



Planning Committee

Wednesday 10 May 2023 at 6.00 pm

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

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

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

Membership:

Members

Councillors:

Kelcher (Chair)
S Butt (Vice-Chair)
Akram
Begum
Dixon
Mahmood
Maurice
Rajan-Seelan

Substitute Members

Councillors:

Ahmed, Chappell, Chohan, Collymore, Dar,
Ethapemi and Kabir

Councillors

Kansagra and J Patel

For further information contact: Natalie Connor, Governance Officer
natalie.connor@brent.gov.uk; 0208 937 1506

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

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 a 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 Alternate 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 19 April 2023 as a correct record.		1 - 12
APPLICATIONS FOR DECISION		
4. 21/2130 - Olympic House, 3 and Novotel, 5 Olympic Way, Wembley, HA9	Wembley Park	17 - 94
5. 22/4249 - 32 District Road, Wembley, HA0 2LG	Sudbury	95 - 116
6. 22/3634 - Fairfield Court, Longstone Avenue, London, NW10 3TS	Harlesden & Kensal Green	117 - 140
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Monday 12 June 2023

Please remember to set your mobile phone to silent during the meeting. The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 19 April 2023
at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Collymore, Dixon, Mahmood and Maurice.

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

Apologies for absence were received from Councillor Rajan-Seelan with Councillor Collymore attending as an alternate member.

2. **Declarations of interests**

None.

3. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on Wednesday 8 February 2023 be approved as an accurate record of the meeting.

4. **Point of Order**

At this stage in proceedings the Chair advised that he had agreed to vary the order of business on the agenda. This was to enable the consideration of Agenda Item 5 (Application 22/4030-62 & 62 A-D Salusbury Road, London, NW6) as the first item. The minutes reflect the order in which the items were heard at the meeting.

5. **22/4030 – 62 & 62 A-D Salusbury Road, London, NW6**

PROPOSAL

Change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self contained dwelling, alteration to shop front and provision for cycle storage.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) That the Head of Planning is delegated 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

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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.

Lena Summers, Planning Officer, South Area Planning Team introduced the report and set out the key issues. In introducing the report members were advised that the subject property was a two-storey terraced property located on the eastern side of Salusbury Road, bordering the Queens Park Conservation Area and was not a listed building. The existing property was situated within Queens Park Town Centre and contained residential units and Class E use. It was confirmed that 26 objections had been received.

The Chair sought clarification as to whether the small site policy was applicable to the proposed development with officers confirming that the proposed development was in accordance with Brents Local Plan Policy BH4 in relation to small sites and small housing developments in Brent.

As no further questions were raised by members at this point, the Chair invited Ms Deborah Curtiss (objector) to address the Committee (online) in relation to the application. Ms Curtiss introduced herself as a resident of 62 Salusbury Road before proceeding to highlight the following key points:

- Ms Curtiss advised that she did not take issue with the ground floor of the building being altered to commercial use with the proviso that it was not let to a business that would invite excessive noise and disturbance to the area, such as a restaurant or bar.
- It was felt that it was unnecessary for the outside space to the rear of the building to be included in the proposed development, the Committee were advised that part of the outside space had been allocated to Ms Curtiss by the previous landlord which she had utilised as private decked space for approximately 30 years.
- Concerns were shared in relation to the potential noise pollution that could be created by the proposed air source heat pump and air conditioning unit, that would be located underneath Ms Curtiss's bedroom window.
- Ms Curtiss queried the validity of the application to re provide the dwelling space that would be lost, given that the conversion of the loft space to create a dwelling could only be made possible by covering a skylight into Ms Curtiss's apartment which would contravene her lease, therefore the viability of being able to re- provide the dwelling was felt to be questionable.
- In summary, whilst the concerns expressed were not in relation to the proposed revised commercial space on the ground floor, it was felt the proposed extension, skylights and outdoor space would create the potential for noise and light pollution that it was felt would impact local wildlife and could cause a nuisance for existing residents.
- It was felt some of the issues raised could be mitigated by the development not including the outdoor space at the rear and by ensuring there were no opening dormer windows to the side or rear of the property, as well as exploring restricted use of the commercial space and opening hours.

The Chair thanked Ms Curtiss for her contribution to the meeting before asking the Committee if they had any questions or points of clarity to raise with Ms Curtiss in

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relation to the information heard. The Committee had one point of clarification in relation to the issue of Ms Curtiss's skylight being blocked by the proposed rear loft extension to create a new dwelling. In response, Ms Curtiss confirmed that her landlord was aware that the construction of the dwelling would contravene Ms Curtiss's lease by reducing light into her apartment. As no further questions were raised by the Committee the Chair proceeded to invite Ms Evanthe Blandy (objector) to address the Committee (in person) in relation to the application. Ms Blandy introduced herself as a local resident and thanked Planning Officers for noting the letters of objections provided in relation to the proposed application, before proceeding to highlight the following key points:

- Ms Blandy echoed the concerns raised by the previous objector in relation to the negative impact of the proposed development on wildlife and neighbouring residents due to intrusive light and noise emanating from the rear of the commercial site into the courtyard area.
- Concerns were raised specifically in relation to the level of noise that would be created if the public were able to use the courtyard via the commercial unit. It was noted that there was no precedent along the Salusbury Road for any commercial unit that allowed the public outdoor use of a commercial property bordering residential units. It was felt the Committee should remain cognizant of this setting an unwanted precedent, if approved.
- It was felt that light pollution could be an issue for existing residents and local wildlife and biodiversity, it was noted that it was difficult to ascertain how much of an issue this could be as there was no confirmed business of the commercial unit yet, therefore it was not possible to assess and understand the impacts and how to mitigate them.
- In summarising the concerns raised Ms Blandy requested that conditions to remove direct access to the courtyard space by visiting members of the public were considered to mitigate additional light and noise nuisance, along with the doors and windows that would open to the courtyard area from the commercial unit to be sealed to manage the risk of noise nuisance.

The Chair thanked Ms Blandy for her representation and invited Committee members to raise any queries or clarifying points they may have. Members sought clarity on the business hours of neighbouring commercial units and the location of the windows and skylights of the proposed rear of the development that Ms Blandy suggested should be sealed to manage potential noise nuisance. The following responses were provided:

- In relation to the query raised by the Committee regarding the business hours of nearby commercial units, Ms Blandy advised the Committee that there was a broad range of businesses with varying uses and business hours.
- In response to the query in relation to the location of the proposed windows and skylights to the side and rear of the development the preference would be for these to remain sealed in order to limit their impact. A CGI image of the proposed rear of the development was provided by officers to inform the context of the location. the Committee were able to see from the CGI that the skylights and windows extended into the courtyard area.

The Chair thanked Ms Blandy for responding to the Committee's questions. As there were no further questions for Ms Blandy, the Chair invited Councillor Nerva (Ward Councillor) to address the Committee (in person) in relation to the application. Councillor Nerva introduced himself as the local Ward Councillor and

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declared that he was a member of the Queens Park area Residents Association, before advising that he had been contacted by both resident objectors who had spoken against the application, however he had not been contacted by the developer. Councillor Nerva went on to highlight the following comments:

- It was felt that the Committee should be mindful that whilst the site was not currently located in the recognised Queens Park Conservation Area it had been included for consideration as part of an extension currently being sought to the Conservation Area,
- The frontage of the buildings had not been altered for approximately 130 years; it was felt that if planning permission was given that there should be conditions included to ensure that the frontage was improved and in keeping with the surrounding area.
- Concerns were shared that granting planning permission for the conversion development could set an unwanted precedent.
- Support for the mitigations suggested by the previous objectors which he felt would be effective in managing the concerns raised.
- In closing his comments Councillor Nerva highlighted the borough wide housing shortage and in respect of this urged the Committee to ensure that the conversion of the loft space to become a residential dwelling was completed ahead of the commercial unit, to avoid a situation where the dwelling space was not replaced resulting in a net loss of residential accommodation.

As there were no questions for Councillor Nerva, the Chair invited the final speaker on the item, Mr Lewis Westhoff (agent) to address the Committee (in person) in relation to the application. Mr Westhoff introduced himself as the agent for the application on behalf of the applicant, Akoya, before he highlighted the following key points:

- The planning application at 62 Salusbury Road formed part of his clients wider property portfolio in Queens Park that included the NW Works Business campus at the northern end of Salusbury Road.
- Over the past five years, Akoya had significantly invested in Queens Park and regularly supported local community initiatives.
- While 62 Salusbury Road was at the smaller end of the scale, the site had been identified as underutilised and as such presented an opportunity to deliver public benefits to Salusbury Road and the Queens Park Town Centre.
- The scheme would see a new 2 bedroom apartment provided at second floor level to replace the vacant, sub standard residential unit at ground floor. This ground floor unit would be converted into a flexible Class E commercial unit with a new shopfront to complement and enhance the commercial offer on the Salusbury Road primary shopping frontage.
- The new commercial unit had been designed in a flexible way to appeal to a range of high street occupants. It was important to note that the unit would not be used as a bar or a restaurant that served alcohol. Given the concerns highlighted in this respect the Committee were reminded that
- Condition 4 had been designed to prohibit any drinking establishment or restaurant use and would permit uses appropriate for the high Street including retail, professional services, medical and office use.
- The design of the loft conversion had evolved closely in consultation with officers. It complied with the Council's design guidance for rear dormers and

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the amenity of nearby properties would be protected. The new unit would exceed minimum internal standards and would deliver a layout that would provide flexible accommodation for a range of users.

- The scheme would also see the rear of the site enhanced with a new soft and hard landscaping strategy, which would assist in achieving biodiversity net gain, improved urban greening and sustainable urban drainage.
- In response to concerns highlighted at the meeting, members were advised that the suggested inclusion of a management plan covering use of the outdoor space to include controlled hours of use and steps to prevent amplified noise was considered to be acceptable. The design of the scheme would also ensure that the windows to the courtyard area would be fixed shut to minimise noise nuisance. These details would be written into the leases of future commercial tenants.
- Mr Westhoff summarised by advising the Committee that it was felt the proposals would deliver a high-quality outcome for the site via the delivery of a new residential unit to a standard that would increase residential accommodation on site, a new flexible commercial unit to the Queens Park town centre as well as biodiversity and sustainability enhancements and on this basis urged the Committee to approve the application.

The Chair thanked Mr Westhoff for addressing the Committee and asked the Committee if they had any questions or points of clarification following the information heard. In response the Committee raised questions regarding the location of the property in terms of the conservation area, noise pollution, loss of light to existing residents, the use of the commercial unit and the re-provision of the 2 bed dwelling unit that would be lost to accommodate the commercial unit. The following responses were provided:

- Mr Westhoff clarified that the entirety of the site was currently outside of the existing Queens Park Conservation Area.
- In response to concerns raised regarding the potential noise nuisance that could be created from the development, Mr Westhoff confirmed that a Noise Impact Assessment had been completed to assess the noise that would be created from the air source heat pump and it was found to be compliant with standards. It had not been possible to test noise levels that would emanate from the commercial unit as the tenants of the commercial unit were not confirmed. However, it was felt that the inclusion of the management plan for the outside space and the sealed windows would provide adequate mitigations against any potential noise arising from the commercial use.
- In response to a query regarding the hours of use of the commercial unit, Mr Westhoff confirmed that it was not possible to advise of exact timings until a let had been secured, however the Committee were reassured that the applicant owned a number of commercial units in the Queens Park area and was sensitive to the concerns of residents. It had been established that the commercial unit was not suitable for a café, bar or restaurant and was more likely to be used as retail or office space, therefore the Committee could be assured that the business hours and category of letting would be within the appropriate context of the local area.
- In response to the issue raised in relation to one of the existing apartments' skylights being covered by the proposed rear extension to create the re-provided dwelling, Mr Westhoff advised that all principal windows serving living spaces would not be affected by the scheme. The affected roof light

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was linked to a non-habitual room and therefore was not considered in planning terms.

- Mr Westhoff confirmed that the new dwelling proposed would offer 2 double bedrooms and therefore provided a betterment against the current dwelling of 1 single bedroom and 1 double bedroom.

As members had no further questions for Mr Westhoff, the Chair thanked Mr Westhoff for his contributions before inviting members to ask officers any questions or points of clarification they may have in relation to the application. The Committee raised further queries in relation to potential noise nuisance for existing residents and neighbours as a result of noise from the proposed commercial unit and air source heat pump, securing delivery of the re-provided residential accommodation and impact on heritage of the site.

- The Committee queried what conditions could be provided to mitigate the potential noise nuisance from the commercial unit, querying if it was possible to restrict the number of business users operating within the unit, given its close proximity to residential units. Officers advised that through conditions and the management plan it would be possible to apply restrictions on hours of use and prohibit the sub division of the commercial unit.
- In response to a Committee query regarding any potential noise nuisance that may be created from the air source heat pump, particularly given its location adjacent to an existing residents window, the Committee were advised that the pump needed to be placed in close proximity to the area it was heating to remain effective, however officers were satisfied following a Noise Impact Assessment that the pump would not result in causing noise nuisance and confirmed that the noise assessment would have considered the additional equipment in situ including the mounted unit.
- The Committee felt it was important to note the point made by objectors that there should be no net loss of residential accommodation the development of which needed to be secured alongside the commercial unit. As such the Committee felt it would be reasonable to require an additional condition to ensure that the re-provided residential unit was delivered in line with the commercial unit.
- The Committee noted the possibility that at some point in the future the site could be included as part of an expanded Conservation Area and on this basis the Committee queried if this should be taken into consideration when making their decision on the proposed scheme. Officers advised that the Committee could not take in to account any potential further extension of the Local Conservation Area. The Committee were advised that they should base their decision considering the information received in the report and if this would result in any harm to the existing conservation area.
- Clarification was also provided in relation to the position of the proposed development relating to Community Infrastructure Levy

As there were no further questions from members and having established that all members had followed the discussions, the Chair asked members to vote on the recommendations, including the additional conditions identified during consideration of the application.

DECISION: Granted planning permission subject to the conditions and informatives as set out in the Committee report and including the following additional conditions as agreed by the Committee requiring:

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- (1) the approval and implementation of a non-residential management plan to mitigate potential noise impact from the non-residential unit and rear outdoor area;
- (2) completion of the second floor residential dwelling prior to the commencement of the use of the new commercial unit to ensure that the proposal does not result in a net loss of residential dwellings;
- (3) the rooflights within the single storey extension to be fixed closed in the interest of the amenities of nearby occupiers

(Voting on the recommendation was unanimous with all 8 members voting in favour of the above decision).

6. 22/2560 – Yates Court Garages, Yates Court, 228 Willesden Lane, London, NW2 5RH

PROPOSAL

Demolition of existing 17 garages and development of land to provide four new dwellinghouses, parking, refuse and cycle storage and associated landscaping..

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) That the Head of Planning is delegated 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.

Lena Summers, Planning Officer, South Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the current site comprised of two rows of single storey garages (17 in total) and adjacent hardstanding to the rear of Yates Court to the northern side of Willesden Lane. The site was not within a conservation area as designated in Brent's Local Plan and did not impact on any Listed Building. The proposal would also see improved landscaping and enhanced amenity space to include a new children's play area. The massing and height of the proposed development aligned with guidance and was not considered to have a negative impact on neighbouring gardens. It was confirmed that 19 objections had been received from neighbouring residents.

Officers drew the Committee's attention to a typo in Section 2.44 of the report that stated a dwelling was a 5 bed, 7 person property, this was incorrect and should have stated a 4 bed, 7 person property.

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As no further questions were raised by members at this point, the Chair invited Ms Elaine Moore (objector) to address the Committee (in person) in relation to the application. Ms Moore introduced herself as a local resident before proceeding to highlight the following key points:

- It was felt that the proposed dwellings were not in keeping with the context and character of the existing homes and local environment.
- Concerns were raised that a Construction Logistics Plan had not been made available at the application stage, therefore residents were unsure about how they may be affected during the construction phase, this had caused heightened concerns for existing residents (particularly those with assisted living requirements) in terms of the potential impacts on health and safety.
- Ms Moore felt that the proposed location of the children's play space was not suitable as it would limit natural surveillance as well as resulting in the loss of trees and light.
- Ms Moore felt that the parking surveys undertaken did not provide a true representation of the demand for parking spaces. She advised the Committee that the car park was frequently at capacity and suggested that the parking surveys should be repeated to provide a more accurate report of the demand for local parking.
- Concerns were also highlighted at what local residents felt to be inadequate nature of the consultation undertaken with the local community in relation to the proposed development as well as communication from the agent and local authority in responding to specific queries from existing residents. This had reportedly left residents with unanswered questions in relation to the boundary fence and whether existing leaseholders would see an increase in their service charge.

The Chair thanked Ms Moore for her contribution and invited Committee members to ask any questions or points of clarification they had in relation to the issues raised, with further details sought in relation to the concerns highlighted about the proposed location and impact of the children's play area. In response Ms Moore clarified that she felt that the proposed children's play area would be a poor substitute for the large garden area that was currently in use, as well as the issues raised in terms of tree loss, lighting, and loss of natural surveillance. Ms Moore closed her comments by adding that she felt there was an excessive number of new developments being constructed in the area.

In response to the comments raised, the Chair felt it important to clarify that that the area in which the site was located fell within a designated Intensification Corridor,. The Chair reassured Ms Moore, however, that further queries in relation to the concerns she had raised would be addressed by officers in the latter part of the meeting. The Chair proceeded to invite the final speaker on the item, Ms Lucy Howes (agent) to address the Committee (online) supported by Sean Rafferty (architect, online) in relation to the application. The following key points were shared:

- The proposed development site was situated to the rear of Yates House and comprised of underutilised brownfield land, in a designated Intensification Corridor, this included garages and hardscaping.
- The surrounding area was residential in character, with both Kilburn and Willesden Green stations located within short walking distance to the east

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alongside shops and services. The site is highly sustainable, benefitting from a PTAL 4.

- The proposals sought to complement the character of the area through providing four high-quality homes – all for London Affordable Rent. The scheme also supported Brent's fundamental objective of directing housing growth to Intensification Corridors, particularly larger family units.
- The applicant had engaged in extensive discussions with officers in evolving the proposals – with all houses designed to meet and exceed key housing design standards, being dual-aspect whilst meeting M4(2) compliance to ensure inclusivity for all. Private amenity space was also provided for all units in the form of patios, planting, and grass lawns. Enhancements to existing open space across the wider site were also proposed, providing community benefits.
- The site was not located within or adjacent to any ecological sites, with the proposals not resulting in any significant impact to on or off-site habitats.
- It was acknowledged that the proposals resulted in the loss of one low-grade tree. 14 new trees would, however, be planted alongside replacement shrubs and hedgerow in enhancing opportunities for biodiversity.
- The scheme had been carefully considered to be respectful of existing context and neighbours – using the Brent Design Guide SPD1 as its founding principles. The facades were designed specifically to reflect the surrounding context, whilst the profile and window placement had been informed by and complied with, the relevant principles within the SPD, regarding overlooking and privacy. The scale and massing of the dwellings had been carefully designed to respect neighbouring properties whilst ensuring no overbearing impacts. This included a set-back from neighbouring gardens with a mixture of flat and pitched roofs in visually complementing existing typologies.
- The applicant had submitted a Daylight and Sunlight assessment in support of the application which confirmed that the proposals were fully compliant with the BRE guidance in terms of impacts on the daylight and sunlight levels received by the surrounding properties.
- In line with the site's PTAL, the proposals were car free in supporting sustainability objectives of the NPFF, Brent Local Plan and London Plan.
- Of the existing 17 garages, eight were currently unused with the remainder not used for car parking. The proposals would reduce the hardstanding parking from 30 to 21 spaces. Day and night-time parking surveys had been undertaken in support of this application, which identified that on average, 10-15 cars were present in the day with a demand for 14-15 cars at night. On this basis, the retention of 21 spaces was considered sufficient to satisfy demand from both the existing flats and the new houses – with overspill also sufficiently mitigated and unlikely to be generated as a result of the proposals.
- The proposal was considered to align with the Development Plan as a whole – particularly according with the overarching objective of delivering new, affordable, family homes at sustainable locations.

The Chair thanked Ms Howes for addressing the Committee and asked the Committee if they had any questions or points of clarification following the information heard. In response the Committee raised queries in relation to car parking EV charging points, rent levels, outdoor amenity space., trees and consultation with existing residents. The following responses were provided:

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- It was confirmed that parking around the existing site was underutilised, and parking surveys had demonstrated that there was sufficient capacity to meet any additional demand for parking caused by the development.
- In response to a Committee query regarding the rent levels, the Committee were advised that the rent would be set at London Affordable Rent (LAR).
- The Committee queried what had been considered in terms of providing a betterment to amenity space for existing residents and the quality of amenity space for residents of the new dwellings. In response Sean Rafferty, Architect for the scheme advised that each new dwelling would have a shrubbery border to party walls and private amenity space. Although compact, the homes had good sized gardens that exceeded minimum requirements. Large private windows would provide good levels of light and there were opportunities to use green roofing. It was confirmed that no green space would be lost in providing the new children's play space. The new dedicated play area towards the north of site had been designed to be mindful of issues of overlooking and excessive noise. The Committee were advised that the play area would be shielded by 14 new trees as part of mitigation measures to re-provide the 1 tree that would be lost as part of the scheme.
- In response to a Committee question in relation to potential issues of subsidence as a result of any further trees that could be lost to accommodate the development, the Committee were reassured that there were no concerns regarding potential subsidence, despite the close proximity of the new homes to the trees and confirmed that only 1 low grade category C tree was being lost as part of the development.
- The Committee queried if additional Electric Vehicle Charging (EVC) points (additional to the 4 provided as part of the proposed scheme) had been considered to offer a further benefit to existing residents. In response the Committee were advised that the provision of EVC charging points had been considered in line with the policy requirements of the proposed new dwellings, this had been considered acceptable by officers. It was clarified that the 21 parking spaces would be sufficient to manage the parking needs of the existing residents and the residents of the 4 new units, additionally there was no allocated parking, therefore the spaces and EVC would be available for use by new and existing residents.
- In response to a Committee query in relation to the consultation with local residents, the Committee were advised of the consultation undertaken, which had included a leaflet drop detailing how questions and feedback could be submitted via a dedicated website and email address. There had also been a newsletter sent out to residents to keep them informed of the plans.

As there were no further questions for the agent, the Chair invited the Committee to ask officers any further questions or points of clarification they required. Members raised queries in relation to PV panels, flooding and drainage, the current use of the garages and the concerns raised in relation to the boundary wall and fence height. The following responses were provided:

- The Committee acknowledged the small scale of the proposed scheme, however in respect of Brent's climate targets the Committee queried why PV panels were not included as part of the scheme. In recognition of the Committee concerns officers advised that there were no policy requirements to provide PV panels due to the size of the scheme, additionally the nature of

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the site and design of the roofs did not support the use of PV panels. The Committee noted that as new builds the homes would be well insulated to support sustainability.

- In response to a Committee query in relation to whether the private surface sewer that served Yates Court would have the capacity to cope with the additional discharge of water from the new homes, officers advised that due to the limited scale of the scheme the development was unlikely to have a significant impact on sewer capacity. The Committee were assured that if planning permission was approved the Building Regulations team would require permissions to connect the new homes to the sewer network, it would be at this point that any issues around sewer capacity would be addressed if necessary.
- The Committee noted in response to a query in relation to the current use of the garages on site that were to be demolished, that 8 were vacant and the others had mixed uses that included some being used for storage. The Committee heard that the Council were the freeholders of the garages.
- The Committee were advised that the revised refuse location for both existing residents of Yates Court and the new homes would be in one single location. It was noted that following objections received, the refuse area plans had been altered to increase capacity.
- Officers advised that comments received from objectors regarding the boundary wall and fencing in relation to the amenity space and House 4 of the proposed scheme had been responded to and would be secured via condition to ensure privacy was protected for both residents of the new home and residents using the shared amenity space.
- Confirmation was provided that reference to the date for the Arboricultural Impact Assessment referred to in section 9.2 of the report should have been July 2022 and not 2023 as stated.

The Chair thanked officers for responding to the Committee's questions. As there were no further questions and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives set out in the report

(Voting on the recommendation was unanimous with all 8 members voting in favour of the above decision)

7. Any Other Urgent Business

None.

The meeting closed at 7:35pm.

COUNCILLOR KELCHER
Chair

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APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

Provision of infrastructure

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

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 May, 2023
04
21/2130

SITE INFORMATION

RECEIVED	4 June, 2021
WARD	Wembley Park
PLANNING AREA	Brent Connects Wembley
LOCATION	Olympic House, 3 and Novotel, 5 Olympic Way, Wembley, HA9
PROPOSAL	Demolition of existing building at 3 Olympic Way and erection of 3 buildings of basement, ground and 9, 22 and 25 storeys (excluding rooftop plant) to provide 172 residential units (Use Class C3), new hotel accommodation comprising 260 rooms (Use Class C1) and retail food stores (Use Class E). 6-storey extension to existing hotel at 5 Olympic Way to provide 95 additional hotel rooms (Use Class C1) and amenities, extension of ground floor to create new colonnade and public realm improvements to Olympic Way. Other works associated with development include new access from North End Road, disabled car parking, cycle parking, private and communal amenity spaces, public realm works and other associated works.
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_155496</p> <p><u>When viewing this as a 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 "21/2130" (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 the application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the following planning obligations;

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. Affordable Housing; Provision of 30 homes, 19.4% by habitable room [x7 one bed, x15 two bed, x 7 three bed and x1 four bed] – x18 of these as Social Rent (x10 two bed, x7 three bed and x1 four bed) and x12 of these as London shared ownership (x7 one bed, x5 two bed).
4. Affordable Housing Viability Review (early and late stage).
5. Affordable Workspace Provision contribution; £500, 000.
6. Sustainability and Energy;
 - Detailed design stage energy assessment. Initial carbon offset payment to be paid prior to material start if zero-carbon target not achieved on site.
 - Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site.
 - Be seen' energy performance monitoring and reporting
7. Highways Works / Highway related;
 - A Section 38/278 Legal Agreement to include the creation of a 12m long, 3m wide (plus tapered kerbs) inset loading bay with an adopted footway behind to a minimum width of 2m behind alongside North End Road, together with all ancillary and accommodation works and alterations to statutory undertakers equipment;
 - Submission and approval in writing of Residential and Hotel Travel Plans prior to commencement of development based upon the contents of the Framework Travel Plan with appropriate budgets;
 - Healthy Streets contribution (£120,000)
8. Financial contribution to Transport for London: for improvements to public transport bus services (£387,500).
9. A 'car-free' agreement preventing residents from obtaining on-street parking permits;
10. Promotion of local car clubs through the provision of two years' free membership of a Car Club for residents;
11. Financial contribution to Brent Council for enhancement of off-site play facilities at Chalkhill open space: £76,230
12. Training and Employment Plan;
 - a) to inform Brent Works in writing of the projected number of construction jobs and training opportunities and provide a copy of the Schedule of Works;
 - b) to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase and operational phase of the Development;
 - c) financial contribution (*amount to be calculated in accordance with Brent's Planning Obligations*)

SPD) to Brent Works for job brokerage services

13. Surveys of television and radio reception in surrounding area, submission of a TV and Radio Reception Impact Assessment, and undertaking to carry out any mitigation works identified within the assessment and agreed;
14. Indexation of contributions in line with inflation;
15. 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. Three year rule
2. Approved drawings and documents
3. Completion of replacement cladding works to existing building
4. Maximum number of residential dwellings and hotel rooms
5. Use Class E(a) restriction for ground floor commercial floorspace
6. Hotel use restriction
7. Hotel occupancy restriction (90 days)
8. Provision of parking, cycle parking, bin storage etc prior to use commencing
9. Water efficiency
10. Non Road Mobile Machinery
11. Access to amenity
12. Obscure glazing
13. Compliance with Tree Report, Tree Constraints Plan and Tree Survey
14. Compliance with Ecological Impact Assessment and Biodiversity Net Gain Assessment
15. Provision of accessible hotel rooms
16. Compliance with Fire Statement report
17. Wheelchair accessible route
18. Electric Vehicle Charging Points
19. Compliance with Acoustic Report

Pre-commencement

20. Construction Logistics Plan
21. Construction Method Statement
22. Circular Economy Statement

During construction

23. Piling Method Statement
24. Sound insulation details
25. District heating network connection
26. Fibre connectivity
27. Provision of Wheelchair user and accessible dwellings
28. SuDS
29. Cycle parking details
30. Detailed sections, illustrating how specific elements of the facades to be constructed
31. External materials
32. MET Police (counter terrorism)
33. MET Police (access control)
34. Flood Warning and Evacuation Plan
35. Wind mitigation
36. Overheating Mitigation Strategy
37. Communal TV aerial and satellite dish system

- 38. Landscaping scheme
- 39. External lighting strategy

Pre-occupation

- 40. Coach Management Plan
- 41. Car Parking Management Plan
- 42. Delivery and Servicing Plan
- 43. Refuse Management Plan
- 44. Accessibility Management Plan (hotel use)
- 45. Whole Life Carbon Assessment
- 46. Circular Economy
- 47. Plant Noise Assessment

Post completion

- 48. BREEAM certification

Informatives as listed in the Committee Report.

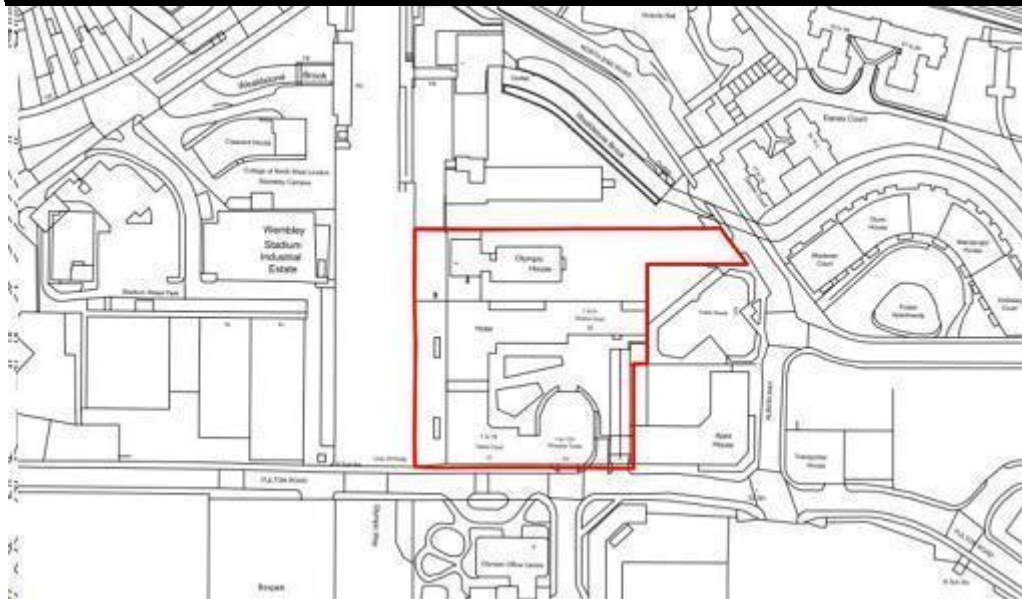
That the Head of Planning is delegated authority to make changes to the wording of the committee’s decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied 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.

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

	<p>Planning Committee Map</p>
	<p>Site address: Olympic House, 3 and Novotel, 5 Olympic Way, Wembley, HA9</p>
	<p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>



This map is indicative only.

PROPOSAL IN DETAIL

5 Olympic Way

The existing 10 storey section of Novotel which is directly adjacent to no.3, to the extent of the existing 'balcony' section at the front, would have an upward extension added of 6 floors, to make this section 16 floors high. The current inset 'balcony' section which is centrally located at the front would be infilled by having two floors added, to make its roofline equal to the current roofline on the section to be extended upwards. The upwards extension and infill section would add 95 new hotel rooms, 9 of which would be accessible rooms. At ground floor a forward projection is proposed, this is referred to as the 'drawer' feature. This element of the design will help to unify the buildings at this level, help to identify the active uses and this design feature makes a positive contribution to Olympic Way.

3 Olympic Way

At 3 Olympic Way a new hotel (use class C1) building would be constructed, joined to 5 Olympic Way, at a height of 23 storeys. At basement level a swimming pool and gym is to be provided. Also at basement level is accessible parking (accessed via the existing ramp/basement beneath the Novotel building). This hotel is planned to be used by a different hotel operator, (i.e. it would not constitute a further extension to the Novotel), and would have 260 hotel rooms.

The room split and areas would be as follows:

Room type	Minimum Area (GIA, m2)	Number of rooms
Standard bedroom	17m2- 2 person	220
Family sized room	23m2- 4 person	14
Accessible room	23 m2 - 4 person	26

A 3 bedroom, self-contained residential unit would be provided at the top floor of the new hotel building.

New residential buildings

To the rear of 3 Olympic Way, centrally positioned in the site, would be constructed a 26 storey block of rectangular shape (Central Residence), with balconies on east and west elevations. This would have a central core and would consist of 141 residential apartments.

To the east of this and with entrance on North End Road, would be a ten storey residential block with a set-back structure on the roof housing plant, and a communal roof garden surrounding this, containing 30 residential apartments.

The scheme would provide a total of 172 residential apartments. The Central Residence will comprise 141 market units and the North End Road Residence will comprise 30 affordable units (equivalent to 19.4% affordable housing by hab-rooms). An additional market residential unit will be provided at 22nd floor level of the new hotel block fronting Olympic Way.

The proposed unit mix of both the Central Residence and the North End Road Residence is set out in the table below:

Central Residence		North End Road Residence	
Unit type	Number of units	Unit type	Number of units

1bed, 2 person	70	1 bed, 2 person	7
2 bed, 3 person	22	2 bed, 3 person	15
2 bed, 4 person	42	3 bed, 4 person	0
3 bed, 5 person	7	3 bed, 5 person	0
		3 bed, 6 person	7
		4 bed, 6 person	1
Total	141	Total	30

As mentioned above, one three-bed apartment would be located on the 22nd floor of the new hotel block (172 dwellings in total).

