when measured by habitable room (29% by unit), with a tenure split of 69:31 (affordable rented : shared ownership) by habitable room and 72:28 by unit. The affordable rented homes are split between London Affordable Rented (comprising 39% of the affordable habitable rooms and 37% of the affordable units) and affordable rent capped at 65% of the open market rent and at local housing allowance rates (comprising 31% of the affordable habitable rooms and 28% of the affordable units). The table below sets out a breakdown of these units by type and tenure:

PROPOSED UNITS (21/2989)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	134	134 (17.7%)
1-bed	15	13	31	182	241 (31.7%)
2-bed	37	24	45	199	305 (40.2%)
3-bed	28	25	0	26	79 (10.4%)
TOTAL	80 (10.5%)	62 (8.2%)	76 (10.0%)	541 (71.3%)	759 (100%)
29% Affordable	(36.7% of Aff)	(28.4% of Aff)	(34.9% of Aff)		
Total no. of affordable units: 218					

PREVIOUS UNITS (20/2033)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	0	0 (0.0%)
1-bed	6	0	3	184	193 (39.2%)
2-bed	20	0	12	194	226 (45.8%)
3-bed	54	0	3	17	74 (15.0%)
TOTAL	80 (16.2%)	0 (0%)	18 (3.7%)	395 (80.1%)	493 (100%)
20% Affordable	(81.6% of Aff)	(0% of Aff)	(18.4% of Aff)		
Total no. of affordable units: 98					

* Affordable rents secured with a cap at the lower of (a) 65% of the open market rent and (b) the Local Housing Allowance. This is significantly more affordable than the base definition of the product, which caps rents at up to 80% of the open market rent.

PROPOSED HAB ROOM (21/2989)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	134	134 (7.3%)
1-bed	30	26	62	364	482 (26.1%)
2-bed	111	72	135	597	915 (49.5%)
3-bed	112	100	0	104	316 (17.1%)
TOTAL	253 (13.7%)	198 (10.7%)	197 (10.6%)	1,199 (65.0%)	1,847 (100%)
35% Affordable	(39.0% of Aff)	(30.6% of Aff)	(30.4% of Aff)		
Total no. of affordable habitable rooms: 648					

PREVIOUS HAB ROOM (20/2033)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	0	0 (0%)
1-bed	12	0	6	368	386 (28.4%)
2-bed	60	0	36	582	678 (49.9%)
3-bed	216	0	12	68	296 (21.7%)
TOTAL	288 (21.2%)	0 (0%)	54 (4.0%)	1,018 (74.8%)	1,360 (100%)
25% Affordable	(84.2% of Aff)	(0% of Aff)	(15.8% of Aff)		
Total no. of affordable habitable rooms: 342					

* Affordable rents secured with a cap at the lower of (a) 65% of the open market rent and (b) the Local Housing Allowance. This is significantly more affordable than the base definition of the product, which caps rents at up to 80% of the open market rent.

24. Block E would provide all of the London Affordable Rent, Affordable Rent and 12 of the Shared

Ownership homes, while the 64 remaining shared ownership homes would be provided within Block D, alongside market homes. The scheme's provision of 35% affordable housing when measured by habitable room, and 29% when measured by unit compares with 25% by habitable room and 20% by unit which formed the proposals of the previous scheme. The number of affordable homes has increased from 98 to 218, with the number of London Affordable Rented homes remaining at 80, and the uplift in affordable homes being achieved by the introduction of 62 affordable rented homes and the addition of 58 intermediate homes.

25. The applicant's supporting financial viability assessment indicated that the scheme is substantially unviable, and that the offer therefore represents more than the reasonable amount of affordable housing.
26. The applicants' FVA has been reviewed independently for the Council by BNP Paribas, and while there is disagreement with some of the assumptions made within the submitted FVA, it has been clearly established that the scheme would deliver a significant deficit (approximately -£13.58m). There are considered to be several important factors as to why such a deficit has been found, most notably the fact that the site is a large industrial site in an area with a high demand for industrial floorspace, therefore reflected in a high Existing Use Value for the site, and higher construction costs reflecting the fact that this would be a high density development with more complex and lengthy construction processes.
27. Officers acknowledge that, while the conclusions of the report demonstrate that the maximum reasonable amount of affordable housing would be met, the above offer would fail to meet some of the key requirements of emerging affordable housing policy, namely; the offer does not achieve 70% London Affordable Rented or Social Rented units, as required by emerging Brent policy BH5.
28. Officers therefore requested further sensitivity analysis to be undertaken to establish whether an alternative, policy compliant split in terms of affordable housing numbers (i.e. 70 London Affordable Rent / Social Rent : 30 intermediate) would make the scheme viable, and in turn provide a greater level of affordable housing. Following these further tests, it was concluded that an affordable housing offer for 65 London Affordable Rent homes and 36 Shared Ownership units (a 70:30 ratio when measured by habitable room) would return a break even position, complying with policy. Given that the applicant's offer includes 80 London Affordable Rent homes (i.e. 15 more than was deemed the maximum reasonable amount when achieving a policy compliant tenure split), it is clear that the current affordable housing offer, whilst not policy compliant in terms of its tenure composition, represents a betterment over what would be the maximum reasonable amount of affordable housing that could be required when achieving the BH5 tenure split. Specifically, the applicant's offer includes 40 Shared Ownership, 15 London Affordable Rented units and 62 Affordable Rented units over and above the policy compliant amount of affordable housing and this 'over-provision' would be a significant benefit of the scheme.
29. The phasing of the development would ensure that most of the affordable units (and all of the affordable rented units) would be the first to be delivered, with the applicant's development programme projecting the completion of Block E in the 37th construction month, Blocks A, C and B in the 48th, 56th and 58th construction months respectively and Block D (containing 64 of the shared ownership homes) in the 61st construction month.
30. Early, mid and late stage review mechanisms would be secured within the legal agreement to ensure any surplus (although unexpected) could (in the context of an early/mid stage reviews) seek to amend the tenure split to achieve additional London Affordable Rented units, and, if the London Affordable Rented provision exceeds 70% of the affordable housing overall, to provide further affordable housing on the site, or (in the context of a late stage review) to secure the transfer of any surplus to the Council, to be spent on the enablement of offsite affordable housing. A benchmark land value amount will need to be secured within the s106 for the purposes of the review mechanism and this amount is still subject to some negotiation between officers and the applicant, but would fall within a range between £16.88m and £18.64m. The final agreed figure will be secured accordingly.
31. To meet the requirements of 'London Shared Ownership' housing, suitable income caps for eligibility for the Shared Ownership units should be secured in the s106 agreement. Local income caps that have been secured previously are: £56,000 for one bedroom flats, and £74,000 for two bedroom flats (there are no three bedroom flats proposed for this tenure).
32. The GLA's viability team have also reviewed the submitted FVA, as well as the independent review conducted on behalf of the Council. Their comments are as follows:

33. The GLA agree with the Council's financial appraisal on most accounts, including the residential and commercial sales values, construction costs, contingencies on costs, professional fees and marketing costs.
 - The GLA disagree with the Council's financial appraisal in relation to the finance rate (they consider a rate of 6% rather than 6.75% is reasonable) and private profit rate (noting that they consider a 17.5% profit rate for market housing excessive).
 - The Council's viability consultants have modelled the financial viability of the scheme when accounting for the GLA's adjusted inputs for illustrative purposes only (including a 6% finance rate and 15% profit rate for market housing). The revised viability scenario results in a reduced deficit of -£6.9m. Whilst this reduces the scheme deficit, the scheme remains unviable and the affordable housing offer therefore continues to represent more than the maximum reasonable amount relative to the policy requirements.
34. The GLA has also carried out a sense check of the residual land value by comparing the residual land value (£3.3m) with actual land sales transactions in nearby parts of London. The GLA consider that the residual land value of £3.3m is far below what the market would expect to pay for this site.
35. Brent would note that RICS guidance recommends that comparable land sales evidence can be used as a 'sense check' to reinforce the accuracy of a residual assessment. However, comparisons of this nature are crude and would not factor in any site specific circumstances. Because of this, the residual assessment should remain the primary and most reliable means of confirming land value of the proposed scheme and this is confirmed within the RICS guidance on viability testing. Furthermore, the GLA's viability response at para 4.2 states that the GLA "consider that the methodology of assessing the scheme land value should be by way of a residual assessment".
36. In addition, having reviewed the six land sales referred to by the GLA, it is noted that two of the sites have not seen planning applications made and of the four that have, only one of the planning applications seeks to co-locate residential uses with employment and industrial floorspace, and this case returned a lower sales price than the other examples.
37. The GLA also recommend an early, mid and late stage review mechanism. The Mayor's Affordable Housing and Viability SPG recommends mid-stage reviews for schemes "which will be built out over several phases spanning a long development programme". Whilst the scheme is large in scale, all blocks will be delivered through a single podium and the construction sequencing is such that the residential blocks would be built out concurrently with there being just a 19 month span between the commencement of the development and commencement on all of the blocks having occurred. It is not considered that a mid-stage review could reasonably be secured if the construction programme is delivered in this short time span, however, were commencement on all of the buildings to exceed this 19 month timeframe to a significant extent, a mid-stage review (requiring a development surplus to be used to deliver additional on-site affordable housing) is considered to be suitable in the context of the size of the scheme and is to be applied through the s106 agreement. In defining this 'significant extent', a 6 month contingency period beyond the 19 month projected build period is felt to represent a reasonable tolerance (resulting in a total timespan for the mid-stage review mechanism of 25 months). Furthermore, as above, an early and late stage review will also be applied to the scheme through the s106 agreement.
38. In conclusion, the affordable housing proposals comply with both GLA and Brent policies and deliver substantially more than the maximum reasonable amount of affordable housing. The affordable housing offer should therefore be accepted, subject to a s106 agreement to secure the provisions and to ensure that the development is bound by early, mid and late stage viability reviews.

Wider acceptability of tenure mix

39. Brent's core strategy policy CP2 seeks at least 25% of units to be family-sized (3-bedrooms or more). Brent's emerging policy BH6 within the draft Local Plan carries forward this same target, instead denoting a requirement for a 1 in 4 provision of 3 bedroom homes across residential developments, rather than a more average-based percentage approach. At 10.4% across the scheme (79 of the 759 units), the proposal falls short of the 25% and 1 in 4 targets.
40. Whilst acknowledging this shortfall, it must be recognised that the family sized units which are being provided are predominantly offered as London Affordable Rented and Affordable Rented units, with 67% of the 3-bed units (53 out of a total of 79) within these tenures. Furthermore, a total of 37% of the scheme's affordable rented housing units (including London Affordable Rent) is comprised of family-sized homes (this was 68% for the previous scheme). This percentage reduces to 24% across all of the

affordable housing in the scheme (58% for the previous scheme), owing to a lack of family provision for the Shared Ownership tenure, however the focus on providing all of the affordable 3 bedroom housing in the Affordable Rented tenures is welcomed, as family sized units are in much greater demand for Affordable Renting

41. In the context of market driven residential development, officers acknowledge there is a delicate balance to strike between scheme viability and family home provision, with the high number of 3-bedroom homes (on an Affordable Rented basis) being provided within the scheme a significant factor in the high deficit which it is calculated to deliver, as set out in earlier sections of the report. On balance, officers therefore consider the shortfall in family homes is acceptable in this instance, given the significant over-representation of family accommodation within the affordable rented tenures, and in acknowledgement of the scheme's overall viability position.

Design

42. 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 as discussed in the following sections.
43. Brent's principal urban design officer considers that the proposal could become an exemplar scheme within both the wider Wembley Park masterplan and the Brent context given the level of ambition that has been demonstrated through the design.

Layout

44. The site, approximately 1.29ha in size, would be laid out with 5 blocks (known as Block A to E) and a one-way service road running along the eastern side of the site, accessed from Fifth Way and egressing to Fourth Way. A level change is present with the site rising up from the west to the east along the length of Fifth Way, although this is not as pronounced at the northern part of the site adjacent to the Wealdstone Brook.
45. Block A is located at the north western part of the site and fronts onto Fulton Road (running north to south) to the west and a newly created pedestrian path alongside the Wealdstone Brook to the north and east. The block predominantly contains retail units at ground floor, fronting both Fulton Road and the Wealdstone Brook path. Block A residential access is provided from one entrance between retail units on Fulton Road and other entrances along the Brook path. The ground floor also contains the block's bin storage whilst the upper floors are all residential. The entrances to the block are legible from the street, and the scheme provides active frontages on both Fulton Road façade and on the new street within the site.
46. Block B is located at the south western part of the site and fronts Fulton Road to the west and Fifth Way to the south. Block B contains a small retail unit fronting Fulton Road and a flexible workspace unit on the corner with one entrance fronting Fulton Road and three entrances fronting Fifth Way. Block B is linked to block A through the main residential entrance building which sits within a prominent forward projection of the building between blocks A and B. Blocks C and D are also accessible from this main entrance and accordingly have access to this main entrance hub at the base of blocks A and B. A large cycle hub occupies the base of block B, providing the bicycle storage needs for blocks A, B, C and D. At first floor, block B contains the development's blue badge parking provision on its first floor, which is reached from a ramped access spurring off the service road through the site. The block's bin storage room is also located at first floor adjacent to the car parking. There is a clearly defined and legible entrance for this block towards the southern end of Fulton Road. The ground floor is activated mainly by the communal flexible workspace/retail units, but also by the smaller frontages of the retail unit and the residential entrance to Fulton Road.
47. Block C is located in the central part of the site and fronts onto the brook path on the north side. It contains workspace studios at ground floor with the upper floors in residential use. The residential entrance is accessed centrally next to the workspace from along the brook path with a strongly defined and legible entrance. Between blocks A and C is a wide external set of steps which provides access to one of the communal podium gardens at first floor level. The block's bin storage is located at the southern end of the core and can be accessed from the service road through the site to the east.

48. Block D is located in the central part of the site and fronts onto Fifth Way to the south and the service road through the site to the east side. The Fifth Way frontage is shared between the residential access and the flexible retail/workspace units which continue uninterrupted from the block B frontage to the west. The eastern frontage to the service road contains the block's plant and bin storage room. Block D is in the part of the site most affected by the increase in ground level that occurs from west to east along Fifth Way. As a result, block D's ground entrance actually gives building users access to the equivalent of the first floor relative to the other blocks in the scheme. The service road which is accessed adjacent to block D also slopes downward as it traverses away from Fifth Way to address this level change.
49. Block E is located at the north eastern part of the site and fronts onto the brook path to the west and north and the service road through the site to the east. The residential lobby fronts onto the northern and western aspect, one of the block's bike stores fronts onto the northern aspect whilst the block's bin store fronts onto the service road at the east side. The workspace studios front onto the access road at ground level to provide natural surveillance and activity at ground level. Whilst there are some back of house elements for the residential units at ground level such as the bin store (and these have been raised as a concern by the GLA), these do not cover excessive sections of the frontage and are broken up with the active frontages for the workspace units on their other side. These sections will also not be encountered before the residential entrance when traveling to the site from the station. Furthermore, the bin stores are in easy collection reach of refuse vehicles. Therefore, subject to conditions being secured to further review the design detailing of the doors/ vents to the bin stores to ensure that the high quality of design is achieved through the scheme, the layout of Block E is considered to be acceptable. Block E is the only block that has a self-contained core and communal podium garden, however there are factors that mitigate the drawbacks of this self-containment and these are discussed in the 'Quality of Accommodation' section of the report.

Public Realm

50. The development would create four dedicated areas of hard and soft landscaping throughout the ground floor plane, all of which would be for resident and public benefit, which comprise of the Welcome (the western frontage to Fulton Road, including the main residential entrance to Blocks A – D, retail units, workspace units, seating areas, soft landscaping and new tree planting), the Forecourt (a series of stepped forecourt spaces lining the sloping gradient along the southern frontage to Fifth Way with planting and trees to each), The Brook (a pedestrian and cyclist route alongside a new wildlife corridor running along the Wealdstone Brook adjacent to the north frontage) and the Goods Yard (a harder space relating to the large workspace unit and industrial units to the east forming a large multi-functional space that can be opened up for public usage outside of work hours).
51. The 'Welcome' frontage is particularly positive as it acts as the key visual introduction to the scheme as it is approached from the end of Engineers Way and First Way. This frontage incorporates a large set-in in its built form to give visual relief at this point. There would be a distinct character at the 'Forecourt' frontage, with the stepping of terraces along a row of employment/retail space frontages and forecourts providing a frontage of differing visual interest. The GLA has expressed concern about this frontage in respect of it potentially resulting in there being insufficient space for pedestrian movement within the extent of the application site, however these concerns are not shared by officers at Brent. It should be noted that Fifth Way will be widened as part of the works and a generous footway width (partly within the applicant's land and partly within Brent's public highway) is to be provided in front of the yard spaces. There will be no impediment to a generous pedestrian movement corridor. The service road has been designed with a blanker frontage and lower footfall in mind but would employ double height windows to the workspaces that front onto it that would ensure the road remains inviting. The GLA considers that this route is unlikely to be used and should be gated off. The service road is not intended to be a well-used route (aside from the 'Goods Yard' space at particular times) and has been designed accordingly, but the permeability offered by retaining a publicly accessible link around the eastern side of the site and onto Fourth Way is welcomed. The 'Brook' frontage would be a particular strength of the scheme, has been designed as a key active route across the site and will provide an ecological centrepiece for the scheme completely separated from vehicle usage (aside from in emergencies).
52. In terms of providing a good quality external environment for residents and passers-by, active frontages have been maximised at street level. There are series of proposed pedestrian routes and public spaces improving the site's connectivity to the surroundings, in the form of both the brook-side route and the service road, which incorporates the 'Goods Yard' space. The 'Goods Yard' is intended to be a public

space where local people could gather for a activities ancillary to the functions and outputs of the workspace (for example, a taproom connected to a brewery business) outside of hours when deliveries along the service road would not be expected. The space itself is very wide and is positioned in front of the large double-height windows of the workspace units. The service road of which the Goods Yards space would form a part is restricted to the residents' vehicles only and public for all pedestrians to use. The applicants have advised that signage would be used to instruct road users that only residents and couriers should use the service road. A condition would be required to ensure that management arrangements for the safe and unimpeded use of the space for public outdoor usage is achieved and to ensure that the interplay between its service road function and public usage function would not be unsafe or inappropriate.

53. The brook path, with its many trees, plants and play spaces, opens an accessible pedestrian route down to the Brook, achieving the aims of DMP9 which promotes public access and enhancement to the sides of watercourses at relevant development sites. Due to the 10 metre clearance requirement from the Brook, a generous promenade width along the Brook would be created which enables potential future connectivity to the East and West of the site for residents as well as visitors. The width of the brook route is more generous than was the case for the previous scheme, particularly at the start and end of the brook route. The improvements to the brookside are a key benefit of the scheme, having the potential to deliver improved linkages for the public through to surrounding sites in Wembley, as well as having positive implications for local ecology and sustainability. The brookside is also wide enough for fire engine access by design, but would not look or feel like a road through its pedestrian-led design. At the north-western end of the brookside route, the development site interfaces with the cul-de-sac forming the end of Watkin Road. The development has incorporated a connection into Watkin Road through its landscaping strategy, which would result in Watkin Road becoming a through route for pedestrians and cyclists, further improving local connectivity and permeability.
54. Whilst the frontage to the brook path may be almost entirely activated in terms of the layout, it is acknowledged that the levels of passive surveillance that may be experienced along the route have the potential to be limited after hours dependent on the nature of the residential facilities and the workspaces in terms of their hours of use. This concern is shared by the GLA. However, the access route along the brook to block E would be active mostly during the day and the inactive frontages (such as the bin and bike stores) are situated after the entrance to block E when accessing the site from Wembley Park Station. The access route would be overlooked during the day by workspaces and at night by 5 flats per floor on upper levels that overlook the brook. Nonetheless, a robust management strategy will need to be drawn up to confirm how the safety and invitingness of the route will be retained at all hours, with details of aspects such as lighting, surveillance from upper floors and further afield and security measures submitted and approved by the Local Planning Authority. A condition will be applied to this effect. The applicants have confirmed that they will be willing to set out details of facilities management, security patrols out of hours, manned CCTV and alarm systems and a Secure by Design approach to building materials in confirming a safe route for users.
55. Whilst the built form of the development itself is expressed through four separate buildings, these buildings are joined together through a part one and part two storey podium that occupies the whole site up to its key landscaped edges. Atop the podium are a series of communal amenity spaces for residents, play spaces for residents and an ecological roof which separate the upper sections of the buildings. The ecological roof sits between blocks A and B at second floor level and creates a clear visual break and distinction between the two blocks as seen from the Fifth Way frontage and further west. The lower western podium garden sits between blocks A and C and is the only garden at first floor level and which enables direct access to the public realm through outdoor steps (specifically the brook path), which is a welcome design feature added to the scheme through its design review at pre-application stage. The upper western podium garden sits between blocks B and D at second floor level and includes direct stepped access to the lower western podium garden. The eastern podium sits between blocks C and E at second floor level. Roof gardens atop all 5 blocks would provide additional amenity and play spaces for residents.
56. The service road (from Fifth Way) also features new tree planting and a landscaped edge and commercial entrances along a large part of its extent, which would act as a clear legible and inviting means of defining the main access route through the site. The public realm along Fifth Way would largely be formed of active frontages serving the industrial unit spaces. Overall, the inactive frontages for the blocks are minimal as most of the services are positioned in the interior parts of the cores, away from the

frontages. Block E would have the most inactive frontage towards the East, which is to the service road environment where the inactive frontages would be least harmful. The routes to all of the residential core entrances would be lined by mostly active frontage, and this includes the brook route as far as the entrance to block E.

57. The public realm proposals are considered to be highly positive, with active frontages having been reasonably maximised at ground level with interest and strong legibility having been provided with the establishment of four new and distinctly characterised and activated street frontages within Wembley's public realm, incorporating consistent passive surveillance, new landscaping and biodiversity improvements, street play spaces and a new brook-side route which has the potential to perform a key east-west connectivity function in the future, providing a strategic pedestrian and cycling connection to the Quintain Masterplan area from the east, including immediate access to the new 7 acre park to be delivered on the other side of Fulton Road. Despite ground level changes, the active frontages remain well-grounded and do not appear severed from the street scene.

The appropriateness of delivering tall buildings

58. Policy WEM5 of the adopted Wembley Area Action Plan (WAAP) (2015) supports the development of tall buildings (defined as being 30 metres (about ten storeys) or greater) on the basis of its site specific tall buildings strategy. This site in the Wembley Area Action Plan is shown as a site which is sensitive for tall buildings under WEM5 criteria, however it is close to existing and emerging tall buildings including Scape Wembley (28 storeys), 10-11 Watkin Road (24 storeys), Quintain plot NE06 (34 storeys) and NE04, to the immediate west (18 storeys).
59. Draft policy BD2 of the emerging Local Plan defines a tall building as one that is more than 30m in height. It directs tall buildings to the locations shown on the policies map in Tall Building Zones. The draft Local Plan Policies identifies the site as situated within the Wembley Park tall building zone.
60. Furthermore, the site allocation brief contained within the draft Local Plan (Policy BCSA4) states that *'the site is appropriate for tall buildings, subject to them achieving an appropriate relationship sensitive to its surroundings and not adversely affecting protected views of the stadium.'*
61. Whilst the WAAP is still the adopted local policy document for consideration, the emerging changes to policy as observed within BD2 of the emerging Local Plan are to be acknowledged and stand testament to the substantial increase in housing targets that have come into relevance since the publishing of the WAAP. Given the local designation for tall buildings, the development can be seen to comply with London Plan policy D9(b) when seen in the context of the emerging Local Plan. The GLA notes that the development would not comply with London Plan policy D9(b) on the basis that the adopted local plan does not zone the site as being suitable for tall buildings, however Brent would consider this to be an overly technical stance and that the degree of weight that can be afforded to the emerging plan (and its zoning of the site as being suitable for tall buildings) would be a suitably pragmatic lens through which to apply policy D9(b).
62. In any case, the previous scheme for this site (20/2033), which received resolution to grant at Planning Committee in 2020, proposed buildings of up to 21 storeys, establishing a clear precedent for tall buildings as being suitable in this location.

The approach to height and massing

63. The arrangement of height and massing across the site has evolved significantly relative to the previous scheme which Members resolved to approve (20/2033). The current design has been reached through four internal design review workshops and an external design review panel hosted by the Design Council.
64. Officers and Members have considered the scale of the previous scheme (20/2033), which proposed heights of up to 21 storeys, to be acceptable. This new proposal would increase the maximum height delivered on the site by 3 storeys and the overall massing of the development would be taller on average than the previous development.
65. Aside from the 21 storey height of the central tower, the previous scheme's smaller blocks were supported at consistent heights of 12 storeys, whilst this new proposal would propose a base datum of 15 storeys for the main blocks (with the exception of the central block C). Unlike the previous scheme, each block would have a second shoulder element with a smaller footprint, which would provide additional

visual interest and variation. Blocks A and E (to the north of the site) would have secondary shoulder elements that are three storeys taller than their base block (18 storeys), whilst blocks B and D (to the south of the site) would have secondary shoulder elements that are three storeys lower than their base block (12 storeys). The central block C would be the most prominent visual component of the development and would be formed of a 24 storey base block and a reduced secondary shoulder of 20 storeys. This central tall element would mirror the approach of the previous scheme, which saw the proposal of a central 21 storey building placed in the same part of the site. Whilst this scheme would increase the maximum height previously supported by 3 storeys, the central block for this scheme would appear more slender than that of the previous scheme, especially from the north and south; it would also have a more broken-up massing through its expression of two separate shoulders. The tallest block would also have a light-weight materiality relative to the neighbouring blocks, being clad in a lighter coloured brick and having an open framing to its top storey.

66. Although the development would appear taller than blocks in the immediate surrounding context, it is still considered to strike the right balance between the taller blocks to the west nearer to Wembley Stadium, and the lower industrial buildings to the immediate east. This maximum height would therefore reflect the principles of the WAAP, as well as emerging policy BD2 and the Tall Building Strategy. From afar, the proposed development would be viewed in a context of similarly scaled developments and would deliver improvements in terms of the quality of the townscape and public realm, and this view is shared by the GLA.
67. The heights of the blocks are designed to frame views towards the development from nearby key routes. For example, the view towards the development along Fulton Road (as far as its junction with Albion Way) would be centrally framed by block A, whilst the view towards the development along First Way would be centrally framed by block B. In addition, the tallest block at the centre (block C) provides a coherent visual counterpart to the Canada Gardens development nearby to the west as well as other high point buildings forming part of the Quintain Masterplan to the eastern side of the stadium. This would be seen particularly effectively from Chalkhill Park.
68. The focussing of the most significant height to the centre part of the site ensures that the proposal would uphold the aspiration of the site allocation for massing to transition downwards to the east, adjacent to the Strategic Industrial Land (SIL). Block E would be located at least 12 metres from the boundary with SIL, resulting in a reasonable buffer to the edge of the site allocation.
69. The previous application sought to deliver both north-south oriented blocks (along the east and west edges of the site) and an east-west oriented block (along the south edge of the site). This scheme has instead sought to deliver solely north-south oriented blocks from the south to the Wealdstone Brook which sits along the northern edge of the site. To this end, the block pairings of A/B, C/D as well as block E, establish three distinct north-south elements with separations for clear views into and out of the site from the north and south. The long finger block to the south side of the previous scheme had the effect of limiting light flow to the scheme and appearing as a wall of development from sites to the north (including from Chalkhill Park for example). The GLA has raised concern that the tall elements are not well separated and that the separation to the brook from the blocks is also limited. Officers would disagree with this and would note that the scheme has an increased separation distance with the Brook compared with the previous scheme, particularly on the east side, where Block E's separation from the brook edge has increased from between 9m and 14m in 20/2033 to between 16m and 28m in 21/2989. In further justifying the separations between blocks as being appropriate, the blocks exceed SPD1 guidance for separation in most instances and the internal daylight and sunlight results are positive. These aspects are discussed in detail in the 'Quality of Accommodation' section of the report.
70. Another key difference between the subject application and the previous application is the movement strategy that the massing facilitates. The previous application's movement strategy was based on internal movement within the site and the subject application's strategy is based on movement around the edges of the site. The inclusion of the podium is the key aspect that enables this difference and, unlike the previous scheme, allows the development to reinforce strong active frontages across most of its public facing extent.
71. It is acknowledged that the scheme would be denser than the previous scheme in visual terms, however the highly positive urban design of the development, which facilitates a significant uplift in residential and non-residential provisions (including substantial uplift in affordable housing provision) are significant

benefits of the scheme that officers consider to weigh in favour of the scheme being acceptable.

