



Planning Committee

Wednesday 12 July 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 12 June 2023 as a correct record.		1 - 10
APPLICATIONS FOR DECISION		
4. 22/3260 - 231 Watford Road, Harrow, HA1 3TU Please note consideration of this application has now been deferred to a future meeting, as detailed within the Supplementary Agenda.	Northwick Park	15 - 66
5. 23/0578 - Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU	Wembley Park	67 - 104
6. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 9 August 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 Monday 12 June 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 present as an alternate.

2. **Declarations of interests**

The Chair confirmed that all Committee members had received approaches from several sources objecting to Item 4 – 22/4128 – 776 & 778 Harrow Road, Wembley, HA0 2HE.

Councillor Akram and Councillor Butt advised that the applicant and signatories on the petition submitted in objection to the application had connected with them via social media through their work as Councillors.

Councillor Begum advised that she had registered a gift received from the owner of the applicant company, it was confirmed that the gift received was below the level required for it to be treated as a registerable interest and did not therefore need to be treated as a personal interest under the Member Code of Conduct. The gift had however been registered for transparency.

3. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on Wednesday 10 May 2023 be approved as an accurate record of the meeting.

4. **22/4128 – 776 & 778, Harrow Road, Wembley, HA0 2HE**

PROPOSAL

Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment.

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.

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- (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.
- (3) 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.

Mahya Fatemi, Planning Officer, North Area Planning Team introduced the report and set out the key issues. In introducing the application, the Committee were advised that the application site comprised of a pair of semi-detached dwellinghouses located along the north-west corner of Barham Park, adjacent to the railway tracks for Network Rail services in Sudbury.

The Committee's attention was drawn to the supplementary report that provided information regarding amendments to the proposed site plan. It had been brought to officers' attention by the Council's Property Team that they considered that the land set out on the transfer particulars did not correspond with the application site boundary for the land at 776 and 778 Harrow Road. The extent of the boundary on the western and southern edges of the site as identified by the Property Team was smaller than set out within the application submission, resulting in a small part of the land potentially sitting within the park. The Committee were advised that discussions were ongoing between the applicant and the Council's Property Team to reach a definitive position on the site boundary. The applicant felt that the entirety of the application site (with the exception of the access over which there is a right of way) fell within the land owned by them. The architects had re-confirmed that the application drawings had been based on a full topographic survey that they commissioned and that this accurately reflected what was on site. To safeguard the planning application process, the planning officer requested that the applicant provided a boundary treatment to enclose the curtilage of the new dwellings to exclude any disputed area. An amendment to the proposed site / ground floor plan had therefore been submitted since the publication of the committee agenda report. The amendments included changes to the site boundary line on the western and southern edges which also incorporated a 1.2 metre fence indicated in the blue line to sit within the extent of the site ownership as identified by the Property Team. As part of the boundary change the refuse store and front path close to the western entrance had been moved away from the enclosing hedges and additional soft landscaping added on the southern edge between the hedges and side of house No.4. The changes were considered acceptable in terms of design and visual impact and did not raise any concerns in relation to any other material planning considerations. It was not considered that these changes would materially change the development and if submitted initially with the application they would have been considered acceptable. As such the changes were considered as non-material amendments to the proposal.

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The supplementary report also included additional comments that were received from objectors after the report had been published.

The Chair thanked Mahya Fatemi for introducing the report and requested clarification in relation as to whether it was the red or blue boundary line shown on the plan that should be considered by the Committee. Officers confirmed that it was the boundary line shown in blue on the plan that should be considered by the Committee as this was the line that the property team believed was within the site curtilage.

As no further Committee questions were raised at this point, the Chair invited the first speaker, Ms Christine Harvey (objector) to address the Committee (in person) in relation to the application. Ms Harvey introduced herself as a local resident and business owner representing residents concerned with the proposed application and proceeded to highlight the following key points:

- Barham Park was a local green space defined as a Site of Importance for nature conservation and home to a significant array of wildlife. It was raised as a concern that the proposed development could have a detrimental impact on the ecology and biodiversity of the park.
- It was felt that the proposed development was not sympathetic to the existing site due to its increased massing, the use of untreated timber cladding which was liable to deteriorate and the patinated zinc roof, that could add to noise pollution.
- Concerns were raised that the application site boundary included the area of access from Harrow Road to the development site, which was not included in the applicant's Land Registry Title Deeds, therefore it was queried whether consent should be sought from the Barham Park Council Trustees.
- The site had previously suffered from surface water flooding, concerns were raised that the proposed development would build over some permeable green space, therefore the existing risk of surface water flooding would only be exacerbated if the development was approved.
- It was felt that the Committee report did not include thorough analysis of the impact of the noise and vibration levels for the site, given its close proximity to the Chiltern Main Line railway. The Committee were advised that the Barham Village residents with homes backing on to the railway had reported distress and concerns caused by the existing building vibrations.
- In summarising her comments Ms Harvey re-iterated her concerns that the application did not thoroughly consider the historical and conservation nature of the site, the ecological impact of the development, the overbearing nature of the design and the increased flood risk.
- Ms Harvey advised that local residents acknowledged that the current properties were in disrepair and were no longer fit for purpose, however due to the concerns shared and what was felt to be a lack of consultation with key stakeholders in the local community, it was felt that the proposed application should be refused.