Retail store

Two separate retail units (Class E) of 386sqm and 430sqm GIA (excluding back of house areas), fronting onto Olympic Way would be located at ground floor level beneath the new hotel block and Central Residence. Staff access, cycle parking and servicing would be via the new inset layby proposed to the rear, situated along the North End Road site frontage.

A basement level is proposed beneath the proposed hotel and central residence, also extending partially below the North End Road residence.

Floorspace

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

Floorspace (GIA)	Existing (sq.m)	Proposed (sq.m)	Change (sq.m)
3 Olympic Way – office use (to be demolished)	3,560		-3,560
5 Olympic Way – existing Class C1 and E	12,529	3,406	+3,406
Residential (C3)	0	16, 474	+16, 474
3 Olympic Way - Hotel (Class C1)	0	8951	+8,951
3 Olympic Way – Class E (retail)	0	1,062	+1,062
Total	16,089	29,893	+26,333

EXISTING

The site consists of the land of 3 Olympic Way ('Olympic House') and 5 Olympic Way (the Novotel), and is at the north end and east side of Olympic Way. The site is covered by a borough-wide Article 4 direction (dated 1 November 2020) preventing the change of use under permitted development from Office or Light Industrial uses to C3 (residential) use. It is also situated within the Wembley Growth Area and Wembley Opportunity Area, as designated in the 2021 London Plan.

3 Olympic Way is a 7 storey, 1960s built office block which has been empty for a number of years. The site lies within a prominent location in the Wembley Park area and is accessed via Olympic Way and North End Road.

5 Olympic Way is a 2010 built hotel building which has a maximum current height equivalent to 13 residential stories, with a double-height ground floor reception and restaurant/ bar area. The building's main access is

from Olympic Way, although there is also an entrance, also utilised for servicing access through a courtyard accessible from Fulton Road.

Neither building is listed or in or near to a conservation area or other form of designated heritage asset.

AMENDMENTS SINCE SUBMISSION

Revisions and additional information were submitted at various stages through the application process in order to address issues raised by Council officers, consultees and the Greater London Authority (GLA) following feedback during the initial consultation stage. The principal changes / additional information submitted can be summarised as follows:

- In response to fire safety standards amendments to the design and layout of the proposed buildings to provide additional means of escape stairs along with other alterations internally to meet fire safety standards;
- Removal of basement servicing, with the addition of a proposed on-street layby on North End Road;
- Splitting of one single Class E retail unit fronting Olympic Way into two smaller Class E units;
- Updates to the Tree Survey report, Tree Survey plan and Tree Constraints plan;
- Updated Daylight and Sunlight assessment submitted based upon the new BRE regulations: BR 209 V3 (2022) and additional assessments provided to address other identified sensitive receptors in the vicinity, including overshadowing impact assessment and PV solar panel assessment;
- Reduced number of affordable homes from 36 to 30
- Revised bin collection strategy

A 21-day re-consultation exercise was undertaken on two separate occasions following receipt of these amendments and further information, as set out in more detail the 'Consultation' section below.

SUMMARY OF KEY ISSUES

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

Representations received: 1645 properties were consulted on this proposal in the most recent round of consultation. Prior to this there had been two earlier rounds of consultation. In response, objections have been received from 22 individual addresses (some submitting multiple objections during the course of the application), raising a wide range of issues / grounds of objection. These are summarised in detail below in the 'Consultation' section. A number of consultees (internal and external) have provided comments, as set out within the 'Consultation' section also.

Principle of mixed-use redevelopment of the site: Proposed uses are supported in principle and considered to be in accordance with key strategic and local policies relating to housing, hotel and retail provision. The principle of tall buildings is supported in this location as it is identified as a Tall Building Zone.

Affordable Housing and housing mix: The scheme would provide a total of 30 affordable units (17.4% by units and 19.4% by habitable room) on a 60:40 split of Social Rent to London Shared Ownership. It has been demonstrated through the submission of a financial viability appraisal that the proposal will deliver the maximum amount of affordable housing that can viably be provided on site, and the proposal therefore is policy compliant. The proposal includes 8.7% three/four bedroom units, which is acknowledged to be below the BH6 policy target of 1 in 4 homes. On balance, and noting the negative impacts there would be on scheme viability with an increased provision of family homes, the impacts associated with the lower (8.7%) provision of family homes are considered to be outweighed by the benefits associated with the delivery of affordable housing in significant excess of the maximum viable amount, as well as the proportion of family accommodation being proposed in excess of BH6 requirements within the affordable tenures.

Design, layout and height: The range of building heights proposed, with a maximum of 25 storeys, is considered to be appropriate for the site context within the Tall Building Zone (TBZ), the town centre and Wembley Growth Area, which displays a number of tall buildings, some taller than the proposal. The heights and scale proposed would not appear out of context with the location, where further tall buildings are expected to come forward following recent permissions issued. The heights proposed do not impinge unacceptably on the protected views of the stadium arch, the impacts on the views of the Stadium Arch are less when compared to other recently consented development. No harm would be caused to any heritage assets. Each of the buildings are considered to be of good design quality, relate well to their context and would enhance the character and appearance of the surrounding area. Ground floor uses and public realm

enhancements will help to further activate and enhance Olympic Way.

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 and the blocks within the site achieved good levels of separation distances between them. The amount of external private/communal space does not fully meet Brent’s requirements as set out within policy BH13 (20sqm per home), as set in more detail below, however, the provision of amenity on site has been reasonably maximised for a location such as this and is of sufficient quality and provides a variety of external communal spaces, internal amenity spaces and on-site play, for future occupiers. In addition, an off-site contribution is being sought towards enhancements to existing play facilities within Chalkhill open space.

Neighbouring amenity: As the report below acknowledges, there would be some impacts to neighbouring residential properties in terms of loss of light and outlook, BRE daylight and sunlight and overshadowing assessments have taken into account a number of nearby sensitive receptors. These assessments confirm these impacts would be minor in the majority of instances. The proposal would have a higher level of impact on some windows of some properties than others. However, the level of impact is not considered to be unduly detrimental given the general high level of compliance given the urban nature of the scheme. The overall impact of the development is considered acceptable, particularly in view of the wider benefits of the scheme in terms of the Council's strategic objectives.

Highways and transportation: The proposed development is car free, save for proposed suitable provision of blue badge car parking, this, together with the highly sustainable location (PTAL 6) and the high number of cycle parking proposed will encourage sustainable travel patterns, with an undertaking to secure a parking permit restricted scheme for future occupiers. All servicing arrangements are acceptable and safe. Some highway works and public realm improvements would be secured as summarised within the Section 106 Heads of Terms above and detailed within ‘Transport’ the remarks section below.

Environmental impact, sustainability and energy: The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, further clarification of some matters is sought by the GLA ahead of a Stage 2 referral. 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 existing/future residential occupiers.

Landscape, ecology, biodiversity and flooding/drainage: It has been demonstrated there would be a notable net increase in trees on site, and no high value trees are to be lost. The site is not close to any designated ecological assets and is not likely to form habitat for any protected species, given its extensive hard-surfacing and limited green components. Net gain in biodiversity is to be achieved as a result of development, as well as a significant improvement to the Urban Greening Factor score. Flood risk has been assessed, and no objections are raised by the Environment Agency on these grounds. A range of SuDS measures are proposed to address surface water management, with further details of the drainage strategy to be secured by condition(s).

Fire safety: The proposal has been reviewed by the Health & Safety Executive (HSE) under the Gateway One process. Amendments made to the fire strategy during the course of the application have resulted in the inclusion of two means of escape staircase for each of the buildings, along with other internal changes. On this basis, and as confirmed by the HSE in their most recent response (March 2023) they are content with the proposals and have no objection on layout or land use matters. Fire safety will also be considered at Building Regulations stage.

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)
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Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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RELEVANT SITE HISTORY

3 and 5 Olympic Way

08/3009: Demolition of existing buildings and erection of 4-, 7-, 11- and 20-storey building, incorporating 158 self-contained residential units, hotel (225-bedroom and 12 apart-hotel rooms), business (Use Class B1) and food and drink (Use Class A3/A4) uses, conferencing facilities, roof terraces, courtyard, basement parking, cycle storage and associated landscaping (parking-permit-restricted scheme) and subject to a Deed of Agreement dated 14 February 2011 under Section 106 of the Town and Country Planning Act 1990, as amended.

Granted 14/02/11

14/1537: Extension of the hotel at ground and mezzanine floor level into the existing passage way between Olympic Way and the courtyard including the insertion of windows within the front and rear facades, new residents access way linking the courtyard with Olympic Way, change of use of units on ground and mezzanine floors from flexible Use within Use Classes A3, A4 and B1(a) and internal and external alterations to subdivide the spaces to create space ancillary to the hotel (Use Class C1), a coffee shop (Use Class A3), retail unit (Use Class A1) and a "Commercial/office" unit (Use Class B1) involving alteration to fenestration (insertion of doors and windows), installation of wooden louvres within the Olympic Way and Fulton Road facade at mezzanine level, increase in the size of the mezzanine floors, installation of external rear staircase, raised planter along Olympic Way frontage and blocking up of some windows in rear elevation (as amended by revised plans).

Granted, 5/9/14.

*17/3789: Prior approval for change of use from offices (Use Class B1(a)) to residential (Use Class C3) involving the creation of 60 self-contained units (38 x studios, 9 x 1 bed and 13 x 2bed).

Prior approval granted, 10/11/17.

19/2908: Temporary change of use of front forecourt from office (Use Class B1) to provide street food stalls (Use Class Sui Generis).

Granted, 22/4/20

**22/3587: Alterations to the facades including the replacement of cladding (at 5 Olympic Way).

Granted, 16/01/23

23/0415: Temporary change of use of front forecourt to provide street food stalls (Use Class Sui Generis)

Granted, 11/04/2023

*This prior approval of permitted development rights to convert Olympic House from office to residential use lapsed in November 2020. The change of use it permitted was never implemented and the lawful use of the building remains as an office (E(g)(i) use).

**Refer to the 'Fire Safety' section of the report for further information about the implementation of these approved works.

CONSULTATIONS

External public consultation

1,595 nearby properties were notified of this proposal by letter on 14th June 2021. A site notice advertising this application was erected outside the building along Olympic Way on 25th June 2021. This application was advertised in the local press on 24th June 2021.

The same properties, as well as 25 additional properties (factoring in additional homes that commented on the application following its initial consultation), totalling 1,620, were notified of the proposal again by letter on the 9th March 2022. A second press notice was published on 19th May 2022. A second site notice was

displayed on 11th May 2022.

The second round of consultation was undertaken following the description of the development being corrected for accuracy (in relation to the number of storeys proposed) and following the Council's receipt of revised daylight, sunlight and overshadowing impact analysis on surrounding properties.

A third round of consultation was undertaken following the submission of additional information, further technical supporting information and revised plans. In total 1,645 properties were notified by letter on the 6th January 2023. A third press notice was published on 12th January 2023 and third set of site notices were displayed (along Olympic Way and North End Road) on 13th January 2023.

Following the different rounds of consultation objections to the development were received from 22 individual residential addresses (it is noted that some addresses have submitted more than one representation throughout the course of the application), the Danes and Empire Court Neighbourhood Group and on behalf the owner of the neighbouring building 1 Olympic Way. Two neutral comments were received, one from Wembley National Stadium and one from Quintain.

The comments received are summarised as follows:

Ground of objection	Officer comment
Tenure / New Homes	
Insufficient affordable housing	This issue is discussed below under 'Affordable housing and unit mix'.
Inappropriate unit mix with too many 1 bedroom homes and the number of 3 bedroom homes falling short of the policy target	This issue is discussed below under 'Affordable housing and unit mix'.
The proposal's affordable housing tenure split is not in line with the target tenure split as set out in policy BH5	This issue is discussed below under 'Affordable housing and unit mix'.
The viability statement is a fabrication given that a 100% market housing scenario is projected to return a ~£30m deficit	This issue is discussed below under 'Affordable housing and unit mix'.
The proposal does not present the affordable housing proposals as measured by habitable room	This is set out in the report. By habitable room 19.4% affordable housing is proposed.
The proposal will be luxury flats	The application proposes a mix of flats for market sale, affordable rent and shared ownership.
The proposal falls short of London Plan policy D8, in terms of maximising disabled / step-free access to the building, in particular through the introduction of steps along the length of the building frontage to Olympic Way.	Level access has been reasonably maximised throughout the development. A ramped access will also be provided along the Olympic Way frontage, serving the hotel and retail uses.
Impacts of Development	
The proposal would block sunlight and daylight to nearby properties, particularly as working from home is becoming more of a normality	This is discussed below under 'Amenity Impact'.
The proposal will impose a greater sense	This is discussed below under 'Amenity

of enclosure to nearby homes	Impact’.
Daylight and sunlight impacts to Shams Court and Felda House are unacceptable The proposal would have an unreasonably harmful impact to residences at 1 Olympic Way	This is discussed below under ‘Amenity Impact’.
The proposal will impose more of an energy bills burden on flats that lose light	The loss of daylight to neighbouring flats has been discussed below under ‘Amenity Impact’.
Windows to the north/rear side of Shams Court have been omitted from the daylight and sunlight analysis	This is discussed below under ‘Amenity Impact’.
The overshadowing assessment has not included the roof garden of Shams Court	This has been considered, as set out in the Overshadowing Impact Assessment (dated January 2022).
There would be unacceptable overlooking to the Shams Court communal amenity roof space and to the courtyard at ground level	This is discussed below under ‘Amenity Impact’.
The proposal will allow overlooking to windows serving residences at 1 Olympic Way and to Felda House	This is discussed below under ‘Amenity Impact’.
The proposed height is excessive	This is discussed below under ‘Principle of Development’ and ‘Design’.
The proposal would spoil the character of the area and would be out of scale with its surroundings	This is discussed below under ‘Principle of Development’ and ‘Design’.
The proposal would be an overdevelopment	The scheme has been assessed in line with planning policies and guidance and taking the development plan as a whole, the proposal is considered to accord with the development plan.
There are no trees or hedges planned whilst a loss of existing trees and hedges is proposed.	This is discussed below under ‘Trees’.
The application’s Urban Greening Factor score is below the target in London Plan policy G5. There are underutilised spaces for urban greening, such as roof spaces and significant hardstanding areas at ground level	This is discussed below under ‘Landscaping provision and Urban Greening’.
No evidence has been submitted to confirm compliance with London Plan policy G6, in respect of the requirement to achieve biodiversity net gain	This is discussed below under ‘Ecology and Biodiversity’
The proposal’s private amenity space provision falls below the requirements of policy BH13	This is discussed below under ‘Residential Amenity Space’.

The applicant's submission has shortcomings relating to energy and sustainability, such as a lack of a circular economy statement, as required by London Plan policy SI7	This is discussed below under 'Sustainability and Energy'.
The applicant's flood risk assessment and surface water drainage strategy does not comply with the requirements of London Plan policies SI12 and SI13	This is discussed below under 'Flooding and Drainage'.
Within the site, it has been found that the Pinnacle Tower block is formed of Aluminium Composite Material (ACM) cladding (known to be combustible) and is not separated from the Novotel building (and some other residential blocks) by a fire break	This is discussed below under 'Fire Safety'.
Phone signal will likely be affected by the development	This is discussed below under 'Television and Radio Reception Impact'
Transport and highways	
The proposal will add to local parking stress The proposal includes insufficient parking for the residents of the local area	Aside from proposed blue badge bays, the development would be car free, with all residents (aside from blue badge holders) not being eligible to apply for a parking permit. On that basis, it is not expected that the development would have an impact on the capacity of the local highway network.
The use of the courtyard accessible from Fulton Road for hotel visitor coach parking would disturb residential amenity and interfere with existing access arrangements	This is discussed below under 'Transport and Highways.
Proposal would incur removal of car parking space in existing resident's ownership and there are no details of replacement car parking and compensation for existing residents whilst works are carried out that remove their car parking spaces	This is discussed below under 'Transport and Highways.
Lack of information on impact to ground floor courtyard serving Shams Court and the ability to provide safe access and playspaces during construction.	A condition is recommended requiring submission and approval in writing of a Construction Environmental Management Plan, this would be expected to address this.
Environmental health and nuisance	
The proposal will increase local noise and traffic levels, exacerbating existing congestion	This issue is discussed under 'Transport and highways' and 'Environmental Health considerations'.
There would be noise and disturbance to residents during the construction period	As with all building work it is expected that there would be some level of noise and disturbance during the construction period. A condition is recommended requiring submission and approval in writing of a Construction Environmental Management

	Plan, this shall set out how impacts are to be minimised and mitigated where necessary.
Private communal gardens of established nearby homes are being used by residents of new blocks	The new residential blocks within this development would have access to their own private and communal amenity spaces.
Other Matters	
Lack of impact information in relation to the structural implications of enlarging the basement below Shams Court (e.g. removal of a pillar within the existing basement)	A Basement Impact Assessment has been submitted which address this. In any event any basement construction would need to adhere to current Building Regulations.
The proposals will affect existing property's saleability or rent-ability	This is not a material planning consideration.
There has been no attempt at engaging in pre-planning consultations with existing residents	This is discussed under 'Statement of Community Involvement'.
Residents of Shams Court have not been notified of the application by letter	The Council has undertaken three separate rounds of public consultation during the course of this application. This has included notifying (by letter) flats in Shams Court.
New development will give rise to anti-social behaviour in the area	There is no evidence to suggest that the proposal would give rise to anti-social behaviour in the area.

Positive comments on the scheme made were as follows (although these were comments that formed part of an objection letter):

- The modernisation of the office building at 3 Olympic Way would accord with the character of the façade of the buildings either side of it.
- The proposed retail units are supported.

Neutral comments were made on the scheme as follows:

- There are concerns that delivery and servicing management proposals have not considered the implications of the closure of Fulton Road and Olympic Way on Wembley Stadium event days. Conditions are requested to ensure that no vehicular access over Olympic Way is to be provided for on event days, that no delivery / servicing is to take place via Olympic Way at any time and to ensure that the delivery and servicing management plans are updated accordingly.
- There are concerns that the site's boundary treatments may make it possible for pedestrians to egress Olympic Way via the site on Wembley Stadium event days, undermining local security. Conditions are requested to secure suitable boundary treatments to the site that would prevent pedestrian egress from Olympic Way on event days.
- Given the setting of the site, security and counter-terrorism measures should be duly considered and a condition is recommended accordingly.

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 within their initial (Stage 1) response, dated 2 August 2021, which are summarised as follows:

Principle of development: The principle of a mixed-use development, comprising visitor accommodation, residential and retail on this site within Wembley town centre and the Opportunity Area is supported. The applicant has justified the loss of office space.

Housing and Affordable Housing: The applicant is proposing 22% affordable housing by habitable room with a tenure split of 60:40 in favour of social rent. The scheme does not accord with the Fast Track route and further viability discussions are required.

Urban design and Heritage: Further information is required in relation to some of the tall building impacts and further consideration to the issues related to the public realm and internal quality of the buildings. Additional information is also required in relation to the Fire Strategy.

Transport: Further information is required in relation to safety, disabled parking and Electric Vehicle Charging. Concerns remain over proposed vehicle access modifications on Fulton Road and the provision of a layby to accommodate servicing vehicles. These issues are all set out in more detail and addressed within relevant sections of the main report below.

A post stage 1 TfL response has been received (February 2023) in response to amendments made to the proposals. TfL notes the changes made to the delivery and servicing strategy and disabled parking and raises no issues with these, subject to confirmation that matters have been resolved with Council Highway Officer's, and the GLA seek to secure conditions to secure EV parking provision and a Parking Management Plan. A s106 contribution of £387, 500 is requested towards bus infrastructure improvements, in line with London Plan policy T4, to which the applicant has confirmed they are agreeable to.

Other conditions to secure Construction Logistics Plan, Delivery and Servicing Plan and Travel Plan should also be secured.

Health and Safety Executive (Gateway 1 – Fire Safety)

In response to the most recent consultation following the submission of revised plans (and revised Fire Statement rev08) incorporating a second means of escape staircase, the HSE responded in March 2023. In this most recent response it has been confirmed that they are content with the scheme's fire safety design.

Thames Water

A piling method statement condition should be secured from the developer by condition, prior to the undertaking of piling operations.

Environment Agency

No objections, although a number of informatives to applicant requested.

Local Lead Flood Authority - Brent

No objection, subject to recommended conditions.

Internal consultation

Environmental Health

Environmental health raises no objection to the application, subject to recommended conditions relating to contaminated land, internal noise levels, construction noise and dust and air quality impact.

London Fire Brigade

Applicant is reminded to ensure the plans conform to Part B of Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector.

MET Police

Conditions have been recommended.

Statement of Community Involvement

A Statement of Community Involvement (SoCI) 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 c. 1,300 information letters properties in the local vicinity on the 15th December 2020. The letter detailed many aspects of the development and included a link to a website (www.olympichouse.uk) that was set up to detail the proposals further. The website went live on the 15th December 2020. The website enabled feedback to be submitted to the developer. The developer reports that c. 52,000 visits to the site were undertaken during the 4 week consultation period, with 97% of those visits having been generated from social media advertising. A virtual exhibition video was made available on this website (a public exhibition was not possible to host given the Covid-19 restrictions at the time) and a dedicated staff member fielded feedback and other queries through a dedicated email address and phone number. The exhibition video was viewed 12,977 times during the 4 weeks of consultation. The applicants also undertook a social media advertising campaign within a 2 mile radius of the site from 15th December 2020, attracting more than 50,000 visits from social media websites during the 4 weeks following.

The developer indicates that the vast majority of contact from interested parties was about the prospect of employment in the hospitality sector or retail offer of the development. They also note that a number of enquiries related to the affordable homes. The developer notes that just one negative comment, objecting to the development, was received as part of the consultation exercise.

Ward Councillors (incumbent at the time of consultation) were sent correspondence regarding the proposal by the developer.

The consultation events carried out are considered appropriate to the scale of the development and reflect the recommended level of pre-application engagement set out in Brent's SoCI. The lack of a physical exhibition is understood and accepted given the Covid-19 restrictions that had been in place nationally at that time.

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:

London Plan (2021)
Local Plan (2019 – 2041)

Key policies include:

London Plan 2021

SD1: Opportunity areas
SD6: Town centres and high streets
D2: Infrastructure requirements for sustainable densities
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
D11: Safety, security and resilience to emergency
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
H11: Build to Rent
S4: Play and informal recreation

E1: Offices
E2: Providing suitable business space
E3: Affordable workspace
E9: Retail, markets and hot food takeaways
E10: Visitor infrastructure
E11: Skills and opportunities for all
HC1: Heritage, conservation and growth
HC3: Strategic and local views
HC6: Supporting the night-time economy
G5: Urban greening
G6: Biodiversity and access to nature
G7: Trees and woodlands
S11: Improving air quality
S12: Minimising greenhouse gas emissions
S14: Managing heat risk
S15: Water infrastructure
S16: Digital connectivity infrastructure
S17: Reducing waste and supporting the circular economy
S112: Flood risk management
S113: Sustainable drainage
T2: Healthy streets
T3: Transport capacity, connectivity and safeguarding
T4: Assessing and mitigating transport impacts
T5: Cycling
T6: Car parking
T6.1: Residential parking
T6.3: Retail parking
T6.4: Hotel and leisure uses parking
T6.5: Non-residential disabled persons parking
T7: Deliveries, servicing and construction
T9: Funding transport infrastructure through planning

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

Brent's Local Plan (2019-2041) was adopted in 2022, after the submission of this application. Policies within this Plan are afforded full weight. Relevant policies include:

Local Plan

DMP1: Development management general policy
BP1: Central
BD1: Leading the way in good urban design
BD2: Tall buildings in Brent
BH1: Increasing housing supply in Brent
BH3: Build to Rent
BH5: Affordable housing
BH6: Housing size mix
BH13: Residential amenity space
BE1: Economic growth and employment opportunities for all
BE7: Shop front design and forecourt trading
BE9: Visitor accommodation and attractions
BHC1: Brent's heritage assets
BHC2: National Stadium Wembley
BHC4: Brent's night time economy
BGI1: Green and blue infrastructure in Brent
BGI2: Trees and woodlands
BSUI1: Creating a resilient and efficient Brent
BSUI2: Air quality
BSUI3: Managing flood risk
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:

The National Planning Policy Framework 2021
Planning Practice Guidance

Mayor of London's Affordable Housing and Viability SPG 2017
Mayor of London's Character and Context SPG 2014
Mayor of London's Housing SPG 2016
Mayor of London's Play and Informal Recreation SPG 2012
Mayor of London's Sustainable Design and Construction SPG 2014
Mayor of London's *draft* Fire Safety Guidance 2022

SPD1 Brent Design Guide 2018
Shopfronts SPD3 2018
Brent's Draft External Amenity Space SPD
Brent's Draft Environment and Sustainability SPD
Brent's Planning Obligations SPD (2022)

DETAILED CONSIDERATIONS

Principle of development

Residential Use

1. 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. Furthermore, the London Plan includes a minimum annual monitoring target for Brent at 2,325 additional homes per year until 2029. Within local policy, Brent Policy BP1 sets out a target of at least 13,700 homes being delivered in Brent's Central place in the period to 2041, and at least 15,000 homes being delivered across the Wembley Growth area as a whole, the extent of which covers parts of both Central place and South West place. The application site is located in Central place.
2. Wembley Growth Area and Wembley Town Centre are both identified as priority locations where the provision of additional homes will be supported within policy BH2. The site sits within these areas and also has a high public transport accessibility level (PTAL), which further justifies its appropriateness as a priority location for housing within BH2.
3. This site is within the Wembley Growth Area, and the Wembley Town Centre policy designations. Whilst within the town centre, it is not within either the primary or secondary retail frontage. In addition, the site is identified as being within the Wembley Park Tall Building Zone, as defined in policy BD2. In summary, the proposed intensification of the site and use of part of the development for delivering 172 new homes is in accordance with adopted policy (national, regional and local) and is considered to be acceptable in this location.

Hotel Use

4. Brent Policy BCGA1 seeks hotel provision within Wembley Growth Area. Furthermore, policy BE9 encourages hotel provision in the two major Brent town centres of Wembley and Kilburn. This policy also supports hotel provision where:
 - It does not significantly compromise the supply of land for new homes on allocated housing sites and the council's ability to meet its housing targets
 - It is inclusive and accessible
 - It creates active ground floor frontages
 - It is not occupied by any resident for 90 consecutive days or more
5. The hotel development proposal of 355 rooms (proposed hotel 260 rooms and extension to existing Novotel comprising 95 rooms) would be delivered within one of the Brent town centres for which hotel

provision is encouraged, rather than just supported. The hotel accommodation would also be delivered alongside significant housing growth on site, but would not conflict with the anticipated deliverables of any allocated housing site. Furthermore, the hotel accommodation is designed to be fully inclusive and accessible and would establish a ground floor active frontage across the full extent of the hotel component, fronting Olympic Way. A planning condition would secure that residencies at the hotel accommodation of 90 days or more are to be prevented, to ensure that the use of the hotel accommodation would be fit for purpose. In addition, in line with the requirements of policy BE9, it is recommended an Accessibility Management Plan relating to the hotel elements of the proposal should form a condition of consent. On the above basis, the hotel provision in this town centre location would be consistent with the requirements of policy BE9, and other relevant policies.

6. The hotel use is also supported under the 2021 London Plan, in terms of being identified as a Town Centre with a night-time economy classification of 'NT3' which means, of more than local significance. The 2021 London Plan also supports hotels in town centre locations and Opportunity Areas, particularly in outer London, in policy E10 (Visitor Infrastructure). The support for hotel development within policy is further underpinned by the very good public transport accessibility level (PTAL of 6) and the location of the site forming a central part of a major town centre.
7. The proposed hotel accommodation would comprise of an upwards and infill extension to the existing Novotel at 5 Olympic Way, as well as separate, new hotel directly adjacent at 3 Olympic Way. The application states the new hotel would be a 3* model and that the reception area to the existing Novotel would be transformed to create a shared reception area for the both the existing and proposed hotels, with extended restaurant offer to cater for both hotels too. The leisure facilities proposed (i.e. swimming pool and gym) at basement level below the proposed hotel will also serve the existing Novotel.

Retail Use

8. At the ground floor of 3 Olympic Way two retail uses are proposed, forming an active frontage to Olympic Way at the building's main corner, closest to Wembley Park station and Olympic Square. The retail uses would be comprised of two flexible shop units within the E use class, one comprising 386sqm of shop floor space (with 70sqm back of house) and one comprising 430sqm of shop floor space (with 122sqm back of house). The proposal of retail use (E use class) would add to the provision of retail within Wembley Town Centre and would be consistent with the need to support strong town centres (policy BE4). It would also help address a requirement of policy BP1 which seeks the provision of 2,100sqm of comparison goods retail floorspace and 4,300sqm of convenience goods retail floorspace across Wembley and Wembley Park town centres, in addition to that which is already existing and consented. This policy notes that additional retail in these locations will assist in supporting the future designation of Wembley as a single metropolitan centre within the London Plan town centre hierarchy. Given that this site sits along the key pedestrian route between Wembley Park and Wembley Central, the site will assist in developing a more continuous retail frontage between the north and southwest of Wembley Town centre and assist in elevating the centre's importance.
9. Furthermore, the comparison goods retail offered at the Lidl store at Wembley Stadium Retail Park approximately 100 metres to the west of the site is likely to soon be lost as it is replaced with part of the 'Fulton Quarter' redevelopment on the other side of Olympic Way. Therefore, this combined retail offer on site could assist in offsetting the retail demand given the likely loss of that nearby retail outlet.

Lack of provision of Office Use

10. 3 Olympic Way is currently formed of a (long-standing) vacant office building called Olympic House. This previous office space was employment-generating floorspace and is protected from loss under policy BE3. The proposal seeks to demolish the existing office building but does not seek to provide replacement employment floorspace within the proposal. The justification for removing the employment floor space without re-provision needs to be addressed through the application. Under the terms of BE3, the existing (vacant) floorspace could be justifiably lost subject to the submission of details of the length of time of the building's vacancy as well as proof of the marketing of the office space, with no uptake covering a two-year period. Where the Council accepts that a site is unviable for its retention for wholly employment purposes, it will seek the re-provision of the maximum amount of employment space that is viable in any development proposal. Some marketing information has been provided, however this is in the form of a sales brochure from 2018 and is based on the site being marketed as a residential-led development. Robust marketing for two years as office space or potential workspace cannot be demonstrated on the basis of the information provided. It is doubtful however, bearing in mind modern

office or workspace requirements in terms of services, head height and fit-out, that the existing premises would be viable to bring back into use for such purposes.

11. In meaningfully addressing the requirement of BE3, the approach taken has been to seek a financial contribution towards the provision off-site affordable workspace elsewhere to compensate for the loss of office space on this site. Notwithstanding the challenging viability position and the level of deficit that is expected (as set out below under 'Affordable housing'), the applicant has confirmed their agreement to an offsite affordable workspace contribution of £500, 000.
12. Thus, by financially enabling the provision of suitable affordable workspace elsewhere in the Brent, the loss of the employment floorspace in this location can be justified, especially bearing in mind the wider benefits the scheme brings in terms of delivering much needed additional homes (including affordable homes), retail units, hotel use and wider economic benefits. The agreed contribution for affordable workspace off site will be secured via the S106 Agreement.

Summary

13. Overall, the mixed-use development is supported in principle and is considered to be in accordance with key strategic and local policies relating to housing, hotel and retail provision.
14. 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. The report will now consider the suitability of the development in these terms.

Affordable housing and unit mix

Policy context

15. London Plan policies H4, H5 and H6 set out affordable housing requirements and establish a 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 when measured by habitable room; or
- 50% Affordable Housing when measured by habitable room 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.*

16. The subject site is not industrial or public-sector owned and a 35% affordable housing provision threshold therefore applies, as set out in London Plan policies H4 and H5.
17. 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 (as either Social Rent or London Affordable Rent);
 - A minimum of 30% intermediate homes (including London Living Rent and Shared Ownership);
 - Remaining 40% to be determined by the borough as low-cost rented homes or intermediate products, based on identified need.
18. Brent's local plan policy (BH5) for affordable housing delivery sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (London Plan 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 tenure split marries up with the London Plan H6 policy, with Brent having considered that the 40% based on identified borough need should fall within the low cost rented homes category.

Affordable housing offer (proposed)

19. It is proposed to provide 17.4% of affordable housing on-site by number of homes, and 19.4% by habitable rooms which has been viability tested, as set out in more detail below.

Residential proposal breakdown (by number of homes)

Home type	Private	Social Rent	London Shared Ownership	Total
Studio	0	0	0	0 (0.0%)
1 bedroom	70	0	7	77 (44.7%)
2 bedroom	64	10	5	79 (46.0%)
3 / 4 bedroom	7	8	0	15 (8.7%)
Total	142 (82.5%)	18 (10.4%)	12 (6.97%)	172 (100%)
Affordable: 17.4%		60%	40%	

Residential proposal breakdown (by number of habitable rooms)

Home type	Private	Affordable	Total
Studio	0	0	0 (0.0%)
1 bedroom	210	21	231 (36.7%)
2 bedroom	256	60	316 (50.3%)
3 bedroom	40	35	75 (11.9%)
4 bedroom		6	6 (0.95%)
Total	506 (80.5%)	122 (19.4%)	628 (100%)
Affordable: 19.4%			

20. The applicant's offer is for 17.4% of the homes and 19.4% of the habitable rooms of the development to be affordable, comprising 30 affordable homes out of the total 172. All affordable homes are to be located in the block fronting North End Road. This affordable housing is proposed to be split such that there would be 18 Social Rent homes and 12 London Shared Ownership homes. This represents a 60:40 split between Low Cost Rented homes and Intermediate homes, which is not fully in accordance with the 70:30 split sought in policy.
21. The applicant's supporting financial viability assessment indicates the previous affordable offer (based on a 61:39 split and x 178 dwellings overall, with x36 as affordable) would return a deficit of -£23.7m and therefore represents more than the maximum reasonable amount of affordable housing. Officers appointed BNP Paribas to make its own independent assessment of the scheme's financial viability.
22. BNP Paribas disagreed with some assumptions made by the applicant in their appraisals but concluded that the development (proposing 178 dwellings) would still return a -£16.2m deficit, representing an unviable development. To ensure the assessment was robust BNP Paribas also carried out further testing, hypothetically assuming that the higher value affordable tenure of London Affordable Rent was being offered instead of Social Rent. In this hypothetical proposal for London Affordable Rent homes instead of Social Rent homes, the development would return a -£15.3m deficit, continuing to remain unviable.
23. As part of their appraisal, BNP Paribas sought to identify an adjusted affordable housing offer which targeted the policy compliant 70:30 tenure split and which would not result in a financial deficit to the applicant. The BNP Paribas analysis identified that an offer proposing 22 Social Rent homes and 9 Shared Ownership homes (i.e. offering 5 fewer intermediate homes but meeting the 70:30 tenure split requirement) would still return a deficit of -£15.04m. On that basis, officers are satisfied that the reduced scheme, for 172 dwellings, proposes both more Social Rent homes and more Shared Ownership homes than any viable proposal that meets the target tenure split would afford. BNP Paribas' independent analysis identified that the high value of the existing site (given the presence of the hotel) and high build costs were significant factors in the lack of viability for the development proposal.
24. Following the later design changes proposed to the scheme, notably the inclusion of second escape staircase within the affordable block, the number of affordable dwellings proposed has reduced from 36 to 30 (with a revised tenure and accommodation mix). As a result, and to ensure the viability position remains up-to-date and robust further sensitivity testing of the scheme's financial viability was undertaken, by both the applicant, and BNP Paribas (acting for the Council). This testing has confirmed that the reduction in the number of affordable dwellings to 30 (and revised tenure and accommodation

mix) has, as expected, worsened the viability position even further. The sensitivity testing has concluded that the development for x172 dwellings would return a -£18.1m deficit, representing an unviable development.