Protected views

72. The applicant's views analysis shows that the development would not visually obscure the arch of Wembley Stadium from the protected viewing corridors in Brent's adopted and emerging Local Plan.
73. The applicant has submitted a comprehensive Townscape and Visual Impact Assessment (as part of the Environmental Statement) which sets out a number of images of the proposed development from key local vantage points and designated protected views, including those identified within WAAP Policy WEM6 and Brent's emerging Local Plan Policy BHC2. It has been identified that the proposal would be very noticeable within the designated viewing corridor of the Wembley Stadium Arch from Chalkhill Park (AAP/ Draft Local Plan view 9).
74. The applicant's Townscape and Visual Impact Assessment illustrates the impact the development would have on this view. The images demonstrate that while all blocks would be at least partly visible from Chalkhill Park, views to Wembley Stadium Arch would not be uninterrupted by it, and while prominent, the buildings would not be overly dominant in this view when considering the context of built and consented developments across the skyline.

Architecture and Materiality

75. The visual design and architecture of the buildings is of a very high quality and will effectively break up the bulk and massing of blocks. The architecture is led by the use of brick, with the taller shoulder of each block clad in a light red brick and the lower shoulder of each block clad in a buff brick. The exception to this would be the central block C, where the taller component would be expressed through a lighter, white coloured brick and the lower shoulder expressed through the red brick used on the higher sections of the other blocks. The brick cladding would also separate and frame certain groupings of floors, whilst reflective metal panels (of copper, bronze and brass colours) would form a sub-frame between, above and below the windows to each block where brick is not employed. Shadow gaps between metal panels would subtly articulate verticality to the taller red brick blocks and horizontality to the shorter buff brick blocks. The balconies and window frames to dwellings would also be formed of these metal materials to match the panels that form their surrounds.
76. The ground and first floors (which form the podium layer) would be principally expressed through large expanses of crissal style windows which would form the activated parts of the frontages and which evoke an industrial character. As a secondary material, the ground and first floors would also be expressed through brick palette, but with greater variation than on the higher floors, with sections of red, buff and white (as applied at upper floors) as well as black, green, orange and pink to various different elements. The green and orange bricks to the podium would be glazed for a shiny appearance. The green bricked section would emphasise the landscaped sections of the proposal by marking the entrance to the podium garden and sections of the podium directly below the communal gardens. The orange bricks would draw attention to key corners of the development (some of which would be chamfered and colonnaded), whilst the black brick would be used along the other sections of the ground floor frontage to mediate between the other colours. It is proposed that landscaping to the podium would overspill the green brick sections to provide additional greening to the street environments.
77. The colours of the tiles represent coal extraction which is important to the site's history (see Archaeology section below), with the black brick representing coal and the bright colours representing the stones that contrast with the coal, and the brighter, glazed bricks (green, pink, orange) at low levels representing the precious stones extracted through mining.
78. The entrances to all of the cores would have a unified architectural approach and the treatment to all entrances in respect of materiality and design would be equitable.
79. A condition will require samples of the materials to be reviewed and approved by officers, to ensure that a high quality development would be delivered.

Impact to Heritage Assets

Conservation Areas and Listed Buildings

80. 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 application site is not within a Conservation Area. The closest Conservation Areas are situated more than 500m from the Site; these include Wembley High Street Conservation Area to the west, Barn Hill Conservation Area to the north-west and St Andrew’s Conservation Area to the north-east. The nearest listed buildings are also situated more than 500m away, and include the Wembley Arena (Grade II) to the south-west and Brent Town Hall (Grade II) to the north.
81. The applicants have submitted a detailed Townscape and Visual Impact (TVIA) assessment. 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 201 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.
82. Where harm is found to a designated heritage asset (even harm that is deemed to be less than substantial), the decision maker must give that harm considerable importance and weight as a result of the statutory requirements set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. London Plan Policy HC1 of the London Plan, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan all seek to ensure that development affecting heritage assets should conserve their significance, by being sympathetic to the character and setting of those assets.
83. The submitted TVIA is considered to be robust and demonstrates that the proposal would be seen in the context of other tall buildings within the Wembley Opportunity Area, and that there would be no harm to the setting of designated heritage assets. The assets that have the potential to be affected are five local Conservation Areas (CAs) (Wembley High Street, Neasden Village, Barn Hill, Lawns Court and St Andrew’s) and three Listed Buildings (Wembley Arena (formerly the Empire Pool), Lycee de Londres Winston Churchill (formerly Brent Town Hall) and three K6 Telephone Kiosks on Empire Way).
84. Of the CAs, the scheme would only be visible from Lawns Court, Barn Hill and St Andrew’s CAs. The development would only be partly visible in distant views from these CAs and where it is visible, this would be in the context of an established cluster of tall buildings. It is therefore considered that there would be no harm to the character and appearance of these CAs.
85. Of the Listed Buildings, the scheme would only be visible in the setting of the Grade II Listed former Brent Town Hall, which derives its significance from its 1930s municipal, art-deco architecture. The development would be visible directly to the south of the Town Hall, although officers would note that the development would only be seen in the background of the setting of the Town Hall as seen from its side elevations if one were facing south when stood on either Kings Drive or The Paddocks (the secondary roads that front the side edges of the Town Hall site), and would not affect the visible setting of the Town Hall when seen from its principal elevation that fronts Forty Lane. In any case, the development would appear as one of a number of elements that form an established and emerging cluster of development as seen to the south of the asset.. Officers conclude that the development would not harm the significance of the Listed Building on this basis.
86. The GLA has undertaken its own Heritage appraisal and, in its own judgement, has concluded that some less than substantial harm would be incurred to the former Brent Town Hall heritage asset as a result of the proposed development being glimpsed in the Town Hall’s periphery. The GLA notes that “the proposal would not meaningfully compromise the asset’s setting or significance, and therefore would result in less than substantial harm to the asset”.
87. Given that the GLA have identified less than substantial harm to a heritage asset, Historic England have been consulted, and have advised that they do not wish to comment on the application.
88. Whilst Brent officers do not share the GLA’s view, if one were to conclude that the proposal would harm the setting of the asset, this would be very limited, at the low end of less than substantial harm, and the benefits of the development would outweigh this harm, acknowledging the ‘special regard’ that must be had in relation to the desirability of preserving the Listed Building and its setting.
89. Whilst the view of the GLA is acknowledged, Brent officers consider that the development will not harm

nearby heritage assets and therefore the tilted planning balance required by Section 66/72 of the Listed Buildings and Conservation Areas Act and the Historic Environment section of the NPPF is not engaged.

Archaeology

90. Beyond the visual impact considerations that relate to heritage, the site has been assessed for its below ground archaeological potential and the applicants have submitted a report to communicate the findings (contained within the Environmental Statement).
91. The report confirms that no World Heritage Sites, Scheduled Monuments, Historic Battlefields or Historic Wrecks lie within 1km of the site. The site is also not within one of Brent's Archaeological Priority Areas (APA) or locally designated Sites of Archaeological Importance (SAI).
92. The history of the site has largely been as agricultural land until the area became managed parkland forming part of the wider Wembley Park during the late 19th/early 20th Century. In the 1920s, the site formed part of the area for the British Empire Exhibition, and this section of the site was occupied by a life size construction of a coal mine, including a stretch of below ground tunnels, a brick lined access shaft and an air shaft, as well as above ground structures. Although the above ground and immediate sub-surface structures were removed when the site was re-developed for the current industrial use, the report concludes that there is evidence some of the shafts and tunnel structures could still exist. For this reason, the report concludes that further work to identify and record these elements should be undertaken and need GLAAS input if required.
93. As with the 20/2033 consent, an obligation requiring this work to be undertaken and agreed with the heritage officer and Historic England as a pre-commencement condition will be applied.
94. Subject to this, the proposal accords with London Plan Policy HC1, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan and the NPPF.

Impact on neighbouring residential amenity

95. 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.

Privacy

96. 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, except where the view on to that property would be to a part of the property which would serve as low value amenity space (e.g. the side access around a house). 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 (apart from street facing windows). These standards are in the interests of protecting the privacy of neighbouring occupiers.
97. With regard to relationships with surrounding blocks, blocks A and B would maintain a distance of between 18m and 31m to the eastern façade of Plot NE04 (as shown on the agreed parameter plans). Between 19m and 25m would be maintained between the balcony edges to the south façades of blocks B and D and the northern façade of former Kelaty House Block B. The site is bounded to the north by Wealdstone Brook, and to the immediate east of the site are low-rise industrial buildings and warehouses, to which more than 9m distances would be achieved. There are not considered to be any overlooking issues arising to adjoining properties as a result of the development.

Sense of enclosure

98. 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.

99. In this case, the proposal does not directly adjoin any private rear gardens nor are there rear habitable room windows in neighbouring sites that face the application site. Therefore it is not considered appropriate to apply 30 and 45 degree line tests to this site context. Nevertheless, a full test of daylight and sunlight impact on surrounding properties has assisted in understanding and weighing up the harm in the balance of considerations, and this was discussed in earlier sections of the report.

Summary on privacy and sense of enclosure

100. It is considered that the relationship of this development to its surroundings complies with relevant guidance in SPD1. Generous separation distances are maintained between the proposed blocks and adjoining sites, and where they are closer, these are close to consented or newly constructed schemes where there must be some expectation of tighter relationships given the urban regeneration context. Officers consider the proposals acceptable in this regard.

Daylight and Sunlight Impact

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

- 102. Empire Court
- 103. Former Kelaty House
- 104. University College of Football Business (UCFB) Unite (Previously Cannon Trading Estate)
- 105. Quintain Masterplan Plots NE01-NE06 (yet to commence construction)

- Buildings and consented buildings further afield were considered for potentially being included in the assessment, namely: Parkwood House, Amex House, 10-11 Watkin Road and 1, 2, 3 and 9 Watkin Road. However, the applicants reasonably concluded that, owing to the distance of these schemes from the site, and their positioning behind the massing of the Quintain Masterplan, no effects resulting from the development are considered likely and therefore a daylight and sunlight assessment of these schemes in the context of the proposed development is not considered necessary. Officers would agree with this and consider that the four sites listed in the paragraph above represent those which should reasonably be tested.
- The results of the daylight and sunlight testing of these properties is set out below. The results reported below include a comparison with the daylight and sunlight impact of the previous scheme which received resolution to grant consent (20/2033), and it should be noted that these comparative figures have been taken from application documents associated with that previous scheme, rather than reports submitted in relation to the current scheme. The results reported below also reflect the impact of the proposed development in isolation and it should be noted that some additional impacts would occur in the context of other nearby developments that have been consented being delivered in the future. However, these additional impacts would not be attributable to the scheme itself and because of this, the results below relate to the proposed scheme's massing in isolation.

UCFB Unite

- Planning permission was initially granted in June 2018 for the re-development of the industrial estate, to the south of the site and sitting behind the former Kelaty House scheme, for a 7-11 storey building to provide educational use, office use and 678 student rooms. The development has now been fully implemented.
- 136 windows were assessed and all of these will 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%. Similar results are borne out in the No Sky Line (NSL) test, which relates to rooms rather than windows, and assesses the proportion of a room from which sky would be visible. In this case, all but one of the 103 rooms assessed would pass the NSL test, meaning nearly all of the rooms would experience less than a 20% reduction in daylight

distribution, which is unlikely to be noticeable to occupants. One of the rooms would experience a moderate adverse reduction in daylight distribution (a 30.6% reduction). This room serves a student bedroom on the top floor of the development, facing northward towards the development site.

106. With regard to sunlight impact, 9 rooms were tested. All 9 rooms fall below the BRE guidance for sunlight in the existing scenario but the impact to these windows would not be worsened as a result of the development. As such, none of the rooms will be materially affected in sunlight terms by the proposal.
107. It is noted that the previous scheme at this site (20/2033) saw all of windows and rooms pass the relevant BRE tests, and the only difference in relation to BRE compliance with this scheme is that one of the rooms does not pass the NSL test where it did previously.

Empire Court – North End Road

108. This building is located to the north of the site and comprises four storey flatted development. 88 windows were assessed and all of these windows will meet the BRE guidelines in terms of VSC, while 60 of 64 windows tested for NSL (95%) passed (this was 61 in the context of the previous scheme). Of the four affected rooms, all would retain an NSL of more than 0.7, experiencing minor adverse impacts. In the context of the previous scheme, 61 of 64 windows passed NSL testing, but two of the windows that fell below the pass threshold experienced a more adverse impact, retaining an NSL closer to 0.6, and the impact could therefore be seen to be an improvement in the proposed scenario. The affected rooms serve bedrooms and kitchens. Given the high level of compliance overall and the immaterial level of change (and arguable improvement) in impact compared to the previous scheme, it is considered that the impact to this building from the proposed development would not be significant enough to warrant refusal of the application.
109. With regard to sunlight impact, 64 rooms were assessed and all of the rooms tested meet the criteria for both winter probable sunlight hours (WPSH) and annual probable sunlight hours (APSH).

Former Kelaty House Block A

110. Block A of former Kelaty House is situated to the south-west of the site and comprises a 13-storey building used as a hotel/ serviced apartments, granted consent as part of a wider re-development of the site in December 2012 (ref. 12/1293), and has recently completed construction. The position of this block and relationship with the adjoining development ensures that of the 108 windows assessed for VSC, none experienced any losses. Similarly, all 54 relevant windows passed a NSL test, with no breaches in NSL encountered.
111. The orientation of the block and its context with the development, sited south-west of all proposed buildings, means that there would be no material sunlight implications to this block and no further assessment was required.

Former Kelaty House Block B

112. Block B of former Kelaty House, part of the re-development outlined above, is between 10 and 11 storeys and comprises student accommodation. A total of 213 windows serving 144 rooms were assessed for daylight within this block. In terms of VSC, a total of 33 of the 213 windows (15.5%) would pass BRE criteria (72 out of 213 passed (33.8%) for the previous scheme). Of the remaining 180 (141 in the previous scenario) affected windows, it is considered that a further 36 (34 in the previous scenario) would experience a 'moderate adverse' impact, in that overall VSC levels would remain above 0.6 of their existing/ consented situation. The remaining 144 windows (107 in the previous scenario), representing two thirds (half in the previous scenario) of the overall number, would experience a VSC loss of more than 40%, which is considered to be more significant.
113. With regard to NSL, 58 of the 144 rooms (40.3%) would pass BRE criteria (49 of the 144 rooms (34%) in the previous scenario). Of the remaining 86 rooms (95 rooms in the previous scenario), 23 (16.0%) (or 14 (9.7%) in the previous scenario) would experience a minor adverse loss of daylight distribution (above 0.7 times the former value), 21 (14.6%) (or 15 (10.4%) in the previous scenario) would experience a moderate adverse loss of daylight distribution (above 0.6 times the former value) and 42 (29.2%) (or 66 (45.8%) in the previous scenario) would experience a significant adverse loss of daylight distribution (less than 0.6 times the former value). It must be acknowledged that this consented block is currently surrounded by low rise industrial properties to the north and east, and therefore benefits from

very good baseline levels of daylight which was always going to be more significantly affected by the increase in height and massing proposed by the re-development of surrounding plots.

114. Officers also acknowledge that a high number of the rooms experiencing more perceptible losses, both in terms of VSC and NSL, are bedrooms. These are considered by BRE guidelines to be less sensitive to daylight losses than main living and kitchen areas. Furthermore, officers place some weight on the fact that these rooms serve student accommodation rather than permanent living spaces. While a reasonable expectation of daylight and sunlight is required in such spaces, there is acknowledgement that they are of lower sensitivity in comparison with the expected levels of occupiers of permanent homes and flats.
115. Whilst the VSC impact to individual windows of this building increases under the proposed scenario compared to the previous, the NSL compliance is materially improved compared with that of the original scheme, assisted by the north-south oriented blocks. The current scheme results in an improved daylight distribution to many rooms at the lower level of former Kelaty House block B on the eastern side of the block relative to the previous scheme, owing to the loss of the east-west oriented block from the previous scheme's massing and its replacement with thinner north-south oriented blocks. Given this context, officers consider that the daylight losses would be acceptable on balance, despite being contrary to BRE guidance.
116. In terms of sunlight testing, 19 rooms were tested. 10 of the 19 rooms fall below the BRE guidance for sunlight in the existing scenario but this would not be worsened as a result of the development, with the remaining 9 rooms continuing to meet the BRE guidelines. It is also confirmed that the impact to the windows that fall below the BRE guidance in the existing scenario would not be worsened as a result of the development. As such, none of the rooms will be materially affected in sunlight terms by the proposal.

Former Kelaty House Block C

117. Block C of former Kelaty House is between 8 and 9 storeys, and is for use as student accommodation. A total of 50 windows serving 16 rooms were assessed for daylight impact within this block. In terms of VSC, the assessment demonstrates that 26 of the 50 windows (52%) would comply with BRE criteria. This compares with 29 (58%) in the context of the previous scheme. Of the windows falling short of BRE requirements, a further 7 would retain VSC levels above 0.6 of their former value, and are considered to have a minor or moderate adverse impact, this compares with 10 windows in the context of the previous scheme.
118. The remaining 17 windows (11 windows in the context of the previous scheme) would experience more perceptible daylight impacts. However, testing of NSL alterations demonstrates that 13 of the 16 rooms assessed would retain daylight levels above 0.8 times their former value, and therefore only 3 rooms would experience more perceptible losses. This is the same as the previous scheme. As with the impacts to Block B outlined above, officers give weight to the fact that baseline levels of daylight are high due to the low-rise nature of the existing development, meaning any significant increase in height and massing proposed on this site would have a more significant impact. It should also be noted that all three affected rooms, i.e. experiencing NSL levels below 0.8 times their former value, are dual aspect and served by at least one window which would experience any daylight impacts from the proposed development.
119. Given this context, and also that the block serves as student rather than permanent accommodation, officers consider on balance that the relatively high degree of compliance with BRE guidelines would be acceptable.
120. In terms of sunlight testing, 8 rooms were tested. 1 of the 8 rooms falls below the BRE guidance for sunlight in the existing scenario, but this would not be worsened as a result of the development, within the remaining 7 rooms continuing to meet the BRE guidelines. It is also confirmed that the impact to the window that falls below the BRE guidance in the existing scenario would not be worsened as a result of this development. As such, none of the rooms will be materially affected in sunlight terms by the proposal.

Former Kelaty House Block D

121. Block D of former Kelaty House is between 6 and 7 storeys high, and is also a student accommodation block. A total of 104 windows serving 77 rooms were assessed for daylight within the

block. The report demonstrates that all 104 windows would pass the BRE's criteria in terms of VSC, while 70 of 77 rooms (91.0%) assessed (72 out of 77 (93.5%) in the context of the previous scheme) would pass accepted NSL levels. Of the seven affected rooms, four of these would experience daylight alterations of less than 0.6 times their former value (this would be five affected rooms and none experience daylight alterations of less than 0.6 times their former value in the context of the previous scheme).

122. The orientation of the block and its context with the development means that there would be no material sunlight implications to this block and no further assessment was required.

Former Kelaty House Block E

123. Block E of former Kelaty House is situated to the far south-west of the site and comprises a 4-5 storey block for use as student accommodation. The position of this block and relationship with the adjoining development ensures that of the 63 windows assessed for VSC, none experienced any losses. Of the 35 relevant rooms, 33 of them (94.3%) passed the NSL test, with the two breaches being at the low end of minor adverse (no more than 0.78 times the former value). In relation to the previous scheme, the VSC and NSL testing was passed in full with no breaches.

124. Similarly, in terms of sunlight testing, the orientation of the block and its context with the development means that there would be no material sunlight implications to this block and no further assessment was required.

Summary of Daylight and Sunlight results

125. Of the above blocks which are in situ and were subject to full testing in line with the BRE methodology, the results as described above are summarised in the table below:

Building	Impact Type	Total windows (VSC) or rooms (NSL / AWPSH)	BRE compliant windows / rooms (21/2989)	BRE compliant windows / rooms (20/2033)	Where compliance level changes, is the compliance level as at 20/2033 increased or reduced?
UCFB Unite	Daylight (VSC)	136	136 (100%)	136 (100%)	
	Daylight (NSL)	103	102 (99%)	103 (100%)	Compliance reduced
	Sunlight (AWPSH)	9	0* (0%)	0* (0%)	
Empire Court	Daylight (VSC)	88	88 (100%)	88 (100%)	
	Daylight (NSL)	64	60 (94%)	61 (95%)	Compliance reduced
	Sunlight (AWPSH)	64	64 (100%)	64 (100%)	
Kelaty House A	Daylight (VSC)	108	108 (100%)	108 (100%)	
	Daylight (NSL)	54	54 (100%)	54 (100%)	
	Sunlight (AWPSH)	n/a	n/a	n/a	
Kelaty House B	Daylight	213	33 (15%)	72 (34%)	Compliance reduced

	(VSC)				
	Daylight (NSL)	144	58 (40%)	49 (34%)	Compliance increased
	Sunlight (AWPSH)	19	9** (47%)	9** (47%)	
Kelaty House C	Daylight (VSC)	50	26 (52%)	29 (58%)	Compliance reduced
	Daylight (NSL)	16	13 (81%)	13 (81%)	
	Sunlight (AWPSH)	8	7*** (88%)	7*** (88%)	
Kelaty House D	Daylight (VSC)	104	104 (100%)	104 (100%)	
	Daylight (NSL)	77	70 (91%)	72 (94%)	Compliance reduced
	Sunlight (AWPSH)	n/a	n/a	n/a	
Kelaty House E	Daylight (VSC)	63	63 (100%)	63 (100%)	
	Daylight (NSL)	35	33 (94%)	35 (100%)	Compliance reduced
	Sunlight (AWPSH)	n/a	n/a	n/a	
Total	Daylight (VSC)	762	558 (73.2%)	600 (78.7%)	Compliance reduced
	Daylight (NSL)	493	390 (79.1%)	387 (78.5%)	Compliance increased
	Sunlight (AWPSH)	100	80 (80%)	80 (80%)	

* See paragraph 106 above

** See paragraph 116 above

*** See paragraph 120 above

Quintain Masterplan – Sites NE01-NE06

126. Annex 5 of the Daylight, Sunlight and Overshadowing chapter of the Environmental Statement submitted with the application provides a detailed analysis of the projected impacts of the proposal on Wembley Park Masterplan sites NE01 – NE06, which are located in the immediate vicinity of the site. The assessment concludes that the cumulative daylight effects of the proposed development are considered to be significant (Major Adverse), with a greater than 40% reduction in VSC over 10 storeys of the eastern elevation of Plot NE04. This is materially the same impact as was the case for the previous scheme, with the only discernible differences in impact being that the current scheme has a slightly greater extent of >40% VSC reduction impact to the tenth storey towards the northern end of the building but a slightly reduced extent of >40% VSC reduction impact to the eleventh and twelfth storeys in the central part of the building.

127. In both the current scheme and the previous scheme, the lowest VSC values are around 7% (at the ground floor), increasing to around 8-9% at the third floor and to 14-15% at the seventh floor. In the

current scheme, the distribution of lowest VSC figures is focussed on the south side of the façade of NE04 facing the development, gradually improving across to the north side of the façade; whereas in the previous scheme, the parts of the façade with the lowest VSC were focussed on two separate sections on the left and right side of the façade, with central and peripheral parts of the façade performing more strongly. Nonetheless, in both the current and previous schemes, VSC improvement is more strongly associated with vertical movement up the façade rather than horizontal movement along it. In summary, the impact to Plot NE04 from both the current and previous schemes is considered to be largely equivalent.

128. It is important to note that, since no detailed submissions have yet been made for the exact massing, internal layouts, window sizes etc to sites NE01 – NE06, the assessment could only test the facades of the indicative massing, rather than any specific windows and rooms as these have not yet been placed within the approved parameters of the building. Nonetheless, a full façade VSC range has been identified for the approved parameter plans for these plots based on the proposed massing.
129. The identified VSC range shows that the lower levels of the approved building envelope for plot NE04's eastern elevation achieve VSC levels of 27% and above because of the undeveloped nature of the application site at present. Such high VSC levels are uncommon in an urban environment and notable reductions from the site's development would be expected in any event. The retained VSC levels on the lower floors of the east elevation, with the Proposed Development in place, would be in line with those seen on the lower floors of the southeast elevation of the same building fronting Kelaty House. Therefore, the daylight levels achieved within the rooms behind this elevation would be expected to be similar to those achieved in other areas of the masterplan, unaffected by the Proposed Development.
130. The eastern elevation of NE04 benefits from uncharacteristically high initial values (i.e. more than 27%) as this indicative façade overlooks the existing low-rise industrial buildings present on the site in the baseline scenario, and therefore any proposed development of the site, which was to be expected given the site allocation, would have a significant impact on daylight levels to adjoining premises.
131. Officers have had careful regard to the proposed impact of the development to future occupiers within this part of NE04. However, this must be seen in context with the emerging urban context of the site and its surroundings, and the high levels of compliance across the rest of sites NE01-NE06, as well as other surrounding developments which have been discussed above. Having weighed up these factors, officers consider the scheme would remain acceptable, despite the perceptible losses experienced within plot NE04.
132. With regard to sunlight impact, sites NE01-06 are all located to the west of the proposed blocks, and the orientation of its facades mean that no elevations facing within 90° of due south would be affected by the proposed development. On this basis, no further analysis of sunlight impacts has been carried out.

Overshadowing to outdoor amenity spaces

133. The applicants have considered the impact to nearby outdoor amenity spaces. The relevant amenity spaces which are closest and which would warrant overshadowing testing are the communal gardens to the south of Empire Court, and at Amex House, as well as Wealdstone Brook to the immediate north. The courtyards within the two eastern plots of Masterplan sites NE01-NE06 have also been assessed.
134. 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 within the communal areas of both Empire Court and Amex House, this would be minimal and gardens would still retain at least 2 hours of direct sunlight, complying with the BRE guidance.
135. With regard to Wealdstone Brook, there would be more perceptible levels of overshadowing, particularly given the presence of the main 24-storey tower immediately adjacent to it. However, officers acknowledge that there would be no further overshadowing resulting from the proposed development during the morning on 21st March, while shadows would be cast by Plots NE01-NE06 of the Masterplan site between 1-2pm. From 3pm onwards, the development would result in further overshadowing of the Brook, and it would be in full shadow from this point. The level of impact is very similar to that of previous scheme. The scheme would not meet the BRE guidance on this basis.
136. However officers consider that these impacts must be weighed against the regeneration benefits of the scheme, which include opening up and activating this part of the Brook to encourage more people to

use this area, as well as much improved landscaping and pedestrian legibility which the development is aiming to achieve. On balance, the proposals are therefore considered acceptable, despite the conflict with BRE guidance.

137. With regard to the eastern plots within NE01-NE06, it was concluded that there would be no percentage change in terms of sunlight hours enjoyed by these courtyards as a result of the proposed development, with both areas achieving 95% (from a baseline of 96%) and 64% (from a baseline of 64%) of sunlight levels respectively. This is the same level of impact as was seen for the previous scheme.

Summary

138. Overall, officers consider the impacts to neighbouring sites (both completed and consented) are acceptable when seen in the context of the scheme's wider benefits. 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. Whilst the VSC impacts are increased compared with that of the previous scheme, this is only seen to a material extent relative to the block B of former Kelaty House and the benefits of the scheme are considered to outweigh the modestly increased impacts. Furthermore, when considering the NSL impacts in the context of the previous scheme, it is noted that the compliance would notably increase relative to Block B of former Kelaty House even if it would reduce marginally to some other blocks. It could also reasonably be argued that the proposal improves the NSL impact to rooms at Empire Court, as the severity of impact to affected rooms would be reduced even if one more room overall would fall short of compliance with the BRE guidelines. In terms of Sunlight impact, the BRE compliance would reduce to minor extents for Empire Court and former Kelaty House block B, relative to the previous scheme.

139. Furthermore, at paragraph 125 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)"*.

140. 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 growth 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 existing buildings on site are only 1 storey high and establish a very generous baseline scenario which would naturally result in a significant change in the context of any development proposal to deliver a reasonable number of homes.

Quality of residential accommodation

141. Policy D6 of London Plan together with policy DMP1 in Brent's adopted and emerging Local Plan require developments to achieve high quality standards of internal amenity and quality of accommodation.

Layout and Internal Design Quality

Block A (North West) – Fulton Road and the Brook

142. Block A fronts Fulton Road and sits close to the western edge of the site, providing 151 homes (59 x 1B2P, 50 x 2B3P, 16 x 2B4P, 26 x 3B5P). All of the homes meet minimum internal space standards and are within the private tenure

143. At upper floors, there are 9-10 apartments per floor served by single central core which reduces to 4 from level 15. 62 out of 151 homes (41%) would have a single aspect but would have either an easterly or westerly outlook, and would almost entirely serve 1 bedroom units with balconies positioned to the front of the bedrooms. This maximises daylight and sunlight into living rooms. The larger 2 and 3 bedroom homes are consolidated at the corners of the block to take advantage of dual aspect outlook. The remaining 59% of homes would benefit from this dual aspect outlook which is a welcome proportion. It is also welcomed that the dual aspect provision is focused on the larger homes within the block.

144. The main entrance to the residential block (which is shared with other blocks B-D) is located to the west side of the building fronting Fulton Road, but there is a secondary access from the North

alongside the Brook.

145. Residents of block A would have access to the roof gardens atop the 15th and 18th floors. The lower and upper parts of the western podium can also be accessed via the communal access between blocks A and B, as well as from the external stepped entrance from alongside the brook.

Block B (South West) – Fulton Road and Fifth Way

146. Block B is situated to the South and western corner of the site. The block provides 123 homes (37x Studio, 43 x1B2P, 43 x 2B3P).
147. At upper floors, there are 7 to 10 apartments per floor served by a single central core accessed via the shared lobby from Fulton Road. 51 out of 123 homes (41%) are single aspect homes with easterly or westerly outlook complemented by central balconies. The single aspect units are all 1 bedroom or studio apartments and the majority of homes (59%), including all of the 2 bedroomed larger homes would have dual aspect, being positioned across the four corners of the block. The units would have access to roof gardens on the 12th and 15th floor via the main core, as well as access to the lower and upper western podium.
148. All of the new homes within this block are for private tenure and would meet the minimum internal space standards. Notwithstanding the above, there are some concerns over some specific layouts which do not appear to provide the same level of quality of accommodation due to the location and arrangement of kitchen spaces and a lack of outlook to them which includes units B-0204, B-0304 to B-1104. However, the applicants have demonstrated that a re-arrangement of the flats to deliver a combined living room and kitchen would lead to other concerns, including a lack of balcony access from the living room and poor light and outlook to the living room. Nonetheless, a suitable design solution has been devised, which establishes 1.2 metre high partitions to the kitchens (rather than full height walls) and which relocates the adjacent bedroom doors, equipping them with glazed fanlights to allow a direct line of sight to the bedroom windows from the kitchen spaces. It is considered that this solution results in the quality of accommodation to these flats becoming acceptable. Updated plans that show these changes have been provided and these layouts would be secured by condition.

Block C (North Central) – The Brook

149. Block C is located at the centre of the brookside route towards the northern edge of the site and is directly connected to Block D to the south. Block C would be formed of a part 20 and part 24 storey massing.
150. 211 homes are located within Block C comprising 62 x Studio, 70 x 1B2P and 79 x 2B3P units. All of the residential homes in this block are for private tenure. All units meet minimum space standards. The block's core would serve 7-10 apartments per floor.
151. 53% (111 out of 211) of the homes within the block are single aspect, facing either west or east. This proportion is considered acceptable as they serve 1 bed or studio units. The 47% remaining (100 out of 211) units are dual aspect corner units serving units with 2 or more bedrooms.
152. Block C can be accessed from the shared access to blocks A and B fronting Fulton Road but would also have a more immediate access point from along the brook route. The lower and upper western podium between Blocks A and C can be accessed via first floor or from directly from the stepped access along the brookside route, and residents would also have access to roof gardens situated on the 20th and 24th floors.

Block D (South East) – Fifth Way

153. The south-eastern block would contain 120 homes of which 64 would be intermediate homes. The block would be formed of a part 12 and part 15 storey massing. The block would have 35 x studio, 41 x 1B2P and 44 x 2B4P units. There are 7-10 units per core on each floor.
154. Block D would comprise of 46 (38%) dual aspect units which are 2 bedroomed units and the remaining 62% (74 of 120) would comprise of single aspect dwellings, which are 1 bed or studio units towards the east and west axis. Overall, the quality of the proposed residential accommodation is of high quality with all of the homes meeting minimum internal space standards.
155. The residential accommodation is accessed at upper ground floor level (owing to the level

change in this location) from the south of the block on Fifth Way but can also be reached from the upper podium garden, which can be accessed from the newly created access alongside the brook to the north of the site.

156. The block would have immediate access to the upper western podium (but also to the lower western podium beyond it) and to private roof gardens on the 12th and 15th floors.

Block E (North East) – The Goods Yard and the Brook

157. Block E fronts the northern route alongside the brook as well as the eastern edge of the site, at the area designated as the 'Goods Yard' and forming part of the service road through the site. The main residential entrance and lobby is from the north of the site facing The Brook. Block E's core is independent of the other buildings and benefits from a generous podium garden of its own (the eastern podium).

158. The block would be formed of a part 15 and part 18 storey massing, containing 154 homes (28 x 1B2P, 57 x 2B3P, 17 x 2B4P, 52 x 3B5P). The new homes within this block are comprised of 12 intermediate homes, 80 London Affordable Rented and 62 affordable rented units. All units would meet the minimum internal space standards.

159. 27% (41 out of 154) of the homes within the block are single aspect, facing either west or east which are considered acceptable as they mostly serve 1 bedroom units. The 73% remaining (113 out of 154) units are dual aspect at the corners of the block for 2 or more bedrooms.

160. The podium level between block C and E can be accessed via Block E on level 2 with further private rooftop gardens provided on levels 15 and 18.

161. As the only block entirely comprised of affordable homes, it is welcomed that the quality of the homes are equitable to those of the other blocks. Block E has the highest dual aspect percentage of all of the blocks and, whilst the residents of the block would not have access to the combined cores and podium of the other blocks (to ensure the block is self-contained for ease of management and service charging by a registered provider), the provision of a dedicated podium for the sole use of residents of this block is welcomed. In accepting this arrangement, officers would note that the dedicated podium to block E would provide 4.3sqm of amenity space per home, more than twice the 2.02sqm per home offered through the western podium that is shared between blocks A, B, C and D. In addition, the rooftop garden at level 15 is the largest rooftop amenity space in the development by a significant margin, providing 584sqm of amenity space, 38% larger than the next largest garden (424sqm serving block B). The GLA has raised concern with the self-containment of block E and, in particular, the lack of scheme-wide access across the garden spaces. Whilst officers share this concern in principle, the reality of the need for self-containment by many Registered Providers is understood and it is felt that suitable mitigating factors (as discussed above) are present in this instance for the proposal to be acceptable.

Summary

162. The overall layout and associated internal quality is considered to be high and the quality is consistent through the scheme, including in relation to the block containing affordable homes. All of the homes would achieve relevant standards for sizing and all would achieve good outlook for all of their habitable rooms.

163. A significant provision of dual aspect units is a strong benefit of the scheme, with 58% of all of the homes having dual aspect. This proportion is 100% for the family units. There are no units within the scheme that have a sole north facing aspect, which is strongly welcomed and accords with guidance in the Mayor's Housing SPG. The previous application at the site proposed 493 units across four blocks, with 266 of those homes (54%) having dual aspect outlook and not all of the family homes having dual aspect. This scheme improves on this previous scenario by proposing a larger proportion of homes with dual aspect outlook and a demonstrated assurance that all of its family units benefit from dual aspect. The GLA has cited the single aspect percentage of the scheme as being of concern, however officers would disagree with this point, with reference to the discussion above.

164. The Mayor's Housing SPG generally advises against the provision of homes with more than 8 flats per floor per core as this can be less beneficial in achieving community cohesion. The proposals generally exceed this amount (as discussed in the previous paragraphs), although not to an excessive extent. However, the consistent use of L shaped cores helps to establish the feel of there being two separate parts to each core and all of the cores will be served by a window to further improve their

experience to residents. As such, the approach of the scheme to proposing more than 8 flats per core is accepted in this instance. The GLA also acknowledge that the unit-per-core ratios are in excess of the preferred 8 in parts, but they also note that the naturally lit/ventilated nature of the cores assists in mitigating this breach of guidance.

165. As discussed in previous sections, the ground floor plane is considered to be highly positive and residential entrances are distributed liberally around the site, breaking down what is a large scheme into sets of familiar components for residents across the blocks.

Accessibility

166. 10% of the homes which equates to 76 dwellings out of 759 would be adaptable for wheelchair users and are accordingly sized so as to ensure suitable circulation space within each room for this purpose (M4(3) standard within the Building Regulations). Policy D7 of the London Plan requires 10% of new homes to meet the M4(3) fit out and the remainder to meet the M4(2) fit out. This has been achieved in this instance.

167. The applicants' design and access statement demonstrates how the proposed development would meet the above requirements. The document shows how wheelchair users and wheelchair adaptable units have been incorporated into the scheme, with indicative layouts for each type of flat shown.

168. Below is a schedule of proposed apartments complying with M4(3) within each block.

Block Name	Quantity M4(3)
Block A	19 x 2 bed
Block B	13 x 2 bed
Block C	1 x 2 bed
Block D	27 x 2 and 1 bed
Block E	16 x 2 beds

169. Step-free access would be provided to all parts of the site including the landscaped areas along with lifts and proposed paths which have been designed to be legible and appropriately lit. A fire evacuation lift in each core would provide a safe means of escape in the event of an emergency.

Privacy and outlook

170. In terms of privacy between blocks, the proposal broadly meets the standards set out in Brent's SPD1 (2018). A separation distance of more than 27 metres is maintained between blocks B and D, 17.5 metres between blocks A and C (16 metres from balcony to window), and more than 29 metres is retained between Blocks C and E, thereby complying with the SPD1 design guide. Whilst the distance between Block A and C is slightly less than the 18 metres as set out within SPD1, the windows across this space are largely offset from one another and this forms a limited part of the scheme overall and is therefore accepted in this instance.

171. However, the distance between blocks A and B is just 11.5 metres, which falls significantly short of the 18 metre requirement for such distances as set out in SPD1. Nonetheless, the windows affected by this relationship are largely secondary windows to habitable rooms. Just two of the six windows to each floor of the north elevation to block B and the south elevation to block A are primary habitable room windows. Directly facing secondary windows to the habitable rooms can be alternately obscure glazed to prevent any privacy concerns whilst also retaining a good level of outlook to the habitable rooms. Such obscure glazing is to form a condition of any consent.

172. The shared amenity space podiums would be overlooked by residential homes that face onto the podium at the same level and at levels above the podium. The private terraces serving homes located at and facing on to the podium level are located at the edges of the podiums. The plans include sections of defensible planting to establish a suitable privacy relationship between the podiums and the

adjacent residential units.

Internal Daylight and Sunlight

173. An internal daylight and sunlight report has been submitted with the application, testing the levels of daylight reaching habitable rooms of the development using the Average Daylight Factor (ADF) criteria and the No Sky Line (NSL) criteria. The ADF gives a more detailed assessment of the daylight within a room than the Vertical Sky Component (VSC) test and takes into account a higher number of factors in establishing a quantitative output. ADF testing is achievable because a lot of information about the rooms being tested is known. This method of assessment takes into account the total glazed area to the room, the transmittance quality of the glazing proposed, the total area of the room surfaces including ceilings and floors, and the internal average reflectance for the room being assessed. The method also takes into account the VSC and the quantum of reflected light off external surfaces. Different benchmarks can be applied based on how much light a room needs, with a 2% benchmark ADF score applied to kitchens, a 1.5% benchmark ADF score applied to living rooms and a 1% benchmark ADF score applied to bedrooms.
174. The No Sky Line (NSL) test can be used in tandem with ADF to confirm the proportion of a room from which sky would be visible and to ensure that a good ADF result is not just concentrated in a small part of the room. A visible sky from more than 50% (NSL of 50%+) of the room can be considered a good result in this context.
175. In relation to sunlight, the probable sunlight hours (APSH/WPSH) testing is applied and sets out that that a room would be reasonably sunlight when at least one main window faces within 90 degrees of due south, and the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March.
176. The report concludes that 1,735 out of 2,004 (87%) rooms assessed would meet or exceed their ADF benchmark score for daylight. This is in considerable excess of the proportion of rooms that met ADF guidelines in the previous scheme (75% - 1,016 out of 1,360). Turning from the light received, to the distribution of that light across the rooms, 1,427 out of 2,004 (71%) would achieve daylight distribution (NSL) to over 50% of their rooms' areas. This is slightly less than the previous scheme's 73% NSL compliance (987 out of 1,360). Generally, the lower levels of the buildings see lower levels of compliance, with dual aspect rooms seeing the best results.
177. Previously, the largest area of concern in terms of daylight availability occurred to the south elevation of the scheme, where an east-west block faced southwards across a space significantly obstructed by the massing of former Kelaty House Block B, thereby restricting the amount of daylight and sunlight available on this façade. The north-south block formations in the current version limit the number of units at the southern end of the site close to former Kelaty House Block B and also result in all of the units at the southern ends of the blocks benefitting from corner dual aspect with the ability to receive light and sunlight from the east or west directions.
178. In terms of sunlighting, 66% of the windows will meet the recommended criteria for winter sunlight and 54% for year round sunlight. This is largely because the south facing windows will directly overlook the taller southern block within the scheme, limiting these windows' access to the sun. The above figures were 66% and 61% in the context of the previous scheme. The sunlight results have reduced slightly compared with the previous scheme, however it should be noted that a factor in this is the north-south orientation of all of the blocks in this scheme, which has increased the instances of east and west facing homes compared with the previous scheme. Such homes can naturally only receive direct sunlight in either the morning or the afternoon. The west and south facades see lower levels of sunlight than the other facades owing to the context of nearby masterplan buildings, although this is not substantially different between the current scheme and the existing scheme.
179. The GLA considers that the scheme's massing results in poor levels of internal daylight and sunlight, however officers would note that the results are very comparable with those of the previous scheme, and would not be unacceptable. In particular, it is highlighted that this scheme performs more strongly than the previous when measured on the basis of the most accurate daylighting test (ADF).
180. Overshadowing assessments to the communal podiums and rooftop gardens have also been undertaken and the results show that all rooftop gardens and all but one of the podiums substantially

exceed the BRE test of at least 50% of the garden receiving 2 hours of sunlight on 21st March. The proportion of the amenity spaces achieving the 2 hours of sunlight ranges from 74% to 100% for the roof gardens and between 68% and 83% for the eastern podium (serving block E) and the upper western podium (serving blocks A, B, C and D). The lower western podium (close to the northern edge of the site) would not be well sunlit but all residents would also have access to the upper western podium which performs well in overshadowing terms.

181. The brook route would fall short of the achieving the overshadowing targets, achieving 2 hours of sunlight across about 33% of its extent on the 21st March (34% for the previous scheme); however, between the 12th April and the 1st September the brook route would achieve the 2 hours sunlight across at least 50% of its extent, with that coverage peaking at about 85% in mid-June.
182. Overall, the proposed development is considered to perform well against the recommended guidance. Considering the high density, urban context of the scheme, the internal daylight and sunlight levels are considered acceptable and it is welcomed that, when compared with the previous scheme, whilst increasing the delivery of homes, the current development provides greater levels of daylight to a larger number of habitable rooms.

Amenity Space

183. Policy DMP19 states the following:

"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."

184. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 10.39) which provides that:

"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. 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".

185. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.
186. The blocks all benefit from access to two rooftop terraces each as well as access to a lower podium. Blocks B and D both benefit from two rooftop terraces at levels 12 and 15 of their respective blocks as well as access to the upper and lower western landscaped podiums. The upper and lower western landscaped podiums are also shared with the residents of blocks A and C, whose residents further benefit from two rooftop gardens for each block (at levels 15 and 18 for block A and at levels 20 and 24 for block C). Block E has sole access to the eastern landscaped podium and is equipped with the largest of the scheme's roof gardens at levels 15 and 18.
187. As noted above, the dedicated podium to block E would provide 4.3sqm of amenity space per home, more than twice the 2.02sqm per home offered through the western podium that is shared between blocks A, B, C and D. In addition, the rooftop garden at level 15 is the largest rooftop amenity space in the development by a significant margin, providing 584sqm of amenity space, 38% larger than the next largest garden (424sqm serving block B).
188. The 10 rooftop gardens together provide 3,117sqm of amenity space, whilst the western podiums together measure 1,222sqm and the eastern podium measures 660sqm. circa 900sqm of indoor communal facilities are to be provided at the ground floor between cores A and B, overlooking the landscaped areas, as an additional amenity offer to residents, accessible to all residents within blocks A, B, C and D;. Whilst not contributing towards amenity space for the purposes of the amenity space policy

(given that it is not outdoor space), the benefit of this indoor space is acknowledged and would factor into officers' views on the acceptability of the amenity space provisions..

189. The proposals would also deliver new publicly accessible amenity spaces at ground floor (3,370sqm), with the new route alongside the brook at the centre of these proposals. Whilst not private or communal to residents alone, this space is a significant benefit of the scheme and would factor into officers' views on the acceptability of the amenity space provision.

190. Overall, the amenity space provision, and associated shortfalls below DMP19 is as follows (all in sqm):

Block	A	B	C	D	E	Total
Number of 20sqm standard units	125	123	211	120	102	759
Number of 50sqm standard units	26	0	0	0	52	78
Amenity Space standard sqm (DMP19)	3,800	2,460	4,220	2,400	4,640	17,520
Private Amenity space in sqm	786	658	1,173	628	795	4,040
Shortfall in amenity sqm (incl. private)	3,014	1,802	3,047	1,772	3,845	13,480
Total share of communal space roof garden and podium sqm	997	842.4	811.2	832.4	1,516	4,999
Adjusted shortfall sqm (incl. private and communal)	2,017	959.6	2,235.8	939.6	2,329	8,481
Ground floor communal space						3,370
TOTAL shortfall						5,111

191. Whilst the table above breaks down the shortfall in amenity space provision against policy requirements across the different amenity space components by block, the summary position is that:

192. 23% of the required amenity space provision is achieved through the provision of private balconies

193. 52% of the required amenity space provision is achieved through the provision of communal gardens at podium and roof level – this figure increases to 71% when taking into account the landscaped communal spaces around the developments on ground floor.

Whole scheme	Policy Requirement	Private Balcony	Shortfall of policy	Communal Roof Spaces+ podiums	Communal Ground floors	Cumulative Shortfall	% of req
Total units (759)	17,520	4,040	13,480	4,999	3,370	5,111	70.8%

194. However, the above accords with DMP 19 of Brent's DMP 2016. Brent's emerging policy BH13 (which is set to supersede DMP19) carries significant weight and prescribes that it is specifically 3 bedroom+ units on ground level that are to provide 50sqm of amenity space, rather than all 3 bedroom+ units. In this instance there are no ground floor units and the scheme would need to provide 20sqm of private amenity space across for all of its units.

195. When applying the BH13 criteria to the amenity space proposals, the shortfalls below the policy amounts reduce and this is set out in the table below:

Block	A	B	C	D	E	Total
Number of 20sqm standard units	151	123	211	120	154	759
Number of 50sqm standard units	0	0	0	0	0	0
Amenity Space standard sqm (BH13)	3,020	2,460	4,220	2,400	3,080	15,180
Private Amenity space in sqm	786	658	1,173	628	795	4,040
Shortfall in amenity sqm (incl. private)	2,234	1,802	3,047	1,772	2,285	11,140
Total share of communal space roof garden and podium sqm	997	842.4	811.2	832.4	1,516	4,999
Adjusted shortfall sqm (incl. private and communal)	1,237	959.6	2,235.8	939.6	769	6,141
Ground floor communal space						3,370
TOTAL shortfall						2,771

196. Whilst the table above breaks down the shortfall in amenity space provision against policy requirements across the different amenity space components by block, the summary position is that:

197. 27% of the required amenity space provision is achieved through the provision of private balconies

198. 60% of the required amenity space provision is achieved through the provision of private spaces and roof communal spaces – this figure is increased to 82% with taking into account the landscaped communal spaces around the developments on ground floor.

Whole scheme	Policy Requirement	Private Balcony	Shortfall of policy	Communal Roof Spaces+ podiums	Communal Ground floors	Cumulative Shortfall	% of req
Total units (759)	15,180	4,040	11,140	4,999	3,370	2,771	81.7%

199. In summary, the headline amenity space amounts achieved, relative to the previous application, are as follows:

	Adopted DMP19 private & communal	Adopted DMP19 Private & communal + public space	Emerging BH13 Private & communal	Emerging BH13 Private & communal + public space
Current (21/2989) achievement against policy target	9,039sqm / 17,520sqm (51.6%)	12,409sqm / 17,520sqm (70.8%)	9,039sqm / 15,180sqm (59.5%)	12,409sqm / 15,180sqm (81.7%)
Previous (20/2033) achievement against policy target	6,326sqm / 12,080sqm (52.4%)	9,720sqm / 12,080sqm (80.5%)	6,326sqm / 9,860sqm (64.2%)	9,720sqm / 9,860sqm (98.6%)

- Despite the shortfall against policy, it is welcomed that amenity space provision has been reasonably maximised across the development, utilising all rooftops where possible and significantly expanding public open space. It should also be noted that the scheme brings wider benefits in terms of opening up Wealdstone Brook and encouraging this to be more actively used, with the potential for a public route along the Brook, with the aim of adjoining sites tying into this. On balance, the proposed amenity space provision is therefore acceptable.

Playspace provision

- London Plan Policy S4 requires development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme, which should not be segregated by tenure. Further detail is provided in the Mayor's 'Shaping Neighbourhoods: Play and Information Recreation' Supplementary Planning Guidance (SPG), which sets a benchmark of 10 sq.m of usable child place space to be provided per child and makes clear that playspace must not be segregated by tenure.

200. The applicants have set out a play space strategy which provides on-site play spaces aimed at children aged 0-17 in line with GLA policy S4. The proposal has been calculated to generate a child yield of 298.3 which amounts to 2,983.1sqm of play space of which 142.5sqm should be doorstep play space to be achieved for 759 units.

201. The applicants have incorporated these play spaces within the rooftop gardens as well as the podium, The Brook and The Goods Yard communal spaces which would total 3,192sqm of such space. These figures are calculated based on the GLA's 2019 Population Yield Calculator which determines the sizes of the incoming population generated by the proposal. The proposal is also in the proximity of a number of parks (particularly the Northern Lawns and Southern Terraces being delivered as part of the Masterplan) in providing an off-site offer for residents.

202. The 3,192sqm provision of playspace exceeds the 2,983.1sqm target generated under the standards set by the Mayor's Play and Informal Recreation SPG. The proposal provides playspace for children of all ages, with most of this centred on the well over-looked podiums, roof top gardens and the brook. Informal play areas are also provided in the Yard for older children and close to Fulton Road, multiplying the opportunities for use.

- Detailed plans of the play spaces for all ages and their individual features will be secured through a landscaping condition.

- The previous scheme would provide a total of 2,270sqm of playspace, thereby also exceeding the 2,248sqm target generated under the standards set by the Mayor's Play and Informal Recreation SPG.

Landscaping provision and Urban Greening

203. The proposals would retain the vast majority of trees on site, although two trees of poor amenity value (Cat C) and two groups of rough scrub vegetation would be removed to the north-west and south-east fringes of the site respectively. However a further 12 trees/ groups of trees would be retained along the north of the site close to the Brook. Although these are largely categorised as C or U value trees, they play a role in the vegetation and natural screening along the Brook and are therefore important to the overall landscaping strategy. These would be enhanced by further planting along the Brookside, as well as across the scheme in general, and the planting of 51 new trees across the development.
204. At the heart of the landscape proposals is opening up the site to Wealdstone Brook and establishing a future public access connection to it, which would be in keeping with the aspirations of WAAP policy WEM40. Further proposals that contribute to this policy aspiration will be provided in the form of biodiversity measures which are discussed later in this report.
205. The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the masterplan. The proposal includes rain gardens which support multi-functionality, in accordance with Policy G1 of the London Plan. The application also demonstrates consideration of access to public open space, notably adjacent to Wealdstone Brook, in accordance with London Plan Policy G4. This area of public open space is also green as per the policy aspiration. The applicant has calculated the Urban Greening Factor of the proposed development as 0.477, and has submitted a plan showing surface cover and detailed calculations. This score exceeds the target set by Policy G5 of the London Plan of 0.4 and is therefore acceptable. The GLA also strongly welcome the landscaping proposals in the development.
206. Again, officers recommend a landscaping condition which secures detailed plans of the landscaping's individual features to be submitted for approval before works on the relevant part of the scheme commence.

Transport and highways

Site background

207. The site is bounded by Fulton Road, Fifth Way and Fourth Way. Fifth Way is a local distributor road that has recently been converted to two-way working. There is a level difference between the site and Fifth Way. Fulton Road is a local commercial access road whose importance is likely to increase once the proposed North End Road to Bridge Road link has been completed. Fourth Way is also a local commercial access road.
208. On-street parking is prohibited at all times around the site. As the adjoining roads are all commercial access roads, none of them have been identified as heavily parked streets overnight, although there is evidence to show that they are heavily parked during the day. The site is within the Wembley Stadium Event Day Parking Zone.

Car Parking

209. As the site lies within the Wembley Masterplan area, car parking standards are set out in the Wembley Area Action Plan. With the good PTAL rating, the flats would be allowed up to 0.4 spaces per 1-/2-bed flat and 0.6 spaces per 3-bed flat, the employment uses would be allowed one space per 400m² and the retail uses one space per 100m². This would give a total allowance of up to 319 residential spaces and 11 commercial spaces.
210. For information, the forthcoming draft Local Plan (which will adopt London Plan parking standards) would allow up to 0.5 spaces per flat (379 spaces), plus ten commercial spaces.
211. The proposed provision of 25 wide, marked disabled spaces is therefore well within the maximum allowance. It does satisfy the London Plan requirement that allocated parking is provided for 3% of units at the outset and if necessary, further disabled spaces could be provided in the northeastern corner of

the site if demand warranted it in future. Blue Badge holders would also be exempt from any 'car-free' agreement that is applied to the site.

212. Of the spaces that are to be provided, at least 20% (five spaces) require electric vehicle charging points at the outset, with all remaining spaces needing to have passive provision. The supporting documents confirm that suitable provision will be made.
213. Consideration also needs to be given to the impact of overspill parking in the area though. To this end, the adjacent streets would need to be included within a year-round CPZ to allow the issue of parking permits to be properly controlled. A sum of £50,000 was agreed for the previously approved development to address this and this sum is to be secured again for this scheme through the s106 Agreement.
214. Otherwise, overspill parking can be controlled on Wembley Stadium event days and a 'car-free' agreement to withdraw the right of future residents to on-street parking permits for both the existing event day CPZ and any future year-round CPZ needs to be secured through the s106 Agreement.
215. A Car Parking Management Plan has been submitted alongside the application, confirming that only disabled Blue Badge holder will be eligible to apply to park within the site. Other residents will be informed of the 'car-free' agreement. Demand for disabled parking and electric vehicle charging points will be continuously monitored and reviewed, with a view to increasing provision as and when necessary. Any vehicles that are parked within the site without a permit or authorisation will be issued with Penalty Charge Notices and/or towed away. The Car Parking Management Plan is acceptable and will be secured for implementation by condition.