25. Following scrutiny by both Brent officers and GLA officers, it can be concluded that the affordable housing proposal represents more than the maximum reasonable amount of affordable housing that can be sought. The affordable housing offer of 30 dwellings is therefore welcomed and is to be accepted and secured through the S106 Agreement.
26. Despite the offer being acceptable in viability terms (and thus exceeding the maximum reasonable amount of affordable housing that the site can deliver), the offer falls short of the 35% target set out in both London Plan and Brent policy and as such a late stage review mechanism will therefore be secured in a s106 agreement to capture any uplift in affordable housing. An early stage review will also be applied and secured via s106 agreement to ensure that changes in market conditions can be accounted for if the development is not implemented within two years of a consent date.

Wider acceptability of tenure mix

27. Policy BH6 within the Local Plan denotes a requirement for a 1 in 4 provision of 3 bedroom homes across residential developments. The policy sets out that exceptions to this can be allowed in certain circumstances, including, (a) where the location or characteristics of the development are such that it would not provide a high quality environment for families, or (b) its inclusion would fundamentally undermine the development's delivery of other Local Plan policies. The proposal achieves a proportion of family sized accommodation (8.7%) although this is somewhat short of the 1 in 4 policy target.
28. For robustness, included in the above mentioned viability sensitivity testing was testing of a scenario that would provide the 1 in 4 provision of 3 bedroom homes. This exercise has confirmed that this would worsen the viability position even further to that set out above. A mix providing 1 in 4 homes as 3 bedroom homes would return a -£19.09m deficit, representing an even less viable development than the current proposal.
29. It is welcomed that, 27% of the scheme's affordable homes are family sized, which exceeds the 1 in 4 policy target for family home provision. The focus on providing family housing in the affordable tenure is welcomed, and it is also welcomed that the affordable family housing is weighted heavily in favour of the Social Rent homes, where the need is greatest.
30. In the context of market driven residential development, officers acknowledge the reality of there being a fine balance to strike between scheme viability and family home provision, with a greater percentage of three bedroom homes (which have lower £/sqft values compared with smaller units) generally resulting in less viability for affordable housing provision. On balance, and noting the constrained nature of the site, the impacts associated with the lower (8.7%) provision of family homes are considered to be outweighed by the benefits associated with the delivery of affordable housing in significant excess of the maximum viable amount, as well as the proportion of family accommodation being proposed in excess of BH6 requirements within the affordable tenures. The tenure mix proposed is therefore supported on that basis.

Site Layout

31. The layout and general arrangement of the different elements of the proposal are described below.

West elevation - Olympic Way

Frontage at ground floor and landscaping

32. The frontage at ground floor level, which is currently on the same level as the ground floor interior, would be extended outwards and steps added to the frontage from Olympic Way, with landscaping and new surfacing. Outdoor seating for the café and hotel restaurant would be concentrated at three areas along the frontage, and a ramp would be included for disabled access. The taller and more defined glazing bars and panels, would add more of a sense of arrival to the frontage, and the introduction of soft landscaping would improve the quality of the public realm along Olympic Way and add opportunities for surface water drainage. Its width across both nos 3 and 5 Olympic Way unifies the proposal. Overall the frontage has well-identified entrances and a good interaction with the public realm.

Upward and infill extensions to 5 Olympic Way (Novotel)

33. The upward extension to the Novotel building would have a simple contemporary style and would be set back from the floors below and the proposed hotel block to the north (3 Olympic Way) to give proportionality to the structure and to prevent a 'top-heavy' look. The use of toning terracotta panels on the extension, in a lighter shade than those that exist below, assist in further limiting the visual weight of the upward extension. It is considered that the extension complements the existing hotel façade and would appear as an integral part of the building rather than an obvious later addition.
34. At the tenth floor level, the inset terrace areas to the hotel rooms and communal terrace form a visual break in the built form which would add to the appearance of the upward extension as 'floating' above the original building. With the taller central block visible behind and constructed in lighter bricks, the lighter treatment of the upward building extension and the defined outward horizontal ledges between the storeys, give a very readable building that, although would be taller than previously, succeeds in conveying a 'human scale'.
35. The proposed infill extension to the Novotel building, centrally located on the upper floors, fronting Olympic Way would be treated in cladding material to match existing. This would ensure this modest infill extension assimilates well into the existing building.

Replacement block at 3 Olympic Way

36. This building would be 23 storeys in height and its frontage above ground level would be set back from the protruding ground frontage to a similar extent as the Novotel building at no. 5. The building would accommodate a new hotel (up to the 21st floor) with the top floor (22nd) being a self-contained market residential unit. The replacement building would (in part) maintain a similar relationship as existing to the boundary shared with 1 Olympic Way, the existing office building is built up to the boundary at the western end of the site, before stepping back from the boundary by c.7.5m for the projecting rear section of the existing building. The proposed replacement hotel building would also be built up to the shared boundary at the western end of the site, as per the existing arrangement, and would have a reduced floor plate, as a result there is no rear projecting element to it off set from the site boundary.
37. This building (above ground floor) would have a slight projection (c.0.5m) forward of the existing Novotel building alongside, which is welcomed as this gives cohesion with its neighbour and positively addresses comments within the pre-application advice.
38. This block has its own design and materials language, consisting of light buff bricks punctuated at 3-floor intervals with banding in glass reinforced concrete (GRC). Window frames, balconies and perforated panels in bronze finish would add highlights in similar tones, and would also refer in materiality to other nearby architecture. At ground floor the full height glazed treatment unifies the frontage with 5 Olympic Way, this gives a coherence at ground level. The height of the building is significant and hence, the quality of the design needs to be demonstrated via the details provided. It is considered that the design would project a suitably urban contemporary vernacular, suitable for the emerging context of this growth area and that is relatable and in keeping with other recently constructed buildings in the growth area. Nonetheless to ensure that the quality of materials and design is maintained, finalisation of specific materials should be secured by condition(s).

North elevation

39. The existing access route between 1 and 3 Olympic Way (sited within 1 Olympic Way site), providing a connection between Olympic Way and North End Road would be maintained along the north side of the proposed development. It is a requirement of planning permission 19/0395 (for 1 Olympic Way) that this route shall remain unobstructed and publicly accessible for pedestrians at all times. The entrance lobby on the Olympic Way frontage would lead into a double-height corridor leading through to a set back (internal) lobby area and the Central Block's two lifts and two staircases. Moving eastwards through the ground floor plane is an access through to the rear part of the building and along this corridor would be situated residents' access to cycle storage, post room and bin stores.
40. Externally, the entrance corridor would appear as a double-height space (around 7m high at its highest due to the fall in levels from front to back across the site), giving a view of the podium garden above. The windows to the corridor, and to the central and affordable blocks, would give natural surveillance to those walking alongside the proposal through this existing route between 1 and 3 Olympic Way. The post room

and reception windows would be obscured with louvres; this is considered acceptable for the privacy of workers at reception and security of the post room, and does not hinder natural surveillance to the north of the site.

41. The ground level slopes down slightly towards the rear of the building and then the landscaping to the rear is visible. Along the access between the 1 and 3 Olympic Way sites, 9 existing disabled parking spaces, are situated (outside of the site boundary). The podium garden at first floor level would be visible which would add greenery and interest to the view of the building from this side, and would contribute to natural surveillance of this existing access. Set back 4.5m from the corridor façade and edge of the podium garden, the central block rises behind upwards but is not considered to be overbearing to the access route, due to the setback.

East elevation

42. With regards to the east elevation, there are three views to consider; the whole development from North End Road and in conjunction with existing neighbouring building 'Felda House', including the proposed affordable 10-storey block at the northern end of the site; the podium view of the central residential block, and the rear view of the hotels from the central courtyard.

View from North End Road

43. This would mainly be of the east side of the affordable housing block fronting on the street, and the paved drop-off zone, ramped path and entrance. The façade of the building would use the same materials palette as the frontage – buff bricks, bronze powder coated fenestration, railings and panelling, which is considered appropriate. The quality of design and materials gives the required 'tenure-blind' approach required.
44. To the left of the entrance of the affordable block, and set back by around 2m, would be the louvered rear of the electricity sub-station. However, with residential windows/ balconies immediately above, and the communal building entrance nearby, it is considered that there would be sufficient active frontage to the street on this elevation. It is envisaged this would be constructed in the same material and shade as the other metalwork on this elevation. Details of materials can be secured by condition.
45. To the left of the affordable block, a glimpse of the first floor podium garden would be visible, between the affordable block and Felda House. This would provide visual interest and greenery to the rear view of the development. The frontage would also include some welcomed landscaping and trees. To the top floor of the affordable block would also be a communal roof garden (for residents of this block). It should be noted that this is not the affordable block's only access to communal amenity space, as residents would have access from the first floor to the residents' hall, and play room as well as to the larger centrally located podium amenity space (including play space).
46. The rooftop garden's foliage would soften the line of the building against the sky and again, provide visual interest- offsetting the screening of the plant to the top of the roof. Further details of appropriate landscaping would be secured by condition.

View from podium garden

47. The view of the Central Block rising up behind would give a sense of height progression when considering the Felda House and Fulton Quarter (outline) blocks in front and behind. The open 'window' framework to the roof garden on the top floor would appear to perch lightly on the top of the tower.
48. There would be a sense of enclosure to this space, to the south and west, however this is mitigated by the relatively open view to the east past Felda House and to the north towards the north route from Olympic Way to North end Road.

View from Courtyard

49. The view from the central courtyard would be experienced predominantly by customers of the hotel who would be able to access it from the hotel restaurant or lobby area, which is understood to be the case currently.
50. The view of the rear of the existing hotel building altered by the upper floor(s) extension would differ from that of the frontage view, as the existing cladding to the rear is white in colour and therefore would

contrast markedly with the proposed upper extension.

51. The space would have a sense of enclosure which would be increased slightly as a result of the upper extension, however, as this is an existing situation, it is not considered to be a significant issue. In terms of visual impact on Pinnacle Tower in terms of design, the development would present in a manner that is pleasing to the eye, in terms of materials and articulation, with the added greenery of the roof and podium gardens. Windows in the south elevation of Shams Court which face towards the courtyard already experience the existing sense of enclosure.

South elevation

52. This is mostly enclosed by the courtyard however the nearest public view is from Fulton Road. The proposal would form a perimeter block development comprising the development itself, Felda House and Pinnacle Tower, and would step down from the central block to the new hotel building, then to the hotel upward extension and then down again to the original hotel. This form of development is supported, the site is located in a Tall Buildings Zone, as identified in the Local Plan.

Design

53. 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. The specific elements of its design including: general layout, public realm, height and massing and architecture/materiality are discussed in the following sections.
54. Policy D4 of the London Plan requires tall buildings to reinforce the spatial hierarchy of the local and wider context and avoid harm to the significance of London's heritage assets and their settings.
55. Section 16 of the NPPF advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance". Any harm to designated heritage assets requires clear and convincing justification. With regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Brent's Policy BHC1 requires new developments to demonstrate and justify any impacts on heritage assets, and Policy BHC2 identifies and protects a number of important views of the Wembley Stadium arch.

The appropriateness of delivering tall buildings

56. Policy BD2 of the 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 as being within Tall Building Zones. The policies map identifies this site as being situated within the Wembley Park Tall Building Zone.
57. Given the local designation for tall buildings, the development can be seen to comply with London Plan policy D9(b) (which requires tall buildings to only be supported where they have been specifically designated as appropriate within the Local Plan), establishing a suitable policy basis for the site being appropriate for accommodating tall buildings.

Local context

58. In addition to a Tall Building Zone (as discussed above), the proposal sits within the Wembley Town Centre and growth area boundaries and the Local Plan aspires for the character of the area to change over time as significant housing and other growth is accommodated within the town centre area.
59. The site sits in a prominent, central location within the town centre (and Tall Building Zone) and sits at the confluence of two major town centre movement corridors: Olympic Way and Fulton Road. The site sits adjacent to an emerging cluster of tall buildings which is focused on the Albion Way / Fulton Road junction to the east of the site. This tall building cluster is currently formed of the following; Scape Wembley (28 storeys), 10 Watkin Road (24 storeys), Karma House (19 storeys), Barnard Point (17 storeys) and Foster Apartments (13 storeys). Consented planning permissions at 1-3 Watkin Road and plot NE06 of the Quintain Masterplan, both in close proximity to the application site also, are set to result in a 20 storey and a 34 storey building also forming part of this evolving tall building cluster in the future.
60. The building to the north of the site is 1 Olympic Way, which is a part 16, part 15 and part 13 storey residential building, whilst to the south and east of the site is the 20 storey Pinnacle Tower building.

Further to the south of the site, across Fulton Road, is the Network Homes office building; this site has permission to be redeveloped to form a part 21 and part 15 storey building. The west of the site is bounded by Olympic Way, which is the key pedestrian movement corridor to Wembley Stadium and which forms a part of the key pedestrian movement corridor through Wembley Town centre. Across Olympic Way is the Wembley Stadium Retail Park, which has permission to be redeveloped with a series of tall buildings up to a height of 25 storeys.

61. In summary, the site is surrounded by multiple established and emerging tall buildings and sits centrally within the town centre (and Tall Building Zone) along a key movement corridor. In this context it is an appropriate location to accommodate tall buildings and intensify the use of site.

Proposed height and massing

62. The proposal seeks to deliver three new buildings and to vertically extend an existing building (the Novotel hotel):

- The westernmost new building (new hotel + one private residential unit to top floor) would front Olympic Way, occupying the plot of 3 Olympic Way, and would have a 23 storey massing.
- The easternmost new building (affordable housing block) would front North End Road and would have a 10 storey massing.
- The central new building (private housing) would sit between the two other new buildings and would have a 26 storey massing. All three buildings would be connected by a large ground and basement footprint, and at first floor by a communal podium garden between the blocks.
- The existing Novotel hotel building at 5 Olympic Way is proposed to be extended (in part) from its existing height of 11 storeys to a height of 17 storeys (+6), with an additional infill extension over two floors to the central part of this building.

63. As set out above, the heights of the buildings proposed are consistent with a number of the surrounding buildings (both existing, emerging and recently consented) and would be subservient to the tallest buildings within the town centre, including a number in the immediate vicinity. It is considered that the proposed height massing would be appropriate in its context.

Wider urban design considerations

64. The proposal is acceptable in terms of urban design and responds well to what is a highly constrained site.

65. The proposed roof extension to the Novotel at 5 Olympic Way has undergone extensive design development at pre-application stage to refine its appearance; this now relates well to the façade of the existing building whilst also establishing a new façade language that is distinct;

66. Proportionally, this element also relates well to the rest of the proposal, creating a coherent step up in height from the existing Novotel roof level to that of the taller hotel block fronting Olympic Way;

67. The proposed 'drawer' to Olympic Way, at ground level, is considered to be a strong, unifying element that ties all parts of the scheme together, both existing and proposed, whilst creating a well-composed façade of active frontage;

68. This is complemented by new landscaping and public realm, which seeks to increase the level of greenery along Olympic Way; this is strongly supported and new tree planting must meet the recommendations and requirements of the Principal Tree Officer. Planting details would be secured via planning condition(s);

69. Overall, the façade treatments of the scheme are considered well-composed and articulated, making good use of layering to give an impression of depth and robustness;

70. A strong approach to materiality has been set out in the DAS, picking up numerous details from the former and, consequently, this gives confidence that the scheme will deliver high quality and robust buildings;

71. The scheme presents legible communal entrances to the wider streetscape, giving it a clear identity and

creating a strong sense of arrival for residents/visitors;

72. The scheme helps to activate the existing public route through the neighbouring site, at 1 Olympic Way, with a double-height glazed facade along the north elevation; this brings light into what would otherwise be a long, narrow entrance corridor to the private housing building;
73. The provision of internal communal amenity spaces at first floor level is supported, and the proposals will provide future residents with a variety of amenity areas (both internal and external), including the first floor podium, private balconies and two communal roof terraces; Furthermore, the co-location of internal communal amenity space with the landscaped courtyards is welcomed;
74. The introduction of this form of massing with a 23 storey building fronting Olympic Way and a 26 storey building set back from Olympic Way would broadly mirror the consented arrangement opposite the development site on the other side of Olympic Way, resulting in a more symmetrical framing of the vista along Olympic Way towards the stadium in the future context, particularly as seen from Wembley Park Station.
75. 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. It is considered that the scheme achieves the aims of D3. On the basis of the discussion of the building's appearance within its context as discussed, it is also considered that the proposal achieves the aims of London Plan policy D9(c).

Wire Diagram views, Protected View of Wembley Arch and heritage assets

76. Considering the 'wire diagrams' supplied, the development would not project as a significant visible impingement of the view of the Wembley Arch from Bobby Moore Bridge, any more so than the 'Olympic House' development at 1 Olympic Way. The protected view would therefore not be detrimentally impacted by the proposal. Comparing with the proposed impact from the consented Fulton Quarter development, that of the proposal would be considerably less, to the left hand corner of the arch.
77. When moving to a view from the Wembley Park station concourse, there is no impact from the proposal due to the increased height of view.
78. Considering the view from Barn Hill, the proposal would be visible and would be similar in height to other buildings already in existence; as part of the emerging context the proposal would not be visually discordant. The Central residence would impinge to a small degree, at its corner, on the arch. However, considering the cumulative impact of this with other consented schemes, it would not remove a significant element of the view.
79. There are no statutorily nor locally listed buildings within the site and it is not located within or adjacent to a conservation area. Impact of the proposal in relation to the Barn Hill Conservation Area is considered negligible due to the distance and the scale of existing and emerging development in between in the locality. Assessment has shown the impacts on protected views of the Wembley Arch would not be any greater than impacts arising from recently built or consented development in the locality. In conclusion, no harm to designated heritage assets has been identified due to the proximity of these to the application site and the scale of existing (and emerging) development that reduces visibility of the proposal in any event.

Amenity Impact

Impact on neighbouring residential amenity

80. Brent's DMP1 policy in the adopted Local Plan and Brent's SPD1 guidance sets out a number of criteria for judging a development's 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, in the context of the existing urban grain, and for any residential amenity 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

81. In order to retain acceptable privacy levels to properties, SPD1 states that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land. As referred to below when discussing the building relationships that would be created by the proposed development, it is important to note that Felda House is purpose built student accommodation, as such the guidance set out in SPD1 is not applicable as this neighbouring building is not in C3 residential use. Nevertheless, the relationships between buildings have still been fully considered, as discussed below.
82. With regard to relationships with surrounding sites, the proposed Central residence and North End Road residence would incorporate both primary and secondary habitable room windows that face north (onto the 1 Olympic Way site) close to the boundary with this neighbouring site, as well as primary and secondary habitable room windows that face south (towards the Felda House site and Shams Court) close to the boundary with these neighbouring sites. The existing windows sited within the north-west facing elevation of Felda House building are at an oblique angle to the proposed development, meaning there is no opportunity for direct facing to occur. Existing north facing windows to Shams Court, of which there are x12 in total, comprise of x6 non-habitable bathroom windows and x6 secondary (obscurely glazed) windows serving open plan kitchen/dining/living rooms to flats, which each benefit from a more generous south facing aspect. It should be noted also these neighbouring buildings have their own primary and secondary habitable windows within 9m of the site boundaries.
83. Flank windows serving the Central residence would face the 1 Olympic Way site at a distance of 4.5 metres from the boundary and 15 metres from the windows serving the south elevation of the 1 Olympic Way building itself, which it should be noted are mostly openings to internal winter gardens. Whilst the 4.5 metre distance falls short of the 9m standard in SPD1, it is noted that 1 Olympic Way has very recently been redeveloped (with windows sited less than the 9m standard) and that the prospect of redevelopment of this site, even in the long term, is very unlikely. As such, the breach of the 9m standard is considered to be comparable and as such acceptable in these circumstances. Whilst a full 18m separation is not achieved between facing windows, the land in between forms a public access route between the 1 and 3 Olympic Way sites and as such, the criteria for applying the full 18m standard (i.e. where windows face each other across a private space) is not considered applicable. The 15m separation that can be achieved is considered to be suitable given the setting and public nature of the public space in-between, and is commensurate with existing relationships in the locality.
84. Some windows serving the North End Road residence (towards the buildings eastern end) would face north towards the 1 Olympic Way site at a distance of c.0.5 metres from the boundary, although important to note these windows would not face towards any windows of the 1 Olympic Way development, as they are sited to the east of the 1 Olympic Way building at this point. As above, it is noted that 1 Olympic Way has very recently been redeveloped and that the prospect of redevelopment of the site, even in the long term, is very unlikely. As such, the reliance on outlook over an undeveloped part of the neighbouring site for a modest proportion of windows serving the North End Road residence is considered to be acceptable, on balance.
85. Some windows (to the south facing elevation) serving the North End Road residence would face south towards the Felda House site at a distance of about 1 metre from the boundary. None of these windows would directly face the Felda House building itself (or windows) due to its orientation, except where a distance of more than 18 metres is present in between. There are secondary aspect windows serving the open plan kitchen / living room areas of the flats in the south-eastern corner of the block on each of the upper floors (1st to 8th floors). Given the secondary nature of these windows, these can acceptably be obscure glazed and non-opening at low level to prevent unacceptable relationships that breach SPD1 standards for privacy. This window treatment will be secured by condition. In relation to the other relevant windows, due to the splayed nature of the rear façade of Felda House, these are closer to the rear of Felda House than 18m when factoring in oblique lines of sight, however, for directly facing window relationships, the full 18 metres of separation is exceeded. Given that oblique lines of sight would limit the visibility across to affected rooms, the relationship is considered acceptable when considered on balance, for this constrained site, and such relationships are deemed commensurate with the dense, town centre

setting.

86. South facing habitable windows serving the Central residence (2nd to 5th floors) are to be c.3.6m away from the north elevation of Shams Court, a four-storey flatted development. As discussed above, these north facing windows serving Shams Court are either non-habitable (i.e. bathroom), or they are secondary and obscurely glazed. In reality direct overlooking from the Central residence to these windows will not result despite the modest separation that will be achieved between a small proportion of windows. Notwithstanding this, it is considered reasonable to require that the south facing, secondary windows to the open plan kitchen / living room areas, to the flats located in the south-eastern corner of the Central residence, on 2nd to 5th floors, be obscure glazed and non-opening at low level to prevent unacceptable relationships that breach SPD1 standards for privacy. This window treatment shall be secured by condition.
87. From 5th floor upwards to the Central residence some flats that have an outlook to the south would be over the communal roof top amenity area serving Shams Court, which could potentially impact on the privacy and use of this external space for neighbouring residents. This potential overlooking would be caused by the flat (and balcony serving it), located on each floor, from 5th to 22nd floor, situated in the south-eastern corner of this building. In line with the approach set out above, it is considered reasonable to require that the south facing, secondary windows to the open plan kitchen / living room areas, to the aforementioned identified flats, also be obscure glazed and non-opening at low level. This window treatment shall be secured by condition, as well as a requirement to provide privacy screening to the southern side of the balcony serving these flats in order to prevent overlooking from the use of the balcony. Details of privacy screening to the southern side of the external terraces at floors 23 to 25, as well as the roof top amenity area will also be conditioned.
88. The North End Road residence is to be sited further north within the site, and separation in excess of 18m is achieved between proposed south facing windows and the existing north elevation windows of Shams Court, in line with SPD1 privacy standards.

Sense of enclosure

89. 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.
90. In this case, the proposal does not directly adjoin any private rear gardens nor are there are rear facing primary habitable room windows in neighbouring sites that face the application site. As discussed above, existing north facing windows to Shams Court are either non-habitable obscure glazed bathroom windows, or secondary obscure glazed windows serving the open plan living/kitchen/dining areas, therefore these north facing openings are not relied upon for outlook, daylight and sunlight. It is noted that a planning condition was attached to the Shams Court approval (11/1145) to restrict the aforementioned north facing windows to be obscurely glazed and fixed closed, unless high level openings only are provided. Therefore, it is not considered appropriate to apply 30 and 45-degree line tests to this site context, which is identified as a Tall Building Zone, where dense forms of development exist and where further dense forms of development are expected to come forward. Nevertheless, a full test of daylight and sunlight impact on surrounding residential properties and external amenity areas has assisted in understanding and weighing up any harm in the balance of considerations, and this is discussed below.

Summary on privacy and sense of enclosure

91. It is considered that the relationship of this development to its surroundings, noting the dense town centre setting, generally complies with relevant guidance in SPD1. Appropriate separation distances are maintained between the proposed blocks and adjoining sites, and where they are closer, these are close to (and commensurate with) consented or newly constructed schemes where there must be some expectation of tighter relationships given the urban regeneration context in this town centre / growth area location. Mitigation can be provided through the use of planning conditions, as set out above. Officers consider the proposals acceptable in this regard.

Daylight and Sunlight Impact

92. The applicant has submitted a daylight, sunlight and overshadowing assessment (May 2021) of the impact of the development on surrounding existing properties, utilising the recommendations set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2011)' document. As set out below under the 'Quality of proposed accommodation' heading, during the course of the application assessments were updated to reflect the updated BRE guidance that came into effect in 2022. These changes affect the way in which daylight and sunlight within new development is assessed. The updated BRE guidance leaves in place the previous guidance for assessing daylight and sunlight effects within neighbouring properties and areas of open space. Officers are satisfied that the analysis (plus all additional targeted assessments) identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:

To the east

- Danes Court (Residential) (Just VSC)
- Danes Lodge (Residential)
- Anthology (Residential) (VSC, NSL)
- Barnard Point (Student Residential) (VSC, NSL)
- Felda House (Student Residential) (VSC, NSL)

To the south

- Shams Courts (Residential) (VSC, NSL)
- Tabriz Court (Residential) (VSC, NSL) (No APSH/WPSH because of orientation)
- Pinnacle Tower (Residential) (VSC, NSL)
- Scape (Student Residential) (VSC, NSL)
- Network Homes (Residential – Emerging) (VSC, NSL)

To the west

- College of North West London (Education) (Just VSC)
- Fulton Quarter (Residential – Emerging)

To the north

- 1 Olympic Way (Residential) – Mirror Image scenario included (VSC, NSL)
- The Helix (ex-Victoria Hall) (Student Residential) (VSC, NSL)
- Michaela Community School (Education) (Just VSC)

93. The results of the daylight testing of these properties, as reported in the appendices of the submitted daylight and sunlight report, is set out below.

Impacts to the east

Building	Impact type	Total windows (VSC / AWPSH) or rooms (NSL)	BRE compliant windows / rooms	BRE non-compliant windows / rooms		
				Minor adverse impact	Medium adverse impact	Major adverse impact
Danes Court	Daylight (VSC)	50	17	24	8	1
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(Residential)			(34%)	(48%)	(16%)	(2%)
	Daylight (NSL)	Not tested – floorplans not available				
	Sunlight (A/W PSH)	42	8 (19%)	0	0	34 (81%)
Danes Lodge (Residential)	Daylight (VSC)	3	3 (100%)	0	0	0
	Daylight (NSL)	Not tested – floorplans not available				
	Sunlight (A/W PSH)	2	1 (50%)	0	0	1 (50%)
Anthology (Residential)	Daylight (VSC)	380	370 (97.4%)	3 (0.8%)	5 (1.3%)	2 (0.5%)
	Daylight (NSL)	239	233 (97.5%)	3 (1.3%)	2 (0.8%)	1 (0.4%)
	Sunlight (A/W PSH)	312	304 (97.4%)	0	3 (1.0%)	5 (1.6%)
Barnard Point (Student)	Daylight (VSC)	273	273 (100%)	0	0	0
	Daylight (NSL)	236	232 (98.3%)	4 (1.7%)	0	0
	Sunlight (A/W PSH)	104	104 (100%)	0	0	0
Felda House (Student)	Daylight (VSC)	226	105 (46.5%)	23 (10.2%)	41 (18.1%)	57 (25.2%)
	Daylight (NSL)	150	82 (54.7%)	14 (9.3%)	20 (13.3%)	34 (22.7%)
	Sunlight (A/W PSH)	15	15 (100%)	0	0	0

Impacts to the south

Building	Impact type	Total windows (VSC / AWPSH) or rooms (NSL)	BRE compliant windows / rooms	BRE non-compliant windows / rooms		
				Minor adverse impact	Medium adverse impact	Major adverse impact

Shams Court (Residential)	Daylight (VSC)	42	34 (80.9%)	1 (2.4%)	0	7 (16.7%)
	Daylight (NSL)	30	24 (80%)	2 (6.7%)	4 (13.3%)	0
	Sunlight (A/W PSH)	40	40 (100%)	0	0	0
Tabriz Court (Residential)	Daylight (VSC)	18	0	0	6 (33.3%)	12 (66.7%)
	Daylight (NSL)	18	12 (66.7%)	0	4 (22.2%)	2 (11.1%)
	Sunlight (A/W PSH)	Not tested - no affected windows within 90 degrees due south				
Pinnacle Tower (Residential)	Daylight (VSC)	309	198 (64.1%)	26 (8.4%)	24 (7.8%)	61 (19.7%)
	Daylight (NSL)	222	203 (91.5%)	8 (3.6%)	4 (1.9%)	7 (3.0%)
	Sunlight (A/W PSH)	95	95 (100%)	0	0	0
Scape (Student)	Daylight (VSC)	354	228 (64.4%)	57 (16.1%)	55 (15.5%)	14 (4%)
	Daylight (NSL)	233	192 (82.4%)	22 (9.4%)	10 (4.3%)	9 (3.9%)
	Sunlight (A/W PSH)	156	156 (100%)	0	0	0
Network Homes (Residential – emerging)	Daylight (VSC)	200	180 (90%)	4 (2%)	10 (5%)	6 (3%)
	Daylight (NSL)	120	119 (99.2%)	1 (0.8%)	0	0
	Sunlight (A/W PSH)	120	120 (100%)	0	0	0

Impacts to the west

Building	Impact type	Total windows (VSC / AWPSH) or	BRE compliant windows	BRE non-compliant windows / rooms		
				Minor	Medium	Major
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		rooms (NSL)	/ rooms	adverse impact	adverse impact	adverse impact
College of North West London (Education)	Daylight (VSC)	168	168 (100%)	0	0	0
	Daylight (NSL)	Not tested – floorplans not available				
	Sunlight (A/W PSH)	115	105 (91.3%)	0	1 (0.9%)	9 (7.8%)
Fulton Quarter (Residential - emerging)	Daylight (VSC)	Not tested – detailed plans not yet drawn up				
	Daylight (NSL)	Façade modelling instead undertaken, detailed below				
	Sunlight (A/W PSH)					

Impacts to the north

Building	Impact type	Total windows (VSC / AWPSH) or rooms (NSL)	BRE compliant windows / rooms	BRE non-compliant windows / rooms		
				Minor adverse impact	Medium adverse impact	Major adverse impact
1 Olympic Way (Residential)	Daylight (VSC)	1862	1126 (60.5%)	29 (1.6%)	39 (2.1%)	668 (35.9%)
	Daylight (NSL)	485	433 (89.3%)	20 (4.1%)	8 (1.6%)	24 (5.0%)
	Sunlight (A/W PSH)	1107	499 (45.1%)	0	2 (0.2%)	606 (54.7%)
1 Olympic Way (Residential) Mirror Assessment ; Scenario A (this assumes the baseline condition is a hypothetical mirror image of 1 Olympic Way)	Daylight (VSC)	1862	1191 (64%)	67 (3.6%)	115 (6.2%)	489 (26.3%)
	Daylight (NSL)	485	461 (95%)	13 (3%)	2 (0.2%)	9 (2%)
	Sunlight (A/W PSH)	1107	586 (52.9%)	3 (0.3%)	16 (1.4%)	502 (45.3%)
1 Olympic Way	Daylight	1862	1126	29	39	668

(Residential)	(VSC)		(60.5%)	(1.6%)	(2.1%)	(35.9%)
Mirror Assessment : Scenario B (this assumes the standard baseline condition with the existing buildings on site)						
	Daylight (NSL)		433 (89%)	20 (4%)	8 (2%)	24 (5%)
	Sunlight (A/W PSH)		499 (45.1%)	0	2 (0.2%)	606 (54.7%)
The Helix (Student)	Daylight (VSC)	339	339 (100%)	0	0	0
	Daylight (NSL)	224	216 (96.4%)	7 (3.1%)	1 (0.5%)	0 (0.0%)
	Sunlight (A/W PSH)	312	304 (97.4%)		3 (1.0%)	5 (1.6%)
Michaela Community School (Education)	Daylight (VSC)	138	136 (98.6%)	2 (1.4%)	0	0
	Daylight (NSL)	Not tested – floorplans not available				
	Sunlight (A/W PSH)	138	138 (100%)	0	0	0

Daylight and sunlight impact assessment:

94. 1 Olympic Way: As the above results indicate, there will be a noticeable impact on this residential building. The results show that of the 1862 windows tested for daylight and sunlight impacts, 668 (35.9%) of the BRE non-compliant windows under the VSC test are expected to experience major adverse impact. Under the NSL test, however, which looks at daylight distribution across a room as results are more positive. Of the 485 rooms tested at 1 Olympic Way there was a high degree of BRE compliance, 433 (89.3%) of rooms comply, which is considered a high level of compliance for a high density proposal in a built up urban location. For the BRE non-complaint rooms just 24 (5%) are expected to experience a major adverse impact.
95. Just over 50% of BRE non-compliant windows under the (A/W PSH) assessment will experience a major adverse impact. There will be an impact on sunlight levels to this neighbouring building.
96. A large proportion of the windows tested are located between 1st and 6th floor and are a result of the prior approval office to residential scheme having been implemented (17/4538). The conversion of these lower floors to residential use established the relationship to the boundary shared with 3 Olympic Way. Following this planning permission was granted (19/0395) for upwards and rearwards extensions to 1

Olympic Way to provide further residential units. This approval (now implemented) introduced additional flats/windows with a southerly aspect towards the application site, at greater heights to those previously established through the prior approval office to residential scheme. A high proportion of the dwellings approved through (19/0395) that have this southerly aspect are afforded south facing winter gardens, which themselves create a challenging daylight baseline. It is relevant to note from the report that accompanies (19/0395) that close to two thirds of all flats have either dual or triple aspect, and officers considered the inter relationship between 1 and 3 Olympic Way and the Committee report stated, in terms of amenity impact of that scheme, "3 Olympic Way is therefore not considered to be compromised in terms of its potential to be redeveloped".