Cycle Parking

216. In terms of bicycle parking, the development requires a minimum of 1264 long-stay spaces and 19 short-stay spaces for residents, plus 20 long-stay and 10 short-stay spaces for the commercial units. Internal bicycle storage for 1313 bicycles is proposed, largely on two-tier racks, but with over 5% provided on 'Sheffield' stands for non-standard bicycles and tricycles. These are supplemented by 17 external bicycle stands (34 spaces) for visitors, distributed around the site frontage to serve each block.
217. The main internal bicycle store is well located on the ground floor for Blocks A-D, whilst the store for Block E is largely focussed on the first floor, with a suitably sized lift shown for access. All racks are shown with suitable space for access. As long as changing/showering/locker facilities are incorporated into the workspace units, then the proposed bicycle parking provision will meet standards in terms of number and quality.

Servicing and Refuse

218. For servicing, a new footway loading bay (18m x 3.5m) is proposed along the Fulton Road frontage to serve the western end of the development, with suitable time limits for loading. This will entail S38/S278 highway works to provide the lay-by and also to adopt a 2m footway along the rear for times when it is occupied by a delivery lorry, which will be secured through the s106 Agreement.
219. The eastern end of the development, including the main commercial unit, will be serviced from within the site, with two delivery bays identified alongside the proposed service road and a suggestion that an internal loading bay will be provided within the commercial unit.
220. The minimum refuse and recycling storage required for the residential development is 146,520l, plus 17,457l for organic waste. Five bin stores have been indicated, with a sufficient number of bins to meet these requirements. However, the bin stores for blocks A and C are shown with bins packed together tightly in large blocks, making many of them inaccessible. This is not workable and the two stores need to be rearranged or enlarged accordingly. The applicants have since advised that management will rearrange the bins as and when required to ensure continued usability by residents. A planning condition will require revised plans of the bin stores serving blocks A, B and C to be submitted for approval, or will require the submission of a site waste management plan that will explain the arrangements for managing the bin store to be submitted for approval.
221. Two of the bin stores (Blocks A and B) also have excessively long drag distances to the proposed loading bays for refuse vehicles (40m and 50m respectively). These kinds of issues would typically be addressed by the site management company taking responsibility for the relocation of the bins as

necessary. However, whilst a Delivery & Servicing Management Plan (DSP) has been submitted, it has not specifically addressed this issue.

222. Otherwise, the DSP has set out procedures for helping to minimise the impact of the anticipated 107 daily deliveries (75 residential and 32 commercial) to the development on the highway network. This includes a delivery booking system for the commercial units, which will help to avoid peak hour deliveries. However, no mention is made of Wembley Stadium event days and the site management company should be proactive in minimising deliveries to the site on Wembley Stadium event days. In addition, HGV's should be directed to arrive at and leave the site via North Circular Road and Great Central Way only, rather than travelling through the Wembley redevelopment area.
223. As such, the submitted DSP still requires further work around waste storage and collection, vehicle routing and avoiding conflict with Wembley Stadium event days before it can be approved. A revised DSP is to be sought and approved by way of planning condition.

New Routes, Public Realm and Highways Improvements

224. Internally, the proposed alignment of the service road includes a number of sharp right-angled turns along its length, but tracking has been provided to demonstrate that delivery vehicles (including articulated lorries) can manoeuvre through the site from Fifth Way to Fourth Way without difficulty. The gradient has also been kept to a maximum of 1:12 (8.3%), which is acceptable for wheelchair access.
225. The service road will require a new junction from Fifth Way for inbound traffic only and this meets standards in terms of junction spacing, visibility and tactile paving.
226. A Road Safety Audit did raise an issue with regard to its width and recommended enhanced signing to ensure that drivers do not mistake it for a two-way road. A reduction to the kerb radius of the junction on its western side to no more than 6m should also be made, as the radius shown is only required for articulated lorries, which should be routed to the site from the east (North Circular Road) only through the DSP, on the rare occasions they are likely to visit the site.
227. The service road will be entirely surfaced in block paving, which is welcomed for use as a shared surface. Areas for pedestrian priority will be delineated through the use of contrasting colours and patterns and the use of balustrade railings.
228. The site will also include a riverside walk along its northern edge, connecting Fulton Road/Watkin Road with the eastern end of the site, with the vehicular access from Fulton Road removed to facilitate safe pedestrian access. This route is very welcome and will also be available for use by cyclists and emergency vehicles (ensuring fire appliance access to the entire site perimeter), with vehicular access from Watkin Road controlled by removable bollards.
229. The only issue is that to connect to the wider highway network at Fourth Way, the route will need to share the relatively narrow vehicular egress to Fourth Way, which doesn't provide sufficient space for a segregated footway to be provided. However, there is enough space for vehicles and pedestrians to safely pass one another along the shared surface with care, until such time as an improved link might be delivered as adjoining sites come forward for redevelopment.
230. Pedestrian access to each of the residential blocks and commercial units will be taken either directly from the highway (Fulton Road and Fifth Way) or, in the case of Block E and the main employment unit, from the footpath along the site's northern edge. As such pedestrian traffic and vehicular traffic are largely segregated, which is welcomed.
231. The internal access road and footpath are not expected to be adopted, but the footpath along the site's northern edge should be designated as a permissive right of way for the general public through the s106 Agreement.
232. The development also proposes a number of improvements around the site to address issues identified in the Healthy Streets Assessment. These include the widening of footways along the Fulton Road and Fifth Way frontages and works to improve bus stop and pedestrian crossing facilities. In particular, the radius kerb at the junction of Fulton Road and Fifth Way is to be enlarged to potentially accommodate a pedestrian refuge at the junction in the future, if some additional highway land can be secured on the opposite side of the junction. This widening will require the adoption of land in the southwestern corner of the site as footway.

233. In the meantime, as a pedestrian island cannot be guaranteed to be delivered in the timeframe of this development, a raised speed table is proposed across the bellmouth of Fulton Road, supplemented by speed cushions on the Fifth Way and First Way approaches to the junction. A further speed table is proposed in Fulton Road in the northwestern corner of the site to assist pedestrians to cross Fulton Road safely. These improvements will need to be included in the proposed S38/S278 Agreement and secured through the s106 Agreement.
234. The improvements to the bus stop include a shelter and seating and TfL have requested that these be funded by the developer through a financial contribution. The indicative costs for this have yet to be confirmed, but the agreed amount will be secured in the s106 Agreement.

Trip Generation

235. Predicted trip generation has been based upon agreed trip rates for other residential developments in the immediate area and on trip rates held on the TRICS database for non-residential uses, adjusted to reflect the low level of car parking proposed.
236. The total number of person trips by all modes is estimated at 67 arrivals/330 departures in the morning peak hour (8-9am) and 254 arrivals/108 departures in the evening peak hour (5-6pm).
237. However, due to the low level of parking, just 5-6 car movements are anticipated to occur in each peak hour and this is far below the traffic levels generated by the existing use as a car parts sales centre. As such, the development would have a positive impact by reducing traffic flows in the area and thus improving highway safety.
238. The main impact of the trip generation would be on public transport capacity, with 65-71 additional bus trips anticipated in each peak hour. Bus services serving the site directly are limited to just three services, so a substantial financial contribution of £408,167 has been sought by TfL towards bus services enhancements. This will be secured through the s106 agreement.
239. For rail and Underground journeys, the hourly trips are estimated at 246 in the morning peak hour and 224 movements in the evening peak hour. Wembley Park station has been designed to accommodate large crowds for Stadium events, so has residual capacity on non-event days. There are therefore no concerns regarding station capacity.
240. The predicted rail trips have then been assigned to Jubilee and Metropolitan line trains arriving at and departing from Wembley Park station in each peak hour, comparing the additional hourly demand with existing flows on these services. The maximum identified impact was an increase of 0.7% in demand, which is not considered to be significant. TfL have not requested any contribution in relation to rail or underground service capacity.
241. Purely walking and cycling trips are estimated to total 54-59 movements in each peak hour and the proposed S278 works around the site will help to ensure these are catered for safely on the adjoining roads.

Travel Plan

242. To attempt to influence modal choice at the development, a Framework Travel Plan has been submitted by the applicant. The principal target is to ensure that no less than 80% of trips to and from the site are made by sustainable modes of transport, in line with the London Mayor's Transport Strategy. However, as a car-free development with an estimated modal split of journeys by car drivers of 1.5% (taken from the TA), this target is meaningless in this context and should be revised. Interim targets for three years and five years after completion of the development should also be set out.
243. The management of the Travel Plan and monitoring of its progress will be undertaken by a Travel Plan Co-ordinator. Promotion of the Travel Plan will be through Welcome Packs and noticeboards, highlighting events such as 'Bike Week' or 'Walk to Work Day'. However, the list of proposed measures is very weak, omitting some key measures that would be expected in a Residential or Employment Travel Plan.
244. For instance, mention is made of making residents aware of local Car Clubs, but no mention is made of offering free Car Club membership to residents or of establishing a Car Club on the site. This is a

major omission, given the size of the development. The proposed s106 Agreement will need to include an obligation to enter into partnership with a Car Club operator to serve the site, including potentially locating vehicles within the site or in the vicinity. Car club vehicles will need to be provided from first occupation of the development until at least three years after final occupation of the development. The s106 agreement will also need to secure the funding of resident membership of the car club for 3 years.

245. Another key omission for the employment units is any mention of the Bike 2 Work scheme or of offering interest-free loans for season tickets for staff.
246. In terms of ongoing monitoring, it is confirmed that biannual surveys will be conducted, but it is not confirmed to what standard these will be undertaken. TRICS or i-Trace compatible surveys should be used as the template. The time period of five years mentioned also needs to take into account the three-year build programme of the development, so monitoring should be undertaken from first occupation through to five years after completion.
247. Finally, no mention is made of how the Travel Plan's success will be reviewed once surveys are gathered, or how remedial measures might be introduced if targets are not met.
248. In conclusion, the Framework Travel Plan is not acceptable in its current form and a revised version will be required to be approved prior to occupation of the development. This can be submitted, reviewed, implemented and monitored through the s106 Agreement.

Construction Logistics Plan

249. Finally, a draft Construction Logistics Plan (CLP) has been submitted with the application, which generally follows TfL's guidance in terms of structure.
250. The works anticipated to extend from July 2022 until February 2025. Deliveries will be pre-booked with at least 24 hours' notice to help with managing the number of vehicles on-site at any one time. Nevertheless, the site is large enough not to be likely to require any highway closures during construction.
251. Although standard working hours (8am-6pm on weekdays and 8am-1pm on Saturdays) are to be followed, it is confirmed that deliveries during network peak hours will be avoided as far as possible, which is welcomed. Deliveries on Wembley Stadium event days (within four hours of an event) also need to be avoided and this should be confirmed in an updated CLP.
252. The proposed routing of construction vehicles from the North Circular is considered acceptable.
253. The predicted peak period of construction vehicle movements is expected to take place from summer to summer 2023, with 47 daily deliveries expected. As long as vehicles adhere to the proposed routing from North Circular Road, this volume of movements would be acceptable.
254. The draft Logistics Plan is therefore welcomed as a good basis for a final CLP, once a main contractor is appointed. A final CLP will need to be submitted and approved by way of condition.

Environmental Health Considerations

Air quality

255. 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.
256. 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.
257. The assessment confirms that the appropriate air quality positive requirements of the London Plan have been followed, and that the design incorporates a number of air quality impact reducing elements, including: the location of residential units and amenity spaces sufficiently away from major roads to reduce exposure to poor air quality for future residents, the use of air source heat pumps for the principal

heat generation for the building and highly energy efficient building fabric to minimise operational emissions, the minimal provision of car parking (with T6 policy compliant electric vehicle charging points) and a substantial provision and encouragement of cycle parking. Officers are satisfied that the development would have a negligible impact on air quality without any mitigation measures being required.

Construction noise and nuisance

258. 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.
259. 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 Environmental Method Statement to be submitted for approval before works start. This report will need to include management of dust through wheel washing and other mitigation measures.
260. 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

261. 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.

Noise

262. Policy D13 of the London Plan places the responsibility for mitigation impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. The development would sit adjacent to Strategic Industrial Land where this issue is of particular relevance, particularly as the remaining part of the Site Specific Allocation that is not included within the application site, and which immediately borders the south eastern part of the development site, continues to operate with an industrial use (for waste processing)
263. The applicant has submitted a Noise and Vibration Impact Assessment (as part of the Environmental Statement) that considers the potential emissions of noise and vibration from construction and the noise and vibration levels within residential dwellings once completed as a result of external noise levels and the proposed noise mitigation measures within the dwellings. The future residential uses within the Proposed Development will require suitable design of the facades and ventilation system so that appropriate internal noise conditions are achieved. The facade sound insulation performances required to meet the internal noise levels are set out in the applicant's Environmental Statement, with the highest requirements likely to need thick acoustic laminate glazing and wider air gaps, depending on the relative areas of glazing compared to the solid facade elements.
264. The Council's Regulatory Services have reviewed this assessment and deem it suitable and therefore provided the mitigation measures are installed the scheme is acceptable in terms of noise considerations. The Noise Impact Assessment is to be conditioned.
265. To ensure that any plant machinery on the building does not incur unacceptable noise pollution to surrounding properties, a condition limiting plant noise will be applied to the consent.

Lighting

266. A condition is to be attached requiring that a lighting strategy inclusive of details of luminance levels at the nearest residential windows are submitted and approved by the Local Planning Authority before

any of the residential units are occupied.

Sustainability and energy

Policy background

267. 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.
268. 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 SI2. For the residential parts of the development, the policy also requires at least 10 percentage points of the minimum 35 percentage point reduction to be attributable to energy efficiency measures (known as 'be lean' measures) and for the commercial parts of the development, the policy requires at least 15 percentage points of the reduction to be attributable to 'be lean' measures. 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.

Carbon emissions

269. 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, lighting controls, pipework insulation, thermal bridging and the implementation of an on-site heat network served by air source heat pumps, which would be used throughout the building and include underfloor heating. The heat pumps would also provide hot water and cooling to the commercial floorspace.
270. For the 'be clean' stage, the applicants explored the potential to connect to a district heat network and are continuing to explore the feasibility of connecting to the Wembley Park Network with Quintain and EoN. In any case, the applicants are proposing to incorporate a connection point to the district heat network, should a future feasible connection be possible. Drawings showing this have been provided and will be secured by condition.
271. For the 'be green' stage, heat pumps are being proposed in the form of a (centralised) hybrid air source heat pump and gas boiler system. A number of other renewable technologies were considered for inclusion, and photovoltaic panels were considered to be feasible for inclusion. Whilst the scheme maximises roof space for amenity provision for future residents, with very little space remaining, which is used for heat pump plant area, space for five small arrays of PV have been identified and proposed, totalling 41 panels, producing 13,735 kWh of energy.
272. The assessment demonstrates that the residential scheme would deliver a 49% reduction in carbon emissions below the 2013 Building Regulations baseline, which is broken down into the following site-wide elements below:

	Regulated emissions CO2 p.a	Saving in regulated emissions CO2 p.a	% reduction
Baseline Building Emissions based on Part L 2013	717.7	n/a	n/a
Building Emissions following 'Be Lean' measures	598.4	119.3	17%
Building Emissions following 'Be Clean' measures	598.4	0	0%
Building Emissions following 'Be	365.4	233.0	32%

Green' measures			
Total		352.3	49%

273. The assessment demonstrates that the commercial scheme would deliver a 57% reduction in carbon emissions below the 2013 Building Regulations baseline, which is broken down into the following site-wide elements below:

	Regulated emissions CO2 p.a	Saving in regulated emissions CO2 p.a	% reduction
Baseline Building Emissions based on Part L 2013	64.7	n/a	n/a
Building Emissions following 'Be Lean' measures	43.3	21.3	33%
Building Emissions following 'Be Clean' measures	43.3	0	0%
Building Emissions following 'Be Green' measures	27.9	15.4	24%
Total		36.7	57%

274. The scheme would have a residual emissions amount of 393 tonnes of CO2 per year and would significantly exceeds the baseline requirements in SI2 for both residential and commercial carbon savings. A carbon offsetting payment of £95 per year for each tonne of emitted regulated carbon is to be secured from the developer in line with London Plan policy. The offsetting payment for this scheme would be secured in the s106 agreement.

275. A commitment has been provided that the development will be designed to enable post construction monitoring and that the information set out in the 'be seen' guidance is submitted to the GLA's portal at the appropriate reporting stages. This will be secured through the s106 Agreement.

276. With regard to the commercial element of the scheme, a BREEAM Pre-Assessment has been submitted and this demonstrates that the scheme would achieve an 'Excellent' rating (71% for the retail units and 72% for the industrial units), as required by policy CP19 and emerging Local Plan policy BSU11. The BREEAM assessment notes that there may be scope to improve these scores in certain parts of the design process, while other credits may be at risk. Officers therefore recommend through a planning condition that the submission of a final stage BREEAM assessment to ensure that, as the design stages of the proposed development evolves, an 'Excellent' rating is achieved.

Sustainable design

277. The submitted Sustainability Statement outlined a number of sustainable design measures which would be incorporated into both the residential and non-residential elements of the scheme. These include measures (including the use of individual water meters and flow restrictors) to ensure the residential dwellings would be limited to water consumption of less than 105 litres per person per day. Officers recommend a condition to ensure that water consumption is restricted to less than 105 litres per person per day as identified above, as is required by London Plan policy SI5.

278. The sustainability statement proposes that the non-residential components of the development will target a minimum BREEAM rating of 'Excellent'. The BREEAM pre-assessments for these components identifies scores of 6 credits on water measures. This is in accordance with Policy SI.5 of the Intend to Publish London Plan and is strongly supported.

279. With regard to overheating, the applicants have submitted an overheating report setting out a number of measures being used to achieve the requirements of London Plan Policy SI4.

280. A Whole Life Cycle Carbon Assessment has been provided, as required by London Plan policy SI2,

demonstrating whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrating actions taken to reduce life-cycle carbon emissions. The results from the assessment indicate that the development is within the GLA's Aspirational Benchmark for construction stages with emissions totalling 476 kgCO₂e/m² GIA. The results for the operational phases of the building are higher than the GLA's Baseline Benchmark with emissions totalling 596 kgCO₂e/m² GIA and comments raised by the GLA in relation to this are being addressed by the applicants. By undertaking a WLC, and engaging with Circular Economy, Euro House development has demonstrated (subject to further Stage 2 consideration by the GLA) that every option for reducing carbon emissions has been considered and implemented where feasible.

281. A Circular Economy statement has been submitted, as required by London Plan policy SI7, demonstrating:
282. How all materials arising from demolition and remediation works will be re-used and /or recycled
283. How the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
284. Opportunities for managing as much waste as possible on site
285. Adequate and easily accessible storage space to support recycling and re-use
286. How much waste the proposal is expected to generate, and how and where the waste will be handled
287. The GLA is reviewing this statement and will provide comments in due course. Any concerns raised by the GLA can be addressed as part of a Stage 2 referral.
288. In relation to carbon emissions and sustainable design, the GLA has sought points of clarification in relation to overheating, the heat network connection, heat pump loss distribution and these are currently being addressed by the applicant ahead of a Stage 2 referral.

Flooding and Drainage

289. The site is predominantly in Flood Zone 1 with a small areas of Flood Zone 2 and 3 along the boundary, where building footprints are not proposed. The site abuts the River Wealdstone Brook. A Flood Risk Assessment (FRA) and drainage strategy has been submitted as required under the NPPF.
290. At present the site discharges unrestricted into Wealdstone Brook. The proposed development will also discharge to this same location via the existing outlet. The proposal is to provide attenuation totalling 1000m³, designed to a 1:100-year storm event + 40% for climate change, and the discharge into Wealdstone Brook would be restricted to 6 litres per second, similar to greenfield runoff rates. The site has been assessed for sustainability based on the Drainage Hierarchy.
291. The SuDS strategy is as follows:
292. All of the buildings to discharge to a single below ground attenuation crate tank system located to the east of Block E.
 - The podium decking above the parking will be planted out with a dense green/blue roof providing further attenuation storage in these zones.
 - All buildings will incorporate rainwater harvesting as much as possible.
 - Wherever possible hard surface areas will be formed using permeable paving and voided aggregate subbase.
 - All tree pits and planting will be directly linked to the voided aggregate subbase to provide irrigation for the planting.
 - The landscaping scheme includes rain gardens/swales along the northern boundary adjacent to the watercourse.
293. The submitted drainage strategy and flood risk assessment will be secured by condition.
294. The Environment Agency (EA) have reviewed the proposal and support the content of the submitted flood risk assessment and drainage strategy, given a 10 metre buffer zone would be maintained between the proposed development and the Brook. The EA have requested that an informative is applied to

ensure relevant Flood Risk Activity Permits are secured before works begin.

295. 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 a condition is attached requiring a piling method statement is submitted for approval before such works take place. Some additional advice for the application in relation to ground water will be communicated to the applicant by way of informative.

296. Affinity Water (who would supply drinking water to the development) have reviewed the proposal and do not raise any objection. They recommend that the applicant contacts Affinity Water as soon as possible following any grant of consent regarding supply matters due to the increased demand for water in the area resulting from the development. An informative will remind the applicant of this.

Wind and Microclimate

297. A microclimate assessment has been submitted by the applicant, as part of the Environmental Statement.

- Initial wind tunnel testing was undertaken with the known large landscaping surrounding the site in place. A second wind tunnel testing was undertaken with the consented surrounds in place. Places tested included all thoroughfares, crossing points and the Wealdstone Brook access paths, on street parking bays, bus stops, building entrances and rooftop garden spaces.
- In order to achieve safe and comfortable wind conditions at and around the site, the testing indicated that mitigation measures will be needed in the form of porous railings, raised planters, high hedges and solid screens at various points around the development. The porous railings and solid screens would need to be up to 1.5m in height and, to ensure that such elements would not detract from the quality of the communal amenity spaces they affect, a condition will be applied requiring detailed drawings of these elements to be provided and approved at an early stage of development.
- Furthermore, the condition requiring the submission of a landscaping plan will include a requirement for the raised planters and high hedges to be detailed within the submission. A separate condition will require the submission of plans demonstrating the placement and details of the wider microclimate mitigation measures.

Ecology and Biodiversity

- The site is close to a Grade II Site in Nature Conservation (SINC) located alongside the Wealdstone Brook to the north of the site. The existing site is dominated by urban features including buildings and a large area of hardstanding which account for approximately 83% of the total area of the site. There are small patches of scrub, introduced shrub and poor semi-improved grassland within the site which in its current state has a habitat value of 0.72. With enhancements proposed, the biodiversity Metric calculator returned a net gain of 1.86 habitat units or 259%, therefore there will be a gain in biodiversity value. The biodiversity gain is significantly improved compared with the previous scheme, whose biodiversity gains would have achieved a net gain of 1.33 or 187%.
- The applicants have submitted an ecology report and supplementary bat roosting survey which indicate the protected and priority species identified on or likely to be on or near the site.
- The report addresses the likelihood of roosting or foraging animals including bats, terrestrial mammals, amphibians, reptiles, birds, invertebrates, white-clawed crayfish, dormice and polecats. Generally, the development is deemed unlikely to adversely affect these species as the existing site's established habitat is 'negligible' in terms of ecological interest. Nonetheless, a number of mitigation measures have been recommended to ensure any harm is minimised.

298. The report also considers the presence of invasive plant species, such as Japanese Knotweed which have been located alongside the brook corridor to the North of the site.

299. Demolition and construction related effects would include potential sediment run-off to the brook, disturbance effects from construction lighting and noise from machinery, tree removal and vegetation clearance which may contain habitat for reptiles. As such, a construction ecological management plan (CEMP) should be compiled for the site. The aim of the CEMP would be to minimise the potential impact of the construction phase of the development on the existing ecology of the site and off-site receptors,

and to ensure works proceed in accordance with current wildlife legislation. This should be agreed with the local planning authority prior to works commencing.

300. The recommendations and enhancement suggestions are considered to be thorough and robust given the local ecological designations, and it is therefore considered that the scheme, subject to the above measures, would not result in any unduly harmful impact on the biodiversity in the area and may be of benefit to local ecology.
301. A condition will require that the abovementioned recommendations and enhancements are submitted in plan form (in the case of the CEMP and invasive species method statement) for approval. The landscaping condition will also require that the biodiversity enhancement measures are shown within the submitted landscaping plans. An additional condition will require the remainder of the ecology protection and enhancement measures to be adhered to during implementation.

Trees and Landscaping

302. The applicant has submitted an arboricultural assessment which identifies 16 trees on site, 1 of which has been assessed as category B (moderate amenity value), 14 of which have been assessed as category C (low amenity value) (largely Sycamore species), with the remaining tree being assessed as category U (dead/dying). Two trees towards the north west of the site (both category C) would need to be removed to accommodate the development. The remaining trees on site would be retained and the protection measures set out in the arboricultural assessment will be secured by condition.
303. There are a large number of new trees proposed (51) to various locations on the site, resulting in a net increase of trees on site by 49. Trees proposed on the Brook complement the existing Sycamores and are well suited for a water side environment, such as Birch, Whitebeam and Crap Apple (*Malus toringo*). Street trees would include a diverse range of species including Maples, Tulips, London Planes, Cherrys, Limes and Elms. Large feature trees, such as Oaks and Pines, would be used more sparingly to add variety. Tree planting would also be featured on the podium gardens, with species appropriate for the setting including Serviceberry and Cherry.
304. A condition will require that final detailed landscaping drawings are submitted, approved and implemented prior to the occupation of the development, which will include full details of type and species of tree planting throughout the site.

Fire Safety

305. Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5(B5) of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.
306. A fire statement prepared by a suitably qualified third-party assessor has been submitted in support of the application. This statement addresses the requirements of Policy D12 including the features to reduce the risk to life and of serious injury, features to minimise the risk of fire spread, an evacuation strategy and suitable means of escape for all building users, access and equipment for firefighting personnel. The GLA have confirmed that the fire statement is suitable to meet the requirements of D12.
307. The Health and Safety Executive (HSE) has reviewed the fire statement submitted by the applicant and raises the following concerns:
308. A mechanical smoke ventilator system is proposed to block E. Depending on the outcome of a computational fluid dynamic analysis (CFDA) relating to this system, additional plant, or a redesign of the block may be needed.
309. The location of the assembly points appears to be on the fire service approach routes, these would need relocating to avoid a collision between fire engines and members of the public.
310. The inlets to the fire mains within the stair cores may have implications for the design, appearance

and materials of the building.

311. It is not known if the nearby fire hydrants are usable and if they are not, additional fire hydrants may be required.
312. In relation to the mechanical smoke ventilator system, the size of the plant machinery required to be provided on the roof of block E (which would connect to smoke shafts that would ventilate from the building's communal access corridors) is dependent on the outcome of CFDA. The applicant's fire safety consultants have advised that an allowance for plant associated with the smoke shafts and CFDA has been incorporated at roof level within the submitted plans, and that the worst case scenario for the necessary size of the associated roof plant has been accounted for in the design. If the outcome of the CFDA would necessitate changes to the scheme layout, this would be limited to the core and the roof plant level only (no internal flat layouts would need to change), and such changes would be within the defined parameters of the plant area shown on the plans. On this basis, officers are satisfied that this concern has been appropriately considered and accounted for by the applicants.
313. In relation to the concern relating to fire assembly points, the applicants advise that the assembly points would primarily apply to the commercial units, as a conventional 'stay put' approach would be used to prevent the need for a large scale evacuation of the homes in the event of a fire. The applicant's fire safety consultants have submitted a more detailed indication of where assembly points could be designated when the detailed designs are drawn up at a later stage. The additional plans indicates that there is significant assembly space around the wider site perimeter that does not encroach on any hardstanding that facilitates the designated fire appliance approach routes (which includes the eastern service road and the route alongside the brook). On this basis, officers are satisfied that this concern has also been appropriately considered and accounted for.
314. In relation to the point regarding inlets, the applicant's fire safety consultants have set out that only Block D will require a dry fire main with an inlet, and that this inlet will need to be located within sight and within 18 metres of a fire appliance parking location, sited on the external façade adjacent to the core entry point.
315. In relation to the fire hydrants point, the applicant's fire safety consultants advise that an application to the water board will confirm if existing nearby fire hydrants can be relied on to serve the development or whether additional fire hydrants would be needed. If needed, Building Regulations would require the installation of fire hydrants at a later stage of design, and their installation would have to adhere with relevant British Standards (9991 and 9999) as specified in the Building Regulations. The applicant's consultants note that the installation of additional fire hydrants is a fairly common occurrence within new build developments.
316. Given that the fire matters are addressed fully through separate regulations and would not have a bearing on the planning consent, this further work will not form a part of the planning condition.