97. *Shams Court*: With regards to Shams Court, an immediate neighbour, 42 windows of habitable rooms were assessed in the daylight impact assessment. The results showed that out of 42 windows, 34 (81%) would remain within the BRE criteria. This is considered a high level in a densely built up area. The assessment has shown a high impact to north-facing kitchen windows, and obstruction to one stack of bathroom windows would occur. However, the north facing kitchen windows are obscurely glazed (as conditioned in the original planning permission) and these serve an open plan kitchen/living/dining space, benefiting from south facing windows/outlook to serve the internal space, this has a more generous opening which will achieve the BRE criteria and not be obstructed. Bathroom windows are non-habitable, so less sensitive to changes in daylight and sunlight conditions. The north facing windows to Shams Court are all sited above podium garden level of the proposed development.
98. For the NSL assessment, for Shams Court, only habitable windows were considered. As noted above the one stack of north facing kitchen windows would not meet the criteria, however these are not relied upon for daylight. As explained above, daylight continues to be received from other windows to the south, which are not obstructed by development.
99. The daylight assessment for Shams Court (VSC and NSL) accounted for 30 habitable rooms. Results indicated that 23 (77%) would meet the BRE criteria, which is considered a high level of compliance in a dense, built up urban location such as this. Those windows that do not meet the criteria are identified above.
100. Windows in the facing elevation of Shams Court are north facing, as such sunlight impact to these has not been tested, in line with the BRE guide.
101. *Tabriz Court*: This building is located to the south, and of the 18 windows included in the daylight assessment (VSC and NSL) none met the BRE criteria in terms of VSC, with 12 (67%) meeting the BRE criteria in terms of NSL test. Results suggests there will be a high impact and this is due to the close proximity of the buildings and the high density nature of the locality.
102. *Pinnacle Tower*: In total 309 windows and 22 rooms were tested. Of these, 198 (64.1%) meet the BRE criteria for VSC and of those that do not 61 (19.7%) are expected to experience a high magnitude of change. The NSL results are more positive, 222 rooms were tested and 203 (91%) are BRE compliant, which is a high level of compliance in a densely built up location like this.
103. At the request of officers, the NSL assessment was expanded to include four additional properties (Helix building, Anthology building, Barnard Point and Network Homes office building/site). In line with the BRE Guide, a room achieves an overall pass when both the NSL of this room and the Vertical Sky Component (VSC) of its windows satisfy the BRE criteria. Therefore, the assessment update considers the VSC and NSL of the relevant rooms within the four buildings identified.
104. The results of the baseline scenario showed that more than half of the windows (719 windows out of 1192) tested are below the VSC Criteria. This is due to existing site conditions, relationships to buildings and orientation.
105. The results of the proposed scenario showed that 1162 windows (97.5% of the total) would retain suitable levels of daylight either by keeping a VSC value of 27% or greater, or by maintaining a ratio of change of 0.8 or greater, as recommended by the BRE Guide. A total of 30 windows (2.5%) fall outside the BRE criteria, and only 8 (0.7%) of these indicating a high ratio of impact.
106. The NSL assessment for the four identified buildings was used to assess daylight distribution within rooms. A total of 819 rooms facing the site were assessed, from which 97.7% (800 rooms) showed an NSL level within the recommended threshold. The assessment showed 19 rooms (2.3%) outside the

BRE criteria, and just one room indicating a high ratio of impact.

107. The results showed that when both VSC and NSL are considered for the indicated Receptors, out of 819 potentially affected rooms assessed, 794 rooms (96.9%) met the BRE Criteria. This is a high level of compliance.
108. The sunlight impact assessment focused on the windows facing 90° of due south, in line with BRE Guide. A total of 829 windows facing the Site and within 90° of due south were assessed, from which 98.3% (815 windows) showed suitable levels of sunlight. The assessment showed 14 windows (1.7%) outside the BRE criteria, and 11 (1.3%) indicating a high ratio of impact.
109. It should be noted that the four assessed properties are not in the immediate surroundings of the site, and in the case of the 'Anthology' and the 'Barnard Point' buildings, they are already obstructed by tall buildings in between.
110. Following a further request from officers' additional daylight and sunlight assessment was carried out to consider the impact of the proposed development on Danes Lodge, on the opposite side of North End Road, to the north-east of the application site. Baseline conditions show that none of the three windows facing the site are currently within recommended daylight criteria (i.e. with VSC values above 27%). These windows are below the VSC criteria due to the close proximity between buildings.
111. Notwithstanding the existing conditions, results of the daylight impact assessment indicated that this property will retain suitable levels of daylight after the introduction of the proposed development. All three windows facing the site would retain suitable levels of daylight by keeping a negligible ratio of change of 0.8 or greater, as recommended by the BRE guide. The sunlight assessment focused on two existing windows facing 90 degrees due south and the site. One window meets the BRE criteria for suitable levels of sunlight after construction, and one does not.

Overshadowing to outdoor amenity spaces and existing nearby photovoltaic panels

Outdoor amenity spaces:

112. The overshadowing assessment focuses on the open amenity space areas of nearby existing development. The majority of the assessed amenity spaces (5 out of 6) receive 2 hours or more of sunlight on at least 50% of its area on 21st March, and therefore, meet the BRE recommendation. The only open amenity space which did not achieve the criteria is the one to the front of the Danes Court building, to the north east of the site. Being a front garden, and located adjacent to a road, by its very nature it is unlikely to be used as an outdoor amenity space, it provides a landscaped setting to the building, the main amenity area for these flats is further away within the site.
113. Additional assessment was requested by officers, and carried out, in relation to the communal roof top amenity area for Shams Court, as well as the rear amenity areas to Danes Court. Results show that these external amenity areas satisfy the BRE criteria on the basis they receive at least 2 hours of sunlight on at least 50% of the area during the 21st March. Baseline and post development positions for Shams Court roof top amenity space remain the same as a result of development occurring.

Impact on nearby photovoltaic panels:

114. An assessment (October 2022) has been carried out of the potential loss of radiation, as a result of development, to existing solar panels located in neighbouring developments. The assessment also considers potential loss of radiation to PV arrays on proposed/consented development nearby.
115. The assessment methodology follows the recently revised version of the BRE guidelines 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (BRE209 2022), which gives guidance on how to calculate the loss of radiation to PV arrays. The BRE guidelines state that an important issue when assessing potential impact is whether the existing solar panels are reasonably sited, at a sensible height and distance from the boundary, given that a greater loss of solar radiation may be inevitable if panels are mounted close to the ground and near to the site boundary. The individual properties considered as sensitive receptors for the assessment are set out in full in the submitted assessment, this includes existing and proposed/consented development. Some assumptions have been made where the tilt information or the precise location of the PV array was not known.
116. The results of the initial annual probable sunlight hours (APSH) assessment indicated that out of the

three receptors assessed quantitatively, only No. 1 Olympic Way shows an impact from the proposals, with some of the PV panels showing a reduction of over 10% in sunlight hours. Affected PV panels are located on the 12th, 13th and 15th floor roof terraces. This reduction in APSH is mainly due to its location immediately to the north of the proposed development, its lower height compared to the scheme, and the close proximity of its PV array to the site's southern boundary.

117. Further to the APSH study, a more detailed calculation of the loss of solar radiation to the solar panels at No. 1 Olympic Way has been undertaken. The results showed that almost all panels (99.3%) at the 13th roof terrace have a negligible magnitude of change and retain at least 85% of the radiation they would receive in the baseline conditions. All panels in the 12th and 15th roof terraces fall below the BRE criteria indicating that the loss of radiation would be significant. This is mainly due to its location immediately north of the proposed development. However, it must be noted that the panels at the 15th roof terrace of this building are mounted significantly near to its site's south boundary which makes these panels prone to a greater loss of solar radiation from changes to the surrounding growth area.
118. Having assessed the potential impacts on a number of nearby sensitive receptors, given the location, height, and distance from the site, no impact on solar radiation to these, as a result of the proposed development has been identified.

Summary

119. The impact of the proposed development on the levels of daylight, sunlight and overshadowing of the surrounding properties (and external amenity areas) and the sunlight availability on the proposed amenity areas have been assessed using the appropriate parameters and guidance using the BRE Guide. The site is somewhat unusual for its location due to the fact a large part of the site is an undeveloped surface car park, which affords some surrounding buildings access to a higher level of existing sunlight and a generous baseline scenario. This is higher than would typically be expected in a growth area where dense forms of development and close building relationships are part of the existing character, as well as the emerging character. Any significant development on this site would result in a significant change in the daylight/sunlight context of surrounding buildings. Where appropriate assessments have been updated to reflect updated BRE guidance, published in 2022, and at the request of officers the assessment was broadened to include other potentially sensitive receptors in the locality.
120. Receptors which showed the highest impact caused by the proposed development were receptors 1, 5, 9, 10 and 11 (1 Olympic Way to the north of the Site; Danes Court to the north-east; Pinnacle Tower and Tabriz Court to the south; and, Felda House to the south-east; respectively). This is mainly due to orientation, the close proximity between schemes and the height of the buildings which contribute in decreasing the VSC, NSL and PSH values on these receptors. Notwithstanding this, the results of the assessment indicated that the vast majority of the properties around the site will retain suitable levels of daylight and sunlight following construction.
121. In terms of overshadowing, the majority of the assessed amenity spaces (5 out of 6) receive 2 hours or more of sunlight on at least 50% of its area on 21st March, and therefore, meet the BRE recommendation. This assessment included the communal roof top amenity area for Shams Court.

Daylight impact assessment (VSC):

122. In total, 74.5% of the 3,406 windows tested would retain suitable levels of daylight, either by keeping a VSC value of 27% or greater or by keeping the ratio of change of 0.8 or greater, as recommended by the BRE guidance. The remaining 25.5% of windows would fall outside the BRE guidance, with 3.6% experiencing a low impact, 3.9% experiencing a medium impact and 18% experiencing a high impact.

No-Sky line (NSL):

123. Of the 1138 rooms facing the site, a total of 83% showed a room within the recommended BRE values. Of the 17% that would fall outside of the criteria, 7% are expected to experience a high impact.

Sunlight impact assessment (A/W PSH):

124. Of the 2,762 windows facing the site, a total of 75.9% of windows showed suitable levels of sunlight. A high impact is expected to be experienced by 23.9% of windows that fall outside of the BRE criteria.
125. Results show that there will be some unavoidable impacts as a result of development, which in some

cases will be a high and the impacts generally as a result of development must be weighed against the regeneration benefits of the scheme, which includes provision of additional housing generally, much needed affordable housing, including social rent homes and family homes, as well as an improved pedestrian public realm, economic benefits and new retail units with active frontage. National planning policy supports making effective use of the land when proposing development. Paragraph 125 (c) of the National Planning Policy Framework (NPPF), states that 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)*”, applications which fail to make efficient use of the land it says, should be refused.

126. The growth area designation which applies to this location, and which envisions significant housing growth within the locality of the site is given significant weight. The expectation for significant development within this growth area, as well as the expected high-density nature of development, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance for new development in this location. As noted above, the undeveloped nature of a large proportion of the site affords some surrounding buildings access to a higher level of existing sunlight and a generous baseline scenario, however this is a location where change is expected to occur and the existing baseline conditions cannot realistically be maintained.

127. Given the scale of the proposed development and the number of windows impacted (in the context of the number assessed), officers consider that the daylight and sunlight impacts to neighbouring buildings and external areas are acceptable when seen in the context of the scheme’s wider benefits. It is considered that the impacts on existing windows are commensurate with the high density urban context, and other high density schemes recently approved within the Wembley growth area. This proposal would deliver a high density proposal in a growth area. 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, such as this. On balance, and taking into consideration the benefits of the proposals, the identified daylight and sunlight impacts are considered acceptable.

Quality of proposed residential accommodation

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

Layout and Internal Design Quality

129. The proposed market building would have a central core, with two separate stair cores providing access to all dwellings located between the mezzanine floor and twenty-fifth floors. The 22nd floor of the new hotel building is also utilised as a 3 bedroom apartment. The North End Road fronting building is also served by two separate stair cores. All of the homes proposed meet minimum internal space standards. Minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling is achieved, in accordance with the Mayor’s Housing SPG.

130. For the central block (which contains the private dwellings), from floors 2 to 22, there are 6 homes per floor served by the single central core which reduces to 4 per floor from level 23 upwards. For the North End block (which contains the affordable dwellings), at mezzanine and first floor levels the core serves 2/3 flats per floor, which increases to 4 homes per floor at second floor and above. The single dwelling proposed at the top floor (22nd) of the hotel building is the only dwelling accessible from the stair core, which also serves the hotel on floors below. 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. It is positive that the scheme does not breach this guidance, with a maximum of 6 flats per floor per core proposed across all blocks.

131. A total of 122 of the 172 homes (71%) would have dual aspect outlook, with the single aspect homes comprising 1 bedroom homes only, as a result, all of the two bedroom and family homes in the development would have dual aspect outlook. The proportion of dual aspect homes on this constrained site in a dense town centre location is considered to be high and is welcomed.

132. Residents to both the Olympic Way and North End Road cores would have access to the bin and

bicycle stores from the basement and ground floor internally, and the central block would have chute access for recyclable waste on each residential floor.

133. All residents, across all tenures would have access to external communal amenity space (to supplement private balconies/terraces provided for each dwelling), with residents of the Central Residence having access to a c.216sqm communal roof terrace and residents of the North End Road Residence having access to an external communal terrace at the 9th floor (c.200sqm), residents of both building have access the larger podium amenity space at first floor. There are areas within the proposed scheme which have child play areas available, for children of all ages. The areas for child play are all at communal podium level, with children aged 0-5 located adjacent to the playroom, children aged 5-11 located adjacent to the fitness suite and areas for the 12+ age range. The play areas would be well overlooked by the residential windows extending above.
134. As discussed in previous sections, the ground floor plan is considered to be positive and the communal entrance is clearly defined and expressed within the wider streetscape, giving future residents a strong sense of arrival.

Accessibility

135. It has been confirmed that 10% of the proposed homes will meet Part M4(3) Accessible and Adaptable Standards. These homes will be distributed across the scheme, with the exact locations of units to be confirmed at detailed design stage, and secured as a condition.
136. The submitted plans / Design and Access Statement demonstrate how the proposed development would meet the above requirements, so that the accessible homes are wheelchair accessible at the outset. Plans submitted show how wheelchair users have been incorporated into the scheme, with indicative layouts of M4(3) compliant dwellings for both the affordable North End Road Residence and Central Residence provided.
137. It is confirmed that all communal amenity spaces will be designed to meet the requirements of Part M, with the building being designed to have acceptable door widths and sufficient circulation and turning spaces.
138. The specification of the homes as minimum 10% M4(3) compliant and the remainder M4(2) compliant is to be secured by condition. The condition will specify that the M4(3) flats are to be 'wheelchair accessible' from the outset.
139. It is confirmed that 10% of the hotel rooms would be provided to M4(3) (2a) and 10% to M4(3) (2b) standard. The remainder are all to be to M4(2) standard. As with the residential units, these will also be secured by condition.

Privacy

140. The proposal is designed and buildings separated as such that there would be no instances of privacy being compromised between different homes within the development itself. However, there is the potential for privacy to be breached between the communal parts of the development and some of the homes, with these instances being discussed below.
141. The shared amenity space first floor podium would be overlooked by residential homes thus allowing views to the podium, however, this provides natural surveillance and would not be considered to create privacy concerns in this context.

Outlook

142. All dwellings will benefit from acceptable levels of outlook, whilst the Central Residence and North End Road Residence (in part) will rely on outlook within the site, this will be over the podium garden. Dwellings located at ground floor mezzanine level achieve outlook to the east and south. Where outlook is provided for both residential blocks to the north, this would be over the public pedestrian / access route within 1 Olympic Way. It should also be noted that the head heights exceed minimum London Plan standards and this would help mitigate the London 'heat island' effect.
143. All of the single aspect dwellings will have suitable west and south facing outlook within the site, some looking over the podium garden and while some flats would have sole south facing outlook this can be considered to be on balance acceptable as there are no flats with sole north outlook, which, is resisted

in the Mayor's Housing SPG as it can lead to poor levels of sunlight exposure.

Internal Daylight and Sunlight (proposed development)

144. An internal daylight and sunlight assessment (July 2022) has been submitted to support the application, testing the levels of daylight and sunlight reaching habitable rooms (bedrooms, living rooms and kitchens/diners) serving the proposed development. The updated assessment has been prepared in accordance with the methodology set out in the new BRE regulations: BR 209 V3 (2022), which is a robust approach. From June 2022, this methodology has replaced previous BRE guidance, which sought assessment of the daylight and sunlight conditions within developments in line with Average Daylight Factor (ADF) and No-Sky Line (NSL) for daylight testing, assuming fixed, overcast weather conditions. The previous sun lighting criteria was based on probable sunlight hours (APSH/WPSH) testing. At the time this assessment was carried out it was based on the proposed North End Road residence containing 36 dwellings, which was accurate at that time, but this has since been reduced to 30 dwellings due to the inclusion of a second staircase within this building.
145. The new BRE criteria for daylight testing within developments that has been undertaken, in line with the new (2022) methodologies, is the Illuminance criteria and the Target Daylight Factor (TDF) criteria. Illuminance criteria testing assigns a target illuminance level for proposed rooms within a development based on their use (100 lux for a bedroom, 150 lux for a living room and 200 lux for a kitchen or a combined kitchen and living room) and tests the rooms within a model to ascertain if, for at least 50% of the daylight hours experienced within that room, the target illuminance level would be achieved; this is considered to be the 'pass mark' for a good standard of daylight. A second measure of daylight, TDF, has been incorporated within the new method of assessment. This method works on the basis of testing the light levels received across a grid of receptors placed at 30cm intervals across a room within the model, and requires at least half of the room / receptors to achieve the target daylight levels for a good standard of daylight to be considered achieved. The individual target daylight levels are again based on room use, with bedrooms seeing lower daylighting requirements and kitchens and combined kitchens / living rooms seeing more stringent daylighting requirements.
146. These new methods use the concept of Climate-Based Daylight Modelling (CBDM) to calculate the illuminance (or daylight factor) at each point on an assessment plane for a typical year using realistic sun and sky conditions derived from standardised climate data. Therefore, the calculations are more realistic and account for daily and seasonal variations as well as orientation. The assessments are, as a result, far more complex and potentially more accurate than the testing methodologies of the previous now superseded guidance. In addition, these methods of assessment take into account a number of factors, including the reflectance of the room surfaces and the impact on light to a room as a result window types (e.g. light transmittance, framing and maintenance).
147. In relation to sunlight testing within new development the methodology has also been revised through the new 2022 BRE guidance. Replacing the previous Annual Probable Sunlight Hours (APSH) method of testing, a simple test is applied, which requires at least one room per home to receive at least 1.5 hours of sunlight on any day between the 1st February and the 21st March in order for it to be considered that a good level of sunlight is achieved by that home. Generally, this test is undertaken for the 21st March, as it experiences more daylight than the other days within the test range. As mentioned above, this revised test methodology replaces the previous APSH method.
148. The proposed residential dwellings were tested against the two new (2022) methods of assessing daylight; illuminance and daylight factor. Overall the illuminance method achieved higher results than the daylight factor method.

Rear block, fronting North End Road;

149. Within the affordable housing block, out of the 114 rooms assessed, 73 (64%) rooms showed the recommended levels of daylight are to be received, with 41 (36%) falling below the criteria. For the daylight factor method, the assessment showed that, 52 (45.6%) of rooms are within the BRE criteria, while 62 (54.4%) of rooms are not. Therefore, in comparison with the previous ADF method of assessment (pre June 2022), this represents a difference of 2.7%.
150. The same assessment also considered potential overheating risk to rooms with very high levels of daylight. Results showed that nine rooms within this building, on the upper floors, could experience

overheating during summer months. This is a very low proportion overall. The overheating analysis provided recommends use of high performance glazing, use of blinds or equivalent solar shading measures and building design measures such as solar shading by balconies and recessed windows will also be beneficial. Passive ventilation of dwellings will also help to overcome overheating

Central block:

151. This is the private sale block, and within this, out of the 351 rooms assessed (kitchen/living spaces and bedrooms), 262 (74.6%) rooms meet the illuminance criteria and showed the recommended levels of daylight are to be received, with 89 (25.4%) falling below the criteria. For the daylight factor method, the assessment showed that 241 (68.7%) of rooms are within BRE criteria, while 110 (31.3%) of rooms are not. In comparison with the previous ADF method of assessment (pre June 2022), this represents a difference of 1.8%.

152. Potential overheating risk to rooms with very high levels of daylight shows that 93 rooms within the upper floors are at risk. As discussed above measures have been recommended to help overcome overheating.

153. Those rooms within both residential buildings identified as failing the BRE criteria are dispersed across floors and contributing to these failing could be a combination of the following; close proximity to existing buildings, self-shading effects (i.e. a result of projecting balconies) or low window to floor ratio's, though as noted above minimum 2.5m floor to ceiling heights are achieved in all dwellings.

154. The proposal was also tested against the revised BRE methodology for testing sunlight levels within new development.

Rear block, fronting North End Road:

155. Access to sunlight was assessed for the windows of all habitable rooms, 114 in total, of which 105 are 90 degrees due south. Out of the windows tested, 105 (92.1%) met the criteria. Out of the two, this building achieved a higher pass rate due to having a greater proportion of its windows facing 90 degrees due south.

Central block:

156. Access to sunlight was assessed for the windows of all habitable rooms, 351 in total, of which 211 face 90 degrees due south. Out of the windows tested, 211 (60.1%) met the criteria. The lower pass rate is due to factors such as, proximity to existing tall buildings to the south and west, and self-shading effects caused by balconies.

157. The overall results of both buildings showed a considerable improvement compared to the previous APSH method (as submitted in May 2021). For the North End Road block, 92.1% of the rooms were reported to be within the criteria, while for the Central block, 60.1% of the rooms met the threshold. This is considered to be a good level of pass rate.

158. Overall, whilst there are some shortfalls in the new homes achieving full compliance with BRE recommendations, the new standards are much higher than the 2011 version and it is recognised that these are unlikely to be achieved (in full) to dwellings in new developments in built up urban areas where the patterns of development are denser. Single aspect homes in particular are difficult to achieve the targets. In this case, the number of dual aspect homes has been reasonably maximised whilst making efficient use of the site and designing well laid out homes with good levels of separation between proposed buildings. The provision of external projecting balconies throughout the proposal is beneficial as this helps to maximise the amount of private amenity space for future residents, though these projections do contribute to some of the internal daylight and sunlight shortfalls identified. On balance, the shortfall in achieving the target levels are considered acceptable in this dense urban context, with the scheme providing a good quality of accommodation overall, in line with policy D6 of London Plan and policy DMP1 of Brent's Local Plan 2019-2041.

Residential Amenity Space

159. Policy BH13 in Brent's Local Plan 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 is normally expected to be 50sqm per home for family housing

(3 bedrooms or more) situated at ground level and 20sqm for all other housing."

160. 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 home and 50sqm for family housing situated at ground level, that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 6.2.98) 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".

161. Furthermore, more recently the Council has been consulting on a draft Residential Amenity Space and Place Quality SPD. For major developments the SPD sets out a qualitative framework and toolkit, to assess the quality of communal amenity spaces, where a scheme is showing a shortfall in provision on site against policy BH13.

162. 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 compliant balcony/terrace. Within dense residential developments in a town centre setting there is an expectation that a shortfall in private amenity space provision can acceptably be made up through communal garden space as much as is reasonably possible, which would be a secondary form of amenity space beyond the flats' private balconies/terrace.

163. The overall amenity space requirement for 172 dwellings (based on minimum 20sqm per dwelling) is 3, 440sqm.

164. Each dwelling in the scheme would be provided with a generous private balcony space of between 5sqm and 16.5sqm, with larger balconies generally being provided to larger flats. A large proportion of the balconies would benefit from dual aspect outlook. Some of the family units would benefit from two balconies, affording these flats c.13sqm of combined private amenity space. Units in the affordable building block would benefit from access to c.200sqm communal terrace at roof level. Residents of the central block would benefit from access to c.216sqm communal terrace at roof level (26th floor). All of the private amenity (balcony) spaces are London Plan compliant, exceeding the minimum space standards for their occupancy and all being at least 1.5m deep to ensure a high level of usability.

165. In addition to the private amenity space provision, the affordable blocks residents would benefit from equal access to the large communal amenity space (including play space areas) across the first floor podium area. This area is c.1150sqm in size. The communal amenity spaces combined provide 1, 566sqm of amenity space. All residents, regardless of tenure, would have access to private amenity space as well the large communal space at podium level, additionally residents of each block will have access to an additional communal terrace at roof level that is dedicated for use by residents of each respective building. The first floor roof terrace overlooking Olympic Way is to serve hotel guests so this area has not been included in the resident's amenity space calculations.

166. The proposal would also deliver new landscaping amenity improvements to the public realm at ground floor, to both Olympic Way and North End Road frontages. Whilst not constituting private or communal amenity space to residents, these improvements are a benefit of the scheme.

167. Overall, the amenity space provision, and associated shortfalls below policy BH13 is set out in the tables below (all in sqm):

Mezzanine level	Policy Requirement	Private Balcony	Shortfall
North End Road – NE corner unit (x1)	20	8	12
North End Road – SE corner unit (x1)	20	7	13
North End Road – SE central unit (x1)	20	6	14
Total units (x6)	60	21	39

First floor level	Policy Requirement	Private Balcony	Shortfall
North End Road – NE corner unit (x1)	20	7	13
North End Road – SE corner unit (x1)	20	7	13
North End Road – SE central unit (x1)	20	6	14
Total units (x6)	60	20	40

Second to Fifth floor	Policy Requirement	Private Balcony	Shortfall
North End Road – NE corner unit (x4)	20	8	12
North End Road – SE corner unit (x4)	20	8	12
North End Road – S central unit (x4)	20	13	7
North End Road – NW corner unit (x4)	20	6	14
Central Residence – NW corner unit (x4)	20	7	13
Central Residence – E central unit (x4)	20	7	13
Central Residence – SE Unit (x4)	20	5	15
Central Residence – NW unit (x4)	20	7	13
Central Residence – W central unit (x4)	20	7	13
Central Residence – SW corner unit (x4)	20	5	15
Total units (x40)	800	292	508

Sixth floor	Policy Requirement	Private Balcony	Shortfall
North End Road – NE corner unit	20	8	12
North End Road – SE corner unit	20	8	12
North End Road – S central unit	20	13	7
North End Road – NW unit	20	6	14
Central Residence – NE corner unit	20	7	13
Central Residence – E central unit	20	7	13
Central Residence – SE Unit	20	7	13
Central Residence – NW unit	20	7	13
Central Residence – W central unit	20	7	13
Central Residence – SW corner unit	20	7	13

Total units (x11)	200	77	123
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Seventh and Eighth floors	Policy Requirement	Private Balcony	Shortfall
North End Road – NE corner unit (x2)	20	8	12
North End Road – SE corner unit (x2)	20	8	12
North End Road – S central unit (x2)	20	13	7
North End Road – NW unit (x2)	20	6	14
Central Residence – NE corner unit (x2)	20	7	13
Central Residence – E central unit (x2)	20	7	13
Central Residence – SE Unit (x2)	20	7	13
Central Residence – NW unit (x2)	20	7	13
Central Residence – W central unit (x2)	20	7	13
Central Residence – SW corner unit (x2)	20	7	13
Total units (x20)	400	154	246

Ninth to Twenty-first floor	Policy Requirement	Private Balcony	Shortfall
Central Residence – NE corner unit (x13)	20	7	13
Central Residence – E central unit (x13)	20	7	13
Central Residence – SE Unit (x13)	20	7	13
Central Residence – NW unit (x13)	20	7	13
Central Residence – W central unit (x13)	20	7	13
Central Residence – SW corner unit (x13)	20	7	13
Total units (x78)	1,560	546	1,014

Twenty-second floor	Policy Requirement	Private Balcony	Shortfall
Central Residence – NE corner unit	20	7	13
Central Residence – E central unit	20	7	13
Central Residence – SE Unit	20	7	13
Central Residence – NW unit	20	7	13
Central Residence – W central unit	20	7	13
Central Residence – SW corner unit	20	7	13
Olympic Way fronting	20	70	0

unit			
Total units (x7)	140	112	78

Twenty-third to Twenty-fifth floors	Policy Requirement	Private Balcony	Shortfall
Central Residence – NE corner unit (x3)	20	8.5	11.5
Central Residence – SE Corner unit (x3)	20	16.5	3.5
Central Residence – NW Unit (x3)	20	8.1	11.9
Central Residence – SW unit (x3)	20	7.2	12.8
Total units (x12)	240	120.9	119.1

All floors	Policy Requirement	Private Balcony	Shortfall	Communal Spaces combined (external)	Cumulative Shortfall	% of req
Total dwellings (x172)	3,440 (20sqm per dwelling)	1,342.9	2,097.1	1,566	531.1	84.5%

168. The summary position is that:

- 39% of the required amenity space provision is achieved through the provision of private balconies.
- 84% of the required amenity space provision is achieved through a combination of private balconies and communal amenity areas (at first floor and roof levels).

169. In respect of the external communal amenity areas, these are comprised of:

- A c.1,150sqm podium garden at first floor level, for the shared use of all residences.
- A c.216sqm roof terrace at roof level of the Central residence, for use by Central residence occupants only.
- A c.200sqm roof terrace at roof level of the North End Road residence, for use by North End Road residence occupants only.

170. It is welcomed that amenity space provision has been reasonably maximised across the development, ensuring equal access across all tenures to the podium level communal area, utilising most of the rooftop space where possible and incorporating public realm amenity improvements. Achieving 84% of the required amenity space to comply with Local Plan policy BH13, on a constrained site, in a densely built up area is considered to be an acceptable outcome. In addition, it is noted that the proposal incorporates c.362sqm of internal communal space to further supplement the external (private and communal) amenity space offer, comprised of the following:

- Rooms comprising c.220sqm at first floor level, for use by Central residence occupants, adjacent to the shared podium garden.
- Rooms of c.96sqm for shared use across tenures at first floor level, comprising residents play room and community space, within the North End Road residence building.
- A sky lounge of c.46sqm at rooftop level of the Central residence, adjacent to the roof terrace, for use by Central residence occupants.

171. All routes to amenity spaces are designed to ensure they are accessible, meeting Part M requirements.

172. Based on the overall quality and mix of the amenity space offer, the added provision of internalised amenity space areas and the very close proximity of existing public park facilities (i.e. Union Square), it is

considered that the 15.5% shortfall against BH13 policy in terms of the quantum of provision of outdoor amenity space (private and communal) can be sufficiently mitigated to result in this aspect of the scheme being acceptable, on balance.

173. To mitigate the identified shortfall in provision on-site the applicant has agreed to a s106 contribution for enhancement of off-site play facilities at Chalkhill open space. A contribution of £76,230 is agreed and will be secured through the s106.

Playspace provision

174. 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. Further detail is provided in the Mayor's 'Shaping Neighbourhoods: Play and Information Recreation' Supplementary Planning Guidance (SPG), which sets a benchmark of 10sqm of usable child place space to be provided per child and makes clear that playspace must not be segregated by tenure.

175. The child yield of the development is projected as:

- 27.2 children aged 0-4 (272sqm of playspace needed)
- 19.5 children aged 5-11 (195sqm of playspace needed)
- 10.9 children aged 12+ (109sqm of playspace needed)

176. The applicants propose a play space strategy which provides on-site play spaces amounting to 598sqm, 22sqm in excess of the overall requirement and also in excess of the requirement for each age group individually.

177. The applicants have incorporated a c.272sqm doorstep play space for children aged 0-4 on the first floor communal amenity space and within part of the shared first floor communal amenity space. The landscaping plan demonstrates that suitable play equipment such as tunnel mounding and a play ribbon are provided, as well as over 20 linear metres of seating for carers and guardians. The space would be easily viewable from within the play room and from the surrounding apartments.

178. The applicants have also incorporated a c.202sqm play space for children aged 5-11, adjacent to the younger children's play area. This area would be well overlooked whilst providing a less formal supervised environment in line with the SPG requirement. The space includes a ramped area and informal traversed space, with a central boulder play feature area within an enclosed sub-area of the podium space.