Television and Radio Reception Impact

317. In line with London Plan SI6, a Television and Radio Reception Impact assessment should be submitted to demonstrate that no issues (or suitable mitigation of issues) arising from obstruction of the reception to local television and radio receivers will be incurred by the development.
318. The development does not include this assessment, and a section 106 obligation will require that this is submitted for the LPA's approval and that mitigation measures required (if relevant) within this assessment are implemented.

Training and Employment

319. Core Strategy policy CP1 states the Council will seek training and placement opportunities from developments to place local people in local jobs. Whilst the emerging Local Plan policy BE1 'Economic Growth and Employment Opportunities for All' states an Employment and Training Plan will be required for all major developments, to be prepared in partnership with Brent Works or any successor body.
- A commitment to submit an 'Employment and Training Plan' to the Council for its approval prior to the material start of the development will be secured by way of a section 106 obligation. This obligation is

required of all major development schemes within the borough which comprise of 50 or more dwellings or at least 5,000sqm of floor space.

- The Council is endeavouring to achieve 'London Living Wage' standards, and encourages developers to use their best endeavours to achieve this across all of their development sites in the borough. An informative will advise the applicant of this.

Socio-Economics

- The Environment Statement includes an analysis of the development's impact on local socio-economic conditions. It is considered that the development will largely have beneficial effects on local socio-economic conditions with respect to areas such as housing targets, multiple deprivation, crime, population and the labour market, increased local expenditure, increased Gross Value Added and increased business rates revenue. Officers would note that employment and training obligations as well as the new employment generating floor space proposed are two parts of the proposal that would have a direct effect in terms of local socio-economic improvements.

Utilities

- The applicants have submitted a report setting out the existing and required utilities / statutory services for the scheme, including clean water supply, sewer connection, gas, electric and internet. The details of the report are not considered to contravene any relevant planning policies.

320. The statutory services report indicates that fibre internet is proposed to be made available to all apartments, which would accord with the aims of London Plan policy SI6.

Equalities

321. 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.

322. 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

323. 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.

324. The development would provide a suitable and attractive built addition to the Wembley Park growth area in line with local policy allocation objectives. Whilst the development would incur some limited level of harm to the daylight and sunlight enjoyed at neighbouring properties, a balance has to be struck between different planning objectives. The provision of a significant quantum of replacement employment floorspace and a high number of new homes, with significantly more of those homes being secured as affordable units than the Council would deem viable, is a significant planning benefit that carries significant weight. It is acknowledged that, relative to the previous scheme at this site (20/2033), the development would result in improved daylight distribution to the most severely affected property, even if the overall impacts to neighbouring properties would be modestly more detrimental. In addition, it is noted that the scheme provides significantly more homes (and more affordable homes) towards the borough's stock than was proposed previously and a stronger re-provision of employment and industrial uses relative to the previous scheme. Compared with the previous scheme, this proposal also offers an enhanced public realm landscaping offer, with substantially more biodiversity benefit and a more spacious path alongside the Wealdstone brook.

325. The key differences in provisions between the current and previous schemes are set out below:

	Previous (20/2033)	Current
Block typology	4 separate blocks	5 blocks interlinked by podium

Storey heights	11-21 storeys	12-24 storeys
Residential units	493	759
Affordable units	98	218
Affordable percentages	25% by habitable room (82:18 London Affordable Rent : Shared Ownership)	35% by habitable room (37:28:35 London Affordable Rent : Affordable Rent : Shared Ownership)
Non-residential uses	2,787sqm (E(g)(iii)) & 98sqm (E(a))	2,704sqm (E(g)(ii)&(iii) + B8) & 391sqm (E(a-c))
Wealdstone Brook	Creation of landscaped route	Creation of landscaped route

326. Whilst the scheme does fall short on external amenity space standards set out in Policy DMP19 and draft Policy BH13, the overall quality of accommodation is considered to be positive, and must be considered against the wider benefits of the scheme including affordable housing, and significantly improved public realm, including improvements to the legibility and appearance of this part of Wealdstone Brook. As such, the conflict with adopted and emerging policy is limited and would be outweighed by the wider benefits of the mixed use re-development, including the re-provision of a high quality employment floorspace, and a good level of affordable housing.

327. 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 **£20,981,298.11** * 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): 5396 sq. m.

Total amount of floorspace on completion (G): 66104 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Shops	391		359.08	£40.00	£0.00	£21,352.62	£0.00
(Brent) Businesses and light industry	2704		2483.28	£0.00	£0.00	£0.00	£0.00
(Brent) Dwelling houses	63009		57865.64	£200.00	£0.00	£17,204,695.22	£0.00
(Mayoral) Shops	391		359.08	£0.00	£60.00	£0.00	£22,212.01
(Mayoral) Businesses and light industry	2704		2483.28	£0.00	£60.00	£0.00	£153,609.41
(Mayoral) Dwelling houses	63009		57865.64	£0.00	£60.00	£0.00	£3,579,428.85

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)	333	
TOTAL CHARGEABLE AMOUNT	£17,226,047.84	£3,755,250.27

*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: 21/2989

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

I refer to your application dated **02/08/2021** proposing the following:

Demolition and redevelopment of the site to provide erection of five buildings ranging from ground plus 14 to 23 storeys; comprising up to 759 residential units, retail floorspace and workspace / storage floorspace, private and communal amenity space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works

APPLICATION SUBJECT TO AN ENVIRONMENTAL STATEMENT

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

at **Euro House, Fulton Road, Wembley, HA9 0TF**

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: 16/11/2021

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 (2021)
- " The London Plan (2021)
- " Brent's Core Strategy (2010)
- " Brent's Development Management Policies (2016)
- " Brent's Wembley Area Action Plan (2015)

Emerging Policy

- " 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)

- 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 material accordance with the following approved drawing(s) and/or document(s):

Existing

FRW-JTP-AR-DR-MP-XX-0001 Site Location Plan
 FRW-JTP-AR-DR-MP-00-0100 Existing Plan - Ground Floor
 FRW-JTP-AR-DR-MP-01-0101 Existing Plan - Level 01
 FRW-JTP-AR-DR-MP-RF-0102 Existing Plan – Roof

FRW-JTP-AR-DR-MP-ELE-1001 Existing Elevations
 FRW-JTP-AR-DR-MP-ELE-1002 Existing Elevations
 FRW-JTP-AR-DR-MP-ELE-1003 Existing Elevations
 FRW-JTP-AR-DR-MP-ELE-1004 Existing Elevations

Site wide

FRW-JTP-AR-DR-MP-XX-0005 Proposed Block Plan - Building Reference Plan
 FRW-JTP-AR-DR-MP-XX-0006 Proposed Ground Floor Masterplan
 FRW-JTP-AR-DR-MP-XX-0007 Proposed Hybrid Ground/ Upper Ground Masterplan

FRW-JTP-AR-DR-MP-00-1100 Proposed Plan - Ground Floor - Rev P1
 FRW-JTP-AR-DR-MP-01-1101 Proposed Plan - Level 01 & Upper Ground - Rev P1
 FRW-JTP-AR-DR-MP-02-1102 Proposed Plan - Level 02 - Rev P2
 FRW-JTP-AR-DR-MP-03-1103 Proposed Plan - Level 03-11 - Rev P2
 FRW-JTP-AR-DR-MP-12-1112 Proposed Plan - Level 12 - Rev P1
 FRW-JTP-AR-DR-MP-13-1113 Proposed Plan - Level 13-14 - Rev P1
 FRW-JTP-AR-DR-MP-15-1115 Proposed Plan - Level 15
 FRW-JTP-AR-DR-MP-16-1116 Proposed Plan - Level 16-17
 FRW-JTP-AR-DR-MP-18-1118 Proposed Plan - Level 18

FRW-JTP-AR-DR-MP-19-1119 Proposed Plan - Level 19
FRW-JTP-AR-DR-MP-20-1120 Proposed Plan - Level 20
FRW-JTP-AR-DR-MP-21-1121 Proposed Plan - Level 21-23
FRW-JTP-AR-DR-MP-24-1124 Proposed Plan - Level 24
FRW-JTP-AR-DR-MP-RF-1125 Proposed Plan – Roof

FRW-JTP-AR-DR-MP-ELE-1201 Proposed Building Elevations
FRW-JTP-AR-DR-MP-ELE-1202 Proposed Building Elevations
FRW-JTP-AR-DR-MP-ELE-1203 Proposed Building Elevations
FRW-JTP-AR-DR-MP-ELE-1204 Proposed Building Elevations

FRW-JTP-AR-DR-MP-SEC-1301 Proposed Building Sections - AA & BB
FRW-JTP-AR-DR-MP-SEC-1302 Proposed Building Sections - CC
FRW-JTP-AR-DR-MP-SEC-1303 Proposed Building Sections - DD
FRW-JTP-AR-DR-MP-SEC-1304 Proposed Building Sections - EE
FRW-JTP-AR-DR-MP-SEC-1305 Proposed Building Sections - FF
FRW-JTP-AR-DR-MP-SEC-1306 Proposed Building Sections - GG
FRW-JTP-AR-DR-MP-SEC-1307 Proposed Building Sections - HH
FRW-JTP-AR-DR-MP-SEC-1308 Proposed Building Sections - JJ
FRW-JTP-AR-DR-MP-SEC-1309 Proposed Building Sections - KK
FRW-JTP-AR-DR-MP-SEC-1310 Proposed Building Sections - LL
FRW-JTP-AR-DR-MP-SEC-1311 Proposed Building Sections - MM

Landscape and Public Realm

BMD.21.005.DR.001 Illustrative Landscape Masterplan
BMD.21.005.DR.002 Overall Landscape Arrangement
BMD.21.005.DR.101 Ground + Podium General Arrangement (sheet 1)
BMD.21.005.DR.102 Ground + Podium General Arrangement (sheet 2)
BMD.21.005.DR.103 Roof General Arrangement (sheet 1)
BMD.21.005.DR.104 Roof General Arrangement (sheet 2)
BMD.21.005.DR.401 Site Sections (sheet 1)
BMD.21.005.DR.402 Site Sections (sheet 2)
BMD.21.005.DR.403 Site Sections (sheet 3)
BMD.21.005.DR.404 Site Sections (sheet 4)
BMD.21.005.DR.405 Site Sections (sheet 5)

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

- 3 The scheme hereby approved shall contain 759 residential 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 The development hereby approved shall contain 391sqm GIA (433sqm GEA) of commercial floor space which shall not be used other than for purposes within Use Classes E(a), E(b) and E(c) and 2,787sqm (2,827sqm GEA) of commercial floor space which shall not be used other than for purposes within Use Classes B8, E(g)(ii) and E(g)(iii), as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning and to ensure the adequate provision of retail floorspace, employment floorspace and industrial capacity within the borough.

- 5 The development hereby approved shall be built so that no fewer than 683 of the residential units achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings' and that no fewer than 76 of the residential units achieve Building Regulations requirement

M4(3) - 'wheelchair user dwellings'.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy D7.

- 6 Prior to occupation a communal television aerial and satellite dish system linking to all residential units within that building, or a single system capable of being extended to serve the development as a whole, shall be provided and retained in perpetuity. No additional television aerial or satellite dishes shall be erected on the premises.

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

- 7 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.

- 8 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.

- 9 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 and London Plan (2021) Policy SI 1.

- 10 Prior to the final occupation of the development, the 25 blue badge parking bays shall be made available for use and shall not be used other than for purposes ancillary to the occupation of the residential units of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that a sufficient number of blue badge parking bays are secured within the development.

- 11 Notwithstanding the requirements of condition 34, 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 and refuse 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 and to ensure that the development is fit for purpose.

- 12 Between the second and fourteenth floors of the development (inclusive), the windows to the south facing elevation of block A that serve the kitchen spaces of combined living, kitchen and dining rooms (as shown on the approved plans) and the windows to the north facing elevation of block B that immediately front bedspaces within bedrooms (as shown on the approved plans) shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition from first occupation thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- 13 Prior to occupation of the development hereby approved, electric vehicle charging points shall be provided to at least 20% of the Blue Badge spaces provided, whilst the remaining spaces shall be provided with passive electric vehicle charging facilities.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy T6.1

- 14 Prior to first occupation of any residential dwellings within block D of the development, the energy centre within block D shall be implemented in full accordance with the details shown on plan ref 10969-WDA-00-GF-SK-M-6-1100 Rev 01 (which forms part of the addendum to 'Energy Strategy Stage 1 GLA response, dated 21st October 2021') to allow for a future connection to a district heating network.

Reason: To ensure the development is in accordance with the principles of London Plan (2021) Policy SI 3.

- 15 Unless alternative details are first agreed in writing by the Local Planning Authority, the tree protection recommendations set out in the submitted Tree Survey & Arboriculture Impact Assessment (prepared by Tim Moya Associates, dated 28th July 2021 - ref. FR.PA.17) 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.

- 16 Unless alternative details are first agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, the development hereby approved shall be carried out in full accordance with the submitted Flood Risk Assessment (prepared by Terrell - ref. FR.PA.18 Rev 02 - dated 16th July 2021) and Drainage Strategy Report (prepared by Terrell - ref. FR.PA.19 Rev P03 - dated 27th July 2021).

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

- 17 Unless alternative details are first agreed in writing by the Local Planning Authority, the ecology mitigation and enhancement recommendations set out in the submitted Ecological Impact Assessment (prepared by EcologyByDesign, dated March 2021) and Biodiversity Impact Assessment (prepared by EcologyByDesign, dated July 2021), together forming Annexes 1 and 2 of Appendix: Ecology and Biodiversity of Volume 3 of the Environmental Statement (prepared by Trium) 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.

- 18 Unless alternative details are first agreed in writing by the Local Planning Authority, the mitigation recommendations set out in the submitted Noise and Vibration report (prepared by Sandy Brown Ltd) forming Chapter 8 of Volume 1 of the Environmental Statement (prepared by Trium) shall be fully implemented following the commencement of the development.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 19 Unless alternative details are first agreed in writing by the Local Planning Authority, the details set out in the submitted Car Park Management Plan (prepared by Icen Projects Limited, dated July 2021) forming Annex 4 of Appendix: Traffic and Transport of Volume 3 of the Environmental Statement (prepared by Trium) shall be fully implemented following the commencement of the development.

Reason: To ensure the development is fit for purpose.

- 20 The development hereby approved shall not be commenced until:

a) A phasing plan showing the location of all phases and car parking provision, the sequencing for those phases and car parking provision, and indicative timescales for their delivery has been 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 development shall be carried out in accordance with the plan thereby approved.

The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority.

b) A CIL chargeable developments plan has been submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge and to ensure coordination between the phasing plan as approved and the triggers in any relevant agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) and to define the extent of a CIL phase for the purposes of the CIL Regulations 2010 as amended.

Pre-commencement Reason: The precise phasing must be known prior to the commencement of works on those relevant phases for clarity of the submission of details in relation to each of those phases. In addition, CIL payments must be made prior to commencement of development and the chargeable development and associated charge must therefore be known prior to the commencement of works on those relevant phases.

- 21 Prior to the commencement of the development, further details of archaeological work 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), in accordance with the recommendations set out within the Archaeological Desk-based Assessment (prepared by Oxford Archaeology, dated 28th July 2021 - ref. 7531 v.4) which forms Annex 1 of Appendix: Archaeology of Volume 3 of the Environmental Statement (prepared by Trium). These measures include (but are not limited to):

- Rotary boreholes are to be drilled at the site following vacancy of the current Tenants on a 10m by 10m grid based system within the anticipated area of the Underground features. Should features be identified the grid may be reduced;
- Once the existing concrete slab is removed, inspection and watching brief of the ground surface will be undertaken by an experienced geotechnical engineer and/or engineering geologist and an archaeologist to delineate the locations of the shafts if present. As a supplement to the drill hole investigation, a geophysical survey may be undertaken to

identify the shaft location.

If evidence of shafts or other historical structures is found, a comprehensive written and photographic record shall be undertaken, and submitted to and approved in writing by the Local Planning Authority, with a copy to be provided to Brent Archives. The development shall thereafter operate in accordance with the recommendations and/ or mitigation measures set out within the document.

Reason: To ensure the development complies with relevant heritage and archaeological planning policies, including London Plan Policy HC1, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan and the NPPF.

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.

- 22 Prior to the commencement of the development, a Construction Environmental Method Statement which incorporates a dust management plan 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 Construction Environmental Method Statement shall outline 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.

- 23 Prior to the commencement of the development a Construction Ecological Management Plan shall be submitted to 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 minimise the potential impact of the construction phase of the development on the existing ecology of the site and off-site receptors, and to ensure works proceed in accordance with current wildlife legislation. The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

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.

- 24 Prior to the commencement of the development, a revised Construction Logistics Plan shall be submitted to 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 statement shall also set out delivery arrangements for Wembley Stadium event days, ensuring that no construction vehicle movements to or from the site are arranged to take place within 4 hours of events at Wembley Stadium. 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.

- 25 (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.

- 26 No piling shall take place within a Phase 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 water infrastructure, and the programme for the works within that Phase) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water (through the submission of an application for approval of details reserved by condition). Any piling within a Phase must be undertaken in accordance with the terms of the approved piling method statement for that Phase.

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

- 27 Detailed drawings of the treatment of the doors and vents for bin stores serving block E 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) prior to any works commencing on any relevant Phase, excluding demolition, site clearance and laying of foundations. The work shall be carried out in accordance with the approved details.

Reason: To ensure a high quality design to the public realm delivered by the development.

- 28 Details of all external materials of the development, within a Phase, 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 (through the submission of an application for approval of details reserved by condition) prior to any works commencing on that Phase, 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.

- 29 Prior to the commencement of works (excluding demolition, site clearance and laying of foundations) to any Phase that relates to the delivery of the service road to the east of the site, a management plan setting out the following details 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):

- Measures to ensure the safe and unimpeded use of the space for public outdoor usage
- Measures to ensure that the interplay between its service road function and public usage function would not be unsafe or inappropriate

The measures in the approved management plan shall be implemented prior to the first occupation within that Phase of the development hereby approved.

Reason: To ensure that the eastern part of the site would function appropriately as both a service road and public gathering space as proposed.

- 30 Prior to the commencement of works (excluding demolition, site clearance and laying of foundations) to any Phase that relates to the delivery of the route alongside the Wealdstone Brook to the north of the site, a management plan setting out the following details 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):

- Facilities management
- Security patrols out of hours
- Manned CCTV and alarm systems
- A Secured by Design approach to building materials

The measures in the approved management plan shall be implemented prior to the first occupation within that Phase of the development hereby approved.

Reason: To ensure that the route alongside the Wealdstone brook would form a safe and inviting route for building users out of hours.

- 31 Prior to the commencement of works (excluding demolition, site clearance and laying of foundations) to any relevant Phase, 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 plan indicating all of the microclimate mitigation measures recommend for inclusion in the scheme within the Wind Microclimate report (prepared by RWDI) forming Chapter 10 of Volume 1 of the submitted Environmental Statement (prepared by Trium), including porous railings, raised planters, high hedges and solid screens
- Detailed drawings of the porous railings and solid screens recommended for inclusion in the scheme within the Wind Microclimate report (prepared by RWDI) forming Chapter 10 of Volume 1 of the submitted Environmental Statement (prepared by Trium)

The approved microclimate mitigation infrastructure shall be implemented prior to the first occupation within any relevant Phase of the development hereby approved.

Reason: To ensure that the development would establish a suitable level of comfort, in respect of wind conditions, for building users and pedestrians in the vicinity of the building, as well as to ensure that railings and screens would have a suitable visual amenity impact.

- 32 Details of required measures to address public safety, security and resilience to emergency 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), in consultation with the Metropolitan Police, prior to the commencement of development for a relevant Phase (excluding demolition, site clearance and laying of foundations) and the approved details shall be implemented in full prior to completion of that Phase of the development hereby approved.

Reason: To ensure that the development accords with Policy D11 of the London Plan.

- 33 Within six months of commencement of works to a Phase above ground level, a 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) that provides details of all

landscaped areas relating to that Phase. Such approved landscaping works shall be completed prior to first occupation of that Phase hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants and trees, sub-surface treatments (or planters / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries
- b) walls, fencing and any other means of enclosure, including materials, designs and heights
- c) Biodiversity mitigation and enhancement measures
- d) treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials
- e) details of all play spaces, as outlined within the Landscaping Design and Access Statement
- f) a landscaping maintenance strategy, including details of management responsibilities.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants 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.

- 34 Within six months of commencement of works to any Phase that includes the construction of the refuse storage areas for blocks A, B or C, one 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 revised plan of the refuse storage area for blocks A, B and C that demonstrates an alternative arrangement that incorporates suitable circulation space so that all of the refuse bins are accessible to residents

Or

- A site waste management plan, outlining management arrangements to ensure that the refuse storage bins will be able to be fully accessible to residents by other means

The approved details shall be implemented accordingly following first occupation of the building within that Phase.

Reason: To ensure that the development is fit for purpose and will establish a suitable living environment for residents.

- 35 Within six months of commencement of works to a Phase, details of any external lighting 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) prior to the installation of the lighting. This shall include details of the lighting fixtures, luminance levels within and adjoining the site, as well as ecological sensitivity measures that form a part of the lighting strategy. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area.

- 36 Prior to the first occupation within a relevant Phase of the development hereby approved, details

of the finalised proposals in respect of the extent of roof plant to block E that is required in accordance with the findings of computational fluid dynamic analysis shall be submitted to and approved in writing (through the submission of an application for approval of details reserved by condition) by the Local Planning Authority. The development shall be implemented in accordance with those approved details prior to the occupation of block E of the development;

Reason: In the interests of ensuring a suitable character and appearance.

- 37 Prior to the first occupation of the development hereby approved, a final Delivery, Servicing and Long Term Maintenance Management Plan 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 submitted plan shall expand on the detail submitted in the Delivery and Servicing Plan (prepared by Icen Projects Limited, dated July 2021 - ref: FR.PA.11) forming Annex 3 of Appendix: Traffic and Transport of Volume 3 of the submitted Environmental Statement (prepared by Trium), to include details of waste storage and collection, vehicle routeing and avoiding deliveries being undertaken within 4 hours of events taking place at Wembley Stadium. The development shall thereafter operate in accordance with the approved management plan unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To minimise negative impacts associated with servicing.

- 38 Any plant (inclusive of any plant specified within the details pursuant to condition 36) 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.

- 39 No later than four months following Practical Completion of the development, a Post Construction Certificate prepared by a BRE approved independent assessor shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition), confirming that an Excellent or higher rating has been achieved under the BREEAM certification process for non-domestic buildings.

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

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.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 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 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03702422 549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advise the applicant to consult with them at the earliest opportunity.

- 7 Thames Water advises the applicant of the following:
 - 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. Application forms should be completed on line via https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWI0_lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=-u-R_Q15Iz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7Lt_xulFk4_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=. Please refer to the Wholesale; Business customers; Groundwater discharges section.
 - There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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.

8 Affinity Water advises the applicant of the following:

- Any works involving excavations below the groundwater table (for example, piling of the implementation of a geothermal open-closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction – guidance for consultants and contractors".
- Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.
- The area surrounding the application site complex in nature with several new and ongoing developments. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal.
- Due to its location, Affinity Water will supply drinking water to the development in the event that is constructed. Should planning permission be granted, the applicant is also advised to contact Development Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from the development.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 November, 2021
04
20/2096

SITE INFORMATION

RECEIVED	15 July, 2020
WARD	Welsh Harp
PLANNING AREA	
LOCATION	5 Blackbird Hill, London, NW9 8RR
PROPOSAL	Construction of a single building up to 6 storeys to provide 45 residential units (Use Class C3), and flexible commercial/community use floorspace (within Use Class E), car and cycle parking, associated landscaping, highways and infrastructure works, and provision of pedestrian and vehicular access
PLAN NO'S	Refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_150698</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "20/2096" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. 20% affordable housing (19.8% per habitable room) comprising of 6 affordable rent units at London Affordable rent levels and 3 shared ownership units, together with a late stage review mechanism in the form of an off site contribution to capture any uplift in affordable housing.
4. A parking permit restriction to remove the right of residents to on-street parking permits in any existing Controlled Parking Zone within the vicinity of the site, and any future Controlled Parking Zone that is implemented in the vicinity of the site.
6. Highway Works under a S38/S278 Agreement to include:
 - Construction of a loading bay measuring at least 10m x 3m in the footway fronting the site with an unobstructed footway of at least 2m in width to the rear, including the dedication of land within the site as highway maintainable at public expense;
7. Submission of a Residential Travel Plan and Travel Plan for the ground floor flexible community use, including a drop off/pick up management plan
8. Carbon Off-setting– Pre-construction: submission of revised Energy Assessment to achieve minimum of 35% carbon reduction on site with any shortfall in carbon zero to be secured through a financial contribution to Brent's carbon offsetting scheme. Post-completion: submission of revised Assessment, final financial contribution.
9. £100,000 contribution to highway improvements in the vicinity.
10. Indexation of contributions in line with inflation
11. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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 years consent
2. Approved Drawings
3. Number of Units
4. Use of Commercial Unit
5. Accessible Homes
6. Communal Television Aerial and Satellite Dish System
7. NRMN

8. Approved Parking, Refuse Storage and Cycle Storage
9. Water Consumption
10. C4 small HMO restriction
11. Bin Store Doors
12. Twenty percent car spaces shall be active EVCP spaces
13. Obscure Glazing

Pre-commencement

14. Construction Method Statement
15. Construction Logistics Plan
16. Fire Strategy
17. Tree Supervision Details
18. Written Scheme Investigation
19. Thames Water: Piling Method Statement

Post-commencement

20. Land Contamination study, remediation works and verification report
21. Surface Water Run-Off Mitigation Measures
22. External Materials
23. Hard and Soft Landscaping details

Pre-occupation or use

24. External Lighting
25. Car Park Management Plan
26. Delivery and Servicing Plan
27. Noise Impact Assessment Mitigation Measures Details
28. Air Quality Assessment Mitigation Measures Details
29. Sound Insulation Measures
30. Plant Noise

Informatives

1. Building Adjacent to Boundary
2. CIL Liability
3. Party Wall Act
4. London Living Wage
5. Fire Safety Standards
6. Quality of Imported Soil
7. Thames Water Details
8. Groundwater Risk Management Permit

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, 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 delegated authority to refuse planning permission.

SITE MAP



Brent

Planning Committee Map

Site address: 5 Blackbird Hill, London, NW9 8RR

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This map is indicative only.

PROPOSAL IN DETAIL

The application is seeking planning permission to re-develop the subject site by introducing a new mixed used development comprising of 45 residential units with a flexible community use (Class E (e) and (f)/Class F2 (b)/ use) occupying the ground floor. The main portions of the proposed new build would be six storeys while eventually dropping to three stories to the rear. The upper floors would facilitate residential units comprising of 3 x studios, 21 x 1 beds, 10 x 2 beds and 11 x 3 beds.

The ground floor elements of the proposed building would also include bin storage, cycle storage and associated plant space. The central element of the building at ground floor level would facilitate the main entrance lobby to the building. As part of the amendments, the residential entrance has been separated from the entrance to the flexible commercial/community unit (laid out on the plans as a nursery) to distinguish between both uses.

Communal amenity space would be provided to the rear of the site. Furthermore additional communal space would be provided to the western side of the site and a separate area allocated for any potential nursery use. An area would also be allocated to the rear communal space for children play space.

A widened vehicular access to the site is proposed in a similar location to the current access from the highway. This access would lead to a set-back gated access that would provide an entrance for vehicles to enter the car park located on the ground floor. A total of 29 car parking spaces is proposed and two of these spaces would be allocated for blue badge holders. Parking spaces 1 and 2 would be allocated for the flexible community use. In addition to this, 20% of the spaces would have active charging facilities.

The proposal would include a new lay-by to the front of the site off Blackbird Hill for servicing purposes. Soft landscaping is proposed along the side boundaries. The roof would include photovoltaic panels and air source heat pumps to serve the building.

Amendments to the proposal

Amendments were provided during the course of the application to reduce the overall scale of the development.

The changes are summarised as follows:

- Reduction in the number of residential units from 57 to 45.
- The rear portion of the original scheme has been reduced.
- Introduction of additional separation distances with boundaries.
- Oriel windows added to the windows of the 3 bedroom units sited at the south western corner of the development at the first, second, third and fourth floor plans.
- Number of car parking spaces reduced from 36 spaces to 29 spaces.
- Introduction of a larger communal garden and removal communal terrace.
- Reduction in commercial space on the ground floor
- Alterations to fenestration on the ground floor front elevation.
- Width of loading bay has been increased to 3m and the width of the entrance to the car park has been increased to 4.7m in width.
- Floor plans modified to provide additional space to bedrooms linked to units A.1.1, A.2.1, A.3.1 and A.4.1.
- Floor plans altered to consider targets for internal storage as required by policy D6 of London Plan 2021.

EXISTING

The application site comprises of a vacant site along Blackbird Hill which previously occupied the former Gower House School, the buildings of which were demolished around 2019. Land levels vary across the site with the land falling from west to east.

To the west of the site are the garages associated with Accadia Court. Accadia Court is four storeys high. The east of the site contains Claygate Court which varies in height from three to five storeys with a sixth storey set back.

The eastern and north eastern portion of the site is situated adjacent to the St. Andrews Conservation Area (a designated heritage asset). The application site does not contain any listed buildings. The site lies within an Air Quality Management Area.

Within the emerging draft Local Plan the site is designated as a site allocation and also lies within an intensification corridor, which runs along both sides of Blackbird Hill and Forty Lane.

SUMMARY OF KEY ISSUES

Summary of Key Issues

The key planning issues for Members to consider are set out below. 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.

Representations received:

Objections were received from 10 individual addresses and three petitions were received objecting to the proposal. A summary of the objections have been provided within the consultation section of the report.

Principle of Development

The proposal is for a residential-led development with a flexible ground floor commercial/community use that would be restricted to Use Class E (e) (medical or health services), (f) (crèche, day nursery or day centre) and Class F2(b) (community hall or meeting place). This would meet the site allocation within the Draft Local Plan. The proposed ground floor would provide good active frontage along this part of Blackbird Hill. The development would contribute towards the Borough's housing targets. Overall, there is no principle objection to the development.

Affordable Housing and Housing Mix:

The proposal would result in nine Affordable Homes with six of the home at London Affordable Rent and three Intermediate homes accounting to 20% by unit or 19.8% per habitable room window. This would result in an almost policy compliant tenure split at 67% London Affordable Rent and 33% Intermediate (shared ownership). The proposed affordable housing contribution is considered the maximum reasonable amount the proposed development can offer and has been supported by the Financial Viability Appraisal which has been robustly reviewed by consultants acting on behalf of the Council. This is discussed within the main body of the report.

The development would provide 24.4% three bedroom units throughout the overall scheme, which falls marginally short of the 25% target of adopted Policy CP2, it would accord with emerging Policy BH6 which specifies that 1 in every 4 new homes proposed should be family sized.

Design, Scale and Appearance

The maximum height of the proposed development at 6 storeys eventually dropping to 3 storeys to the rear of the site is considered acceptable. The new build would allow for an acceptable transition and relationship when factoring into account the more traditional residential properties surrounding the rear parts of the site. The maximum height facing Blackbird Hill has capacity to accommodate the new build at this scale would be suitable given the nature existing built form along this section of Blackbird Hill and the site's relationship within the proposed intensification corridor. The proposal would contain high quality finishes to the façade with the introduction of a wide range of materials adding variety to the overall design concept. The proposal would introduce active frontage at ground floor level with a modified footway to accommodate a loading bay

outside the site. The overall design approach is considered to be of a high standard.

Impact on Residential Amenity

The development would allow for sufficient separation distances with neighbouring properties surrounding the rear of the application site. The siting of the development would allow for adequate levels of privacy for neighbouring properties. Impacts on daylight and sunlight to neighbouring properties, and overshadowing to neighbouring external amenity spaces, have been assessed and considered acceptable when considering the site locations.

Residential Living Standards

The proposed homes would meet the London Plan floorspace requirements. No homes would have a north facing single aspect. The Daylight and Sunlight Report highlights that all units would provide satisfactory levels of light and overall arrangement of each unit would allow for acceptable outlook. Whilst the amount of external amenity space on site does fall very slightly short of the requirements set out in DMP19, the level amenity space provided is satisfactory given the proximity to the nearby open space

Transport Considerations:

A total of 29 car parking spaces is proposed (27 for the residential homes and 2 for the flexible community/commercial unit. The level of car parking is within maximum parking standards. Servicing and refuse collection would take place via loading bay to the front of the site. Satisfactory levels of cycle parking are proposed to London Plan. S278 works would be agreed via S106 agreement regarding the works to the front of the site together with an off site contribution of £100,000 towards highway improvement works within the vicinity of the site. A Travel Plan has also been requested as part of S106 Heads of Terms.

Environmental Health Considerations

Conditions to be secured ensuring appropriate safeguards in terms of noise and vibration, air quality, noise, contaminated land and the construction process.

Sustainability and Energy

The Energy Statement demonstrates that the development would achieve a total of 14% reduction in CO2 via the Be Lean fabric first approach and the development would achieve an overall 66% reduction in CO2 using an Air Source Heat Pump system and Photo Voltaic panels. A carbon off-set payment would be secured to meet London Plan "Zero Carbon" requirements for major residential scheme.

Flood Risk and Drainage

The site is located in a Flood Zone 1 area and therefore has a low risk level of any potential flooding. The development would not result in additional surface water run off from the site. Mitigation measures to manage surface water drainage have been reviewed and a condition has been recommended requesting the final details of the finalised mitigation measures. Thames Water raised no objections to the scheme.

Trees and Landscaping

No trees are to be removed on site and the proposal would result in nine new trees which are to be finalised as part of any landscaping planning condition. No significant harm has been identified within the Arboricultural Impact Assessment submitted with the application. A detailed arboricultural method statement and tree protection plan is required and this information would be required via the recommended condition.

MONITORING

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

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Non-residential institutions	0		0	104	104

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
EXISTING (Affordable Rent Flat)										
EXISTING (Flats û Intermediate)										
PROPOSED (Flats û Market)	18	8	10							36
PROPOSED (Affordable Rent Flat)	3	2	1							6
PROPOSED (Flats û Intermediate)	3									3

RELEVANT SITE HISTORY

Relevant Planning History

18/1482 - Prior notification for demolition of all redundant buildings associated with the previous school facilities including temporary sheds, cabins and shelters (Total built foot print associated with proposed demolition is 763 square metres) – **Raised No Objections – 24/05/2018**

18/3263 - Erection of an eight-storey residential block comprising 52 self-contained flats (36 x 1-bed, 15 x 2-bed and 1 x 3-bed) and 5 two-storey dwelling houses (5 x 3-bed) with communal recreation space, ground floor plant room, provision of car and cycle parking and associated landscaping – **Withdrawn, 08/02/2019**

19/2524 - Creation of 53 residential units involving the construction of a 7-storey residential block comprising 44 self-contained flats (28 x 1-bed, 9 x 2-bed and 7 x 3-bed) and a 3-storey block comprising 9 self-contained flats (5 x 3-bed, 2 x 1-bed and 2 x studios). Works include provision of a communal recreation space, ground floor plant room, provision of car and cycle parking and associated landscaping – **Withdrawn, 08/10/2019**

CONSULTATIONS

Public Consultation

The application was originally consulted upon on 21/07/2020 with letters being sent to 107 addresses.

Amended drawings were provided during the course of the application that proposed a number of changes to the scheme (as set out within the summary of amendments section of this report). Re-consultation was carried out on 12/08/2021 to 118 neighbouring addresses, including the 107 originally consulted and additional addresses where comments have been received in response to the first consultation.

A site notice was posted on 02/09/2020 and a further site notice posted on 12/08/2021 due to the re-consultation as noted above.

A press notice was published on 30/07/2020 and also published again on 19/08/2021 due to the re-consultation as noted above.

In total following both rounds of consultation, objections were received from 10 individual addresses, and three petitions objecting to the scheme were received containing 45, 54 and 76 signatures. One neutral comment was also received.

A summary of the objections are set out below:

Comment	Officer's Response

Design	
Proposal would result in overcrowding.	<p>Policy D3 of London Plan requires developments to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations.</p> <p>The scheme has been designed to provide good quality internal accommodation and external amenity space for the new homes as discussed within the remarks section below.</p>
Building should be set back further into the site to allow for a wider pavement in the event that works are carried out on the road/pavement.	The building line of the new building is considered appropriate in relation to its context. A 2m wide pavement would be provided between the building and inset loading bay which is considered of acceptable width. This footway will be adopted by the Council.
Area open in character and the proposal would detrimental impact on the suburban character of the area.	The design of the building and its relationship to the St Andrew's Conservation Area has been discussed within paragraphs 27 to 53 below.
The proposed design has little relationship to any of the buildings facing the main road.	As noted above, the building has been considered in the context of existing buildings/topography on Blackbird, and also in the context of the emerging Local Plan which designated Blackbird Hill as an intensification corridor. This is discussed within paragraphs 28 to 33 below.
Building too tall for the locality. Scale and massing inappropriate including the lower four storey element towards the rear of the site.	Refer to paragraphs 28-33.
Proposal would set a precedent for other developers.	Each application is required to be assessed on its individual merits based on planning policies and guidance. As discussed within the remarks section below, the site is allocated as a site allocation for development and also within an intensification corridor within the emerging Local Plan. Both of these designations are areas where new housing is encouraged.
Loss of view.	Loss of a view is not a material planning consideration. However, the impact of the proposal within St Andrew's Conservation Area and the listed buildings within the conservation area have been discussed within paragraphs 44 to 53 below.

Heritage considerations	
<p>The overall scale would have a detrimental impact on the Conservation Area and views to the spire of St Andrew's Church.</p> <p>Buildings of up to 6 storeys high adjoining the St Andrew's Conservation Area is excessively high and not in accordance with the emerging Local Plan.</p>	<p>This has been discussed within paragraphs 44 to 53 below.</p> <p>The height of the proposal in relation to its context is discussed within paragraphs 28 to 33 below.</p>
Standard of Accommodation	
The London Plan floorspace standards have not been met.	An assessment of the internal space standards has been carried out and discussed within paragraphs 88 to 90 below.
The level of amenity space provided is not satisfactory.	An assessment of external amenity space has been carried out and discussed within paragraphs 95 to 100 below.
The proposal has not taken into consideration wheelchair users.	<p>The scheme would include 4 units designed to Building regulations M4(3) 'wheel chair accessible homes standards', with the remainder of the homes designed to M4 (2) 'accessible and adaptable dwellings' standards.</p> <p>This is discussed within paragraphs 92 to 93 below.</p>
Amenity space provided for nursery is not sufficient and located close to the road.	The air quality report submitted with the application has considered the levels of exposure from pollutants in relation to the various uses within the site including the nursery and its outdoor play space. This concluded that the site would not be subject to harmful levels of exposure from pollutants. Air quality considerations are discussed in further detail within paragraphs 141 to 146.
Poor levels of outlook for future occupiers.	Outlook considerations for the new homes is discussed within paragraph 91.

Transport and Highway Considerations	
Proposal would increase traffic on an already busy road.	The trip generation associated with the development has been considered and discussed within paragraph 110 below.
Access to the site via vehicle would be difficult and create highway safety problems, with vehicles crossing over two lanes of Blackbird Hill.	A road safety audit has been undertaken in relation to the new vehicular access to the site, which has been reviewed by the transportation officer. This is discussed within paragraphs 111 to 114 below.
Blackbird Hill already has a high accident record including a number of fatalities.	As noted above, the impact of the scheme in terms of the vehicle access, lay by and trip generation associated with the development has been considered by transportation officer, and not considered to result in highway safety issues. Furthermore, wider improvements to pedestrian and cycle safety have been considered with the scheme contributing with a financial contribution towards wider highway improvement works within the locality.
There is a lack of onsite parking space for cars and vans within the development, with no additional provisions for visitor, deliveries. The proposal would result in an overspill of parking to nearby streets that already suffers pressures from pressures from on street parking. This in turn has resulted in illegal illegal/unauthorised parking obstructing existing access (especially on Wembley Event Days) and this proposals would make the situation worse.	<p>The amount of car parking on site for the development is considered acceptable and not result in overspill parking onto the surrounding road network. This is discussed further within paragraphs 103 to 108 and 119 to 121 below.</p> <p>Occupiers of the new development would also be prevented from applying for parking permits for existing or future CPZs within the vicinity of the site.</p>
The proposals to remove guardrails from the pavements also exposes pedestrians to increased danger from cars swaying from the main road and also makes it difficult for parents to allow young children to walk on the pavements without fears of wandering to the roads.	The scheme proposes a new footpath behind the inset loading bay. The transportation officer does not consider that the removal of these guard rails would result in safety concerns. The footway alterations would result in the re-positioning of the pathway, resulting in elements of the path positioned away from the highway edge.
The layby is not wide enough.	Transport Officer was satisfied with the loading proposed to the front of the site.

Layby would create a strong probability of delivery vehicles closing off lane through illegal parking.	The loading bay is an inset bay set off the carriageway. A delivery and servicing plan is to be secured by condition to manage the use of the layby.
Access into and out of the site too narrow.	Consideration of the new vehicle access and access into/out of the site is discussed within paragraph 111.
Lack of a safe waiting area for vehicles to stand when accessing through the gates of the car park.	This is also discussed within paragraph 111 below.
Developers allowing for illegal parking on site	This matter is not related to the proposed development. Any breach of planning in relation to the existing site would need to be reported to planning enforcement for further consideration.
Lack of electric vehicle charging points.	Electric vehicle charges points are proposed. This is discussed within paragraph 105 below.
Impact on Residential Amenities	
Loss of outlook and daylight/ sunlight to neighbouring properties. Scheme would overshadow neighbouring properties.	The impact on neighbouring properties in relation to outlook and daylight/sunlight and overshadowing has been considered. This is set out within paragraphs 60 to 82.
Lack of screening provided.	All of the residential homes are located at first floor level and above. The distances to neighbouring boundaries and rear habitable room windows has been considered and discussed within paragraphs 55 to 59 below. A condition on screening to balconies is also recommended.
The positioning of the proposed parking spaces would result in pollution to the nearby residential units.	The air quality assessment has considered the operational requirements of the scheme and its associated car parking. This has concluded that the scheme would result in harmful levels of exposure to neighbouring properties as discussed within paragraph 143 below. Furthermore, the boundary treatments would provide additional screening.
It is feared there will be considerable light	Details of lighting and lighting strategy have been requested as a condition which will

pollution due to security perimeter lighting.	include details of light spill in order to ensure that harmful levels do not occur.
Overlooking and loss of privacy to neighbouring properties.	Refer to paragraphs 55-59.
The fence is at the edge of 5 Daisy Close's kitchen.	This is a current relationship on site and based on the information provided the boundary fence would measure 2m in height. This is a common relationship within a residential area such as Daisy Close, with boundary treatments not fronting a highway permitted up to 2m in height/height as existing if higher than 2m, under permitted development.
The Sunlight and daylight Report failed to mention the impact on 31 Tudor Gardens. Not all windows pass the 25 degree rule.	The daylight and sunlight has considered the impacts on Tudor Gardens Care Home as highlighted within paragraph 72 below.
The use of 30 and 45 degree lines as set out in SPD1 should be applied in this case as the former existing school buildings towards the rear of the site were only one storey. Furthermore, plans are misleading and the proposal does not comply with 45 degree line.	The 30 and 45 degree lines as set out in SPD1 have been applied. This is discussed within paragraphs 60 to 66 below.
Other matters	
Increase the burden on local services such as medical, transport and roads, schools.	<p>To accompany the new Local Plan, an Infrastructure Delivery Plan has been prepared to identify infrastructure needs across the Borough to accommodate the projected growth. This sets out how infrastructure will be secured including the use of Section 106 contributions and Community Infrastructure Levy.</p> <p>In this case, the site is an allocated site within the emerging Local Plan, which requires a commercial/community use to be re-provided. This has been proposed and the uses of the ground floor restricted by condition to meet the uses set out within the site allocation.</p>
The proposal would result in the increase of noise and disturbance.	The level of noise from the proposed development is not considered likely to be detrimental to the surrounding neighbouring properties given the nature of the proposed uses and furthermore Blackbird Hill comprises

No assessment has been undertaken in relation to noise nuisance caused by the air source heat pump fan and compressor.	<p>of a range of mix uses.</p> <p>Conditions would be secured in relation to noise associated with plant equipment.</p>
There has been no engagement or consultations with the local residents or community about this development.	The Planning Statement submitted with the application identifies that consultation with local community was held remotely via post and online. A leaflet was issued to 229 local addresses with details of the scheme and website address for further information.
Dense populated communities have associated problems as increase amount of crime, noise pollution, increase wastage that has increase amount of smell that in turn is associated with disease.	<p>It is not considered that the proposal would result in harmful noise and smells. The proposed ground floor plan outlines areas for refuge storage which has sufficient capacity for the number of homes proposed.</p> <p>The site would provide active frontages and increase activity along this part of Blackbird Hill. There is no evidence to suggest that it would result in an increase in crime.</p>
The replacement community floorspace is inadequate. The site is not suitable for a nursery and supporting documents refer to a class E use.	The ground floor proposes a flexible commercial/community use with the plans indicating its use as a nursery. The use of the ground floor is in accordance with the site allocation as set out within the emerging Local Plan. This is discussed in further detail within paragraphs 7-14 below.
Bin location storage is within close proximity to the D1 use.	The bin store would be sited away from the entrance of the ground floor unit and would be enclosed in a separate area. This relationship is considered satisfactory.
Not enough family sized homes, especially within the affordable tenure.	The scheme proposes 11 family sized units. This is discussed within paragraphs 23-26.
Concerns raised regarding the use of the Air Source Heat Pumps. No regard for the environment – particularly carbon reduction and quality of air.	The scheme proposes a reduction in carbon emissions by 66%. As noted within the air quality report, no mitigation measures are required and the scheme is air quality neutral.
Schemes relies on openable windows to reduce overheating but the site is close to a busy road and therefore there are issues with	The air quality report concludes that the scheme would not be exposed to harmful levels of pollutants as discussed within paragraph 142

air pollution, and crime within the area.	<p>below.</p> <p>The residential windows are at upper floor levels, and it is therefore not considered that they would be at any greater risk of crime compared to other residential properties.</p>
Loss of trees that provide a visual screen of the site and assist in cleaning the air. The loss of the trees would result in a loss of wildlife including bats.	<p>The proposed development would not result in the removal of any trees on site.</p> <p>The scheme proposes new tree planting and soft landscaping to enhance the biodiversity of the site.</p>
Difficulties for fire brigade to access houses along Old Church Lane due to parking on both sides of the street. Additional cars would make the situation worse.	<p>Consideration of overspill parking from this development has been considered, and it is considered that the amount of parking on site is sufficient to not result in overspill parking onto the surrounding road network. Therefore it is not considered that the development would result in any additional access problems within Old Church Lane. If any issues already exist, the matter should be reported to the Council's Highways and Infrastructure Team to review.</p>
Area is liable to flooding and drainage problems including an existing severe sewage problem, and therefore the drainage and flooding reports should be disregarded.	<p>The site does not lie within a flood zone, and would therefore have little risk of flooding. Nevertheless, all major planning applications are required to submit a sustainable drainage strategy to reduce surface water run off within the site. This has been undertaken and discussed within paragraphs 149 to 150 below. In addition Thames Water has been consulted and raised no objections in relation to surface water or sewer capacity.</p>
Affordable housing are on the same 1st floor and have an isolated entrance.	<p>This is required for management arrangements.</p>
Pre - existing trees on site have been removed on site.	<p>It is noted that pre-existing trees have been removed. This is discussed within paragraph 131 below.</p>
Bat Assessment was not submitted.	<p>Given the nature and location of the site , which is vacant with limited vegetation within the site and located next to a busy road, it is unlikely that the site could accommodate bats and a bat assessment was therefore not required. Nevertheless, bats are a protected species and in the event that bats are present, they are also protected under separate legislation.</p>

No regard for the environment particularly carbon reduction and quality of air.	Carbon reduction emissions and sustainability matters relating to the site is discussed within paragraphs 133 to 137. The scheme would be air quality neutral as discussed within paragraph 143 below.
Developer paid excessive amount to purchase the site and therefore seeking to maximise the amount of development.	The cost that the developer paid to purchase the site is not a material consideration when considering the viability of the scheme or its benchmark land value.
Security dogs within the site constantly barking and affecting the mental wellbeing of neighbours.	Noise nuisance from security doors would need to be reported to the nuisance team within environmental health.
Land levels not correctly shown.	Land levels are discussed within paragraphs 34 and 35 below. The landscape condition would secure further details of levels within the site and boundary treatments including their heights.

Internal Consultation

Environmental Health Officer – No objections – detailed conditions requested as discussed within the report.

Noise Team – The officer raised no objections. Additional information requested via conditions discussed with the report.

External Consultation

Thames Water – No objection to the proposal. A Piling and Method Statement was requested via a planning condition. An informative regarding a Groundwater Risk Management Permit has been requested. No objections were raised in connection to surface water discharge.

Historic England – Confirm that they had no comments to make in relation to designated heritage assets (i.e. conservation areas or listed buildings). The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site is not within an archaeology priority area and is likely to have been previously disturbed. No further assessment or conditions are therefore necessary.

Applicant's Public Consultation

A leaflet was issued to 229 local properties with details of the scheme and it also included a website address for further information. The applicant has outlined that the website included details of the emerging scheme outlining the concept, key aspirations and seeking feedback on specific questions. Three responses were received; one raising a query of type of affordable housing and criteria to apply; two raising concerns of lack of social infrastructure capacity and traffic generation, and no key benefits.

The applicant has outlined that google analytics were utilised to track and report the usage of the website. This data indicated that more people viewed the proposal on the website. It has been identified that during the course of the official two-week consultation the page was viewed a 104 times.

The feedback highlighted the following issues:

- Ability of existing facilities, including schools and dentists, to cope with the additional residents.
- Concerns raised in relation to traffic

- Maintaining the conservation status at the Welsh Harp.
- Lack of benefit to the area.

POLICY CONSIDERATIONS

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 2021, Brent Core Strategy 2010 and Brent Development Management Policies 2016.

London Plan 2021:

- GG1: Building Strong and inclusive communities
- GG2: Making the best use of land
- GG3: Creating a healthy city
- GG4: Delivering the homes Londoners need
- GG6: Increasing efficiency and resilience
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D12 – Fire Safety
- D14 – Noise
- H1 - Increasing housing supply
- H4 - Delivering affordable housing
- H5 - Threshold approach to applications
- H6 – Affordable housing tenure
- H7 - Monitoring of affordable housing
- S1: Developing London's social infrastructure
- S4: Play and informal recreation
- HC1 Heritage conservation and growth
- G5 Urban greening
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI4: Managing heat risk
- SI5: Water infrastructure
- SI 13 Sustainable drainage

T1: Strategic approach to transport
T2: Healthy streets
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

Brent Core Strategy (2010)

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
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

Development Management Policies (2016)

DMP1: Development Management General Policy
DMP 7: Brent's Heritage Assets
DMP 9 B: On Site Water Management and Surface Water Attenuation
DMP 11: Forming an Access on to a Road
DMP12: Parking
DMP 13: Movement of Goods and Materials
DMP 15: Affordable Housing
DMP 19: Residential Amenity Space

Emerging Policy Context

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

Key policies include:

DMP1 – Development Management General Policy
BP2 – East
BESA3 – 5 Blackbird Hill Site Allocation
BD1 – Leading the way in good design

BD2 – Tall Buildings

BH1 – Increasing Housing Supply in Brent

BH2 – Priority Areas for Additional Housing Provision within Brent

BH5 - Affordable Housing

BH6 - Housing Size Mix

BH13 – Residential Amenity Space

BSI1 – Social Infrastructure & Community Facilities

BHC1 – Brent’s Heritage Assets

BGI1 – Green and Blue Infrastructure in Brent

BGI2 – Trees and Woodland

BSUI1 Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

BSUI4 - On-Site Water Management and surface water Attenuation

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3 – Freight and Servicing

BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

National Planning Policy Framework 2021

Brent Waste Planning Guide 2013

Brent’s Design Guide – Supplementary Planning Document 1 2018

Brent's S106 Planning Obligations SPD

Mayor of London's Play and Informal Recreation SPG 2012

Mayor of London's Sustainable Design and Construction SPG 2014

Mayor of London's Affordable Housing and Viability SPG 2017

DETAILED CONSIDERATIONS

Principal

Background

1. The application site previously occupied Gower House School, a former independent nursery and primary school, that closed in July 2016. The existing buildings on site have been demolished in 2019 following prior notification for the demolition of all pre-existing buildings being obtained in May 2018 (LPA Ref: 18/1482). The site is currently vacant with hoardings around the site.

Residential Development

2. The National Planning Policy Framework emphasises the provision of new homes as one of the key roles of the planning system, and this is reflected in the housing targets set out in Core Strategy Policy CP2, which aims to deliver 22,000 new homes over the 2007-2026 period. The London Plan proposes a substantial increase in housing targets across London, including a target for Brent of

up to 2,325 new homes per year. Policy BH1 of Brent's Draft Local Plan also reflects the London Plan target.

3. Policy BH2 of Brent's Draft Local Plan sets out priority areas for additional housing within the Borough. This states that in addition to the Growth Areas and Site Allocations identified in the Plan, town centres, edge of town centre sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where the provision of additional homes will be supported.
4. Brent's draft Local Plan responds to these targets by proposing plan-led growth and site-specific allocations concentrated adjacent to a number of Growth Areas.
5. The application site is identified as an allocated site within Draft Local Plan (site allocation BESA3). The allocated uses include a mixed use development including medical or health service, crèche nursery or day centre, learning and non-residential institutions or local community use and residential use. The indicative number of homes for the site is 57. It also lies within an intensification corridor proposed as part of the draft Local Plan.
6. The provision of 45 new residential homes within the site is considered to be acceptable in principle as it would make efficient use of a brownfield site, and be in accordance with the objectives of policy BH2 and site allocation BESA3 of the draft Local Plan.

Community Use

7. Even though the former school closed in 2016 and the site has been vacant since 2019 (following the demolition of the former buildings on site), the site allocation within the emerging Local Plan for this site seeks to secure an element of community uses within the site to form part of a mixed use residential led scheme. The site allocation does not specify the need for the replacement community use to be a nursery or primary school but sets out a wider range of community uses including medical or health service, crèche nursery or day centre, learning and non-residential institutions or local community use .
8. The proposal is seeking to incorporate a nursery use on the ground floor (use Class E(f)/former D1 use class) measuring approximately 104sqm. The applicant has requested flexibility to the proposed use to include use class E (e) (for the provision of medical or health services, principally to visiting members of the public) and Class E (f) (crèche, day nursery or day centre) and Class F2 (b) (a hall or meeting place for the principal use of the local community), which would also comply with the former D1 use.
9. The application has been accompanied with an Audit of Local Facilities included as part of the original planning statement submitted with the application. The Audit findings demonstrate that there is a significant amount of existing community facilities in the local area. The flexible nature of use therefore will not restrict potential occupants of the space at application stage, and allow a number of service providers to operate, in the event an occupier is found (e.g. nursery, health, education).
10. The desk-top study revealed community uses in the surrounding area within 20 minutes walking distance from the application site. The findings illustrate a wide range of social infrastructure available within wider vicinity of the application site.
11. The findings of the audit are detailed in the table below:

Community Facility	Number
Early Years	6
Education	10
Healthcare	16

Places of Worship	13
Library	1
Community Meeting Space	6
Specialist Housing	8
Sports and Leisure	56

12. The research provided by the applicant reveals there is significant proportion and range of community uses within the vicinity of the application site . However, it should also be noted that the catchment area covers parts of the Wembley Growth Area, where a significant amount of development (including a large number of new homes) is anticipated. It is noted that the level of community use space provided is lower than the pre-existing use however this is anticipated given that the site is also allocated for residential development. Therefore given that the proposal would re-provide a community space that would support the wider area while providing new homes to the Borough, the proposed floorspace would be considered acceptable, and meet the objectives of the site allocation.
13. The internal floor area has been set out within the plans to demonstrate how it could be laid out for a nursery including a quiet room, kitchen, office, staff/disabled WC, children's WCs and a nappy changing area. However, the internal walls could be altered to allow for a more flexible layout to accommodate the wider community uses noted above.
14. Overall, the proposed replacement community space would be considered a the suitable provision of on-site community space and would be in accordance with the requirements of the site allocation set out within the Draft Local Plan.