179. For children aged 12 and over opportunities on site are limited, the podium and roof terraces provide large maintained areas for young people to meet and socialise, with space for informal recreation, for example such as tag and frisbee.

180. The remaining half of the first floor communal podium would largely be formed of a softer landscaped and quieter recreational space, without a play focus. The roof terraces serving each building would also be proposed as quieter spaces with a non-play focus, but informal play could still take place within these. Supplementing the external play areas is the residents play room which is accessible directly from the communal podium.

181. The play spaces have good variety, cater for a range of ages, and the total quantitative provision exceeds the targets set out in S4, for all age groups. Furthermore, as noted the proposal is in close proximity to Union Park which provides further conveniently located play opportunities for future residents. It is welcomed that a strong provision of both play focussed and quieter recreational focussed areas has been provided on site whilst still meeting the policy targets for play space. On the above basis, it is considered that the play space provision of the scheme is acceptable.

182. Further details of the play spaces and their individual features will be secured through condition(s).

Landscaping provision and Urban Greening

183. The applicant proposes a comprehensive landscaping strategy, seeking to maximise opportunities and implement improved landscaping and sustainable urban drainage (SuDS) planting along both the Olympic Way and North End Road frontages, incorporating new areas of amenity grassland and rain gardens, as well as the planting of 8 new trees along the Olympic Way frontage and 5 new trees to the North End Road frontage.

184. Other landscaping features proposed within the development includes amenity grassland and flower-rich perennial planting to the eastern play-focussed part of the podium garden, as well as extensive semi-natural vegetation to the western part of the podium garden. Green roofs have been incorporated also. All hard-surfacing across the podium and rooftop amenity spaces is proposed as permeable paving, which is welcomed. Finally, 18 new trees of varied species are proposed within the podium garden at first floor level.

185. As a result of the landscaping proposals, the applicant's urban greening factor (UGF) score is 0.267, which is a significant improvement from the existing site's score of 0.008. Policy G5 of the London Plan seeks a UGF of at least 0.4 for predominantly residential developments. Whilst the UGF score falls short of the policy target, it is recognised that significant improvement has been made to it during the course of the application (the score at submission stage was 0.08, having now increased to 0.267). Given the improvement from the existing and the tight urban grain of the site and its surroundings, the level of urban greening proposed is considered to have been reasonably maximised and acceptable overall. A condition will secure the final details of the various elements of the landscaping proposals.

Transport and highways

Policy background:

186. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and maximum parking allowances for residential (including disabled parking), retail and hotel development are set out in Policy T6.1, T6.3 and T6.4 respectively, and non-residential disabled persons parking should be in line with T6.5. Brent's Policy BT2 sets out parking allowances to align with those of the London Plan, and says that car free development should be the starting point for all proposals that are well-connected by public transport.

187. Cycle parking spaces must be provided in compliance with London Plan Policy T5 in a secure weatherproof location and in accordance with design guidance set out in the London Cycling Design Standards (LCDS). Bin storage should allow for collection within a 20m carrying distance (or 10m for larger Eurobins), and more detailed guidance on bin storage requirements is set out in Brent's published Waste Planning Guide.

188. London Plan Policy T2 expects new development proposals to follow a Healthy Streets Approach and include an Active Travel Zone (ATZ) assessment, and Policy T4 requires Transport Assessments to be submitted.

Existing provision:

189. 3 Olympic Way has an existing surface level car park, accessed from North End Road, which provides c.72 spaces on site. 5 Olympic Way (the Novotel) currently has 127 car parking spaces at basement level, serving existing hotel and residential uses, accessed from Fulton Road via a ramped access.

190. The PTAL rating is 6 (Excellent). The site lies within the Wembley Event Day Zone, where parking is restricted at relevant times, and there is a Controlled Parking Zone on North End Road operating 8.30am to 9.30pm (Mon-Sat).

Parking Provision:

191. The existing hotel has 19 car parking spaces (including 4 disabled spaces) within the basement, with the other basement parking spaces being allocated to the residential flats in that building. It is understood that 106 residential parking spaces exist for both private and affordable dwellings (84 private spaces, including 12 disabled spaces; 6 spaces for affordable block E, including 1 disabled space; 16 spaces for affordable block C, including 4 disabled spaces) and two car club bays, resulting in a total of 127 spaces (including 21 disabled spaces), as per the approved layout, though it is not known if the two Car Club bays which were indicated in the approved layout currently exist. No significant changes to this car park layout are now proposed, though it is noted that loss of one existing resident parking bay (S3) occurs at the northern end of the basement to facilitate vehicle access through to the proposed basement, from the existing basement area, and the number of disabled spaces within the existing basement is increased to 26 (an increase of 5 disabled spaces)

192. This scheme is proposed to be a 'car-free' development, except for the provision of 11 disabled car parking spaces in a new basement beneath the proposed building, accessed via the existing ramp to the basement car park at 5 Olympic Way. Only minor alterations to the existing basement car park are required to provide this access, as mentioned above the removal of one resident parking space (S3) would result from these minor internal alterations. It is noted from objections received that the loss of this parking space is objected to by a leaseholder in Shams Court. It has been confirmed that Notice has been served by the applicant on the leaseholder whose parking space is affected by the proposals, and in planning terms, the loss of a single standard width parking space in a highly sustainable location such as this would not be in conflict with planning policies, as such it would be unreasonable to resist development on this basis. From a procedural point of view Notice has seemingly been served correctly on the affected leaseholder, as such loss of this single parking space (S3) would be a civil matter. Notwithstanding this the applicant has confirmed they have been in discussions recently with Network Homes, and that one of the proposed spaces will be allocated to the affected leaseholder residing in Shams Court in-lieu of the existing space that is to be lost (subject to agreement with the leaseholder, whom the applicant has advised they are currently in discussions with).

193. All parking spaces will have 1.2m wide buffer zones and car parking bays are separated by a 6.4m wide aisle, which allows for acceptable manoeuvring in order to access and egress the spaces. This arrangement is acceptable. At least three of the spaces will require electric vehicle charging points, with the remainder requiring passive provision, and this provision will be secured through a Car Parking Management Plan condition, which the GLA have also requested.

194. A clear and convenient accessible route from basement to the affordable block should be provided for future residents. A condition is recommended to secure this.

195. Highways Officer's wish to see a guarantee that any non-Blue Badge holding residents of the development are prevented using the new basement car parking area, due to its limited capacity for parking. This requirement shall be incorporated into the Car Parking Management Plan, and is to be secured by condition.

Cycle parking:

196. The proposals include provision for 313 cycle spaces, which broadly meets London Plan standards, and bicycle stands proposed alongside the rear entrance meet the short stay requirements of five spaces for the flats. The cycle parking is split into two areas for private and affordable flats, with the private flats accessed from Olympic Way and the affordable flats from North End Road. The corridors leading to both cycle parking areas have a width of at least 1.8m, which is acceptable, and all doors to cycle stores are at least 1.2m wide, which is also acceptable.

197. It is noted from the layout that the Sheffield stands to serve the affordable block do not meet the spacing requirements for disabled standards, so to ensure the 3% target is met a condition is recommended to secure a revised cycle parking layout demonstrating this is achieved.

198. The proposed additional hotel rooms increase the cycle parking requirement, with some additional spaces proposed at ground floor level, and there is also the ability to utilise existing cycle parking capacity that was delivered through the original approval for the Novotel.

199. The proposed retail units require a minimum of 4 long-stay and 17 short-stay spaces. The Transport Statement (TS) suggests that six long-stay spaces will be provided within the retail unit's demise, but the plans do not show where these will be or what form they will take. Similarly, the TS refers to provision of 10 short-stay spaces to be provided to the frontage (rather than the required 17). Highway Officers consider the full requirement should be met in line with LCDS, as such condition(s) are recommended to secure increased cycle provision on-site to serve the retail units.

Servicing:

200. The original scheme included a 1,300m² food retail unit to be serviced from the new basement, but Highway Officer's did not support the servicing arrangements for this size of unit. To address this, the revised plans now divide the retail space into two distinct units, thereby removing the requirement to cater for full-size HGV's. This, together with the submission of a Delivery and Servicing Plan to manage deliveries, reduces the space required to service the site.

201. Servicing is now proposed to take place from within the existing ground floor internal courtyard at 5 Olympic Way and from a proposed new 12m long inset loading bay on North End Road. No basement servicing is proposed. These changes to the delivery and servicing strategy are, in principle, welcomed by Highways Officer's.
202. Tracking diagrams show how the existing courtyard can accommodate different sizes and types of servicing vehicles as and when required. The North End Road loading bay (proposed) would be able to accommodate a 12m service vehicle (so suitable for refuse vehicles), or two transit-sized vehicles. It is noted the GLA's preference would be for such servicing to take place on-site, however, recognising the site constraints this would not be feasible, so on balance the on-street option can be supported.
203. The Delivery and Servicing Plan includes a schedule of service vehicles for the existing hotel and this indicates it generates between 5-9 deliveries per day, split between HGV's and vans. It is not anticipated the enlarged hotel would generate significantly more delivery movements. In any event, all hotel servicing is expected to be confined to the existing courtyard at 5 Olympic Way.
204. Service trip generation estimates suggest that the retail units require 1 HGV trip per day and four van trips per day. Added to the likely residential servicing requirement, between 3 to 4 service vehicles per hour are expected to utilise the proposed on-street loading bay, which with appropriate planning is manageable.
205. Highway Officer's request (via condition) a refined Delivery and Servicing Plan, including targets.
206. The proposed inset loading bay along North End Road will be 12m in length, plus tapered ends. As this will be provided within the existing footway, a Section 38/278 Agreement will be required for its construction and for the construction and adoption of a footway to a width of at least 2m to the rear. This is to be secured through the S106 Agreement.

Refuse storage and collection:

207. To serve the residential use a total of 34 x 1,100l Eurobins (x17 each for both recyclable and general waste streams) and 16 x 240l wheeled bins are proposed at basement and ground floor levels, to meet Brent's Waste and Recycling guidance.
208. Both refuse stores are beyond the maximum 10m carrying distance from North End Road for refuse operatives. The applicants therefore propose to employ a refuse management strategy, whereby the on-site management/facilities team will reposition the bins close to North End Road on collection days. This is common practice for large developments, so is fine in principle.
209. A refuse collection strategy has been submitted showing how bins can be temporarily located along the southern side of the rear frontage on bin collection days, clear of the pavement, with space to accommodate 17x 1100l Eurobins at any one time, which equates to 50% of the total bins. This temporary holding area does not conflict with the residential entrance route or result in loss of landscaping, and would only be used for short periods of time on collection days, with facilities management on-site to be responsible for the turn round of bins and their re-location to the internal bin stores, so the strategy is fine in principle, and Brent's Refuse Team has advised that that the arrangements would be acceptable, subject to appropriate conditions to ensure the refuse management strategy is managed on site so turnover of the different type of bins is done effectively where collection occurs on the same day.
210. Commercial waste generated by the hotel (stored at basement level) is to be collected from the existing courtyard, accessed from Fulton Road, a continuation of existing operations on site. For the retail uses waste will be collected from the rear, via the proposed layby on North End Road.

Coach parking:

211. Drawings provided in the TS appendix demonstrate how two coaches can be accommodated in the existing rear courtyard, retaining independent access. Highway Officers consider there to be scope to accommodate further coaches within the space, tracking diagrams should be provided to show how this can be achieved.
212. A Coach Management Plan (for the extended hotel and the new hotel) should be secured with any planning consent setting out how coach movements and parking will be managed for the hotel use,

based upon data and current practice at the existing hotel, with monitoring of activity undertaken to address any issues that do arise.

Travel Plan:

213. A Framework Travel Plan is provided, though at this stage, it is fairly limited on detail, so prior to occupation, detailed Residential and Hotel Travel Plans will need to be developed. These will need to include contact details of a Travel Plan Co-Ordinator, details on what the Bicycle Users Group entails, details of funding, targets etc.
214. Nevertheless, as a 'car-free' site in an area of excellent public transport access, the site is already well catered for in terms of sustainable transport options.
215. One measure that was previously mentioned was the promotion of local Car Clubs through the provision of two-years' free membership for residents. This is no longer included, but should be added as a particularly useful measure. This can also be secured separately through the S106 Agreement. In any event the respective travel plans should be secured in the Section 106 Agreement.

Healthy streets and active travel:

216. The submitted Transport Statement (TS) includes a Healthy Streets Active Travel Zone Assessment (ATZA), and this identifies a number of key routes to shops, schools and GP surgeries, assesses the pedestrian friendliness of these routes and makes recommendations for improvements. The TS also includes trip generation data for existing and proposed uses. The proposals are expected to result in an increase in overall trips, however, its car free nature means it will not increase vehicle trips.
217. The TS sets out figures for residential bus trip generation, and hotel bus trip generation. These are expected to be 20 and 23 trips in the AM and PM peak respectively for the residential, and 10 and 17 two-way trips during the AM and PM peaks respectively for the hotel bus trips. TfL is of the view that a contribution of £387,500 should be secured within any s106 agreement, in line with London Plan policy T4. As confirmed earlier on in the report, the applicant has confirmed they agree to this.

Construction management:

218. An outline Construction Logistics Plan (CLP) has been provided, setting out in detail how the construction phasing and programme is to be managed, and responds to London Plan policy T7.
219. The CLP indicates that the peak construction period would result in 15 construction vehicle trips per day and this figure would be commensurate with other developments that have been constructed in the area. For the majority of the period, vehicles would be able to access and egress the site in forward gear, but towards the end they would need to reverse into or out of the site. For a limited period, this would be acceptable, subject to appropriate management on site.
220. As yet, no details of the site set up have been included on the plans and this is required to demonstrate that vehicles will always be able to unload clear of the public highway. This detail shall be provided in a final CLP, to be submitted and approved prior to any works commencing on site (including demolition), and this can be secured through condition.
221. The outline CLP indicates that at various times the use of a crane would be required, although limited details of this have been submitted. It is unclear if this would also require traffic management during the delivery of the crane. As above, further details of this shall be set out in a final CLP, and secured through condition.
222. Limited details on the impacts of the construction on pedestrians have been submitted, including the possibility of pedestrian diversions, and details of how construction vehicles will try to avoid visiting site during morning and evening peaks, and within 4 hours of any major stadium event. This further details shall be secured through condition, as above.
223. Submission and approval in writing of full Construction Logistics Plan would be required prior to commencement of works. This shall set out in detail what measures are to be used to ensure disruption to existing nearby residents is minimised as much as possible during the construction period (including demolition).
224. To summarise, subject to the imposition of recommended conditions and s106 obligations (including

contributions), no transport objections are raised to the revised proposals, which include the revised servicing arrangements.

225. As requested by the GLA, any forthcoming consent would be subject to conditions being secured for different aspects, including, Delivery and Servicing Plan, CLP, Travel Plans and financial contribution towards bus improvements secured via s106 agreement. TfL has also asked for clarification as to whether a financial contribution towards public realm enhancements and the issues identified by the ATZA would be sought by the Council.

Environmental Health Considerations

Air Quality:

226. The site is within an air quality management area, and London Plan Policy SI1 requires major developments to be supported by an air quality assessment and to demonstrate 'air quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.

227. In addition, policy BSUI2 of Brent's Local Plan 2019-2041 sets out the requirements for Major developments within Growth Areas and Air Quality Focus Areas to be required to be Air Quality Positive and elsewhere Air Quality Neutral. Where on site delivery of these standards cannot be met, off-site mitigation measures will be required.

228. The applicant has submitted an air quality assessment, which includes an air quality neutral assessment, which provides an assessment of the impacts on air quality. The assessment has taken into account the main likely effects on local air quality during construction, which relate to the generation of dust and particulates, the likely effects of any proposed heating system and a breakdown of vehicle trips that will be associated (operational and construction related).

229. The submitted assessment sets out measures to minimise or prevent dust and particulates to be implemented on site throughout the construction works, and these would be covered through a Construction Method Statement. The effect of construction vehicles on air quality would not be significant in the context of existing local traffic emissions. Furthermore, the development would be car free, therefore when operational air quality impacts associated with vehicle trips are expected to be less than the existing uses on site.

230. The air quality neutral assessment identifies that the proposal can be considered to be air quality neutral, which is accepted by Environmental Health officers. The GLA acknowledges this too, and considers the proposed development will not have a significant effect on local air quality, and recommends that measures to control dust impacts and emissions be secured through conditions.

231. The Local Plan requirement for an Air Quality Positive Statement (AQPS) (policy BSU12) was not in place at the time the application was submitted, just the requirement to demonstrate development is air quality neutral applied, which as noted above has been achieved. As such an AQPS has not been provided, however, this is considered acceptable on balance as it was not a requirement at the time of submission, and the development can be expected to result in positive air quality impacts once operational (i.e. reduced number of vehicle trips and use of air source heat pumps).

Construction Noise and nuisance:

232. The development is within an Air Quality Management Area and located 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.

233. It should be noted that in relation to these matters, there is also control through Environmental Health Legislation and planning cannot duplicate any controls that are available under other legislation. However, the council's regulatory services team have recommended a condition requiring a Construction Method Statement to be submitted for approval before works start. This will need to include management of dust through wheel washing and other mitigation measures.

234. 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.

Contaminated land:

235. The applicant has submitted a phase 1 desk top study and geo-environmental assessment. The overall contamination risk is considered to be low to moderate, with conditions recommended to safeguard end users. Environmental Health Officers are satisfied that the assessments carried out are suitable, and that the proposals are acceptable, subject to conditions requiring remediation and verification of works carried out.

Noise:

236. The application has been accompanied by an Acoustic Assessment. This has been reviewed by Environmental Health who have advised that the report provides details of the noise mitigation measures by way of glazing, ventilation and building construction/sound insulation between floors specification to ensure that the recommended internal rooms noise levels can be achieved. Provided these mitigation measures are installed then no further conditions are recommended in terms of design of the buildings.

Lighting:

237. An external lighting strategy has been developed for key routes, entrances and communal areas. Lighting bollards are proposed along Olympic Way and North End Road frontages to minimise light spill. Lower levels of luminance and use of subtler uplighting options are proposed for the first floor podium area in order to minimise potential spillage. In any event a condition is recommended to be attached requiring that a lighting strategy inclusive of details of luminance levels at the nearest residential windows is submitted and approved by the Local Planning Authority prior to installation.

Sustainability and energy

Policy background

238. Planning applications for major development are required to be supported by proposals for sustainable design that accord with various policies in the Brent Local Plan and the London Plan. This is designed to demonstrate, 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 (SI 5) and the use of sustainable drainage (BSUI4).
239. Major residential and non-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. Since the submission of the planning application, the Building Regulations have been updated with 2022 version. Nevertheless, given that the application was submitted sometime prior to the updated regulations coming into effect, and designed in accordance with 2013 regulations, transitional arrangements are applicable and it is considered appropriate to consider the carbon reductions in accordance with the Building Regulations 2013 Target Emission Rates (not those updated and effective from June 2022). Policy SI2 also sets out more detailed requirements, including the 'Be Seen' requirement for energy monitoring and reporting and (for proposals referable to the Mayor) a Whole Life Cycle Carbon Assessment). Policy SI4 requires the energy strategy to include measures to reduce the potential for internal overheating and reliance on air conditioning systems.
240. Any shortfall in achieving the target emissions standards is to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £95, or through off-site measures to be agreed with the Council. Policy BSUI1 also requires any proposal for commercial floorspace of over 1,000sqm to demonstrate that it achieves BREEAM Excellent standards. Given the size of the non-domestic floorspace, this would be a requirement of the development.
241. 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

242. The energy assessment submitted sets how the London Plan energy hierarchy has been applied. At the ‘be lean’ stage of the hierarchy, applicants must achieve carbon emissions savings through passive energy saving measures. For this proposal, the applicants have used high specification fabric (including U-values that meet or exceed Building Regulations, high performance glazing with solar control and to limit solar gain), energy efficient light fittings to minimise energy demand, the use of mechanical ventilation with heat recovery (MVHR) and the use of a waste water heat recovery system for the hotel showers.

243. For the ‘be clean’ stage, the applicants explored the potential to connect to a district heat network (DHN). There are no nearby communal DHNs, although a local DHN does serve Quintain developments in Wembley Park. The applicants held discussions with Quintain to consider the feasibility of connecting the development to this network, and it has been established that it is not feasible. Regardless of the outcome of these discussions, the development should ensure that it is designed to allow future connection to a heat network and the details of a connection point to be incorporated into the development as a futureproofing measure will be secured by condition. Nonetheless, in the absence of a connection to a DHN, the development will not achieve any carbon savings through the ‘be clean’ stage of the hierarchy.

244. For the ‘be green’ stage, applicants are required to maximise the use of onsite renewable technologies in further reducing carbon emissions. The applicants propose to incorporate air source heat pumps (ASHP’s), which would involve the provision of a reversible air source heat pump chiller for space heating, hot water and cooling demand in the Hotel. The residential element of the development will utilise an ASHP system for the provision of space heating, hot water, and also cooling. A number of other renewable technologies were considered for inclusion, and photovoltaic panels were considered to be feasible for inclusion, with an array of such panels being proposed across a combined 80sqm section of roof atop the new hotel building and the central residential building. Such an array of panels could be expected to produce 11,000 kWh of energy and is proposed for inclusion as a significant contribution towards ‘be green’ savings.

245. The assessment demonstrates that the residential scheme would deliver a 68.5% 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	162	n/a	n/a
Building Emissions following ‘Be Lean’ measures	144	18	11.1%
Building Emissions following ‘Be Clean’ measures	144	0	0%
Building Emissions following ‘Be Green’ measures	51	93	57.4%
Total		111	68.5%

246. The assessment demonstrates that the non-residential elements of the development would deliver a 64.5% 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	% reduction
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		p.a	
Baseline Building Emissions based on Part L 2013	749	n/a	n/a
Building Emissions following 'Be Lean' measures	675	74	9.9%
Building Emissions following 'Be Clean' measures	675	0	0%
Building Emissions following 'Be Green' measures	266	409	54.6%
Total		483	64.5%

247. The scheme would have a residual emissions amount of 317 tonnes of CO2 per year, down from 911 tonnes of CO2 (a 65% overall reduction) which would reflect the residual emissions were this development built to the base specifications of the building regulations. This significantly exceeds the overall energy performance targets in policy S12 for both residential and non-residential carbon savings. In respect of the 'Be Lean' savings, the non-residential component of the scheme falls short of the 15% minimum savings sought for this element, but given the overall savings significantly exceeding the 35% target, the limited conflict with policy S12, is accepted on balance. In particular, the inclusion of a waste water heat recovery (WWHR) system for the hotel is acknowledged as a significant benefit of the scheme, and this is welcomed by the GLA. A carbon offsetting payment of £95 per year for 30 years for each tonne of emitted regulated carbon is to be secured from the developer in line with London Plan policy. A detailed energy strategy would be secured within the s106 agreement with the need to pay any contribution should the scheme not achieve zero carbon.

248. 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.

249. The GLA have confirmed that the development's energy strategy is in general compliance with the London Plan policies, though have sought some further information and clarifications in relation to some matters, in particular, seeking confirmation that the PV array has been reasonably maximised. These matters will be resolved as part of the Stage 2 referral of the application to the GLA. Nonetheless, in light of these comments, a condition is to be applied requiring the submission and approval of a detailed roof plan showing a reasonably maximised coverage of PV panels. If this condition secures additional PV (and associated carbon savings), then this will be able to be secured by way of the final energy report submission made through the s106 mechanism.

Sustainable design and construction

250. A number of the applicant's submission documents outline sustainability benefits which would be incorporated into both the residential and non-residential elements of the scheme.

251. As discussed above, the scale of the commercial development within the proposal is such that a BREEAM rating of 'Excellent' is required to be achieved in terms of sustainable construction and fit out, to accord with Local Plan Policy BSUI1. The submitted BREEAM pre-assessment sets out that the applicant is provisionally targeting the achievement of an 'Excellent' rating (72%) for the hotel development and a 'Very Good' rating (62.5%) for the smaller retail element. These proposals are welcomed, although scope to improve the BREEAM rating for the retail element to 'Excellent' should be explored. A condition will require that a revised BREEAM pre-assessment is submitted at an early stage and reviewed by Brent's sustainability officer to consider how the targeted BREEAM rating can be maximised. In addition, a condition will require that a BREEAM post-assessment is submitted following first operation of the development to confirm the rating achieved.

252. With regard to overheating, the applicants have submitted an overheating report setting out a number of measures being used to help eliminate or reduce overheating risk, and achieve the requirements of London Plan Policy S14.

253. A Whole Life Cycle (WLC) 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. By undertaking a WLC, the development has demonstrated (subject to further Stage 2 consideration by the GLA) that options for reducing carbon emissions have been considered and implemented where feasible.

254. A Circular Economy (CE) statement has been submitted, as required by London Plan policy SI7, demonstrating:
255. How demand for materials will be minimised.
- How secondary materials can be used.
 - How new materials are being specified to enable their reuse.
 - How construction waste will be minimised and how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy.
 - How the proposal's design and construction will enable building materials, components and products to be disassembled and re-used at the end of their useful life.
 - Opportunities for managing as much waste as possible on site.
 - Adequate and easily accessible storage space to support recycling and re-use; and,
 - How much waste the proposal is expected to generate, and how and where the waste will be handled.
256. The GLA has reviewed the WLC and CE statements and has confirmed that the WLC Assessment meets the London Plan requirements and can be accepted on that basis. The GLA has requested that a planning condition is applied to the consent to secure the ongoing commitment to the WLC actions proposed, which will be incorporated as part of the decision notice. With respect to the CE Statement, the GLA has raised some matters of detail (waste management, lean design options and scenario modelling), sought further clarification on the rationale for demolition of 3 Olympic Way, and request a pre-demolition audit (which the applicant has requested be secured through condition), which are matters to be addressed by the applicant ahead of a Stage 2 referral. It is expected that a revised CE addresses the outstanding matters. Suitable planning conditions (where relevant) relating to the WLC and CE Statement will be incorporated following consideration of GLA feedback at the Stage 2 referral stage.
257. London Plan policy SI5 sets out another sustainable design requirement, to ensure the residential dwellings would be limited to water consumption of less than 105 litres per person per day, achievable through the use of individual water meters and flow restrictors. Officers recommend a condition to ensure that water consumption is restricted to less than 105 litres per person per day as identified above, in line with this policy requirement, and in response to the GLA Stage 1 comments.
258. In summarising the overall sustainable design strategy, the development would deliver the following benefits:
259. Incorporation of energy efficiencies, Low and Zero Carbon technologies into the design to achieve a combined 65% saving in carbon dioxide emissions;
- The targeting of a BREEAM 2018 New Construction 'Excellent' and 'Very Good' rating for the hotel and retail elements of the Development in order to encourage consideration of sustainability issues and improved energy efficiency of the building;
 - Minimisation of operational energy consumption through building fabric and building services efficiency measures;
 - Provision of water efficient/low flow sanitary ware fittings and fixtures to reduce potable water consumption and foul water discharge;
 - Through the Whole Life Cycle Carbon assessment, specification of materials with a low environmental impact and/or a responsible sourcing certification. As a minimum, all timber products

will be FSC or PEFC certified with a full chain of custody;

- Prolonging the use of a building, significantly reducing the annualised carbon emission of the development; and;
- A car free Development, incorporating 363 cycle spaces to sustainable and active transport choices.

Flooding and Drainage

260. Policy SI12 of London Plan relates to flood risk. Policy BSUI3 of Brent's Local Plan relates to managing flood risk and sets out that proposals requiring a Flood Risk Assessment (FRA) to demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. Proposed development must pass the sequential and exceptions test as required by national policy. The design and layout of proposals requiring a FRA must contribute to flood risk management and reduction and:

- (a) minimise the risk of flooding on site and not increase the risk of flooding elsewhere;
- (b) wherever possible, reduce flood risk overall; ensure a dry means of escape;
- (c) achieve appropriate finished floor levels which should be at least 300mm above the modelled 1 in 100 year plus climate change flood level; and
- (d) not create new basement dwellings in areas of high flood risk

261. The site is located in an area of flood risk 1 and 2 for fluvial flooding, and falls within flood zones 1 and 3a for surface water flood risk. The site is also within a critical drainage area, and at risk of reservoir flooding.

262. The Environment Agency (EA) has confirmed a position of no objection throughout. Having considered the submitted FRA, the EA considers the proposed mixed-use development to be safe for its lifetime, located predominantly in flood zone 1 (low risk), with an area in the north west of the site in flood zone 2. It is noted the culverted Wealdstone Brook is located outside the red line boundary and within 8m of the proposed development. A permit will need to be obtained for any activities which take place on or within 8m of a culvert (see Informatives attached)

263. The Local Lead Flood Authority (LLFA) has considered the submitted FRA and drainage strategy proposed for the site. It is noted that proposed flood resilience and resistant design methods and mitigation include; all sleeping accommodation located at first floor or above to mitigate risk from a fluvial event, only less vulnerable uses provided on the ground floor (though it is not possible to locate the substation above maximum reservoir flooding level), raised finished floor levels, and access from basement to ground floor level. In the event that planning permission is approved then conditions are recommended, which are to include the requirement for an Emergency Response and Evacuation Plan and a Basement Impact Assessment (to mitigate ground water risk to site).

264. It is proposed that the Wealdstone Brook and site levels adjacent to the river are maintained similar to existing levels.

265. The GLA Stage 1 response sets out that further information should be provided as it is not considered to currently comply with London Plan policy SI 12. The GLA disagrees with the applicants FRA which sets out that the 100 year plus 25% climate change flood level is appropriate to use for assessing 'less vulnerable' development. As the proposal includes residential development, which is classified as 'more vulnerable', then it is considered that the 199 year plus 35% climate change flood level should be used as the design level. The FRA should further assess potential risk from surface water flooding, there is a flow route which reaches the site from Wembley Park Drive, and include appropriate mitigation as necessary.

266. No objection is raised, subject to securing of relevant conditions.

Sustainable urban drainage systems (SuDS)

267. Local Plan policy BSUI4 requires sustainable drainage measures, and a drainage strategy is required, in accordance with the sustainable drainage hierarchy set out in London Plan Policy SI 13. As referred above, the site location is within a surface water flood zone 3a and a critical drainage area.

268. The LLFA Officer, having assessed the FRA, including surface water flood risk, notes that the proposed strategy is to include SuDS and drainage design. Surface water flood risk will be managed by designing the surface water system (for 3 Olympic Way) so that no flooding will occur during storms up to and including that with an AEP of 1% with a 40% allowance for climate change and SuDS will be incorporated. The discharge rate will be reduced from 1:100 situation from 171.45 l/s to 3.88 l/s which is a significant improvement across the site.
269. Other SuDS features on site are to include; roof garden to the central block and rear block; soft landscaping, including area of wild garden to the podium level amenity space; rainwater harvesting. These are to assist in managing surface water run-off close to source, which is proposed to be attenuated at podium level and collected via a piped network and then discharged at restricted rates to either the surface water sewer, or Wealdstone Brook. The detailed drainage strategy and design would be secured via conditions.
270. The existing drainage regime for the upwards extension proposed to 5 Olympic Way is supported as an approach.
271. The GLA Stage 1 response finds that London Plan policy SI13 is not fully complied with, as the strategy does not give consideration to range of SuDS features, and there is insufficient detail with regards to come calculations provided. Further clarification is also sought in relation to the two potential discharge options presented. It is also suggested the strategy be revisited to look at feasibility of including SuDS features, such as, rain gardens, tree pits and permeable paving.
272. In response to the Stage 1 flooding and drainage comments the applicants provided further information (Sept 2021). In this response they provide further clarification as to why the 100 year plus 25% climate change flood level is considered appropriate to use for assessing 'less vulnerable' development. It was confirmed that there is to be no reduction in flood compensation storage, or that development will not result in any flood waters being displaced. The GLA's recommended Flood Warning and Evacuation Plan condition is supported.
273. In relation to the SuDS strategy the response confirmed the extent of green roofs proposed, the inclusion of rain water harvesting and the proposed discharge rate has been amended to respond to the surface water management comments. This is all confirmed in the updated FRA also submitted alongside the further flooding and drainage information (Sept 2021). Tree pits and rain gardens are also included within both eastern and western site frontages, responding to the related Stage 1 comments.
274. No further comments have been received from the GLA in response to this additional information provided by the applicant.

Wind and Microclimate

275. London Plan Policies D3, D8 and D9 emphasise the importance of the local microclimate created by new development involving tall buildings, in particular the need to ensure comfortable wind conditions. In accordance with these policies, a Wind Microclimate Assessment has been submitted. This assessment has been undertaken in line with the Lawson Criteria for wind suitability, which is the industry standard defining how an average pedestrian would react to different wind levels.
276. Wind tunnel testing was undertaken on a scale model in both the existing and proposed scenarios, with the measurements of mean and gust windspeed being made at a number of outdoor locations on and around the development, including at ground, podium and balcony amenity space levels.
277. The testing indicated that the wind microclimate will remain suitable for the planned pedestrian uses throughout the site for existing and future site context without the incorporation of wind mitigation measures. The only exception to this is at the balcony amenity spaces serving the seven highest floors of the central residential tower. The assessment has shown that the wind microclimate to these balconies does not meet the required comfort and safety levels for regular use with low solidity barriers. The applicant's microclimate consultant has therefore recommended that purposely-arranged side screening and barriers incorporating a minimum solidity of 50% and a height of 1.5m are to be included as part of the balconies designs, to effectively shelter balcony users from the wind.
278. The details of these recommended microclimate mitigation measures, to dwellings on the relevant upper floors of the central block as recommended within the microclimate assessment, are to be secured

by condition.