Affordable Housing

Policy Background

15. Brent's adopted local Policies CP2 and DMP15 set out the requirements for major applications in respect of affordable housing provision, and stipulate that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable being intermediate housing (such as for shared ownership or intermediate rent). The policy also allows for a reduction in affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). As such, it does not require all schemes to deliver 50% Affordable Housing.
16. The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing.
17. The London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and that the following split of affordable housing provision is applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need. Brent's emerging Local Plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (emerging Policy H5), with schemes not viability tested at application stage if they deliver at

least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. Brent draft Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split also marries up with the London Plan Policy H6, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.

18. Brent's draft Local Plan has yet been fully adopted (but has been to examination and out to consultation on the proposed modifications following the Inspector report, and therefore carries significant weight).. The overall policy requirements can be summarised as follows :

Policy Context	Status	% Affordable Housing Required	Tenure Split		
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (upto 80% Market Rent)	30% Intermediate	
London Plan	Adopted	Maximum reasonable proportion	30% Social/London Affordable Rent	30% Intermediate	40% determined by Borough
Emerging Local Plan	Greater Weight	Maximum reasonable proportion	70% Social/London Affordable Rent	30% Intermediate	

19. The proposal would provide the following mix of units:

	Studio	1 bed	2 bed	3 bed	Total
L o n d o n Affordable Rented units		3	2	1	6
S h a r e d Ownership units		3			3
Market Units	3	15	8	10	36
Total Units	3	21	10	11	45

20. Given that the level of affordable housing is under 50% target set out in policy DMP15 and below 35% threshold as set out within the London Plan and emerging Local Plan to qualify for fast track, a financial viability appraisal (FVA) was submitted with the application.
21. The original financial viability appraisal (FVA) that was submitted with the application was on the basis of 57 residential homes. Within the original FVA the scheme included 8 no. London Affordable Rented homes and 4 no. Shared ownership homes (a total 12 of 57 homes proposed within the scheme). This accounted for 21% units or 22% by habitable room with a tenure split of 66:33 weighted towards London Affordable Rent homes. The FVA was reviewed by industry experts on behalf of the Council. The

appraisal concluded on the basis of the level of affordable housing as set out above, that the scheme would result in a Residual Land Value (RSL) of £360,192 resulting in a deficit of £403,104 against the Benchmark Land Value (£763,296). The appraisal concluded that the scheme would be delivering beyond the maximum reasonable level of affordable housing.

22. Following the resubmission of the amendments to the scheme, a further appraisal of the schemes viability was undertaken. This was on the basis of 6 no. London Affordable Rented homes and 3 no. shared Ownership homes (a total of 9 of 45 homes proposed within the scheme). This accounted for 20% of the homes by unit or 19.8% by habitable room with a tenure split of 67:33 weighted towards London Affordable Rent being affordable housing. The updated appraisal concluded on the basis of the revised affordable housing offer housing as set out above, that the scheme would result in a Residual Land Value (RSL) of £244,214 resulting in a deficit of £519,082 against the Benchmark Land Value (£763,296). The appraisal concluded that the scheme would deliver beyond the maximum reasonable amount of Affordable Housing. The proposed tenure split is also weighted against London Affordable Rent at 67% with Shared Ownership at 33%. This is a very marginal shortfall in the 70:30 split and the proposed offer is considered to represent the maximum reasonable amount of affordable units, in accordance with adopted and emerging policy. While taking this into consideration, a late stage review mechanism is recommended to be secured within the legal agreement to capture an additional contribution to affordable housing should the viability of the scheme improve. This would be in the form of a payment in lieu in line with London Plan policy and guidance. The proposed affordable housing would be located on the first floor of the proposed development.

Housing Mix

23. The proposed housing mix would result in 3 x studios, 21 x 1 beds, 10 x 2 beds and 11 x 3 beds. Policy CP2 seeks for at least 25% of units to be family sized (three bedrooms or more). Brent's emerging policy BH6 within the draft Local Plan carries forward this same target but specifies that 1 in 4 new homes should be provided as three bedroom homes.
24. The original scheme for 57 homes including a mix of 29 no. one bedroom homes, 14 no. two bedroom homes and 14 no. three bedroom homes. This accounted for 14% of the homes being family sized, with 50% of the London Affordable Rented homes as family sized homes.
25. The scheme as amended for 45 homes would include a mix of 3 no. studio one person homes, 21 no. one bedroom homes, 8 no. two bedroom homes and 11 no. three bedroom homes. This would account for 24.4% of the homes being family sized. While this would be marginally below the current 25 % target for borough wide new homes, it would actually be in accordance with the emerging policy target of 1 in every 4 new homes proposed. It is acknowledged that the number of family sized homes within the London Affordable Rented units has reduced to only one, with the remaining ten family sized homes within the private tenure. Whilst your officers would have preferred to have secured a higher proportion of family sized homes within the London Affordable Rented tenure, given that there has been a reduction in the number of homes within the scheme, including a reduction in the number of private homes from 45 to 36, this would have an impact on the viability of the scheme (due to the highest values being within the open market tenure), the conclusions of which are supported within the updated viability appraisal.
26. Therefore, the scheme would comply with policy CP2 of The Core Strategy 2010 and BH6 of the Draft Local Plan.

Design, Character and Impact on the Street Scene

27. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced in policy BD1 of Brent's Draft Local Plan that seeks for new development be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.

Height

28. Draft policy BD2 in the emerging Local Plan relates to tall buildings. It defines a tall building is one that is more than 30m in height. The proposal is under 30m and therefore not defined as a tall building. Policy BD2 goes on to state that in intensification corridors, developments of a general height of 15 metres

above ground level could be acceptable.

29. The front elevation of the proposal would comprise of 6 storeys, with the front elevation measuring approximately 20m when considering the central part of the building. The rear projecting component would also be 6 storeys in height eventually dropping down to 4 and 3 storeys to the rear.
30. It is noted that the proposal would exceed 15m in height (5 storeys) as referred to within emerging policy BD2, however the 6 storey features would mainly occupy the front portions of the site whereby this height would be considered appropriate given the width associated with Blackbird Hill/A4088. The overall height is also focused away from the residential properties to the north, north-west and north-east of the site. As such the reduction in height to the rear would allow for an appropriate transition and relationship when considering the height of the dwellings within the vicinity of the site.
31. The main height and bulk of the proposal would be directed towards front sections of the site facing the highway. The land rising from east to west on Blackbird Hill, and therefore the proposal acts as a comfortable transition between the five storey with sixth storey set back development at Claygate Court and Accadia Court building, which also lies within the intensification corridor and therefore could accommodate additional height in line with draft policy BD2.
32. The viewpoint provided with application concentrating on the appearance from Forty Lane further west of the site reveals that the site has capacity to sustain a development 6 storeys in height. The rear segment of the building would then eventually drop to four to three storeys to respect the character of the traditional two storey properties surrounding the back portions of the site. Given the general separation distances achieved with these dwellings it is considered that the development would respect the character and relationship with the buildings covering these areas adjacent to the site. Further to this, the use of varied range of materials with different range of colour patterns and composition would further break up the overall appearance and height of the development when viewed from the street scene.
33. Overall, the proposal is considered to be of a high quality design, responding to the emerging Local Plan objectives of intensify the site for new homes, including nine affordable homes and community use. The benefits of the scheme are considered to outweigh the limited harm of the height exceeding a general height of 15m as set out in draft policy BD2.

Land Levels

34. The Design and Access Statement Addendum reveals that there is approximately a 2m level change across the width of the site, rising from east to west. The proposed building is required to be located on a plateau to meet Building Regulations Part M access requirements and therefore this would locate the ground level close to the lower level of the site.
35. A retaining wall would be proposed to protect trees and a reduced element would be introduced along the north western side of the site with a 1.5m reducing to 0.5m retaining wall. The existing ground levels would be maintained within the amenity space to the north with a retaining wall following the back edge of the car park with steps leading up to the communal amenity space area.

Architecture and Materiality

36. SPD1 states that the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character.
37. The proposed new build would comprise of a range of architectural features and details that would layered on the building creating visual interest throughout building. Raised break banding would be used on the ground floor, creating a visual base to the building. This would allow clear distinction to the upper floor residential uses and re-emphasises the ground floor space. The different material would result in an alternative banding that would give depth to the building when viewed from the street, resulting in visual interest. The raised brick banding would be added to the western corner of the building and continues up the main body of the building.
38. Above ground floor level, further brick banding is introduced in line with the floor plates articulate the taller portions of the building, providing additional relief from the overall height. Large portions of the building would incorporate full height glazing around the length of the building adding additional variety to each elevation. Pattered glazed balconies are proposed to the primary elevation along Blackbird Hill. The lower parts of the balconies would include copper coloured features. A canopy structure would be added to the

ground floor entrance. The recessed top floor would be made of concrete cladding panels while the windows would feature bronze powder coated elements. Buff brick would be primary material of the building with complimentary brown cladding. Above ground level, the brick element to the building gradually steps down from three to two levels. Concrete panels are proposed as a second material and this would also be brown.

39. The proposed materials are considered acceptable in principle and draws on the surrounding context. Overall, the building would be of a high-quality design and contain a contemporary design that would benefit from positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition.

Layout

40. The proposed building line fronting Blackbird Hill would incorporate a gradual projection forward of the established built form associated with Claygate Court. This minimal projection forward is considered acceptable and would allow for sufficient spacing to the front of the site that would not interrupt pedestrians using the public footway.
41. The proposed community use space that would be introduced at the ground floor level would provide active frontage along the south western part of the building, this in turn would benefit the street scene. An entrance lobby to the residential use would be included along the central portion of the building activating the frontage of the building. Large panel glazing would be utilised further adding value to this part of the Blackbird Hill. The eastern segment of the ground floor would facilitate vehicle access to the proposed car park area.
42. The communal amenity space to the rear of the site would be accessed from the car park. The material used for the walkway to both areas would comprise of varying colours to that of the rest car park area. This design approach would clearly define a route for residents and would create a legible and safe route for residents to gain access to the amenity space areas. The front section of the amenity space to the western side of the site would be allocated for any potential nursery use. The applicant has identified that this space will be used only when supervised by any potential nursery staff. All amenity space would therefore be overlooked and accessible for residents.
43. A new lay-by would be added to the front of the site for deliveries and servicing, resulting in alterations to the footpath. Sufficient space has been maintained for pedestrians with a 2m wide pavement.
44. The ground floor would also include refuse storage for both commercial use and residential use. Cycle storage would be sited within the central part of the ground floor and a plant would also be added to the rear portion of the ground floor.

Relationship with St. Andrews Conservation Area

45. The site is situated on the boundary (outside of) the St Andrew's Conservation Area. A conservation area is defined as a designated heritage asset.
46. Paragraph 194 of the National Planning Policy Framework (NPPF) 2021, states when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 195 that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
47. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the case of where development leads to less than substantial harm to the significant of a designated heritage asset, paragraph 202 of the NPPF highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum

viable use.

48. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy DMP7 of the Development Management Policies 2016 states that proposals affecting heritage assets should consider the wider historic context and provide a detailed analysis and justification of the potential impact (including incremental and cumulative) of the development on the heritage asset and its context. Policy BHC1 of the Draft Local Plan further re-emphasises the matters above. Policy BP2 further reveals the importance of protecting heritage assets within the eastern parts of the Borough.
49. The St Andrew's Conservation Area Character Appraisal states that 'The special character of the conservation area was and is derived from this historic setting and the inter-relationships of more modern 20th Century suburban estates of rich quality and varied design. St Andrew's New Church has an impact upon the area far beyond the curtilage of its own site for its substantial tower and spire form a focal point for a number of local views.'
50. Originally the application was accompanied by a Heritage Statement that assessed the original scheme at up to 7 storeys high. This considered views and impact on the St Andrew's Conservation Area. No updated heritage statement has been submitted with the revised submission but the scheme has reduced in bulk and scale.
51. The development site is a long distance away from the heart of the St. Andrew's Conservation Area. The heritage officer supports the view in the heritage statement that there is 'no direct visual relationship with the Southern part of Old Church Lane or the 15 listed buildings'. Furthermore, the heritage officer is satisfied that the development would not 'fall within the framed view of the spire of St Andrew's New Church' its most significant element and focal point. There would therefore be no harm to these assets or the heart of the Conservation Area. Furthermore, the proposed development is not on the junction and entrance to the St. Andrew's Conservation Area (Old Church Lane) and therefore would not impact key views in this respect.
52. The development is on the rear boundary with 1 and 3 Old Church Lane and will be seen from the rear of these properties. In this respect, the Design and Access Statement specifies that mitigation measures have been undertaken to reduce the visual impact. This includes stepping back the upper floors so that the overall massing reflects the smaller scale of the properties on Old Church Lane. The rear gardens are relatively long and there is also substantial tree screening which will reduce impact. There will be viewpoints through to the site between the properties but this appears to be very marginal given the size of the houses and tree screening. It would therefore only be seen as 'backdrop' in oblique views. In this respect there would be limited impact and harm to the conservation area. In this respect, the benefits of the scheme including the redevelopment of a brownfield site delivering new homes to assist in meeting the Council's housing targets and the provision of community floorspace within the site, would be considered to outweigh the limited harm identified above.
53. Historic England have been consulted on the application and confirm that they wish to make no comments.

Archaeological Considerations

54. The site is not in an Archaeological Priority Area or a Site of Local Archaeological Importance. Nevertheless, the heritage statement points out that evidence of Iron Age material was found on the adjoining site and that the development site is monitored to determine archaeological potential. The Greater London Archaeological Advisory Service (GLAAS) has been consulted on the application and notes that the site is not within an archaeology priority area and is likely to have been previously disturbed. The recommend that no further assessment or conditions are therefore necessary. The study area contains a resource of archaeological evidence of low value and local interest, as such the Heritage Statement has highlighted that a future investigation should be provided to assess any potential archaeology importance on site. A condition has been recommended requesting details of this study via a Written Scheme of Investigation and this would be reviewed by the Heritage Officer, who was satisfied with this approach.

Impact on Neighbouring Occupiers

Separation Distance and Privacy

55. Any development are required need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m between directly facing habitable room windows and 9m to boundaries with private amenity spaces should be maintained.
56. The proposed rear windows of the development would be sited at their closest point approximately 20.7m (at first and second floor levels) from the splayed boundary to the north of the site shared with the rear garden of No. 5 Daisy Close. This would significantly exceed the minimum 9m separation set out within SPD1.
57. To the east, the windows within the wing of the building would be sited approximately 12.5m from the boundary with the rear garden of 7 Claygate Court and 9m to the boundary with the rear garden of No. 1 Old Church Lane. The same elevation would also be situated approximately 47.8m from the rear elevation of the No. 1 Old Church Lane. The front section of the building would contain flank wall windows within 9m of the boundary with 7 Claygate Court, but these windows serve non-habitable rooms and can be conditioned to be obscured glazed and high-opening. The proposal meets the separation distances set out in SPD1 in relation to the properties to the east.
58. Sited to the west of the application site, lies the garages for Accadia Court and No. 31A Tudor Gardens (a care home facility containing six cluster flats). The windows within the rear wing of the building would be sited 9m away from the boundary with Accadia Court. The front section of the building does contain two windows to Flats A.1.1, A.2.1, A.3.1 and A.4.1 that serve bedrooms which are located approximately 6.9m from the boundary with Accadia Court. These windows have been designed with oreil windows allowing outlook towards the front of the site, and the glazing facing Accadia Court to be obscured glazed to prevent direct overlooking. The rear projection would be sited approximately 12.3m from the boundary with No. 31A Tudor Gardens.
59. Overall, it is considered that the proposed development would appropriately separated from all adjoining boundaries and neighbouring properties within the vicinity of the application site, and would not result in significant levels of overlooking or compromise the ability of neighbouring sites to come forward for redevelopment. The proposal complies with DMP1 and the guidance set out in SPD1.

Overbearing Appearance

60. SPD1 sets out that new developments should normally sit within a line drawn at 30 degree from the nearest rear habitable room window of adjoining development (measured at 2m high from internal floor level) and site within a line drawn at 45 degree from the neighbouring private rear garden area (measured at 2m above garden level). SPD1 further highlights the 1:2 rule for two storey extensions for commercial developments next to residential as well as between residential developments applies.
61. Section drawings have been provided with the application to illustrate the relationship with the neighbouring boundaries as discussed below.

No. 5 Daisy Close

62. A section plan has been provided demonstrating that the development would sit within 45 degree line from the rear garden of No. 5 Daisy Close.

No. 1 Old Church Lane

63. A section plan has been provided showing the relationship of the development in relation to the rear garden of No. 1 Old Church Lane. A minor infringement of approximately 0.4m would occur when considering the 45 degree angle from the rear boundary of No. 1 Old Church Lane.. It is noted that the 45 degree angle taken adjacent to the rear portion of the sixth floor element would result in an infringement of approximately 2.8m at the fifth floor level and 3.4m at the sixth floor level. This infringement would occur along a minor portion from the rear boundary of No.1 Old Church Lane. It is considered that this relationship with No. 1 Old Church is satisfactory given the depth linked to this subject rear garden of this neighbouring property, measuring over 40m in depth.

No. 7 Claygate Court

64. The submitted section plan demonstrates that in relation to the rear wing of the building, there is a minor breach of the 45 degree line from the rear garden of No, 7 Claygate Court when considering a balcony screen and the top of the parapet of the roof level. This relationship would result in a breach of approximately 0.6m when considering the balcony screen serving unit A.5.2 and a breach of approximately 0.3m with the parapet at the roof level. However, the breach would not be significant to result in a harmful impact on neighbouring amenity.
65. The front section of the development would align with the rear building line of No. 7 Claygate Court. Whilst the central wing would be in breach of 1:2 rule by approximately 19.76m, given that it is set in a good distance from the boundary (approx. 9m) and only contains a minor breach of 45 degree line, the rear projection would not be considered excessive in depth in relation to No. 7 Claygate Court to result in harmful levels of loss of outlook or overbearing appearance.
66. Overall, whilst there are some minor breaches of the 45 degree line as set out in SPD1, the proposal is unlikely to result in a significant impact on neighbouring amenity. Overall, it would comply with policy DMP1 of the Development Management Policies 2016.

Daylight and Sunlight

67. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.
68. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
69. However, the BRE also recognises that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF 2019 also supports a flexible approach to applying standards in order to make efficient use of sites.
70. A sunlight and daylight assessment was provided with the application assessing the impact on the neighbouring properties within the vicinity of the application site. The report outlines that a total of 129 windows from the buildings surrounding the site were highlighted as being in close proximity and facing the development. 59 windows passed the 25 degree line test, and therefore did not require any further testing for daylight considerations, 69 windows achieved VSC levels greater than 27% and 9 windows attained relative VSC levels over 0.8 times of their former value. A total of 46 windows from building within the vicinity of the site were assessed for sunlight access, 26 windows passed the 25-degree line test and 20 windows satisfied the BRE criteria.

Accadia Court

71. The results outline that out of a total of 16 windows at this property, 4 would pass the initial 25 degree line test. The additional 12 windows would retain a VSC greater than 27%. Furthermore all rooms tested would meet NSL requirements. All windows within Accadia Court still met BRE criteria with the development in place.

Tudor Gardens Care Home

72. A total of 32 windows were tested, 16 windows would pass the initial 25 degree line test. The additional 16 windows would meet the 27% VSC requirement. Furthermore all rooms tested would meet NSL requirements. All windows within Tudor Gardens Care Home still met BRE criteria with the development in place.

Claygate Court

73. The result reveal that a total of 46 windows were assessed at these flats. 12 of the windows would pass the initial 25 degree line test. Overall 25 windows would attain a VSC of 27% or greater. Further to this, the additional 9 would achieve VSCs over 0.8 times their former values complying the relative BRE guidelines. All rooms would also pass NSL requirements. All windows within Claygate Court still met BRE criteria with the development in place.

No.1 Old Church Lane

74. The 7 windows to the rear of this neighbouring property would pass the 25 degree test. Therefore no further assessment is required to take place.

No.3 Old Church Lane

75. All 9 windows to the rear of this property would pass the 25 degree angle test. Therefore no further assessment is required to take place.

No. 5 Old Church Lane

76. The windows to the rear of this property would pass the 25 degree angle. Therefore no further assessment is required to take place.

No. 5 Daisy Close

77. A total of 4 windows have been assessed and results reveal that all windows would achieve a VSC of 27% or greater. The affected rooms would also continue to meet NSL testing.

No. 6 Daisy Close

78. The four windows to the rear of this property would pass the VSC level of 27% or greater. The affected rooms would also continue to meet NSL testing.

Nos 23 and 25 Tudor Gardens

79. The proposed development would pass the 25 degree angle test when considering the windows to the rear of these properties. Therefore no further assessment is required to take place.

Sunlight Assessment

80. The analysis has reviewed a total of 46 windows whereby 26 are identified not to be impeded on the initial 25 degree line test. The additional 20 windows would maintain an ASPH greater than 25% and a WPSH greater than 5% or at least 0.8 times their existing value. As a result it is not considered that the proposed development have a negative impact on access to sunlight when considering the surrounding properties around the site.

Overshadowing Assessment

81. The assessment also includes an overshadowing assessment. The results reveal that 50% of the external amenity spaces surrounding the site would receive more than 2 hours sunlight on 21st March or at least 80% of their existing value. The findings illustrate minimal impact on the surrounding garden spaces (retaining at least 0.94 times it former value), therefore the development would meet the BRE guideline.

82. Given the site allocation which envisions a relatively dense development the relationship with neighbouring properties is satisfactory. Additional height is anticipated given the surrounding context and envisages of the intensification corridors running east and west of the application site.

Quality of Accommodation

83. Policy D6 of London Plan sets out standards for housing quality. It requires new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3

Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

Daylight and Sunlight

84. A daylight and sunlight report was submitted with the application assessing the internal arrangement of the proposed residential units. Assessment was conducted on 25 dwellings across the first, second and third floors of the proposed development. These were considered to be the worst-case scenario units in terms of daylight across the proposal as a whole. The Average Daylight Factor (ADF) has been used to analyse the proposed units. The BRE guidelines outlines the following ADF levels recommended for habitable room uses; 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.
85. A total of 63 habitable rooms were assessed while 38 of the rooms were demonstrated to achieve an ADF target of 1%. The kitchens achieved a 2% target for kitchens. In addition to this, 8 of the 10 spaces would meet the 1.5% target for living rooms. It is noted that 2 living room spaces (R6 linked to Unit A.1.8 + R8 linked to Unit A1.7) would achieve a 1.4% which is marginally below required target of 1.5%. This is minor shortfall due to the balcony overhead situated above and this is considered acceptable given the wider benefits linked to the external private amenity space.
86. Annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) is linked to the long-term average of the total of hours during a year in which direct sunlight reaches the unobstructed ground. The results reveal that 14 of the 17 living rooms would achieve an APSH greater than 25% and WPSH greater than 5%. Two rooms were found not to meet BRE annual sunlight guidance and the remaining achieved sunlight levels below the BRE recommendations. These subject rooms would be served by a window which would be south east facing below a proposed balcony.
87. Overall, the internal configuration and layout of each flat provides sufficient access to daylight and sunlight. .

Floorspace Requirements

88. Policy D6 of London Plan sets out minimum floorspace requirements . It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. The proposal has demonstrated that all units would meet the London Plan floorspace requirements.
89. It is noted that first and second floors would include 11 units on each floor, while the third floor would facilitate 10 units. Whilst this would exceed the recommended 8 homes per core as set out in the Mayor's Housing SPG, given that the homes are clustered around the core, the arrangement would not be considered to be detrimental to future occupants, or result in a negative impact on social cohesion on each of the floors.
90. The section plans submitted with the application demonstrates that the proposal would meet the required floor to ceiling height of 2.5m set out within the London Plan.

Aspect

91. The overall configuration of the proposed residential units would result in a total of 22 units with a single aspect. None of these homes face directly north or south, and all of the single aspect homes are smaller one and two bedroom homes. Each home would benefit from good levels of outlook, and as highlighted in the daylight and sunlight report above, overall the scheme benefits from good levels of daylight and sunlight.

Accessibility

92. Policy D7 of the London Plan requires that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'.
93. The development has been designed to allow residents to gain step-free access to the building when considering the external environment through clearly visible and identifiable entrances from the public realm. Step-free access would also be provided to the rear amenity space. The scheme would also

include 4 units designed to Building regulations M4(3) 'wheel chair accessible homes standards'. This would equate to 9% which is slightly below the 10% requirement of the London Plan. The remainder of the homes would be designed to M4 (2) 'accessible and adaptable dwellings' standards.

Privacy

94. Given orientation between the proposed units no harmful overlooking would occur between homes within the development. A condition has been recommended requesting details of appropriate screening to be included on the proposed balconies.

External Amenity Space

95. Policy DMP19 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
96. The DMP19 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 20 or 50 sqm 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 evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
97. With regard to 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 a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
98. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy.
99. In line with policy DMP19 and the scheme would be required to provide a total of 1,230sqm of external amenity space (11 no. 3 bedroom homes x 50sqm + 34 no. one/two bedroom homes x 20sqm). Each home will have access to a private balcony that meets or exceeds London Plan standards for external amenity space. However, there is an overall shortfall in private amenity space 802.3sqm for the scheme overall. To offset the shortfall, each home will have access to the communal rear garden at the rear of the site at ground floor level. The communal amenity space is 733.5sqm. Therefore the overall shortfall of external amenity space based on the targets set out in DMP19 would be 68.8sqm. However, it should be noted that emerging policy BH13 of the Draft Local Plan outlines that all new dwellings will be required to have external private amenity space of a sufficient size to satisfy residents, this is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20sqm for all other housing. Therefore this would equate to 900sqm (45 x 20sqm) of external amenity space in total as none of the homes are situated at ground floor level. The combination of private and communal amenity space would exceed the target set out in emerging policy BH13.
100. As highlighted above the shortfall in external amenity space across the scheme would be 68.8sqm which is minor in comparison to the policy target. Each new home would have access to the private amenity space via a private balconies and would have access to good quality amenity space. Further to this, the site would be sited within walking distance to local recreational space. Quinton Street Open Space is within a few minutes walking distance from the site. In addition to this, the Welsh Harp Open Space and Neasden Recreation Ground is within 15 minutes walking distance from the site. It is anticipated for a slight shortfall given the overall scale of the development however the minor shortfall identified above is not considered significant. It is considered that amenity space provision has been reasonably maximised across the development. It is therefore considered that the amount of external amenity space proposed within the scheme is sufficient for future occupants in accordance with adopted policy DMP19. However, even if one was to contend that the minor shortfall resulted in the insufficient provision of amenity space, officers consider that such a shortfall would be accepted given that wider benefits of the scheme including the provision of new homes (including Affordable homes) and community facilities. Furthermore, when assessed against emerging policy BH13 there would be no shortfall.

Play Space

101. London Plan policy S4 refers to play space requirements for residential developments. A total of approximately 149sqm would be allocated for children playspace and this would be in line with the GLA calculator. In addition to this the site is also within walking distance to the Neasden Recreation Playground. The final details of the proposed playspace has been requested via a planning condition.

Transport and Highway Considerations

102. On street parking is prohibited at all times on Blackbird Hill and the site is within the Wembley Stadium event day zone. Blackbird Hill is a London Distributor Road that carries four lanes of traffic and the site is in close proximity to a major junction; Forty Lane / Tudor Gardens/ Salmon Street.