Trees

279. The potential effect of development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of planning applications, and Brent's Policy BG12 requires major developments to make provision for the planting and retention of trees on site. London Plan Policy G6 and Brent's Policy BG11 encourage development proposals to secure a net gain in biodiversity.
280. The applicant has submitted a revised Arboricultural Impact Assessment, constraints plan and tree survey. There are limited trees both on and adjacent to the site, the tree survey identifies existing trees T1 to T9 along the site frontage, and groups G10 and G11 within the existing courtyard area for the Novotel.
281. It is proposed to remove T3 (Elder) a category 'U' tree along the frontage, this tree is found to be declining with a short life expectancy, all other trees are to be retained, including 8x existing street trees along the Olympic Way site frontage. The tree survey does identify street trees T1, T6 and T7 (outside of the site boundary) as suffering from dieback' and categorises these as 'U', and notes these are likely to require felling and replacing in due course, however their removal is not proposed through this application.
282. In arboriculture terms there is no objection to the removal of T3, a category 'U' tree, x8 new trees are proposed to be planted along the entire frontage of the site which will adequately compensate for this loss. Additionally, x5 further trees will be planted to the North End Road frontage, and x18 suitable new specimens will also be planted within the raised podium garden at first floor. This overall net gain in trees across the site is a welcomed uplift in tree planting, in compliance with the relevant policies BG12 in the Local Plan and G7 in the London Plan. On this basis no objection is raised by the Council's Principal Tree Officer.
283. A condition(s) will require that final detailed landscaping drawings are submitted, approved and implemented prior to the commencement of the development, which will include full species and stem girth details of the trees to be planted and tree protection methods to be put in place during the construction phase. These details will be subject to the approval of the Council's tree officer to confirm a suitably high quality proposal is being put forward.

Ecology and Biodiversity

284. The site is not close to any designated ecological assets and is not likely to form habitat for any protected species, given its extensive hard-surfacing and limited green components.
285. The applicants submitted a Biodiversity Net Gain assessment, which quantifies the uplift in biodiversity value that the development would deliver. This report details the following provisions for biodiversity gain:
- Vegetated garden to podium
 - Urban trees
 - Rain garden
 - Ground level planters
286. The biodiversity metric calculation identifies the existing site as having a habitat value of 0.07, and the site post development having a habitat value of 0.30, which equates to a very significant gain (429%) in biodiversity value.
287. London Plan Policy G6 requires that residential led developments achieve a post-development habitat value of 0.4. The development falls short of this (at 0.3), but the significant uplift from a very low base level of biodiversity value is acknowledged.
288. It is considered that the scheme, subject to the above measures, would result in considerable improvement to local biodiversity levels in the area and, despite not achieving the London Plan target gain in biodiversity value, would comply with the general intent of policies BG11 and G6 and should be

accepted on that basis.

289. Furthermore, the biodiversity mitigation / enhancement measures are should be submitted in plan form for approval. This will be incorporated as part of the landscaping condition.

Fire Safety

290. 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.

291. 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.

292. A Fire Statement prepared by Marshall Fire Ltd, a suitably qualified third-party assessor has been submitted in support of the application. This statement was updated to reflect recent scheme design changes, including the provision of a second escape staircase to the rear building, and 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.

293. The Health and Safety Executive (HSE) has been consulted throughout on the various scheme iterations and has commented at various stages. In response to the most recent revised plans they have responded (March 2023) to advise that with the incorporation of a second means of escape staircase in the rear block, HSE is 'content' with the fire safety design.

294. The latest HSE response and updated Fire Statement, along with a number of public comments received refer to the presence of combustible cladding on the existing buildings. It has recently been confirmed that works have been carried out to remove c.90% of the combustible cladding from Pinnacle Tower. The remainder of this existing cladding is on schedule to be removed from the hotel by the end of June 2023 (pursuant to planning permission 22/3587 for the necessary replacement cladding). In the event that planning permission is approved, it would be subject to a condition requiring, prior to the commencement of development (including demolition) the removal in full of the remainder of the combustible cladding on the existing buildings and its replacement, fully in accordance with planning permission 22/3587.

295. On the basis of the above, the submitted Fire Statement and fire safety design are suitable to meet the requirements of D12.

Television and Radio Reception Impact

296. 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.

297. The applicants have submitted a Television, Radio and Mobile Reception Impact Assessment to consider the potential impacts that the development could have on local TV and radio signals. Four different signals have been assessed as follows:

298. Digital Terrestrial Television (DTT) – Freeview – DTT signals are unlikely to be adversely impacted due to the existing excellent coverage within the theoretical 'shadow zone' created by the development.

299. Due to the relationship between the building and existing dwellings to the north west of the site (along the directional plane from Crystal Palace Transmitter), there is the potential for some interference in localised areas immediately north west of the site. on both Elm Road and St Johns Road. Such interference is possible as some antennas receiving signals from Crystal Palace are located in this area. Interference could be mitigated through satellite betterment / dish movement / relocation, which can be undertaken by a suitably qualified professional.

300. Digital Satellite Television – Freesat and Sky – Due to the relationship between the building and existing properties to the north west of the site (along the directional plane from Crystal Palace

Transmitter), there is the potential for some interference up to 183m to the north west of the central residential building. This potentially affected area includes Crescent House (the College of North West London building) and part of the Premier Inn hotel adjacent to Wembley Park Station. Interference is unlikely, but if it occurs, this could be mitigated through satellite dish relocation, alternative use of DTT receiving equipment or the use of Sky via Broadband (if available).

301. VHF (FM) Radio – Radio signals are unlikely to be adversely impacted due to the existing good coverage in the survey area and the technology used to encode and decode radio signals.
302. Overall, some very localised interference to existing Digital Satellite TV signals is possible to the north-west of the site, as a result of this development. No other interference is expected to occur. A Section 106 obligation will require the applicant to carry out a survey before the commencement of the development and, following completion of the development, to clearly identify any interference that has been caused. The Section 106 obligation will also require that the applicant underwrites all mitigation required, which may entail re-positioning of existing satellite dishes, in addressing any interference identified as a result of development.
- Training and Employment**
303. Brent's 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.
304. 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.
305. As set out in Brent's Planning Obligations SPD (2022), the obligations in this respect require that 1 construction job (for a minimum period of 26 weeks) for an unemployed Brent resident is secured per ten C3 homes delivered and per each 500sqm of commercial floorspace delivered, and that 50% of those jobs should be secured as apprenticeships for Brent residents, for a minimum period of 52 weeks. It also requires that a minimum of 20% of the operational phase jobs within commercial uses should be secured for Brent residents. The operational job requirements are set out in the Homes and Communities Agency Employment Density Guidance 3rd Edition (2015), requiring 1 operational job per 15-20sqm of commercial floorspace.
306. When applying these standards to the proposed development, it is projected that 17 construction jobs, plus an additional one per each 500sqm of commercial floorspace delivered, should be secured for unemployed residents, with at least half of these jobs being in the form of apprenticeships for Brent residents. In addition, reasonable endeavours must be used to secure a minimum of 20% of jobs, one operational, for Brent residents. Projected construction and operational phase jobs shall be set out in an accompanying Employment and Training Plan, secured via s106 agreement.
307. The SPD also sets out a requirement for financial contributions to deliver support fees for each of the Brent residents' jobs to be secured of £2,750 per job. This would apply to each construction job and each operational phase job created, for a total contribution towards employment and training. The applicant has confirmed they are willing to agree to a partial contribution, the precise amount is to be agreed.
308. If the job targets are not met, an additional payment of £5,000 per the number of jobs below the target is to be secured to help secure other job opportunities for Brent residents. If the applicant fails to meet the job targets but can demonstrate that reasonable endeavours were undertaken to seek to meet the job targets, an increase in the base contributions will not be required. On the other hand, if the number of apprenticeship positions delivered for Brent residents exceeds the apprenticeship target, a reduction in the base contribution of £1,000 per additional apprenticeship would be applied.
309. 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.

Equalities

310. 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.

311. 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).

Environmental Impact Assessment

312. On 21 December 2020 the applicants submitted a request for a screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to seek the local planning authorities view to whether this proposal is considered to be EIA development. On 15 January 2021 the local planning authority issued its Screening Opinion, which concluded that the proposed development is not EIA development.

Conclusion

313. 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 s106 legal agreement to secure the obligations as set out.
314. The mix of residential, hotel and retail uses will make efficient use of the land as national policy advises and is appropriate in this town centre and Wembley Growth Area location. It is identified as an appropriate location in the borough where tall buildings can be located, and the scale and massing of proposed buildings would relate well to the existing and emerging site context. The level of affordable housing provision proposed been demonstrated to be the maximum reasonable amount that can be viably delivered in this case. As the report acknowledges, owing to the constrained nature of the site and dense urban pattern of development in the locality, there is expected to be some impacts on existing daylight and sunlight light conditions to existing residential developments nearby. As acknowledged the impacts would be noticeable in some cases, but commensurate with development of this form within the high density urban environment that is both existing and emerging in the Wembley Growth Area, and such impacts must be balanced against the planning benefits of the proposal. Overall, and on balance, the impacts associated with the development would it is considered be outweighed in this case by the benefits of redeveloping this long term vacant site, including the provision of a significant number of new homes to contribute to housing need in the borough (including the maximum viable level of affordable housing), new visitor accommodation, new Olympic Way retail offer, wider economic benefits and public realm improvements.



DECISION NOTICE – APPROVAL

Application No: 21/2130

To: Miss Lau
ROK Planning
16 Upper Woburn Place
London
WC1H 0AF

I refer to your application dated **04/06/2021** proposing the following:

Demolition of existing building at 3 Olympic Way and erection of 3 buildings of basement, ground and 9, 22 and 25 storeys (excluding rooftop plant) to provide 172 residential units (Use Class C3), new hotel accommodation comprising 260 rooms (Use Class C1) and retail food stores (Use Class E). 6-storey extension to existing hotel at 5 Olympic Way to provide 95 additional hotel rooms (Use Class C1) and amenities, extension of ground floor to create new colonnade and public realm improvements to Olympic Way. Other works associated with development include new access from North End Road, disabled car parking, cycle parking, private and communal amenity spaces, public realm works and other associated works.

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

at **Olympic House, 3 and Novotel, 5 Olympic Way, Wembley, HA9**

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

Date: 28/04/2023

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)
 London Plan (2021)
 Brent Local Plan (2019-2041)

- 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):

Existing Site Layout/Location Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-001	A
Existing Ground Floor Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-010	A
Existing 1st Floor Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-011	A
Existing 2nd Floor Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-012	A
Existing 6th Floor Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-016	A
Existing 9th Floor Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-019	A
Existing 10th Floor Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-020	A
Existing East Elevation - North End Road	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-030	A
Existing West Elevation - Olympic Way	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-031	A
Proposed Site Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-040	A
Existing Basement Plan	34597-OLY-BMA-XX-ZZ-DR-A-PL-01-099	A
Proposed Ground Floor Plan	34597-OLY-BMA-XX-00-DR-A-PL-03-000	P0-2
Proposed 1st Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-001	P0-2
Proposed 2nd-5th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-002	P0-2
Proposed 6th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-006	P0-2
Proposed 7th-8th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-007	P0-2
Proposed 9th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-009	P0-2
Proposed 10th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-010	P0-2
Proposed 11th-16th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-011	P0-2

Proposed 17th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-017	P0-2
Proposed 18th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-018	P0-2
Proposed 19th-21st Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-019	P0-2
Proposed 22nd Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-022	P0-2
Proposed 23rd-25th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-023	P0-2
Proposed 26th Floor Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-026	P0-2
Proposed Ground floor Mezzanine Plan	34597-OLY-BMA-XX-00-DR-A-PL-03-098	P0-2
Proposed Basement Plan	34597-OLY-BMA-XX-99-DR-A-PL-03-099	P0-2
Proposed Roof Plan	34597-OLY-BMA-XX-06-DR-A-PL-03-0RF	P0-2
Proposed 3OW Long Section E-W - North View	34597-OLY-BMA-XX-ZZ-DR-A-PL-04-001	A
Proposed 5OW Long Section E-W - North View	34597-OLY-BMA-XX-ZZ-DR-A-PL-04-002	A
Proposed Long Section - West	34597-OLY-BMA-XX-ZZ-DR-A-PL-04-003	A
Proposed North Elevation	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-001	P0-3
Proposed East Elevation - North End Road	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-002	P0-3
Proposed East Elevation - Central Residential	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-003	A
Proposed East Elevation - Hotels	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-004	A
Proposed South Elevation	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-005	A
Proposed West Elevation - Olympic Way	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-006	P0-2
Proposed West Elevation - Central Residential	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-007	A
Proposed West Elevation - Affordable Residential	34597-OLY-BMA-XX-ZZ-DR-A-PL-05-008	A
First Floor Amenity Area	34597-OLY-BMA-XX-ZZ-DR-A-PL-07-003	P0-2
TREE SURVEY PLAN	WLA/201125/01/TSP	B
TREE CONSTRAINTS PLAN	WLA/201125/01/TCP	A

Supporting Documents:

Walsh, Design Note, Olympic Way GLA Response, Revision 01, Project reference 5267 (dated 14/09/21)

Flood Risk Assessment (5267-WAL-ZZ-XX-RP-C-6700) (January 2021)

Fire Statement revision 08 (dated 07.03.23)

Design & Access Statement, Rev 02 (February 2023)

Wind Microclimate report (5 February 2021)

Tree Report (WLA/201125/01/TSR, 31/10/22)

Ecological Constraints Assessment ref: UE0424 (Urban Edge Environmental Consulting, February 2021)

Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, November 2021)

Design & Access Statement, Rev 02 (February 2023)

Acoustic Report (February 2021)

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

- 3 No development shall commence on site unless the works approved through planning permission 22/3587, for the replacement of existing cladding have been completed in full.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

- 4 The scheme hereby approved shall contain 172 residential units, 95 hotel rooms within the extension to Novotel and 260 hotel rooms within the new hotel, as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 5 Notwithstanding the provisions of 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), the commercial floorspace at ground floor (marked 'Retail 1' and 'Retail 2' on approved drawing no OLY-BMA-XX-00-DR-A-PL-03-000 revP0-2) shall be used only for purposes in Use Class E(a), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To support the role of Wembley Town Centre in accordance with Brent Policy BE4.

- 6 The hotel use hereby approved (including existing hotel extension) shall not be used other than for the purpose of a hotel use C1 in the Schedule to 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) without the prior written permission of the Local Planning Authority, with the exception of the ancillary use of the areas as shown in the drawings hereby approved as commercial space which may be used for those purposes within the hereby approved hotel.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- 7 No guest or customer of the hotel use hereby permitted (included existing hotel extension) may occupy any part of the hotel accommodation for a period exceeding ninety days (90) in any continuous period of six months. The operator of the hotel shall at all times maintain an accurate register of the permanent addresses of all guests and of the dates of their occupancy of the accommodation. These registers shall be kept for not less than two years from the date of the last entry and shall be made available to be inspected by the Local Planning Authority upon reasonable demand.

Reason: To ensure use of the hotel accommodation is fit for purpose in accordance with Brent Policy BE9.

- 8 The car parking, cycle parking and the refuse storage facilities as shown on the approved plans, or as otherwise approved in writing by the local planning authority, shall be installed and available for use prior to occupation of the development and thereafter retained and maintained as approved for the life of the development and not used other than for purposes ancillary to the occupation of the building(s) hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose and to encourage sustainable forms of transportation.

- 9 The residential 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 in compliance with Brent Policy BSUI4.

- 10 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 Policies BSUI1, BSUI2 and London Plan Policy SI1.

- 11 The external communal amenity space located at first floor podium level shall be made available and accessible to all residents, regardless of the type and affordability of their accommodation, for the lifetime of the development. The internal amenity spaces situated at first floor, namely the play room and resident hall shall also be made available and accessible to all residents, regardless of the type and affordability of their accommodation, for the lifetime of the development.

Reason: In the interests of proper planning and to ensure an equitable distribution of amenity space, in accordance with Brent Policy BH13.

- 12 *Central block:* The secondary habitable windows on the south facing flank elevation, serving the kitchen/living/dining area of dwellings located in the south east corner of this building, from 2nd floor to 22nd floor, and the secondary bedroom windows from floors 23 to 25 shall be obscured glazed and high opening only (1.7m above internal floor level) and shall be maintained as such for the life of the development.

North End Road block: The secondary habitable room windows on the south facing flank elevation, serving the kitchen/living/dining area of dwellings located in the south east corner of this building, on all floors shall be obscured glazed and high opening only (1.7m above internal floor level) and shall be maintained as such for the life of the development.

Reason: To ensure that the privacy and amenity of the neighbouring sites is not compromised.

- 13 The development hereby approved shall be carried out fully in accordance with the submitted Tree Report (WLA/201125/01/TSR, 31/10/22), Tree Constraints Plan (WLA/201125/01/TCP, revA, 14/11/22) and Tree Survey Plan (WLA/201125/01/TSP, revB, 31/10/22), unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure adequate protection for retained trees, in accordance with Brent Policy BGI2.

- 14 The development hereby approved shall be carried out fully in accordance with the recommendations in the Ecological Constraints Assessment (ref: UE0424) (Urban Edge Environmental Consulting, February 2021)) and Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, November 2021), unless otherwise agreed in writing by the local planning authority.

Reason: To prevent any harm to protected species and habitats.

- 15 The development shall be built so that no fewer than 10% of the hotel rooms hereby approved (including both the new hotel and the extended Novotel) are accessible rooms. These hotel

rooms shall be maintained as accessible for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the hotel development achieves an inclusive design.

- 16 The development hereby approved must be implemented in accordance with the provisions of the Fire Statement Report (Rev 08) prepared by Marshall Fire, dated 7 March 2023.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

- 17 To ensure a clear and convenient accessible route from basement parking area to the affordable block (North End Road residence) is provided for future wheelchair user residents, a suitable platform lift shall be provided to the access corridor in order to facilitate this, and it shall be maintained thereafter.

Reason: To ensure the development achieves an inclusive design.

- 18 Prior to first occupation of the development hereby approved, electric vehicle charging points shall be provided to at least 20% of the Blue Badge parking spaces provided and shall be maintained for the lifetime of the development, whilst the remaining spaces hereby approved 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.

- 19 The development hereby approved shall be carried out fully in accordance with the submitted Acoustic Report prepared by Waterman Infrastructure & Environment Limited dated February 2021 unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure adequate internal environment for future occupiers of the development.

- 20 Prior to commencement of the development hereby approved (including site clearance and demolition works), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include, but is not limited to the following:

- i. Construction programme, forecast construction trip generation (daily) and mitigation proposed;
- ii. Site set up and access arrangements and booking systems, ensuring vehicle loading and unloading takes place clear of the highway and that no construction vehicles will visit site within 4 hours of any major stadium event taking place;
- iii. Construction phasing and details of times when the use of a crane would be required;
- iv. Vehicular routes to the site;
- v. Parking of vehicles of site operatives and visitors;
- vi. Storage of plant and materials used during the construction period;
- vii. Wheel washing facilities;
- viii. Any temporary lighting;
- ix. Protection of the carriageway and any footway users at all times during construction;
- x. Erection of hoardings, security fencing and scaffolding on/over and pavements and carriageway;
- xi. Contact details of personnel responsible for the construction works

Details of measures to be used to ensure that disruption to existing nearby residents is minimised as much as possible during the construction period (including demolition) shall also be provided.

The development shall thereafter be constructed fully in accordance with the approved Construction Logistics Plan, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is constructed in an acceptable manner and in the interests of pedestrian and highway safety.

Reason for pre-commencement condition The condition relates to details of construction, which need to be known before commencement of that construction.

- 21 Prior to the commencement of the development (including demolition and site clearance) a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development during construction and site clearance works. The CMS shall include, but is not limited to, details of a dust monitoring plan, to be implemented during construction, site clearance and demolition works.

All agreed actions shall be carried out in full for the duration of the site clearance, demolition and construction phases, unless otherwise agreed in writing by the local planning authority.

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: Construction nuisance can occur at any time during the construction process, and adequate controls need to be in place prior to works starting on site.

- 22 Prior to the commencement of any development (including demolition and site clearance) a revised Circular Economy Statement, including pre-demolition audit and site waste management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the GLA). Development shall be carried out fully in accordance with the approved details thereafter.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Reason for pre-commencement condition: The impacts identified above can occur at any time during the construction process, and adequate measures need to be in place at the outset.

- 23 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 by the local planning authority in consultation with Thames Water (in writing through the submission of an application for approval of details reserved by condition). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement, unless otherwise agreed in writing by the local planning authority following consultation with Thames Water.

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

- 24 Prior to commencement of development (excluding demolition, site clearance and below ground works), a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The insulation shall be designed so that noise from any proposed commercial / non-residential uses does not adversely impact the residential units hereby approved. The commercial / non-residential units 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 residential units adjacent to the commercial / non-residential uses. The approved insulation measures shall thereafter be implemented in full

accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To protect acceptable local noise levels and to safeguard the amenity of future residents.

- 25 Prior to commencement of development (excluding site clearance and demolition works), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with the approved details thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI3 and Brent's Local Plan Policy BSUI1.

- 26 Prior to commencement of development (excluding site clearance and demolition works), detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans thereafter and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.

- 27 The development hereby approved shall be built so that no fewer than 10% of the 172 residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings', and the remaining homes shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

Detailed layout plans, showing which residential units within the development would be 'wheelchair user dwellings' (i.e. meeting Building Regulations requirement M4(3)) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing, excluding demolition, site clearance and laying of foundations, and thereafter development shall be implemented in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

- 28 Prior to commencement of development (excluding site clearance and demolition works), a detailed drainage strategy including drainage layout plan shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the submitted Flood Risk Assessment 5267-WAL-ZZ-XX-RP-C-6700 (January 2021) and Walsh Design Note, Olympic Way GLA response (Revision 01, dated 14/09/21), but shall also include proposals for rainwater harvesting and blue roofs, or shall demonstrate that these features cannot be achieved within the approved design.

A whole-life management and maintenance plan for the site shall also be submitted to and approved in writing by the Local Planning Authority. This shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SUDS component), with details of who is responsible for carrying out the maintenance. The approved maintenance plan shall subsequently be implemented in accordance with the approved details for the lifetime of the development.

The development shall thereafter be carried out in full accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate sustainable drainage of the site, in accordance with London Plan Policy SI13 and Brent Local Plan Policy BSUI4.

- 29 Prior to the commencement of works (excluding site clearance and demolition works), detailed plans showing the arrangement of cycle parking/storage within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall set out the following cycle parking/storage provision:

- 313 cycle parking spaces to be provided;
- short-stay cycle parking spaces surrounding the perimeter of the building;
- A suitably sized lift to allow cycle access to the basement and cycle stores for the residential cores.
- Increased cycle parking provision to serve the retail units, provided in line with London Cycling Design Standards

The cycle parking submissions shall be compliant with London Plan standards (Including London Cycling Design Standards) and provide a minimum of 3% of cycle parking to disabled standards.

All of the cycle parking within the development shall be made available for use prior to the first occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose and adequately provides for and encourages uptake of cycling among building users.

- 30 Prior to the commencement of works (excluding site clearance, demolition and below ground level works) detailed studies shall be submitted to and approved in writing by the local planning authority which shall include detailed sections, elevations and where relevant technical specifications illustrating how specific elements of the facades will be constructed to include typical windows, parapets, balconies, soffits and the junctions between different materials. The development shall be carried out in full accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 31 Details of materials for all external building work, including samples which shall be made available for viewing in an agreed location, and detailed specification of all green and living roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on each building of the development, excluding demolition, site clearance and laying of foundations. The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 32 Prior to commencement of development above ground a Blast Mitigation Impact Assessment (BMIA) and Vehicle Dynamics Assessment (VDA), carried out by a suitably qualified blast engineer, shall be submitted to and approved in writing by the Local Planning Authority. This shall include confirmation that any mitigation measures required by the MET Police will be fully implemented within the development. The development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development that accords with London Plan policy GC6.

- 33 Prior to the commencement of development above ground details of an electronic access control system for all buildings and communal roof spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be implemented in full and maintained for the lifetime of the development in the event of any emergency event whereby access to the buildings and communal roof spaces needs to be controlled.

Reason: To ensure a satisfactory development that accords with London Plan policy GC6.

- 34 Prior to the commencement of development (excluding demolition, site clearance and laying of foundations) a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be fully implemented and adhered to in the event of a relevant flood event.

Reason: To ensure the risk to the development and future users/residents from a reservoir flood event is minimised.

- 35 Prior to the commencement of development (excluding demolition, site clearance and laying of foundations) further details shall be submitted to demonstrate how the recommended wind mitigation measures in relation to upper level balconies, as set out in the Wind Microclimate report (dated 5 February 2021), are to be incorporated in the final building design. These details shall be approved in writing by the Local Planning Authority, and the development shall be built in accordance with these details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safety and comfort of future users.

- 36 Prior to the commencement of development (excluding demolition, site clearance and laying of foundations) an Overheating Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The Strategy shall confirm the recommended mitigation measures, as set out in the submitted Thermal Comfort Overheating Analysis (WBS-ZZ-XX-RP-M-00004 P02, dates February 2021), and any others considered necessary that are to be implemented to minimise overheating risk. The development shall be carried out in accordance with the approved Strategy, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the potential for overheating to occur and ensure the comfort of future residential occupiers.

- 37 Prior to commencement of development above ground level details of a communal television aerial and satellite dish system shall be submitted to and approved in writing by the Local Planning Authority, linking to all residential units within that building, and thereafter provided in accordance with the approved details prior to first occupation. No further television aerial or satellite dishes shall be erected on the buildings hereby approved, unless otherwise agreed in writing by the local planning authority.

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

- 38 Prior to works commencing above ground on the development, a detailed landscaping scheme and implementation programme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate the hard and soft landscaping details proposed on the approved plans, as well as further details of, but not limited to the following:

- Proposed materials for all hard surfaces and the permeable qualities;
- Precise locations of all Sheffield cycle stands to be provided within the public realm;

- Details and sizes of all raised planters, including any trellises;
- Details of all external furniture (including refuse or other storage units) and informal seating/benches;
- Species, locations and densities for all trees, grass and shrubs, which shall include a minimum of x8 new trees along the Olympic Way frontage, x5 new trees to the North End Road frontage and x18 new trees within the podium at first floor level;
- Play spaces including proposed equipment and surfacing;
- Proposed walls, fencing, screening treatment (including to all roof terraces) and gates and any other permanent means of boundary treatment/enclosure, indicating materials, position and heights;
- Details of any signs and signboards within the site;
- Tree pits for all new tree planting;
- Soil depth and composition on roof terraces, and details of plants and shrubs for these areas;
- Details of biodiversity enhancement measures based on measures as set out in the submitted Biodiversity Net Gain Assessment (November 2021);
- Details of any external CCTV installations
- A Landscape Management and Maintenance Plan setting out details of the proposed arrangements for maintenance of the landscaping, including management responsibilities.

The approved landscaping scheme and implementation programme shall be completed in full;
 (a) prior to first occupation or use of the building(s), in respect of hard landscaping components and boundary treatments;
 (b) during the first available planting season following completion of the development hereby approved, in respect of all other soft landscaping components.

It shall thereafter be mainlined fully in accordance with the approved Landscape Management and Maintenance Plan, unless otherwise agreed in writing by the Local Planning Authority.

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

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

- 39 Prior to the installation of any external lighting, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but is not limited to, 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, unless otherwise agreed in writing by the local planning authority.

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

- 40 Prior to commencement of the hotel use hereby approved (in relation to either the extension to the Novotel or the new hotel) a Coach Management Plan (for the approved hotel use) shall be submitted to and approved in writing by the Local Planning Authority. This shall set out arrangements for the management of coach movements and parking on site, along with details of monitoring arrangements to address any issues associated with coach visits that do arise. The approved Plan shall be fully implemented for the lifetime of the hotel use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 41 Prior to first occupation or use of the development hereby approved, further details of arrangements for the allocation of on-site parking spaces for Blue Badge holders shall be

submitted to and approved in writing by the Local Planning Authority in the form of a detailed Car Parking Management Plan (CPMP) in general accordance with London Plan 2021 Policy T6.1. The Plan shall also include details of electric vehicle charging point provision and how the use of the spaces provided for non-residential use shall be managed so as to minimise opportunities for unauthorised access to residential cores and the use of any associated signage shall also be detailed.

The submitted CPMP shall clearly stipulate that any non-Blue Badge holding residents of the development are prevented using the new basement car parking area, due to its limited capacity for parking

The development shall thereafter be constructed and operated in full accordance with the approved CPMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure on-site parking is managed in an acceptable manner for the benefit of residents.

- 42 Prior to first occupation or use of the development hereby approved, a revised Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the local planning authority. The Plan shall set out measures to ensure that all delivery and servicing activities can be safely accommodated on site / via the on-street layby on North End Road without adversely affecting the safety and amenity of residents or other users of the development or conditions on the surrounding highway network. The submitted Plan shall also contain a series of targets against which the success of the Plan can be measured.

The DSP submitted shall take into account the closure of Fulton Road and North End Road/Olympic Way on Wembley Stadium Event Days, and shall include a strategy for the management of delivery and servicing on event days at Wembley National Stadium. The strategy shall ensure that no deliveries to site take place between four hours prior to the start of an stadium event, to four hours after the end of an stadium event.

All delivery and servicing activity shall thereafter be carried out fully in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that all delivery and servicing activities can be safely accommodated on site without adversely affecting the safety and amenity of residents or other users of the development or conditions on the highway network.

- 43 Prior to first occupation of the development hereby approved, a site wide Refuse Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall include a strategy for how waste/refuse bins will be moved on collection days from the internal storage areas to the external temporary holding area set back from North End Road, and how the on-site concierge will ensure the effective turnaround of the different types of bins from the temporary holding area, in the event that the collection of different waste streams occurs on the same day.

The approved Plan shall be implemented fully following first occupation of the development unless otherwise agreed in writing by the local planning authority.

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

- 44 Prior to the commencement of use of either the hotel extension to the existing Novotel or the new hotel an Accessibility Management Plan (relating to the hotel use) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be fully implemented as approved thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the hotel development achieves an inclusive design.

- 45 Prior to the occupation of each building the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the published guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the relevant building.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

- 46 b) Prior to the occupation of any phase of development, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance 2022. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

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

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 48 Within six months from practical completion of the non-residential floorspace hereby approved, a revised BREEAM Assessment and Post Construction Certificate, demonstrating compliance with the BREEAM Certification Process for non-domestic buildings and the achievement of a BREEAM Excellent rating, unless otherwise agreed in writing, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the non-residential floorspace is constructed in accordance with sustainable design and construction principles, in accordance with Brent Local Plan Policy BSUI1.

INFORMATIVES

- 1 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
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also

ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 3 **Flood Risk Activity Permit:** 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 our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 4 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade_effluent@thameswater.co.uk. Application forms should be completed on line via [https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!SCVBYW-yaJM9tt5mH5SWsNSbMSzBE1YcvwOWRC01uXj83SV_2c9ikZvLlpdyfFINfcHe4QZxR7VNDIyGGqG7wZghSgg_478\\$](https://urldefense.com/v3/http://www.thameswater.co.uk/!!CVb4j_0G!SCVBYW-yaJM9tt5mH5SWsNSbMSzBE1YcvwOWRC01uXj83SV_2c9ikZvLlpdyfFINfcHe4QZxR7VNDIyGGqG7wZghSgg_478$). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 5 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6 There are public sewers crossing or close to the development site. If planning significant work near to these existing sewers, it's important that you minimise the risk of damage. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes. [https://urldefense.com/v3/https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes/!!CVb4j_0G!SCVBYW-yaJM9tt5mH5SWsNSbMSzBE1YcvwOWRC01uXj83SV_2c9ikZvLlpdyfFINfcHe4QZxR7VNDIyGGqG7wZghZw-4JKQ\\$](https://urldefense.com/v3/https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes/!!CVb4j_0G!SCVBYW-yaJM9tt5mH5SWsNSbMSzBE1YcvwOWRC01uXj83SV_2c9ikZvLlpdyfFINfcHe4QZxR7VNDIyGGqG7wZghZw-4JKQ$)
- 7 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 8 The developer should be aware of any protected species legislation relevant to the

implementation of this development, including statutory protection for nesting birds. Removal of suitable nesting habitat should be undertaken outside of the bird breeding season, which is March – Aug inclusive. Further guidance on construction near protected species can be found at <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>

- 9 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 10 The applicant should note that this decision does not relate to any aspect of the advertisements or signage on site. In order to obtain formal approval for these, the applicant may require advertisement consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. The applicant is advised to refer to 'Outdoor advertisements and signs: a guide for advertisers' (<https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>) for further advice.
- 11 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.
- 12 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.

Any person wishing to inspect the above papers should contact Gary Murphy, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 May, 2023
05
22/4249

SITE INFORMATION

RECEIVED	19 December, 2022
WARD	Sudbury
PLANNING AREA	Brent Connects Wembley
LOCATION	32 District Road, Wembley, HA0 2LG
PROPOSAL	Demolition of existing building and construction of a two-storey block of flats to provide 4 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage for bikes.
PLAN NO'S	See 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_163062</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 "22/4249" (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 the prior completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement.
3. Financial Contribution of £2000 toward the provision of a Controlled Parking Zone in the local area
4. Parking permit restriction

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 attach informatives in relation to the following matters:

Conditions

1. Three year rule
2. Approved drawings and documents
3. Obscured Glazed Windows
4. Compliance with ecological appraisal recommendations
5. Vehicle crossover reinstated to footway
6. External amenity space
7. Construction Method Statement
8. Tree Protection Plan
9. Site investigation, remediation strategy and verification report
10. Vibration levels
11. External materials samples
12. M4(2) homes at ground floor level
13. Landscaping scheme
14. Cycle parking
15. Implementation of noise mitigation measures

Informatives as listed in the Committee Report.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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.

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

PROPOSAL IN DETAIL

The application proposes the demolition of the existing 3-bedroom detached dwellinghouse, with attached garage on its western side and proposes the erection of a two-storey block of flats to provide 4 residential units, with associated landscaping and boundary treatments, refuse and cycle storage.

The following amendments were made to the plans during the application:

- A revised site layout relocating the cycle storage to closer to the building footprint and increasing the size of Unit 2's courtyard terrace.
- Increased width of the single bedroom in Unit 2.
- Regularising the size of the garden within Unit 2 to improve the outlook to the single bedroom.

The above amendments are considered to be non-material and not warrant the need to re-consult on the amended plans.

EXISTING

The site comprises a 3-bedroom detached bungalow dwellinghouse with an attached garage on its western side. It is understood that the house has been vacant for a number of years and is located on the south side of District Road in Sudbury Town and is in a predominantly residential area. The site is not within a Conservation Area nor is a building within the site Listed. It lies within the Sudbury Town Neighbourhood Forum boundaries and the railway line to the south of the site is a designated wildlife corridor.

SUMMARY OF KEY ISSUES

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

Representations received: 9 objections have been received and an objection from Sudbury Town Residents' Association (STRA). Officers have considered the comments and the planning merits of the proposal and consider that the proposal accords with adopted policy and guidance as set out below.

Principle: The application would create four dwellinghouses including one family dwellinghouse within a residential area with a Public Transport Accessibility Level (PTAL) of 4. The proposal would result in the provision of new homes to meet identified needs in the borough. The general principle of the development accords with planning policy and is supported in this location.

Standard of Accommodation and External Amenity Space: The proposal would provide well proportioned, well lit habitable rooms and generous internal dimensions. Appropriate garden space compliant with Brent policy would be provided in rear gardens and a shared communal space.

Design and Appearance: The proposal is considered to represent a good standard of contemporary design and would not result in harmful impact on the character and appearance of the local area.

Residential Amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of daylight and sunlight, overlooking or loss of privacy.

Transportation: No car parking spaces are proposed for the homes. The site has good public transport accessibility and therefore the absence of parking accords with policy providing potential impacts of over-spill parking can be mitigated. There is no CPZ in the area at present so financial contributions would be secured towards the provision of a local CPZ and the proposed homes would be subject to a "parking permit restriction" so that they are ineligible for on-street parking permits. Secure, weatherproof cycle storage is proposed for the homes.

Urban Greening, Biodiversity, Ecology and Trees: The proposed development would not result in the loss of any trees and a tree protection plan would be secured through condition to protect the retained trees. The

proposed planting is considered to sufficiently mitigate any potential loss of biodiversity on site. The development is considered to have no significant impact on protected habitats and species situated within the Wildlife Corridor situated at the rear of the site.

RELEVANT SITE HISTORY

21/1581. Full Planning Permission. Refused. 18/06/2022.

Demolition of existing building and construction of a three-storey block of flats to provide 9 residential units (Use Class C3), with associated landscaping and boundary treatments, 3 car parking spaces, bin and cycle storage for 18 bikes.

A summary of the reasons for refusal are set out below:

- Poor quality design due to its bulk and over development of the plot resulting in a building that would be out of character with District Road
- Lack of soft landscaping within the frontage and over dominant bin store
- Sense of enclosure and loss of outlook to the rear garden and rear windows of no. 30c District Road and no. 34 District Road.
- Poor quality accommodation for the new homes due to poor levels of outlook from some of the habitable rooms and reliance on side facing windows for some habitable rooms in close proximity to the boundary
- Insufficient proportion of family sized homes
- Failure to secure a legal agreement securing contributions towards the establishment of an all year round Controlled Parking Zone (CPZ) in the local streets and a restriction on the ability of future residents to apply for on-street parking permits, resulting in overspill parking
- Excessively wide dropped kerb which would be positioned such that it would result in the loss of two on-street car parking spaces along the site frontage.
- Failure to provide an appropriate level of cycle parking
- Absence of a tree survey and an Arboricultural Impact Assessment to demonstrate that the proposal will not have an impact on trees and result in their loss.
- Absence of a Preliminary Ecological Assessment and Bat Building Inspection, to demonstrate that the proposal will not have an adverse impact on local ecology or protected species.
- Lack of fire report

22/0893. Full Planning Permission. Refused. 10/05/2022

Demolition of existing building and construction of a three-storey block of flats to provide 9 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage for 12 bikes.

A summary of the reasons for refusal are set out below:

- Poor quality design due to its bulk and over development of the plot resulting in a building that would be out of character with District Road, together with a large basement
- Lack of soft landscaping within the frontage and over dominant bin store
- Sense of enclosure and loss of outlook to the rear windows of no. 30c District Road and no. 34 District Road.
- Poor quality accommodation for the new homes due to poor levels of outlook from some of the habitable rooms and reliance on side facing windows for some habitable rooms in close proximity to the boundary
- Insufficient proportion of family sized homes
- Failure to secure a legal agreement securing contributions towards the establishment of an all year round Controlled Parking Zone (CPZ) in the local streets and a restriction on the ability of future residents to apply for on-street parking permits, resulting in overspill parking
- Failure to secure a legal agreement securing a contribution towards off site affordable housing.
- Failure to provide an appropriate level of cycle parking
- Failure to mitigate against the loss of trees on site or protect retained trees. Lack of information on urban greening factor
- Absence of information to demonstrate that the proposed development would not demonstrably make adequate provision for the control and reduction of surface water runoff.
- Lack of fire report

CONSULTATIONS

10 neighbouring properties were consulted on 13th January 2023 .

Sudbury Town Residents' Association (STRA) were consulted on 13th January 2023.

The outcome of this consultation was as follows:

Occupiers of nine individual properties submitted letters of objection to the development.

The Sudbury Town Residents' Association (STRA) submitted a letter of objection to the development.

The responses received are summarised as follows:

Topic Area	Response
The new building is too tall	This is discussed within subsection 'Character and Design' below.
Parking concerns	The road is acknowledged as being heavily parked. However, the scheme is proposed to be car free (which is considered acceptable for this sustainable location) with the rights of future residents not being entitled to parking permits for any existing or future Controlled Parking Zone (CPZ) within the locality, to mitigate the impact from any overspill parking.
Loss of light to neighbouring properties	This is discussed within subsection 'Amenity Impact of the Building (Privacy, Outlook, Sense of Enclosure)' below.
Plans do not show what the loft space would be used for	The submitted plans indicate that the loft space would be used for storage with a loft hatch up to the space. No roof lights are proposed. Residential accommodation is only proposed on the ground and first floor levels. The description of development has been updated to two storey building rather than three storey to more accurately reflect the submitted plans.
Overdevelopment and fails to comply with Brent's planning policies	The scheme is considered to be acceptable in design, scale and massing. It meets planning policies on quality of accommodation for residents of the proposed development and would not adversely impact on neighbouring amenity.
Inconsistent information relating to No. of units proposed in supporting information	It is noted that some of the supporting documents have incorrect information such as reference to 5 homes and reference to ground, first and second floors. Concerns were also raised that the plans are unclear on what the loft space would serve as it has one roof light. However, the submitted plans do correctly show the number of homes that are proposed (4 homes) together with details of floor plans and elevations. They also provide sufficient information on the layout of the front and rear gardens. As such, the submitted plans and elevations do reflect the description of development that was consulted upon. In addition, addendum documents have been submitted updating the documents and providing clarification. However, as these did not result in any material changes to the proposal, re-consultation was not required.

Internal Consultation

Environmental Health - a number of conditions are recommended as discussed within the remarks section below in relation to air quality, land contamination and noise.

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 Local Plan 2019-2041
Sudbury Town Neighbourhood Plan 2015

Key policies include:

London Plan 2021
D1 London's form, character and capacity for growth
D3: Optimising site capacity through the design-led approach
D4: Delivering good design
D5: Inclusive design
D6: Housing quality and standards
D7: Accessible housing
D12: Fire Safety
H1: Increasing Housing Supply
H2: Small sites
G5 Urban greening
G6: Biodiversity and access to nature
G7: Trees and woodlands
T5: Cycling
T6: Car parking
T6.1 Residential parking

Brent's Local Plan
DMP1 - Development Management General Policy
BD1 - Leading the way in good design
BH1 - Increasing Housing Supply
BH2 - Priority Areas for Additional Housing Provision within Brent
BH4 - Small Sites and Small Housing Provision within Brent
BH6 - Housing Mix
BH13 - Residential Amenity Space
BGI1 - Green and Blue Infrastructure
BGI2 - Trees and Woodlands
BT1 - Sustainable Travel Choice
BT2 - Parking and car Free Development
BT4 - Forming an Access onto a Road

Other material considerations

The following are also relevant material considerations:
National Planning Policy Framework
National Planning Practice Guidance

Supplementary Planning Guidance / Documents:
SPD1 - Brent's Design Guide 2018
Brent's Draft Residential Amenity Space and Place Quality SPD
Brent's Draft Environment and Sustainability SPD

DETAILED CONSIDERATIONS

Principle of Development

Delivery of Additional Housing

1. Policy BH1 of the Local Plan states that the Council will maximise the opportunities to provide additional homes in the period to 2041 and beyond. To achieve this it will grant planning permission to support the delivery of the Growth Areas, site allocations and appropriate windfall sites to provide a minimum 27,482 homes in the period 2019/20-2028/29. It will positively plan to promote a further minimum of 18,074

homes from 2029/30 to the end of the Plan period in 2041. Policy H1 of the London Plan reflects this target.

2. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.
3. In response to the strategic policy position above, within Brent's Local Plan the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing will be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
4. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary).
5. The application site is within PTAL 4. It is therefore considered to be within a priority area for additional housing, and subject to complying with other policies in the development plan as discussed below, the intensification of the site to increase housing supply is consistent with both the adopted London Plan 2021 and Brent's Local Plan 2019-2041.
6. To summarise the principle of development is considered acceptable, subject to an assessment of all other planning considerations outlined in the following sections of this report.

Character and Design

7. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. London Plan Policies D3 and D4 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth, supporting higher densities in well-connected locations.
8. Brent's Policy DMP1 and the Brent Design Guide SPD1, provide further guidance on principles of good design. Local Plan Policy BD1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character.
9. The proposed building would sit within an established suburban street-frontage, between a short terrace of two storey houses to the east and a detached two storey dwellinghouse to the west.
10. The proposal seeks to erect a 2 storey pitched roof building, with a front gable and large symmetrical windows, with a traditional architectural design.
11. Brent's policy DMP1, which seeks good design, does not necessarily require strict reproductions of surrounding buildings and welcomes additions of a contrasting character, subject to good design, however, the proposal has taken design cues from the surrounding properties which is welcomed.
12. The development and its reduced scale as a result of the pitched roof allows the building to be sufficiently softened when viewed from the streetscene and surrounding properties, reducing the massing and visual impact of the building.
13. The first floor will have a smaller floor area compared to the ground floor, the building is set back on from the rear of the first floor which reduced the scale and massing.
14. The proposed design of the building has overcome the previous refusals which while the proposals were noted to take design cues from surrounding properties, did so in an excessive way that contributed towards a new building that was excessive and appeared overly bulky.
15. The proposal is considered to have an appropriate massing, with the maximum pitched roof height of the

building would be taller than adjacent row of four terraced properties at Nos. 30, however, the maximum height of the proposed building would be 0.5m lower than the ridge height of the neighbouring detached dwellinghouse which given it allows for a stepping up in rhythm, the height is acceptable in principle.

16. It is acknowledged that the existing building on the plot is substantially wider than its neighbouring houses, being 10 metres wide rather than 7.3 metres wide (as is the case with the neighbouring detached dwelling) or 5 metres wide (as is the case with the neighbouring terraced dwelling). This is a typical design trait of bungalows, where the reduced scale of the building in height terms is often offset by a greater width and larger footprint.
17. The proposed building is not considered to appear unduly dominant or out of proportion with the established characteristics of the street and is therefore supported.
18. In terms of materials, the immediate context has a varied materiality between brickwork and render. The proposed principal elevations would feature red brickwork which is acceptable in this locality. Final details of materials will be secured via a planning condition. However, the proposed palette corresponds well to the existing streetscene.

Housing Delivery and Standard of Housing:

19. Brent's DMP1 policy requires high levels of internal amenity to be achieved in new developments. Policy D6 of London Plan relates to residential quality standards.

Mix of units

20. The proposal would result in the demolition of the existing 3 bedroom house and its replacement with 1x 3 bed flat, 1x 2 bed flat and 2x 1 bed flats (4 homes in total).
21. Policy BH6 of the Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes. This proposal puts forward a contribution of 1 family homes within the 4, allowing for 1 of its 4 homes as family homes and therefore re-provides the family sized accommodation and meets the requirements of policy BH6. This has overcome the earlier for refusal in relation to family sized homes.
22. It is noted that the earlier refusal included a reason in relation to the lack of a legal agreement to secure a contribution towards off site affordable housing. This is required under policy BH5 and only in relation to 5 to 9 homes. In this case, the scheme proposes 4 homes, and therefore would not be required to provide a contribution towards off site affordable housing.

Size of Units

23. The proposed residential unit sizes meet all the minimum standards stipulated within the London Plan , including meeting all minimum bedroom size standards. The table below sets out the provisions.

Unit Type	Unit Composition	Unit GIA (sqm)	London Plan GIA (sqm)
Ground Floor - Unit 1	2 bed 4 person	85.4	70
Ground Floor - Unit 2	3 bed 4 person	89.4	74
First Floor - Unit 3	1 bed 2 person	53.28	50
First Floor - Unit 4	1 bed 2 person	50	50

24. London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space. All four flats would have a floor to ceiling height of 2.5m, meeting the requirements set out in policy D6 of the London Plan (2021).

Aspect to Units

25. The internal floor area of the proposed flats is acceptable in quantitative terms as above. Two of the four units are dual aspect, the two dual aspect units are situated at the ground floor and have direct access to external amenity spaces.
26. Outlook from habitable rooms would generally be acceptable with no habitable rooms now relying on outlook from flank wall windows close to the neighbouring boundaries. The exception to this is the outlook from the front bedroom of unit 2 which is in close proximity to the cycle store. However, revisions

to the cycle store are recommended to be secured through condition which, in addition to securing an amended cycle store layout (see Transportation section of report), would result in a cycle store significantly lower in height which would address the concerns regarding the outlook from this bedroom which would otherwise be poor.

27. A landscape buffer provides sufficient privacy from the bedrooms of unit 1 to the front garden.
28. The outlook from the front of the building (units 1 and 3) allows views over District Road . For the ground floor there is an area of private external amenity space which has landscape buffering to the immediate frontage of the habitable bedroom windows allowing for further privacy.

Accessibility of the units

29. In line with London Plan policy D7, the flats would all be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations, where step free access is provided between the street to all flats and that the flats meet the needs of occupants with differing needs, including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time. Policy D7 does recognise that there are circumstances where the provision of a lift to dwelling entrances may not be achievable, such as small-scale infill developments and only in blocks of four storeys or less, where the homes above ground level would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process. M4(2) dwellings should still be required for ground floor units. A condition is therefore recommended to secure details of how the ground floor flats would be designed to meet M4(2) requirements.

External Amenity Space

30. Policy BH13 of the Local Plan establishes that 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 is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
31. The BH13 requirement is for amenity space 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.
32. With regard to quality of the space, the supporting text to policy BH13 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 1.5m.
33. 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.
34. The amenity space provisions in the context of the policy requirements are set out below:

Unit	Unit Type	External Amenity Space policy requirement	Private External Amenity Space Provision	Shortfall Against Policy Amount	Communal External Amenity Space Provision	Cumulative Shortfall Against Policy Amount
Unit 1 (ground)	2b4p	20sqm	67sqm	0sqm		
Unit 2 (ground)	3b4p	50sqm	73.7sqm	0sqm		
Unit 3 (first)	1b2p	20sqm	0sqm	20sqm		
Unit 4 (first)	1b2p	20sqm	0sqm	20sqm		
					144sqm	
Total		110sqm		40sqm		0sqm

35. A communal amenity space of 144sqm has been provided at the rear of the two ground floor unit gardens, accessed via the flank elevation, connecting to the cycle store. The route is considered to be appropriate to the scale of the development and provides a useable, good quality space which would be to the benefit of the future occupants and their external amenity provision.
36. The provision of communal amenity space in the form of the rear communal garden meets the requirements of Policy BH13.

Amenity Impact of the Building (Privacy, Outlook, Sense of Enclosure)

Guidance context

37. The amenity impacts of the new buildings are subject to the amenity impact tests as laid out within Brent's SPD1.
38. In relation to privacy, SPD1 requires a distance of 18m to be maintained between directly facing habitable room windows and a distance of 9m to be kept between gardens and habitable rooms. In this case, the upper floor rear windows of the development look across the railway line to the rear and there are no side facing windows at the upper floors which could enable overlooking of the neighbouring properties gardens.
39. In relation to outlook and ensuring that the proposal would not bring about an unreasonable sense of enclosure or overbearing impact to neighbours, where a proposed development adjoins private garden areas, SPD1 requires that the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured at a height of 2m.
40. In addition, SPD1 requires new developments to generally not project beyond 1:2 guidance. This is when the depth of a rear projection (which is over one storey in height) does not project more than half the distance when measured from the nearest rear habitable room of the neighbouring property to the flank wall of the proposed development.
41. There will be no unacceptable impact to the railway site at the rear, however the potential for unduly detrimental impacts to the neighbouring houses on either side (30c District Road and 34 District Road) needs to be considered.

Impact to 30c District Road

42. In respect of the neighbour at no. 30c District Road, the proposed building would project about 1.15 metres alongside the rear garden of this property (taking into account the existing extensions). From No. 30c's first floor window the proposed first floor would not project beyond the rear wall of the existing house, which is also splayed away from the application site. The proposal would sit underneath the 45 degree line when measured from the nearest affected part of the rear garden and as such would not have an unduly detrimental impact to the garden of no. 30c or its ground floor rear windows.
43. As such, the proposal not result in an unduly compromised level of light or outlook in relation to no. 30c District Road. No. 30c District Road has one window in its flank elevation facing the development site, however this is obscure glazed and does not appear to be a habitable room window. As such, the impact is considered to be acceptable and in accordance with DMP1 for design and Brent's SPD1 document.

Impact to 34 District Road

44. In respect of the neighbour at no. 34 District Road, the proposed building would project about 4.2 metres alongside the rear garden of this property at ground floor (taking into account the existing extensions). At first floor level, the developments building would project 4.8m beyond the first floor rear wall of No. 34, however, this projection is set away from the centre of the nearest habitable room window by 7.045m. This relationship is such that the 1:2 rule would be breached, however, for it to comply the projection would need to not exceed 3.52m. However, it should be noted that the existing bungalows has a steep roof with a maximum roof height is 8.2m, this is set off the shared curtilage boundary with No. 34 by 4.25m. The development as proposed includes a reduced ridgeline height of 8m, a reduction of 0.2m but with raised eaves at 5.47m high to accommodate the first floor level. The building line which follows similar dimensions to the massing of the bungalow, continues to retain a set in from the curtilage boundary of 4m, which when considered against the existing dwellinghouse would be viewed as an upward extension. The development as proposed does not present a significantly larger impact to the adjoining neighbours or the streetscene, given it has a slightly reduced height, similar massing and is not built a

considerable amount closer to the boundary (0.25m). The depth of the rear projection has also significantly reduced since the earlier refusals.

45. The 45 degree line guidance would not be breached, and the visual amenity of the garden and ground floor rear windows would not be unduly compromised. As such, it is considered that on balance based on the existing rearward projection no. 34 would not be any further unduly compromised as part of the proposal in terms of light and outlook.

Summary

46. Overall, the massing and height broadly complies with SPD1 guidance and the bulk of the proposed buildings are not considered to detrimental impact the sense of enclosure or outlook of nearby occupiers.

Privacy and Overlooking

47. All units achieve outlook from the front or the rear with the only 3 windows on the flank elevation serving non-habitable rooms or hallways and these would therefore be conditioned to be obscure glazed. The remainder of the windows have outlook over the front or rear and it is not considered that these would have a negative impact on overlooking or privacy.

Transport Considerations

Overview

48. Car parking allowances for Brent are set out in Appendix 4 of the Local Plan and for residential use, this requires compliance with the standards in Table 10.3 of the London Plan. The site has a good PTAL rating, but is located away from any town centre, so the maximum car parking allowance is 0.75 spaces per dwelling.
49. The existing provision of a garage and hardstanding exceeds this maximum allowance for the existing house.

Car Parking and Access

50. The maximum car parking allowance for the four proposed flats is 3 spaces, which is a significant increase on the existing house. The proposals do not include the provision of any off-street car parking spaces within the frontage, so maximum standards are not exceeded. Notwithstanding this, District Road is noted as being heavily parked at night and the proposal further to demand for parking in the street that could not be safely accommodated, unless parking demand can be limited.
51. Policy BT1 of Brent's Local Plan sets out that the council will prioritise active and sustainable travel over private motor vehicles. This is in response to the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. Policy BT2 encourages car free development where an existing Controlled Parking Zone (CPZ) is in place or where one can be achieved. Given the above, a development of this size would only be acceptable in transport terms if all residents could be prevented from obtaining parking permits for a Controlled Parking Zone (CPZ). However, there is no existing year-round CPZ in operation on District Road (or on the adjoining streets of Central Road and Allendale Road that sits within the boundaries of Brent) but there is an all-year round CPZ operating in the local area.
52. Given the public transport accessibility of the site and the proximity to a number of locations where new homes are expected, including nearby intensification corridors and two site allocations, it is considered that the impacts of over-spill parking could be mitigated through a contribution towards a Controlled Parking Zone in the local streets and a restriction of the new dwellings meaning that they are not eligible for on-street parking permits. This approach has been used for nearby sites, such as Keeler's Corner.
53. Officers in Transportation have requested a financial contribution of £2,000 towards the cost of a CPZ review and extension to assist in advancing any CPZ extension. This would be secured within a Section 106 Agreement together with the rights for future residents to be entitled to parking permits for an existing or future CPZ.

Cycle and Refuse Storage

54. The proposals require cycle parking provision for 7 bicycles located in a secure undercover lockable compound as close to the main entrance as possible. These plans show a cycle store at the side of the building with 10 cycle spaces. However, the length of the spaces is insufficient and the height and proximity of the spaces to the windows of the nearby bedroom of the ground floor 3-bedroom flat would

result in poor outlook from that bedroom (as discussed above). Nevertheless, there is sufficient space for a secure, weatherproof cycle store in this location that could accommodate 7 cycles perpendicular to the path (therefore removing the need for the aisle within the store and reducing the required height of the store) and revised details of the cycle store are accordingly recommended to be secured through condition..

55. The bin store itself needs only provide four shared 240l wheeled bins, plus four kerbside containers. The proposed provision of two 1,100l Eurobins therefore provides more capacity than is necessary, allowing the store to be reduced in size which will be secured as part of the bin store condition requirement.
56. As no off-street parking being proposed, the crossover to the site will become redundant and will need to be removed and reinstated to footway at the applicant's expense and a condition securing this is recommended.
57. The Council's Local Plan requires forecourts to have a minimum soft landscaping coverage of 50% in order to provide an attractive appearance and aid natural drainage. The proposal provides adequate soft landscaping, with details of planting recommended to be secured through condition.
58. The Transport Statement indicates that the properties would be marketed as 'car-free' and a Travel Pack would be provided to new residents highlighting the sustainable transport options, which would be welcomed.

Urban Greening and Biodiversity/ecology

59. Brent Local Plan Policy BGI1 Green and Blue Infrastructure and the London Plan Policy G6 sets out that development should aim to secure a net biodiversity gain. Policy G5 of London Plan relates to urban greening factor and policy BH4 of Brent's Local Plan also required small housing developments to achieve an urban greening factor of 0.4. No urban greening factor has been submitted with the application. However, the proposal seeks to improve the level of soft landscaping within the site, and there are opportunities to improve the urban greening factor of the site. Such details are recommended to be conditioned to any forthcoming consent.
60. The railway to the rear of the site is designated as a Wildlife Corridor. The development has the potential to damage habitat and diminish the biodiversity and ecology of the locality. A Preliminary Ecological Assessment has been submitted to consider what mitigation measures or enhancement measures might be required to address harms brought about by the development. Whilst this assessment was dated March 2022 it is unlikely that the conclusions would have changed. In summary it concludes that the site has negligible potential for roosting bats, based upon the low number of potential ingress / egress points into the building, the tightly sealed ridge and tiles, and the fact that the tiles rest directly onto the wooden roof joists, the lack of roost opportunities detected internally, and the lack of evidence of any bat droppings or other signs of bats. The row of cypress trees to the rear of the site was also considered to have low potential as bat roosts. The ecology of the site as a whole was considered to be low.
61. The Ecological Assessment set out a number of measures to enhance the biodiversity of the site including the provision of native planting, bird, bat and insect boxes, and lighting to be directed away from the railway corridor. The assessment sets out measures that should be secured by way of condition should consent be approved.

Trees

62. There are some large trees at the rear of the site, located along the boundary with the railway to the south. The previous refused application sought the removal of these trees, with the impact on trees and lack of protection measures forming a reason for refusal.
63. As part of this application the development does not propose the removal of any on site trees (a row of Cypress Trees to the rear) as confirmed within an addendum to Arboricultural Impact Assessment the proposal is considered to not have an unacceptable impact upon the trees on site or the wildlife corridor situated at the rear. Tree protection measures are set out and will be conditioned to any forthcoming consent.

Fire Safety

64. Policy D12A of the London Plan now requires all development proposals to achieve the highest standard

of fire safety and requires submissions to demonstrate that they:

- 1) identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
 - 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
 - 3) are constructed in an appropriate way to minimise the risk of fire spread
 - 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
 - 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
 - 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
65. The application is accompanied by a Fire Statement which suitably demonstrates compliance with the above and is therefore considered acceptable.

Environmental Health Considerations

Air Quality

66. Officers in Environmental Health requested an air quality neutral assessment. However, policy BSUI2 only requires such assessment for major proposals. As this is a minor scheme, there is no requirement to submit an air quality neutral assessment, and furthermore given the scale and nature of the development, it is unlikely that the proposal would result in a harmful increase in pollutants.

Noise

67. The development is for residential dwellings within a residential area near to a railway line. Therefore a condition is recommended to ensure that the construction of the build is suitable to meet recommended British Standards for internal and external noise levels.

Construction Noise and Dust

68. The development is located very close to other residential properties. Construction therefore has the potential to contribute to cause nuisance to neighbours. A condition requiring a construction method statement to be submitted and approved is therefore recommended to protect the amenity of neighbours during construction.

Contaminated Land

69. Due to some of the land within the garden area being highlighted as potentially contaminated due to the railway use, two related conditions will be issued to require a full site investigation and remediation measures in the event that the desktop study concludes that contaminated land may be an issue of relevance.

Asbestos

70. Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. A relevant informative is recommended to be placed on the consent.

Sustainable Drainage

71. Brent policy BSUI4 states that “proposals for minor developments should make use of sustainable drainage measures wherever feasible and must ensure separate of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water runoff will be refused”.
72. The site does not lie within land that is liable to a source of flooding (including surface water flooding) as identified within the policies map. The provision of separate systems has been confirmed by the applicant and a number of measures are proposed to reduce surface water flooding such as permeable paving and green roof. Overall the scheme would comply with policy Policy BSUI4.

Equalities

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

Conclusion

74. Whilst the proposal has not provided details of the urban greening factor, the development is broadly considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions. The proposal would deliver four homes including one family sized home within a priority area for new housing that would contribute the Council's housing targets, and the limited conflict with policy would be outweighed by the planning benefits.

75. Approval is accordingly recommended subject to conditions and completion of Section 106 Agreement.



Application No: 22/4249

To: Mr Bord
Stephen P Bord & Associates
21 Penn Road
Park Street
St Albans
Herts
AL2 2QT

I refer to your application dated **19/12/2022** proposing the following:

Demolition of existing building and construction of a two-storey block of flats to provide 4 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage for bikes.

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

at **32 District Road, Wembley, HA0 2LG**

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: 28/04/2023

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 Local Plan 2019-2041

- 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):

1001-SPB-BS-1 - Location and Block Plan,
1001-SPB-BS-3 – Existing Site Plan,
1001-SPB-BS-4 Existing Floor Plan,
1001-SPB-BS-5 - Existing front and rear elevations,
1001-SPB-BS-6 Existing Side Elevations,
1001-SPB-BS-20 REV E - Proposed Plans,
1001-SPB-BS-21 REV B - Proposed Sections and Front Elevation,
1001-SPB-BS-22 REV A - Proposed rear and side elevations,
1001/SPB/BS/23 - Plan to show 1-2 rule,
1001-SPB-BS-23 - Tree Survey,

Supporting Documents
Preliminary Ecological Appraisal (March 2022), Transport Statement (February 2022)

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

- 3 The window in the first floor east and west walls of the building shall be glazed with obscure glass and the windows shall fixed closed or open at high level only (not less than 1.7m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- 4 The mitigation measures and recommendations set out within the Preliminary Ecological Appraisal prepared by TSA Ecology dated March 2022 shall be carried out in full throughout the construction of the development hereby approved.

Reason: To ensure that the proposed development does not materially impact ecology or protected species.

- 5 The development hereby approved shall not be occupied unless the vehicular crossover (access to the highway) has been reinstated to footway at the applicant's expense.

Reason: In the interest of vehicular and pedestrian safety and flow on the footway and carriageway.

- 6 The development hereby approved shall not be occupied unless the external amenity spaces

have been completed in full accordance with the approved drawings and those spaces shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 7 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall not be carried out other than in accordance with the approved Construction Method Statement.

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: Construction nuisance can occur at any time during the construction process, and adequate controls need to be in place prior to works starting on site.

- 8 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be implemented in strict accordance with the approved details.

Pre-commencement reason: To ensure that the development will satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with the Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

- 9 (a) (Following the demolition of the buildings and) 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 by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. 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 contamination remediation measures required by the Local Planning Authority shall be carried out in full. The dwellings hereby approved shall not be occupied unless a verification report has been submitted to the Local Planning Authority demonstrating 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.

- 10 The residential development must be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz) are not exceeded.

Time: Vibration dose values - Low probability of adverse comment (m/s 1.75)
16 h day (07:00-23:00): 0.2 to 0.4
8 h night (23:00-07:00): 0.1 to 0.2

Prior to commencement of development (excluding demolition and site preparation), evidence to demonstrate that the above levels will be achieved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be implemented in accordance with the approved details.

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

- 11 Details of materials for all external work, including specification and technical sections illustrating how specific elements of the façade may be constructed and including samples of key materials which shall be made available on-site or in another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced (excluding demolition, site clearance and the 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.

- 12 Prior to any works commencing, excluding demolition, site clearance and laying of foundations, details of the layout of the ground floor flats to demonstrate how they will be designed to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings shall be submitted to and approved in writing by the Local Planning Authority, and thereafter development shall be implemented in accordance with the approved plans.

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

- 13 Prior to the commencement of works (other than demolition, site clearance, laying of foundations or any other below ground work) details of a hard and soft landscaping scheme for the development shall be submitted to and approved by the Local Planning Authority. Such details shall include:

(i) A planting plan with opportunities to enhance the amount of soft landscaping and tree planting with the use of native and/or wildlife attracting species, bird, bat and insect boxes, demonstrating how the recommendations set out within the Preliminary Ecological Appraisal prepared by TSA Ecology dated March 2022 have been taken into account.

(ii) details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)

(iii) details of surfacing materials to be used for hardstanding

(iv) schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

(v) revised details of bin store which shall have capacity for 4 x 240l bins and 4 x kerb side containers.

(vi) details of any external lighting, including details demonstrating how the recommendations set out within the Preliminary Ecological Appraisal prepared by TSA Ecology dated March 2022 have been taken into account.

(vii) details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan and score in line with the London Plan Open Space Categorisation.

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

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

- 14 Prior to the commencement of development (excluding demolition, site clearance and the laying of foundations), revised details of secure weatherproof cycle storage for a minimum of 7 cycles within a revised shelter shall be submitted to and approved in writing by the local authority and the approved cycle store shall be implemented prior to first occupation of the dwellings hereby approved. The cycle store shall thereafter be made available to residents of the development, retained and maintained, and not used other than for purposes ancillary to the occupation of the flats within the development.

Reason: In the interest of sustainable transportation.

- 15 All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Time	Area	Maximum Noise Level
07:00-23:00	Living Rooms and Bedrooms	35 dB LAeq (16hr)
23:00 - 07:00	Bedrooms	30 dB LAeq (8hr); 45 dB L _{Amax}

A test shall be carried out to demonstrate that the required noise levels have been met and the results of the test shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.

Reason: To obtain required sound insulation and prevent noise nuisance.

INFORMATIVES

- 1 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 2 The applicant is advised to apply to Brent's Highways Service for the crossover removal using the following link:
<https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>
- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 4 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.
- 5 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

6 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00
Saturday 08:00 to 13:00
At no time on Sundays or Bank Holidays

7 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

Any person wishing to inspect the above papers should contact Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 May, 2023
06
22/3634

SITE INFORMATION

RECEIVED	21 October, 2022
WARD	Harlesden & Kensal Green
PLANNING AREA	Brent Connects Harlesden
LOCATION	Fairfield Court, Longstone Avenue, London, NW10 3TS
PROPOSAL	Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden
PLAN NO'S	See 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_162368</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 "22/3634" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement
3. Financial contribution of £300,000 towards affordable housing provision in Brent.

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

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

Conditions

1. Time Limit
2. Approved Plans
3. Bin and Bicycle Storage
4. Construction Management Statement
5. Landscaping
6. External materials
7. Sustainability
8. Tree protection

C. That the following Informatives are attached to the decision

Informative

1. Party wall act
2. Building near a boundary
3. Surface water drainage
4. CIL liability
5. Fire statements
6. Hours for noisy works

D. That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informative, 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.

SITE MAP

 **Brent** **Planning Committee Map**
Site address: Fairfield Court, Longstone Avenue, London, NW10 3TS
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This map is indicative only.



PROPOSAL IN DETAIL

Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden

EXISTING

The area for redevelopment is Fairfield Court, located 0.5 miles to the north east of Harlesden High Street. The existing site consists of a mix of residential types. The site is within the Harlesden Neighbourhood Plan Area.

AMENDMENTS SINCE SUBMISSION

Amendments have been made to the proposed landscaping plan and a proposed parking plan has been set-out to address queries-concerns raised in relation to trees, landscaping, and transport. These are set out below.

Landscaping and Trees

- Size of new trees amended to be 12-14cm diameter standard trees
- Additional Yew tree to replace the lost T7 in a similar vicinity provided
- Hawthorns omitted from hedge and increased proportion of Acer campestre and Viburnum opulus
- Permeable block paving to parking spaces instead of grasscrete, as requested
- Additional planting/ hedge surrounding the new parking areas

Transport

- Disabled compliant parking space provided
- Three electric vehicle charging points provided
- Aco drainage channel provided
- External bicycle stand for visitors provided

SUMMARY OF KEY ISSUES

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

- **Representations received:** In total one Cllr objection from Cllr Jumbo Chan, a petition containing 105 signatures objecting to the development and a separate 16 objections which have been discussed within the report. Officers have considered the comments and the

planning merits of the proposal and consider that the proposal accords with adopted policies and guidance and is acceptable.