Parking

103. The maximum parking standards for the proposed development, due to it being in a PTAL of 3, is 1 space per 1-2-bed flat and 1.5 per 3-bed flat as set out in Brent's Development Management Policies 2016, giving the 45 homes with a mix of 24 x 1-bed, 10 x 2-bed and 11 x 3-bed, a maximum parking allowance of 50 spaces. The adopted London Plan permits up to 0.75 spaces per home for one and two bedroom units and up to one space for three bedroom homes, totalling a maximum parking allowance of 36.5 spaces for the 45 homes. Brent's draft Local Plan will follow London Plan parking standards. Given the status of the draft Local Plan and the more strategic objective to reduce reliance on car ownership, it is considered appropriate to apply the lower London Plan standards.
104. In addition to this, the proposed community space unit is permitted 1 space per 10 users/visitors as set out within Brent's Development Management Policies 2016, and as the submitted plans indicate that the floorspace could accommodate 30 users/visitors, it will have a maximum parking allowance of 3 spaces. Consideration also needs to be given for drop offs/pick-ups.
105. The proposal would provide 27 car parking spaces for residents plus a further 2 spaces for the community use. Six of the car parking spaces would be designed as electric vehicle charges points from the outset with the remainder with passive provision. Such details would be secured through a planning condition. As the number of spaces for the residential homes are below the maximum parking allowance, consideration needs to be given to overspill parking.
106. A Transport Statement has been submitted with the application. The parking beat survey was carried out on two consecutive nights and this demonstrated that the surrounding streets were 80% full, which is considered by the Council to be heavily parked. It is therefore considered important that future car parking demand can be fully accommodated on site.
107. The Transport Statement has examined Census data for the area, which reveals that in area E01000625 have car ownership averaging 0.6 vehicles per flat. This equates to 27 cars for the 45 proposed flats. The proposed 27 spaces, plus 2 spaces for the community use, would therefore be sufficient to satisfy estimated car parking demand, without resulting in overspill parking onto surrounding streets. .
108. The proposal provides 2 blue badge spaces and this meets the 3% provision per flat set out in the adopted London Plan. If further spaces are required, some of the standard bays can be widened.

Trip generation

110. A revised transport appraisal technical note was submitted during the course of the application. This has incorporated a TRICS assessment of similar sites in London estimating that the site would generate 1 arrival and 4 departures in the am peak hour and 4 arrivals and 3 departures in the pm peak hour by car.

Vehicle access and highway works

111. The existing vehicular crossover would be modified on the eastern end which will be 4.7m wide. This will allow vehicles to pass one another to ensure vehicles are not left waiting on the highway. A vehicular gate will also be provided and this is set back 7m from the back of the footway to allow vehicles sufficient space to wait within the site demise and not obstruct the highway. In addition to a new vehicular access, a loading bay is proposed outside the application site, sited to the west of the new vehicular access. The

inset loading bay will measure 11m x 3m. The footway to the rear of the loading bay will remain at a minimum of 2m wide and will need to be dedicated as a Public Highway and a Section 278 / 38 technical drawing will need to be submitted for Brent's engineers for approval. Such details would be secured within the Section 106 Agreement.

112. A Road Safety Audit was submitted in relation to the new vehicular access and loading bay. This outlined two issues with the access.

- Visibility splays (2.4m x 43m) will not be achieved at the access, when the loading bay is in use. This could lead to vehicle collision between vehicles existing the site and vehicles travelling eastbound on Blackbird Hill.

- Similarly, visibility splays will be not be achieved for the existing access to Accadia Court.

113. The Transport Consultant response to the Road Safety Audit identified that the layby loading bay would prevent on street loading which will only be in use occasionally and would not be in constant use. Therefore minimising the frequency upon which visibility may be affected particularly when considering the size of the car park and the access it serves. Drivers will use in greater caution when layby is in use. Similarly the Transport Consultant highlighted that the frequency of use of both the layby and the Accadia Court access will be occasional and therefore visibility will be rarely affected when a driver is emerging. As such the relationship with the existing Accadia Court access would be satisfactory. The Road Safety Auditor reviewed the designer's response and highlighted that the relationship between the loading bay and access is common, given the occasional use it is anticipated that the risk is low. Furthermore it was identified that the presence of the layby will encourage exiting drivers to proceed with greater caution when leaving the development site.

114. Based on the additional comments provided by the road safety auditor, officers in transportation have advised that they agree with the above recommendations. The proposed loading bay is anticipated to be lightly used for refuse vehicles (1-2 times a week) plus potential grocery van and internet shopping deliveries made to the units and drop off/pick off for the flexible community use. Overall, the usage is expected to be infrequent but when in use caution will be applied by drivers egressing the proposed development. The two lanes in each direction on Blackbird Hill provides the opportunity for vehicles to move to the outside lane if cars emerge from the site. As a result, the safety concerns raised in the original Road Safety Audit have been addressed.

Healthy streets assessment/wider highway improvements within the vicinity of the site

115. The original comments provided by the Transport Officer highlighted consideration should be given to the poor pedestrian and cycling realm within the vicinity of the site, with Blackbird Hill acting as a barrier for connections. The applicant has therefore submitted a road safety audit to include a new zebra crossing proposed on Tudor Gardens.

116. The Road Safety Audit raised 2 problems;

- Vehicles travelling west on Forty Lane and turning into the bend will experience reduced visibility when reaching this crossing. The hard braking could lead to vehicle – pedestrian collision or vehicle to vehicle rear end shunt collision.

- The dual carriageway on Tudor Gardens could mask pedestrians crossing. This could increase vehicle to pedestrian collision.

117. Whilst the crossing has some merits, it still raises significant issues relating collisions and additional highway cluttering of signage. Passengers needing to access the site using this bus stop could alight a stop earlier on Tudor Gardens, which would require no crossing, or a stop earlier on Blackbird Hill, which would require using the existing crossing outside Lidl.

118. The proposed development has been discussed with Brent's Highways & Infrastructure – Project Development Team. It has been identified by the team that there are proposals to alter the configuration of the roundabout at Blackbird Hill and Tudor Garden in order to improve pedestrian crossing facilities. Highways officers have requested a payment in lieu to be provided from the development to contribute towards the wider highway improvements works. A figure of £100,000 would be secured.

Servicing and deliveries

119. The proposed community use will not require regular servicing and deliveries, but consideration would need to be given to potential pick-up and drop off for the use. Drop off and pick up would take place from within the loading bay. It is recommended that the management arrangements for drop off and pick up are secured within the Travel Plan as part of the Section 106 Agreement, to ensure there is no obstruction of the distributor road.

120. Bins are to be stored at the front of the building fronting Blackbird Hill to allow easy access for collection from the loading bay. Doors to the bin store should open inwards and not out onto the vehicular access. Such matter would be secured as a condition.

121. The lay-by would be used for refuse collection for the flats and for other deliveries. As such, this arrangement is welcomed to prevent disruption to the highway network on this major traffic route.

Travel Plan

122. The submitted Travel Plan sets out objectives to improve resident access and maximise the use of sustainable travel modes. Targets will be set for years 1, 3 and 5, with the main target being to reduce car travel by 5% to 25% of trips by year 5 and to thus increase walking, cycling and non-car modes.

123. Measures such as bus routes and frequencies will be included in the travel pack. Taster tickets for free public transport will be given. Maps of local cycle routes will also be provided. Eight of the proposed bays will have electric charging points and passive provisions for charging will be made for all other bays, which is welcomed. Cycle training is also mentioned although it is unclear how the site will provide the cycle training and how much money will be allocated to this.

124. Monitoring will be carried out in years 1, 3 and 5 in form of a travel survey. The objectives of the Travel Plan is therefore considered acceptable and this would be secured through the Section 106 Agreement.

Cycle Parking

125. A total of 77 cycle spaces have been proposed and comply with the London Plan. The proposed eight short stay spaces in front of the site will be clear of the public highway and available for all to use.

Other Matters

126. A Construction Logistics Plan in compliance with guidance set out by Transport for London has been recommended as a condition.

Tree Consideration, Landscaping Provision and Urban Greening

127. An Arboricultural Impact Assessment was submitted with the application. The survey identified that the site's tree stock is primarily composed of early-mature and mature trees which are predominately in a fair condition. The proposed development of the site will not require the removal of any existing trees on site. However, some access facilitation pruning works to the crowns of trees within, and overhanging, the site will be required to minimise the potential for branch damage to occur during development. Some works would be required within the initial Root Protection Areas (RPA), the impact will be mitigated by ensuring appropriate construction methodologies are followed.

128. The proximity of trees within an off-site tree group and the north-west elevation of the proposed building is noted. The continued growth of trees within this group is expected to require routine pruning management to prevent conflicts with the proposed building through shading or direct damage. The retained trees would be protected with tree protection barriers in line with the specification set out in BS5837:2012. The site currently contains large areas of hardstanding, as such it is likely that root development in the affected areas will have been restricted and on this basis, it is considered that the potential for harm to occur to the trees as a result of the works is minimal. With respect to the proposed soft landscaping works within the RPAs of retained trees, it is recommended that such works proceed according to British Standards BS 8545 (2014). The Tree Report outlined that the proposed development is unlikely to add future pressure for tree removal.

129. The proposed retaining wall to the western side of the property would be constructed largely at the periphery of the RPAs of the retained trees. Subject to the adoption of an appropriate working

methodology, and an arboricultural watching brief for all works within the RPAs of retained trees, it is considered that this retaining wall can be installed without causing significant impacts upon the long-term health of retained trees. An Arboricultural Method Statement will be required as various aspects of the proposed development will be undertaken adjacent or within the RPAs of retained trees. The purpose of this document is to ensure that all site operations without any risk to the trees on site and ensure protection of the subject trees.

130. The Tree Officer reviewed the information submitted with the application and outlined that a detailed arboricultural method statement and tree protection plan is required. The method statement should include a detailed schedule of site supervision for all works that will take place within the root protection areas or beneath the canopies whichever is the greater, of all retained on and off-site trees. Supervision must include an initial site meeting between the arboricultural consultant, site manager, other responsible persons and the LPA tree officer. Following each site supervision visit, a photographic and written record must be submitted to the LPA's tree officer. A condition has been agreed with the Tree Officer for this detailed information.
131. The proposed development will not require the removal of any existing trees on site. The landscaping plans make provision for the planting of up to nine new individual trees along the boundaries of the site. Such details would be secured via a planning condition. It is noted that as part of the works to demolish the former school buildings within the site, that five trees were removed to the front portions of the site. As the site is not located within a conservation area and none of the pre-existing trees had Tree Preservation Orders, the removal of the trees did not require permission from the Local Planning Authority. Nevertheless, the provision of nine new trees within the site would result in a net increase of four trees when compared to the pre-existing situation.

Urban Greening Factor

132. Policy G5 of the London Plan highlights that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and a target score of 0.4 for residential predominantly residential development. The applicant has provided calculations demonstrating that the proposal would achieve a UGF score of approximately 0.43 which would meet the target score set out in the London Plan.

Sustainability

133. Policy SI2 of the London Plan requires major development to achieve carbon savings beyond the requirements of Building Regulations. These are referred to as 'be lean' (fabric efficiency), 'be clean' (clean source of energy supply) and 'be green' measures (use of renewable energy technologies). A zero carbon development is ideal, however the policies acknowledge the practical difficulties of this and allow for a minimum of 35% improvement beyond minimum Building Regulations requirements with the remaining regulated carbon emissions being financially offset instead. Policy SI 2 stipulates that at least 10 points of the 35 point minimum saving must be from 'be lean' for the domestic part of the development whilst at least 15 points of the 35 point minimum must be from 'be lean' for the non-domestic workspace part of the development.
134. An Energy Statement has been submitted with the application taking into consideration a near zero carbon energy statement and with a minimum 35% reduction in CO2 emissions over Part a 2013 based on the London Plan 2021 and Policy SI2. The proposal has opted with Be Lean fabric first approach which will focus on low u-values and high air tightness, with mechanical ventilation with heat recovery. In addition to this, an electric Air Source Heat Pump (ASPH) system would utilised with solar PVs included within the roof design. This would therefore result in a 14% reduction in CO2 via the Be Lean fabric first approach using current Part L1a 2013. Taking into account SAP10 carbon factors as per the GLA guidance the development as a whole would equate to a 66% saving in CO2.
135. The Energy Statement submitted has identified ASHPs to be the most feasible and suitable solution energy source for the proposed development. Furthermore based on the proposed layout of the dwellings and large flat roof area with little over-shading PV is considered a feasible option in contributing to CO2 savings. Combined Heat and Power (CHP) would provide both electrical power and thermal heat energy.

The offset payment shall cover a 30 year period of emissions, with the payment being equivalent to £95 per tonne per annum. This payment will be secured through a legal agreement to any forthcoming consent. With the modelling provided, a payment of £41,873 would be secured for this purpose.

136. The Sustainability Statement submitted with the application has highlighted that the proposal has the capability in achieving 105 litres or less per head per day. Through the appropriate specification of water efficient bathroom and kitchen appliances the proposal would result in major savings in water consumption.
137. An Overheating Assessment was submitted with the application and the report undertook an assessment on twelve sample units throughout the development. The results reveal that the subject units would be acceptable and meet TM59 overheating criteria. It is noted that a few areas would marginally fail but mechanisms have been incorporated throughout the design of the building to prevent overheating issues. Natural ventilation can be achieved through outward opening windows across all dwellings cross ventilation would be facilitated by single and double aspect units with private balconies. In addition to this, a mechanical ventilation with heat recovery has been included within the development. These measures would help mitigate overheating risks.

Environmental Considerations

Noise

138. A Noise Impact Assessment has been submitted with the application and the findings have revealed that the main source of noise is road traffic. The proposed development would incorporate sound insulation measures to ensure the residential units would meet the criteria given in BS 8233 and WHO Guidelines. This would include building envelop sound insulation measures, acoustic glazing and acoustic trickle vents for bedrooms and living rooms. The report has also highlighted that appropriate sound insulation between floors would be required between the commercial ground floor space and residential units.
139. The Environmental Health Officer reviewed the information submitted and outlined that the development demonstrates compliance with BS8233:2014 noise criteria. They have however recommended that a condition be secured for details of sound insulation measures between the ground floor commercial use and the residential homes above.
140. An objection has been received from a local resident raising concerns with the potential noise levels from the plant equipment within the site. The Environmental Health officer has recommended that a condition is required before any plant to be installed, details should be provided of the predicted noise levels to be 10dB(A) below the measured background noise level (or lowest practicable levels) when measured at the nearest noise sensitive premises.

Air Quality

141. The development is within an Air Quality Management Area. An Air Quality Impact Assessment has been submitted to support the application. This has considered the following aspects:

Exposure Assessment

142. The AQIA has considered the level of pollutant concentrations at the development with regard to potential exposure of future occupants to poor air quality. In relation to both Nitrogen Dioxide and Particulate matter, the new development would not be exposed to harmful levels of exposure. Therefore no further mitigation measures would be required.

Air Quality Neutral Assessment

143. An air quality neutral assessment has been undertaken in relation to both building and transport emissions from the proposed development. This concluded that the development would be air quality neutral with respect to building related emissions. However, the development in relation to transport emissions for NO₂ and PM₁₀, would be above the benchmarked emissions, and therefore the scheme would not be air quality neutral with respect to transport related emissions. A number of mitigation measures were therefore recommended as summarised below:

- Site to operate with a Travel Plan to encourage a reduction in car trips
- All car parking spaces to be equipped with electric vehicle charging points (20% active from the outset and 80% passive).
- New soft landscaping within the site including the planting of 9 new trees
- Improvements to site access and new pedestrian footway

144. The mitigation measures as discussed above would be secured through a planning condition.

Construction phase

145. To minimise the amount of dust during construction works, it is recommended that a construction management plan is conditioned to any forthcoming consent. Furthermore, a condition governing the need for non-road mobile machinery to meet reasonable emission limits is also recommended to be applied to the decision.

146. Overall, subject to the mitigation measures as noted above, the scheme would not result in a harmful impact on local air quality, and be in accordance with policy SI1 of London Plan 2021.

Contamination Land

147. The site to be redeveloped and the surrounding area has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. The applicant has submitted a Land Science Phase 1, Phase 2 and Remediation Statement. All of these assessments are satisfactory however further sampling will need to occur before a full decision is made on the remediation of the site. Conditions are recommended requiring an investigation of land contamination to be carried out prior to commencement of any building works together with details of remediation and verification of the works carried out.

Lighting

148. The new development must not give rise to light or other nuisance to nearby residents. A condition will require that, should external lighting be installed, details of the lighting, including a measure of lux levels, is submitted and approved by the Council.

Flooding and Drainage

149. Policy SI12 of the London Plan and Brent Policy DMP9B require sustainable drainage measures to be implemented as part of major developments. Policy BSUI4 of the Draft Local Plan highlights the importance of a good drainage strategy.

150. The site is located within a Flood Zone 1 area and therefore would have little risk of flooding. The application was accompanied by a Flood Risk Assessment.. The report has stated that risk of flooding from the proposed development has been assessed as very low. Mitigation using sustainable drainage systems will be required to manage flood risk at source. The choice of options for surface water management and implementation within the site layout is being left to the detail design stage. it is estimated that an attenuation storage capacity of between 51 m³ and 100 m³ would be required to control site run-off depending on permitted rates, this would capture storm rainfall from the roof space up. Overall the assessment submitted with the application outlines that surface water run-off from the site can be managed by a number of 'at source' options including rainwater harvesting, permeable paving and attenuation storage tanks, this would be decided at the detailed design stage and the final details have been recommended via a condition. The measures set out above would result in a 50% reduction in surface water run-off. The Principle Engineer (Drainage & Flooding) reviewed the information provided with the application and was satisfied with approach to condition the finalised details for surface water run-off mitigation measures.

151. Thames Water were consulted during the course of the application and raised no objections. No concerns were outlined in relation to surface water drainage. A condition has been requested for a piling method statement in consultation with Thames Water. In addition to this, informatives have been included regarding public sewers and groundwater discharges.

Fire Safety

152. Policy D12b of the London Plan outlines that development proposals must achieve the highest standards of fire safety. All major developments requires a Fire Statement with a fire strategy produced by a suitably qualified third party assessor. A Fire Safety Statement has been submitted with the application illustrating compliance with part A of Policy D12 covering a range of matters including fire service access, sprinkler systems and fire detection systems, separation of uses, treatment of stairs and common areas and external wall construction. However, the statement does not meet the full requirements of London Plan Policy D12b and a condition has been recommended regarding a Fire Strategy prior to commencement of the development that would fully accord with the information requirements set out in part B of Policy D12.

Equalities

153. 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).

Summary

154. Following the above discussion, it is considered 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.

155. The proposed development would result in an attractive built addition to Blackbird Hill. The overall height and mass would relate appropriately to the existing buildings along Blackbird Hill and would act as an appropriate transition with the traditional suburban residential properties north, north east and north west of the site. The proposal would provide a flexible community use space of the ground the floor in line with the objectives of the site allocation. The proposal would maintain a suitable relationship with the neighbouring properties within the vicinity of the application site. Whilst the scheme does fall marginally short on external amenity space targets set out in Policy DMP19, the quality of accommodation is considered to be good and this would be mitigated through its proximity local recreation space and open space. As such, the proposal is considered to include external amenity space that is sufficient for future occupiers. The proposal would result in a number of significant benefits, including the provision of new homes to meet identified need, including affordable housing, and the provision of a community unit.

156. 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 **£1,286,178.04** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 3667.8 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	3562.8		3562.8	£200.00	£0.00	£1,059,296.79	£0.00
(Brent) Non-residen	105		105	£0.00	£0.00	£0.00	£0.00

tial institutions							
(Mayoral) Dwelling houses	3562.8		3562.8	£0.00	£60.00	£0.00	£220,386.20
(Mayoral) Non-residential institutions	105		105	£0.00	£60.00	£0.00	£6,495.05

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)	333	
TOTAL CHARGEABLE AMOUNT	£1,059,296.79	£226,881.25

*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: 20/2096

To: Mr Blaquiere
Terence O'Rourke
7 Heddon Street
London
W1B 4DB

I refer to your application dated **15/07/2020** proposing the following:

Construction of a single building up to 6 storeys to provide 45 residential units (Use Class C3), and flexible commercial/community use floorspace (within Use Class E), car and cycle parking, associated landscaping, highways and infrastructure works, and provision of pedestrian and vehicular access

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

at **5 Blackbird Hill, London, NW9 8RR**

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: 16/11/2021

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:-

National Planning Policy Framework 2021
 The London Plan 2021
 Brent's Core Strategy (2010)
 Brent's Development Management Policies (2016)

Emerging Policy

Brent's Draft Local Plan

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

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

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

Plans: _

264001-TOR-XX-ZZ-DR-A-P001, 264001-TOR-XX-ZZ-DR-A-P002,
 264001-TOR-XX-ZZ-DR-A-P003-E, 264001-TOR-XX-ZZ-DR-A-P004-E,
 264001-TOR-XX-ZZ-DR-A-P005-I, 264001-TOR-XX-ZZ-DR-A-P006-H,
 264001-TOR-XX-ZZ-DR-A-P007-H, 264001-TOR-XX-ZZ-DR-A-P008-H,
 264001-TOR-XX-ZZ-DR-A-P009-H, 264001-TOR-XX-ZZ-DR-A-P010-F,
 264001-TOR-XX-ZZ-DR-A-P011-E, 264001-TOR-XX-ZZ-DR-A-P012-F,
 264001-TOR-XX-ZZ-DR-A-P013-E, 264001-TOR-XX-ZZ-DR-A-P014-E,
 264001-TOR-XX-ZZ-DR-A-P015-E, 264001-TOR-XX-ZZ-DR-A-P016-E,
 264001-TOR-XX-ZZ-DR-A-P017-C, 264001-TOR-XX-ZZ-DR-A-P018-C,
 264001-TOR-XX-ZZ-DR-A-P019-A, 264001-TOR-XX-ZZ-DR-A-P020,
 264001-TOR-XX-ZZ-DR-A-P021-C, 264001-TOR-XX-ZZ-DR-A-P023-A,

264001-TOR-XX-ZZ-DR-A-SK1006 – E, 264001-TOR-XX-ZZ-DR-A-SK1007 – I,
 264001-TOR-XX-ZZ-DR-A-SK1009 – G, 264001-TOR-XX-ZZ-DR-A-SK1010 – E,
 TOR-XX-ZZ-DR-A-SK1011,

264001-TOR-SK0130 - B, 264001-TOR-SK0129 – B, 264001-TOR-SK0128 – B,
 264001-TOR-SK0131

Supporting Information

Arboricultural Impact Assessment prepared by Middlemarch Environmental dated June 2021
 Preliminary Arboricultural Survey conducted by Middlemarch Environmental June 2020
 Air Quality Assessment prepared by XCO2 dated June 2021
 Noise Impact Assessment prepared by Accon UK

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

- 3 The scheme hereby approved shall contain 45 residential homes 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 The development hereby approved shall contain 104sqm space which shall be used as Class E (e), (f) and Class F2(b) and shall not be used other than for purposes as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) unless an application is firstly submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure the adequate provision of commercial, employment and community floorspace.

- 5 Units A.1.3, A.2.3, A.2.7, A.3.3 shall be designed to comply with Building Regulation M4(3) 'wheelchair accessible homes' standards and the remaining residential units designed to comply with Building Regulations M4(2) 'accessible and adaptable homes' standards.

Reason: To ensure the provision of accessible homes, in accordance with policy D7 of London Plan 2021.

- 6 A communal television aerial and satellite dish system for each building, or a single system for the development as a whole, shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. No further television aerial or satellite dishes shall be erected on the premises.

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

- 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 DMP1 and London Plan policies SI1 and T7.

- 8 The residential car parking space, residential and commercial cycle and refuse storage shall be provided in full prior to first occupation of the development, and shall be used for the parking of vehicles, and storage of cycles/bins associated with the development and shall not be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway flow and safety.

- 9 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.

- 10 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.

- 11 The bin stores hereby approved shall be fitted with doors that open inwards unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway flow and safety.

- 12 Twenty percent of the car spaces hereby approved shall be active EVCP spaces (6 spaces) and the remainder to be passive provision unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development meets the air quality targets.

- 13 The proposed flank windows serving Units A.1.1, A1.9, A.2.1, A.2.9, A.3.1, A.3.8, A.4.1 and A.4.6 shall be fitted with;

(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;

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupiers.

- 14 Prior to the commencement of the development a Construction Method Statement (CMS) shall be submitted to and approved in writing through an application for approval of details reserved by condition to 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. All agreed actions shall be carried out in full.

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: These impacts can arise at any time from the start of construction works, and adequate controls need to be in place at this time.

- 15 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning

Authority.

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

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

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

- 16 Prior to commencement of development, a Fire Statement shall be submitted to the Local Planning Authority through an application for approval of details reserved by condition. The Fire Statement shall be produced by a suitably qualified person and shall fully accord with the requirements set out under Part B of the London Plan Policy D12 Fire Safety and any associated guidance.

Reason: In the interests of fire safety and to ensure the safety of all building users.

Pre-commencement reason: Fire safety is required to be considered at the outset of the development, prior to construction works commencing.

- 17 Prior to commencement of any works commencing on site a site supervision meeting shall take place between the project arboriculturalist, site contractors and LPA Tree Officer in which the project arboriculturalist ensures that all those involved in the scheme understand the requirements set out within the Arboricultural Report.

A record of all site supervision with photographic evidence shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority.

Reason for pre-commencement condition: To ensure a satisfactory development which does not result in harm to trees.

- 18 No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

- 19 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 water infrastructure, and the programme for the works) has been submitted to and approved in writing through an application for approval of details reserved by condition to 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 20 (a) Prior to the commencement of building works, 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. A report

shall be submitted to and approved in writing through an application for approval of details reserved by condition to 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. It shall include an appraisal of remediation options and a Remediation Strategy 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 through an application for approval of details reserved by condition to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 21 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), details of the finalised management surface water run-off mitigation measures shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

Reason: To ensure that the proposed drainage strategy is satisfactory.

- 22 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the following shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority;

(a) Details of materials for all external surfaces of the building (including samples)

(b) Details of the proposed entrances gates

(c) Details of screening to be installed on the proposed balconies

The works shall be carried out with the approved details.

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

- 23 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The submitted scheme shall set out detailed proposals for the following aspects:

a) Hard surfacing, any external furniture and play equipment, and boundary treatments throughout the site, including details of any retaining walls

b) details of soft landscaping (including species, location and densities) together with design of tree pits for 9 trees planted within the site.

c) details of any external CCTV.

d) details of level changes across the site

e) arrangements for maintenance of trees and other planted species.

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 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, provides functional spaces and to maximise biodiversity benefits.

- 24 Prior to occupation of the development hereby approved, details of proposed external lighting design including a light spillage plan taken into consideration neighbouring properties, luminance levels and light spill shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The development shall be built in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces.

- 25 Prior to occupation of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, setting out how parking spaces shall be allocated to residents with the most need for parking. All parking spaces shall be made available on short-term leases rather than sold to individual residents or workspace users. The allocation and management of parking spaces shall be conducted in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that parking spaces are allocated to residents and workspace users with the greatest need for parking.

- 26 Prior to first occupation of the proposed development a Delivery and Servicing Plan shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority and the approved details shall thereafter be implemented from first occupation of the development.

Reason: In the interest of the free and safe flow of traffic on the highway network.

- 27 Unless alternative details are first agreed in writing by the Local Planning Authority, prior to occupation of the development hereby approved, evidence that the noise mitigation measures set out in the submitted Noise Impact Assessment prepared by Accon UK have been implemented shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 28 Unless alternative details are first agreed in writing by the Local Planning Authority, prior to occupation of the development hereby approved, evidence that the air quality mitigation measures set out in the submitted Air Quality Assessment prepared by XCO2 dated June 2021 have been implemented shall be submitted to and approved in writing through an

application for approval of details reserved by condition to the Local Planning Authority.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 29 A scheme of sound insulation measures shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority. The insulation shall be designed so that noise from any proposed commercial unit does not adversely impact residential units. Use Class E/F2 use shall not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats adjacent to the uses. The approved insulation measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels.

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

Reason: To safeguard the amenity of the neighbours

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620