- **Principle:** The application would result in the creation of a 6.no residential units, 4 of which would be family-sized units within an existing residential development. The site does not lie within a priority area for housing however it is still considered that the general principle of the creation of these additional flats is acceptable.
- **Quality of accommodation:** The proposal includes 4x3-bedroom flats and 2x2-bedroom flats which all meet the relevant standards for internal and external space and quality.
- **Highways and transportation:** The proposal would provide an additional 7 parking spaces which would be positioned at the front of the site. Further, the proposal includes 14 new cycle parking spaces to be contained within 2 secure cycle storage spaces also at the front of the site, as well as an enlargement to the existing bin store.
- **Physical external changes:** The physical changes to the building and the curtilage that are proposed, as discussed in more detail later in this report, are not considered to result in a significant impact to surrounding residents or the character of the area.

RELEVANT SITE HISTORY

None relevant

CONSULTATIONS

Two-hundred and thirty two (232) nearby properties have been notified as part of the public consultation for this application. In total one Cllr objection from Cllr Jumbo Chan, a petition containing 105 signatures objecting to the development and objections from occupants of 22 different properties have been received which object to the proposed development on the following grounds:

Reasons for objecting	Officer Comment
Loss of daylight/sunlight and overshadowing	This is assessed under the neighbouring amenity section of this report. Please see section 4 of this report.
Overly dominant and overbearing	This is assessed under the neighbouring amenity section of this report. Please see section 4 of this report.
Loss of privacy/overlooking	This is assessed under the neighbouring amenity section of this report. Please see section 4 of this report.
Additional pressure on local infrastructure	The proposal is not considered likely to result in a significant impact on infrastructure in terms of the services to the building. This development would be

	subject to the Community Infrastructure Levy which may be used to fund infrastructure required to support new development.
Increased pressure on parking	This is assessed under the transport section of this report. Please see section 7 of this report.
Adverse impact on existing trees, neighbouring garden areas and wildlife	This is assessed under the trees and landscaping section of this report. Please see section 6 of this report.
Out of character with wider locality, would be visually intrusive	This is assessed under the design and visual impact section of this report. Please see section 3 of this report.
Poor quality of accommodation	This is assessed under the quality of accommodation section of this report.
Excessive air and noise pollution/disruption during construction	This is assessed under the air quality section of this report. Please see section 10 of this report. Some disturbance is expected with most construction projects. Reasonable working and construction hours are set through the Control of Pollution Act. A Construction Management Plan with has been submitted and is accepted-compliance of this will be secured by planning condition.
No increase to social housing stock	A financial contribution towards the provision of Affordable Housing is recommended to be secured in line with Brent Local Plan policy and guidance. Please see section 2 of this report.
Loss of existing communal garden area (through additional parking and refuse spaces)	This is assessed under section 2.6 of this report.
Concerns with environmental impact of new development	This is addressed in section 11 of this report. A sustainability assessment has been provided which demonstrates measures to reduce CO2 emissions.
Would set a negative precedent for future development	Each scheme must be considered on its individual merit. This is assessed under the design and visual impact section of this

	report. Please see section 3 of this report.
Asbestos issues in existing building would be worsened	This is not a material planning consideration and is controlled through other legislation. The Council's Environmental Health Officers have recommended that an informative is added regarding asbestos.

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 Local Plan 2019-2041*

Key policies include:

London Plan 2021

Policy D12: Fire Safety

Policy D4: Delivering good design

Policy D6: Housing quality and standards

Policy D7: Accessible Homes

Policy H1: Increasing housing supply

Policy H2: Small sites

Policy T5: Cycling

Policy T6: Car parking

Local Plan 2019-2041

DMP1 – Development Management General Policy

BD1 – Leading the way in good design

BH1 – Increasing Housing Supply

BH2 – Priority Areas for Additional Housing Provision within Brent

BH4 – Small Sites and Small Housing Developments in Brent

BH5 – Affordable housing

BH13 – Residential Amenity Space

BSUI3 – Managing Flood Risk

BSUI4 – On Site Water Management and Surface Water Attenuation

BG11 – Green and Blue Infrastructure

BG12 – Trees and Woodlands

BT2 – Parking and Car Free Development

Other material considerations include:

National Planning Policy Framework 2021

Council's Supplementary Planning Document 1 “Brent’s Design Guide” 2018

Council's Supplementary Planning Document 2 – Residential extensions and alterations 2018

Harlesden Neighbourhood Plan 2019-2034

* Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

The Brent Core Strategy 2010

Brent Site Allocations Development Plan Document 2011

The Wembley Area Action Plan 2015

The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

DETAILED CONSIDERATIONS

1. Principle

1.1 *Delivery of Additional Housing*

1.2 Policy H1 of the London Plan which recognises the increasing demand for delivery of new homes across London.

1.3 Policy BH1 of the Local Plan states that the Council will maximise the opportunities to provide additional homes in the period to 2041 and beyond. To achieve this, it will grant planning permission to support the delivery of the Growth Areas, site allocations and appropriate windfall

sites to provide a minimum 27,482 homes in the period 2019/20-2028/29. It will positively plan to promote a further minimum of 18,074 homes from 2029/30 to the end of the Plan period in 2041.

1.4 Policy BH4 relates to small sites and small housing developments in Brent (defined as sites below 0.25 hectares or schemes below 25 dwellings) and supports the delivery of small housing developments, where consistent with other policies in the development plan.

1.5 The site does not lie within a priority area for housing as set out within this policy and therefore whilst the principle of the redevelopment of the site for a net increase in residential home is acceptable, the policy sets out that greater weight would be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate. The site is approximately 275 m from the closest part of the designated Harlesden Town Centre and approximately 550 m from the Primary Frontage of the centre. It is in very close proximity to the Roundwood Community Centre and Roundwood Park. Despite the lower Public Transport Accessibility Level (PTAL 2), the site is considered to have good access to social infrastructure. Detailed consideration of other aspects of the scheme, such as character, is discussed below.

2. Housing

2.1 Affordable housing and dwelling mix

2.2 Policy BH6 of the Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes. Following advice at pre-application stage, the proposal now includes 4 no family-sized homes, comprising 2 x 3-bedroom 5-person and 2 x 3-bedroom 4-person flats. The remaining units are 2 x 2-bedroom 3-person flats. The dwelling mix therefore accords with adopted Brent policy.

2.3 Policy BH5 of the Local Plan outlines that developments of between 5-9 dwellings will be required to make a financial contribution for the provision of affordable housing off-site. This is set out within the adopted Brent planning obligations SPD (2022). This takes into consideration viability and is considered to be a conservative approach to ensure all sites can deliver whilst remaining viable. This has set two fixed rates across the borough, depending on their values.

2.4 The site is within the lower value land area. The SPD has identified that applicants should provide a financial contribution in lieu of on-site delivery of £50,000 per home delivered. This is calculated as £50,000 per unit for developments delivering between 5 - 9 dwellings, as set out in the Brent Planning Obligations SPD. As such, the proposed development here would be required to provide a contribution of £300,000 It is recommended that the contribution is secured within a section 106 agreement in accordance with adopted policy and guidance. Some objections have highlighted that the proposal does not include any Social Housing. Planning policy does not require the on-site provision for schemes of less than 10 homes, and the financial contribution that is required through policy would be used for the provision of Affordable Housing elsewhere in the borough.

2.6 Standard of accommodation

2.7 Internal amenity space

2.8 Policy D6 of London Plan 2021 relates to housing quality and standards. It includes a requirement to meet adequately sized rooms in line with table 3.1 of London Plan 2021. It goes onto say that all new homes should be provided with adequate levels of outlook, daylight, and

natural ventilation.

2.9 The proposal would create 6 residential units with 2 x 3-bedrooms 4-person flats, 2 x 2-bedroom 3-person flats and 2 x 3-bedroom 5-person flats. The internal floor areas (GIA) are set out below and confirm that each flat would meet the minimum standards for units of their size in accordance with table 3.1 of the London Plan.

- Unit A (2B/3P) 64 sqm GIA, 3sqm surplus on 61sqm requirement
- Unit B (2Bed/3P) 64 sqm GIA, 3sqm surplus on 61sqm requirement
- Unit C (3Bed/5P) 98sqm GIA, 5sqm surplus on 93sqm requirement
- Unit D (3Bed/4P) 98sqm GIA, 24sqm surplus on 74sqm requirement
- Unit E (3Bed/4P) 98sqm GIA, 24sqm surplus on 74sqm requirement
- Unit F (3Bed/5P) 98sqm GIA, 5sqm surplus on 93sqm requirement

2.10 All proposed units would be dual-aspect and would benefit from good levels of outlook with an east-west orientation.

2.11 London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space. All of the proposed units would meet this requirement.

2.12 The level of light expected to be received by the habitable rooms within the proposed development has been evaluated and discussed within the submitted daylight and sunlight report. It provides a quantitative assessment of the amount of light expected to be received by the associated rooms within the homes. This shows that all rooms will exceed target levels for light.

External Amenity Space

2.13 Policy BH13 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) at ground floor level.

2.14 The BH13 requirement for external private amenity space established through BH13 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.

2.15 With regard to quality of the space, the supporting text to policy BH13 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.

2.16 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 are reconfirmed in the emerging policy.

2.17 The proposal would not involve any private amenity space for the proposed units, however, there is a substantial amount of communal external amenity space existing within the site, with approximately 1500sq.m of shared gardens space to the rear of the buildings and additional areas to the front. This could clearly cater for the existing and proposed residents (exceeding current standards) and would provide high quality external space. Therefore, in this instance the absence of private external amenity space is accepted. It is noted that the site is also in close proximity of Roundwood Park which provides other good quality external amenity space.

3. Character and Design

3.1 Policy BD1 of Brent's Local Plan reinforces the need for all new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects 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. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.3.2 Policy H2 of the Harlesden Neighbourhood Plan states that density of new housing development should be optimised taking account of the development site's connectivity and accessibility and subject to the proposals being acceptable in terms of local context and design. It is set out within policy BH4 of the Brent Local Plan that outside of the priority locations for housing (identified in that policy), greater weight will be placed on the existing character of the area.

3.2 The development would involve connecting the existing building to form a single large block. Although this would remove the existing gaps between the buildings, the resultant building would be well articulated, with sufficient open areas surrounding the development to prevent the building from appearing overly dominant or prominent.

3.3 The proposal would create additional floors to the building accommodating no's 5-6 and 20-21 Fairfield Court increasing the height of the building from two- to three-storeys. The other additional floor would be above no's 7-12 and 14-19 block of units, increasing the height from 3 to 4-storeys. Accommodation would also be provided in the roof of that block. The blocks would be composed to increase from 2 to 3 and then 4-storeys with the taller blocks situated further into the site.

3.4 The immediate locality to the north and southern boundaries of the site along Longstone Avenue typically consists of two-storey traditional hipped roof buildings. To the east of the site are Knowles House and Anansi House, which are new buildings of a modern flat roof design and are 4-5 and 6-storeys in height (respectively). While the proposal would result in the Fairfield House buildings being taller than the two-storey homes discussed above, the scale and massing is not considered to be out-of-character when considering the height and massing of the buildings to the east which also form a part of the context of this site. As such, officers consider that the overall height of the proposal is in keeping with the massing of the existing pattern of development within the immediate locality of the site.

3.5 The proposal maintains the predominant style of the area and the host buildings where it replicates design features of the existing building. The proposed front and rear windows (including rear dormer windows) and rooflights would be aligned with the below window arrangements, while the proposal would maintain the chimney and the hipped roof form and respects the scale of the host buildings as it is built over the existing footprint. The buildings are arranged following the symmetrical composition of Fairfield Court with the aim of forming an integral and proportional appearance to the host building for a coherent street scene and appears to be sensible to the

character of the area.

3.6 While officers note that the proposal would be built over some (non-designated) green space within the site, the extent of this is minimal and the submitted revised landscaping plan confirms the planting of new trees and shrubs within the site which officers consider would mitigate against impacts associated with this. Further, the proposed parking arrangements would be made of permeable paving which would be beneficial in terms of drainage.

3.7 SPD1 also states that building materials should be durable, attractive and respect local character. It has been stated that the materials would match the existing courts, consisting of similar brickwork, painted smooth render and roof tiles, with white uPVC framed windows, all to match existing. The proposal would therefore be in keeping which is considered to be appropriate. A condition will be added requesting further details of materials are agreed to ensure a suitable match is approved prior to construction.

4. Neighbouring amenity

4.1 The proposal site adjoins neighbouring residential properties of no's 36-44 Springwell Avenue to the west of the site. There are also existing residential properties within Fairfield Court which would be located below and directly adjacent to the proposed development.

4.2 The proposed new residential units would be built above the existing building and include a similar layout to the existing floors. Therefore, the window positions and levels of privacy between properties would be similar to the existing arrangement of properties within the building, which is considered to be acceptable. It has been noted that some windows would be positioned with a sideways view to the rear of existing properties. This would reflect the distance between these properties, which is considered to be sufficient and the angle between the windows would prevent any significant loss of privacy. It has been noted that flat A and flat B would conflict with the 1:2 guidance within SPD2, however, considering the dual aspect layouts of these properties and the existing form of the building, this arrangement would not have a significant impact on the overall living conditions of the adjacent properties.

4.3 The construction of the new stairwells would affect the outlook from the adjoining units. However, the outlook from the associated windows is already limited by the presence of the existing blocks and the remainder of the view remains open, with good outlook achieved for the associated units. On balance, the level of impact to the outlook of adjoining units is considered to be acceptable.

4.4 According to SPD 1 the building envelope should be set below a line of 30 degrees (from the horizontal) from the nearest rear habitable room window of adjoining existing properties which would face towards the development, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.

4.5 The submission considers the varied topography on the site and to the neighbouring no's 36-44 Springwell Avenue to the west which have varying ground-level heights. This has been demonstrated on the submitted drawing no. FC-PP1-07. This plan also demonstrates that the proposal would fall outside both the 30 degree line measured from the 2m point of the habitable room window of properties within Springwell Avenue and would be below outside of the 45-degree line to the garden edge. This accords with the guidance as set-out in the council's SPD1.

4.6 A revised daylight/sunlight impact assessment has been submitted as part of this application, in accordance with BR 209 2022 guidelines. The revisions have included further information of the No-Sky-Line (NSL)/ Direct daylight (DD) impact to the existing occupiers within Fairfield Court.

4.7 For impact to neighbouring buildings, the BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will not experience a noticeable level of impact.

4.8 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.

4.9 However, the BRE guidance 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. The NPPF recognises that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, and the resulting scheme would provide acceptable living standards.

4.10 The assessment has been undertaken using the VSC, NSL, and APSH (sunlight) tests set out within the 'BRE Daylight and Sunlight Planning Guide (2022)'. It is considered that the impact of the proposal to adjoining homes through the use of VSC, NSL and APSH is acceptable when measured against the requirements of this guidance. It is set out in the submitted Daylight and Sunlight report that the proposed development would set below a 25 degree line taken from the habitable room windows of the properties surrounding the site, including those which front Springwell Avenue, and the proposal therefore accords with the guidance in relation to those windows and the associated rooms. A neighbouring resident of Springwell Avenue has commented that they consider that the daylight and sunlight analysis is flawed in relation to this statement, and that the proposed development projects above the 25 degree line. The findings of the daylight and sunlight report have been evaluated by officers from site visits and digital tools including Vu City (digital 3D modelling system) and Google Earth. Vu City contains a 3D model of London produced to 15 cm accuracy.

Sections have been provided with the application which show a distance of 20 m between the Springwell Avenue property and the proposed development. However, the section does not specify the property that has been shown. Measurements from the Council's GIS system show a distance of approximately 17 m from the rear extension of No. 40, 18 m from the rear extension of No. 38, and 19.6 to 19.8 m from the ground floor rear wall of Nos. 34-36. However, the closest ground floor rear facing windows of Nos. 38 and 40 appear to serve non-habitable rooms (i.e. not kitchens, living rooms, dining rooms or bedrooms) and the nearest other ground floor windows are some distance further away. The relative height between the ground level immediately to the rear of each of these properties and the ridge of the proposed extension have been estimated using Vu City (noting that these are accurate to within 15 cm). It should be noted that the 25 degree line is taken from the middle of the affected window rather than ground level, but the following figures provide an indication of whether it would comply. It has been estimated that the ridge of the proposed extension to Fairfield would be approximately 2.5 m and 2.2 m respectively above a 25 degree line from ground level to the rear of No. 36 and 38. This means that the proposal is therefore likely to project above a 25 degree line taken from the middle of the windows of those properties (as the middle of those windows are not 2.2 to 2.5 m above ground level). This would indicate that further testing potentially should have been undertaken on these windows. Nevertheless, there are very large trees immediately to the rear of these two properties which would have a significant impact on daylight received by these windows and it is therefore not

considered likely that the proposal will have an unduly detrimental impact on the daylight received by these windows.

4.11 Testing has been undertaken in relation to the windows of the existing homes within the scheme. This shows that for Vertical Sky Component, none of the affected windows will experience reductions to less than 0.8 times their previous value, demonstrating that the scheme will not have a noticeable impact in relation to this test.

4.12 In terms of the no sky line (NSL) calculation, the proposal would ensure that the impact would be within the recommended limits set by the BRE guide, as in all cases the ratio is greater than 80% for all rooms. The NSL has also been tested for all existing habitable rooms within Fairfield Court and the reduction of was no more than 0.8 times its former value in terms of the NSL area of each room.

4.13 In relation to annual sunlight, the submitted assessment demonstrates that the windows within the site also will not experience a reduction to less than 0.8 times the previous value, and as such, the proposal would not result in a noticeable reduction in annual sunlight.

4.14 Tests have also been done to calculate the minimum amount of daylight received by habitable rooms on a selected date between 1st February and 21st March, in-line with the BS EN 17037 [1], as well as tests to the effect of the proposal on neighbouring garden areas during this time period. The submitted study demonstrates that the proposal would comply in both these regards.

4.15 This is confirmed by the full BRE compliance rate to all of the relevant residential windows and rooms neighbouring the scheme. The effects of the proposal are therefore in full accordance with the BRE guidance, and the development is not considered to result in a noticeable impact to the daylight and sunlight received by surrounding homes or existing homes within the site.

4.16 The BRE guide also sets out that 'at least half of the area of a garden to receive at least 2 hours of sunlight on the 21st of March'. The submitted information demonstrates that the proposal will only result in minor changes in the proportion of the gardens (both within and surrounding the site) which achieve 2 hours or more of sunlight, with gardens expected to significantly exceed the minimum requirement.

4.17 The proposal will result in some very localised impacts in relation to light received by rooms and spaces, but the level of change accords with BRE guidelines and the proposal will not result in a significant impact on surrounding properties or those within the site, including the windows, rooms, and gardens of those properties. Further in relation to the properties to the rear between no's 34-44 Springwell Avenue, it is noted that these areas are eastward-facing and the ground-floor rooms that would be most affected by the proposal are typically dual-aspect so would not rely on one window for its sole access to daylight. Thus, it is considered that the impact of the proposal in terms of daylight/sunlight would not be significantly harmful.

4.18 SPD1 outlines that new development should provide adequate privacy and amenity for new residents and protect those of existing ones. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will require a minimum separation distance of 18m, and habitable room windows should be positioned 9m away from neighbouring rear gardens. Brent's SPD 1 Design guide states that balconies should not overlook the habitable room windows or gardens of adjoining properties.

4.19 The proposed additional floor to 7-19 Fairfield Court would face the rear dwellinghouses of no's 6, 38, 40, 42 and 44 Springwell Avenue. The proposed habitable windows to the rear would have a distance of 18 metres and more towards the habitable room windows of these properties and as such compliant with SPD 1 design guide. Moreover, the proposal would maintain the 9

metres distance to the boundary fence of the rear gardens and as such there would not be a significant detrimental impact in terms of privacy or overlooking on to the neighbouring sites.

4.20 The same is for additional floor for 5-6 and 20-21 Fairfield Court with more than 20 metres from the proposed rear bedrooms to the garden boundary fence of No.44 and 32 Springwell Avenue dwellings and as such compliant with SPD 1 design guide. There are side windows proposed as part of this extension, however they are towards the front communal garden areas and there is a separation distance of 34 metres between them.

5. Trees and landscaping

5.1 The site is not currently affected by a Tree Preservation Order and nor is it situated within a designated Conservation Area. However, there are mature trees both within and outside of the site.

5.2 An Arboricultural Impact Assessment has been submitted to support the application which highlights the removal of 4 trees (two category B-C, one category C and one category U tree) and some impact to 5 further trees (two category B, two B-C and one category C) together with some hedging. The following trees will be impacted as follows to accommodate the following aspects of the proposals:

- T28 a Category U tree has been proposed removed
- T16 a category B-C Holly, T17a category C Elder and T18 a category B-C Holly are proposed removed to accommodate a proposed rear access staircase
- G5 Hedge to the front of the property is proposed to be removed to accommodate additional car parking and cycle storage to the front of the property
- T1 a category B Sycamore and T2 a category B-C Box elder will be impacted by the proposed car parking to the front of the property and the installation of a larger locked refuse enclosure within their RPA. While no dig construction methods are shown, the construction will still impact on the trees to some degree.
- T6 a category B Yew will be impacted by proposed new parking to the front of the property and T7 a category B-C Yew and T8 a category C Sycamore together with a small section of G5 to the front are proposed to be felled to accommodate the same parking area.

5.3 Officers consider that the removal of the T28 tree is sensible due to its poor condition. The other trees to be removed (T16, T17 and T18) are situated to rear of the property and while these contribute to the landscaped gardens, they don't contribute significantly to the streetscene. Where some soft landscaping would be lost to accommodate new parking spaces, these parking spaces would be made of permeable paving and would be less harmful to some of the existing healthy trees to the front of the site.

5.4 While it is noted that there would be some harm to the existing T1, T2, T6, T7 and T8 trees to the front of the site, this would be mitigated to some degree by the provision of additional planting/ hedge be planted surrounding the new parking areas to improve to compensate for some of the loss of soft landscaping here.

5.5 In total, 11 new trees and a native hedge are proposed, resulting in a net increase of 7 trees. Following amendments, the size of the proposed new trees has been increased to a 12-14cm diameter with one of the proposed new trees being a Yew Tree to replace the lost T7 in a similar vicinity.

5.6 Overall, it is considered that while trees are to be removed (4 trees) or otherwise affected (5 trees and some hedging) by the development, the proposed planting scheme is considered to be sufficient to mitigate the loss or harm to these trees. It is considered that the proposal would be

acceptable when considered against policies BH4 and BGI2 of the Local Plan.

5.7 The submission includes supporting information to demonstrate that the scheme would achieve an urban greening factor score that would exceed the minimum 0.4 as required under policy BH4 of the Local Plan. Landscaping details have been submitted which set out how the urban green factor would be achieved. Some additional soft landscaping would be provided such as the provision of new plant and flower beds and replacement trees and green roofs would be added to the proposed cycle and refuse stores. A condition is recommended to ensure that this is carried out.

Flood Risk and Drainage

6.1 Brent Local Plan Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused.

6.2 The site is in flood zone 1 with a low risk of flooding. The site is within a critical drainage area. When considering the areas of new hard surfacing would be located at the new stair cores and majority of the development would sit above the existing building, the increase in surface water drainage would be very minor. In addition, the site is largely landscape, and the development would involve improvements in soft landscaping. Therefore, although a drainage strategy has not been provided, the impact on surface water drainage would be very minor and the proposed landscaping would provide good opportunities to assist surface water attenuation.

7. Transport

7.1 The site has a low Public Transport Accessibility Level (PTAL 2), and the maximum parking standards would allow up to 0.75 spaces per 2-bed flat and one space per 3-bed flat. It is specified within the submission that all of the flats on-site have 2-bedrooms and the proposal would therefore increase the maximum parking allowance of the site from 18 spaces to 24 spaces. 8 parking spaces are shown to the rear of the site, and these are unaffected by the proposal. The proposal includes changes to the frontage parking area to accommodate seven car parking spaces, which, in addition to the eight spaces at the rear would result in a total of 15 spaces. Parking levels which would remain within the maximum allowance, so is in line with policy.

7.2 Policy BT2 requires that consideration be given to the impact of any overspill parking generated on-street by development though. In this respect, data from the 2011 Census suggests that car ownership for flats in this area averages 0.44 cars/flat, equating to about 13 cars for the 30 flats. As such, based on these levels, likely future parking demand would be able to be accommodated within the site and little to no overspill parking would be expected to occur on Longstone Avenue.

7.3 A parking survey has not been provided to support the proposal. However, the changes to the frontage parking area will increase the parking capacity within the site while levels of on-street parking are such that should over-spill parking occur, this is likely to be accommodated on street.

7.4 Following amendments, one of the new spaces at the front of the site has been widened and marked as a disabled parking space, and 3 no electric vehicle parking spaces have been provided in accordance with Local Plan policy BT2.

7.5 The amended car parking layout will also provide more space for turning, which is welcomed in terms of helping drivers to enter and leave the site safely in a forward gear.

7.6 The London Plan requires a minimum of twelve secure bicycle parking spaces for the new dwellings, plus two visitor spaces. Two secure bicycle shelters to accommodate a total of 14 bicycles are proposed alongside the amended car park to meet the minimum requirement for the new flats, and this has been supplemented by an external 'Sheffield' stand (or similar) for use by visitors following amendments.

7.7 The bin stores at the front of the site are also to be amended and enlarged and will provide sufficient storage capacity for the central block of flats (the flats on the two wings have their own separate bin stores) within easy reach of Longstone Avenue for collection.

7.8 The proposals also include other alterations to the landscaping, but these retain suitable pedestrian routes to the building and plenty of soft landscaping to maintain an attractive and well drained site frontage. A drainage channel has also been added at the highway boundary across the car park entrance following amendments.

7.9 No site set-up plan has been provided at this stage, but the submitted Construction Management Plan confirms that the main site compound will be located to the rear of the site, with storage of materials at the front, all secured using 2.3m high hoardings. Unloading of materials is also confirmed as taking place within the site at the front of Fairfield Court, with banksmen on hand to guide vehicles into and out of the site safely.

7.10 Deliveries will be pre-scheduled to ensure there is sufficient space for unloading and large vehicles will be expected to follow routeing via High Street, Park Parade, Harlesden Road, and Longstone Avenue when travelling to and from the site. This will keep such vehicles away from residential streets, so is welcomed.

7.11 It is confirmed that wheel washing facilities will be provided and that adjoining roads will be swept as necessary, so that muck is not left on the public highway. The current condition of the public highway will also be verified before works start, so that any damage caused during construction can be identified and repaired.

7.12 Finally, only limited parking will be available on site, so workmen will be encouraged to use public transport to travel to and from the site. This is welcomed and the presence of the site within a Controlled Parking Zone will ensure on-street parking by staff can be regulated.

7.13 The submitted Construction Management Plan is therefore welcomed and its implementation will be secured through a planning condition.

8. Fire Safety

8.1 London Plan policy D12 indicates that the fire safety of developments should be considered from the outset. This includes measures to demonstrate space identified for the appropriate positioning of fire appliances, appropriate evacuation assembly points and floor layouts and cores planned around issues of fire safety for all building users.

8.2 The policy states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space: for fire appliances to be positioned on appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for

- all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development

8.3 The applicant has provided a fire statement which has addressed the above concerns, in accordance with policy D12 of the London Plan (2021).

9. Accessibility

9.1 The existing staircases to the flats would be maintained while additional stepped accesses to the new flats are proposed. The proposal would not include step-free access in the form of lifts. While this is not compliant with M4(2) or M4(3) standards, para 3.7.6 under policy D7 of the London Plan states that an exception to this can be applied in the following instances:

- Specific small-scale infill developments (see Policy H2 Small sites)
- Flats above existing shops or garages
- Stacked maisonettes where the potential for decked access to lifts is restricted

9.2 Further, para 3.7.7 of this policy states that:

"If it is agreed at the planning stage (for one of the reasons listed above) that a specific development warrants flexibility in the application of the accessible housing standards M4(2) and M4(3), affected dwellings above or below ground floor would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process."

9.3 The subject proposal would be a small-scale infill development. Although larger than a small site (below 0.25 hectares in size), the application site would otherwise be a small scale infill development as defined by Brent policy (0.25 hectares or less than 25 homes). In addition, the proposed properties on the upper floors would be split between the third floor and roof space giving maisonette layout. Considering the arrangement proposal with the existing properties, it is reasonable for lifts to not be provided within the new development. Otherwise, the internal layout of the proposed units allows for sufficient passages / width and door thresholds to meet the requirements of Part M of the Building Regulations

10. Air Quality

10.1 An air quality impact assessment (AQIA) has been submitted in support of the application given that the proposal site lies within an air quality management area. The AQIA concludes that the proposal would not cause a significant impact on local air quality. The report also concludes that:

- Both long term and short term air quality standards are within the targets set by the Air Quality Standards Regulations 2010.
- The site is air quality neutral with respect to building-related emissions by default.
- Transport-related emissions from the site have also been assessed as air quality neutral in line with the latest guidance from the Mayor's office.

10.2 A construction management plan has been provided which details measures to minimise disruption during construction. This is considered to be acceptable and will be secured through condition.

11. Environmental impact, sustainability, and energy

11.1 Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. For residential development, a Water Efficiency Assessment will be required providing evidence the development will need the target of 105 litres or less per head per day, excluding an allowance of 5 litres of less per head per day for external water use.

11.2 The development would achieve a maximum water consumption of 105 litres or less per head per day, in accordance with policy BSUI1 of the Local Plan. A sustainability statement has also been submitted which demonstrates low-carbon energy sources to reduce CO2 levels have been included such as PV roof panels. It is considered that the proposal has incorporated good sustainable measures to reduce environmental harm.

12. Equalities

12.1 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).

13. Conclusion

13.1 The proposal would result in the creation of six new homes, including 4 family sized homes, and a contribution towards the provision of off-site Affordable housing would be secured in line with policy. The proposal would increase the height of the existing buildings above that of some of the homes in the area. However, the resulting scale is considered appropriate when considering the full context of the site including the taller buildings on the eastern side of Longstone Avenue. An objector has commented that the submitted daylight and sunlight assessment incorrectly assesses whether the development projects above a 25 degree line from the middle of windows of Springwell Avenue properties. This has been examined by officers and while the proposal is likely to comply with the 25 degree line taken from the objector's property, it appears likely that it will project above a 25 degree line taken from the middle of the nearest windows of two other properties (Nos. 34 and 36). However, the presence of very large trees is likely to already significantly impact the light received by these windows and it is considered unlikely that the proposal will result in a material additional impact. Additional parking capacity would be provided through changes to the frontage parking area, and while over-spill parking is not anticipated, it is likely to be easily accommodated on street. The proposal is considered to accord with the development plan when read as a whole and it is recommended that planning permission is granted.



Application No: 22/3634

To: Mr Shahar
Tal Arc Ltd.
2a Crescent Road
London
N3 1HP

I refer to your application dated **21/10/2022** proposing the following:

Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden

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

at **Fairfield Court, Longstone Avenue, London, NW10 3TS**

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: 28/04/2023

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:-

London Plan 2021
Brent Local Plan 2019-2041
Harlesden Neighbourhood Plan 2019-2034

- 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):

FC-PP1-05 REVA, FC-PP1-06, FC-PP1-07, FC-PP1-08, FC-PP1-09, FC-PP1-10, FC-PP1-12 REVA, Supporting Documents- Construction Management Plan created by 'TAL ARC LTD' (submitted October 2022), Supporting Documents- Fire Safety Strategy created by 'Lawrence Webster Forrest' (dated September 2022), Supporting Documents- Air Quality Assessment created by 'The PES' (dated August 2022), Supporting Documents- Energy and Sustainability Assessment created by 'The PES' (dated September 2022), Supporting Documents- Daylight Impact Study created by 'EcoDesign Ltd' (dated September 2022)

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

- 3 The cycle parking and refuse storage areas as shown on the approved drawing no's 'FC-PP1-05 REVA' shall be implemented in full prior to first occupation or use of the development and shall be retained in use solely for the purposes approved thereafter.

Reason: In order to ensure the development provides adequate on-site parking cycle parking and refuse storage.

- 4 The measures set out within the Construction Management Plan hereby approved shall be implemented in full throughout the construction of the building.

Reason: To minimise the potential impacts associated with construction in the interest of the amenities of nearby occupiers.

- 5 The hard and soft landscaping proposals as detailed on the approved drawing no. 'and 'FC-PP1-12 REVA' (including all accesses, parking and the EV charging points) shall be implemented in full prior to first occupation or use of the development and shall thereafter be retained and maintained.

The areas shown for parking shall not be used other than for the provision of parking associated with the dwellings within the application site.

Any trees and shrubs planted in accordance with the landscaping scheme or to be retained which, within 5 years of planting are removed, dying, seriously damaged or

become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure the development provides adequate green space, landscaping and outdoor amenity areas for future occupiers and in the interest of ecology and biodiversity.

- 6 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- 7 The measures out within the Energy & Sustainability Statement dated 1 September 2022 hereby approved shall be implemented in full prior to first occupation of the dwellings hereby approved.

Reason: To ensure that the development achieves satisfactory standards for sustainability.

- 8 The tree protection measures set out in the Arboricultural Impact Assessment dated 20 September 2022 hereby approved shall be implemented in full throughout the construction of the development hereby approved, which shall include but not be limited to the use of the no-dig methodology within the Root Protected Areas as identified within the assessment.

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

Reason: to ensure that trees of value are protected and retained within the development and in the interest of ecology and biodiversity.

INFORMATIVES

- 1 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 government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.
- 4 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.
- 5 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

6 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00
Saturday 08:00 to 13:00
At no time on Sundays or Bank Holidays

Any person wishing to inspect the above papers should contact Curtis Thompson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1807