The Chair thanked Ms Harvey for sharing her concerns with the Committee before asking the Committee if they had any questions or points of clarity to raise in relation to the information heard. The Committee sought one point of clarification in relation to whether Ms Harvey felt that the current dwellings could be brought to

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a habitable state with remedial works. Ms Harvey stated that she believed the level of disrepair would require a vast amount of work and was not opposed to the re-development of the dwellings, however it was felt strongly among local residents that the proposed application was too overpowering for the local environment and that a more sympathetic development would be more suitable.

As no further questions were raised by the Committee, the Chair proceeded to invite the next speaker Councillor Lorber (objector) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- A covenant was in place to protect the site and restrict further development, it was felt that although the covenant was not a material planning issue, the Committee should give weight to considering the significant history of the land and building and the wishes of the Barham family whose ancestors had historically gifted the park to the Council.
- It was felt that the Sudbury Town Neighbourhood Plan and policy BP1 had not been fully considered as part of the application, as BP1 stated that any development of any of the buildings in the park was to be refused. It was felt that given the high level of resident involvement in producing the neighbourhood plan with the Council, it should be adhered to. It was felt that minimising the agreed plan would undermine community confidence in working collaboratively with the Council in the future.
- Concerns were raised that the report was misleading to suggest that the dwellings to be redeveloped as part of the proposed development were not park buildings. The buildings were historically Barham family homes, then park keepers' buildings, therefore it was felt that the buildings should be considered as park buildings.
- It was felt that weight should be given to the National Planning Policy Framework that stated local communities through local and neighbourhood plans should be able to identify sites of particular importance to them.
- Councillor Lorber summarised his points and urged the Committee to consider Brent Council's core strategy, the Sudbury Town Neighbourhood plan and the covenant in place. On the basis of the points made, Councillor Lorber urged the Committee to refuse the application.

The Chair thanked Councillor Lorber for his contribution to the meeting and offered Committee Members the opportunity to ask any questions or clarifying points they had. The following points were discussed:

- The Committee queried why it was felt that the proposed scheme would be detrimental to the park when the application was to develop the dilapidated dwellings to provide family homes. The new homes would not encroach upon the park or affect any of the activities and space that was currently enjoyed by visitors to the park. In response Councillor Lorber advised that the scheme would affect park activities as during the construction phase there would be significant disruption to the park including multiple deliveries and the sound and disturbance caused by the construction work and the possibility that access could be affected. Additionally, it was felt that the proposed scheme's massing was overbearing and would encroach upon park space.
- The Committee questioned whether Councillor Lorber felt that the current properties could be restored to a good enough condition for new residents

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or to provide a community facility. Councillor Lorber advised that in his opinion, given that the properties were originally residential homes with the right remedial works he felt they could be effectively renovated.

As there were no further Committee questions at this point the Chair invited the next speaker on the item, Councillor Benea (objector) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- The site of the proposed development in Barham Park was a site of significant local importance within historical parkland that was held in high regard by the community.
- Historically the site had been subject to 10 planning applications, all but one had been rejected due to concerns that the park would be negatively impacted.
- Concerns were raised that the proposed development would negatively impact the ecology of the park, following a superficial ecological survey being undertaken by the applicant whereby the ecologist recommended a more extensive survey after finding evidence of pipistrel bats in the park.
- The site was in an area of moderate to severe flooding, with the surrounding area recognised as an area susceptible to surface water flooding as a result of inadequate drainage. It was felt that the proposed development would exacerbate these existing issues.
- Chiltern Railway advised the applicant of the disruptive impacts of noise and vibration to future residents due to the proposed dwellings close proximity to the railway line. Existing residents had already shared their concerns in relation to this and the fact that the new buildings timber frames would increase the noise and vibrations already present. It was felt that there were not enough mitigations in place to address the impact on existing properties.
- It was unclear if either the trustee, Brent planning authorities or the applicant had consulted with or sought advice from The Charity Commission.
- In summarising the issues raised Councillor Benea requested that the Planning Committee considered the concerns raised by residents and in doing so, refuse the application.

The Chair thanked Councillor Benea for her representation and offered the Committee the opportunity to ask any questions or points of clarity they had in relation to the information heard. The following points were discussed:

- The Committee queried how realistic it was to assume that the current local residents would be affected by additional noise nuisance following the construction of the proposed dwellings. In response the Committee were advised that residents felt strongly that there would be a significant impact from increased noise and vibrations as a result of the construction of the proposed development.
- The Committee queried why it was not seen as a benefit to have 4 large new family sized homes, Councillor Benea advised that whilst welcoming new family size homes in Brent, it was also important to balance the needs against existing residents and how they would be impacted by any new developments.

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As there were no further questions for Councillor Benea, the Chair moved the meeting on to advise the Committee that Councillor Ketan Sheth (Ward Councillor for Wembley Central where the proposed development was situated) was unable to attend due to a clash of meetings, however he had sent a written statement that was read to the Committee raising the following key points:

- Acknowledgement was given to the housing crisis and the need to build new homes; however it was felt that there were some key planning points in relation to the proposed application that required further consideration.
- Sudbury Town Residents' Association was the first to engage with the Borough in drawing-up a Neighbourhood Plan in consultation with the local community and planning officers. In 2015, the Sudbury Town Neighbourhood Plan was put to voters, and the community, in its area, with more than 900 people voting to accept it. The Council then adopted the approved Plan, and it remained within Brent's Local Plan policies for the Sudbury Town Neighbourhood, which included the location for the proposed development.
- An important new designation, Local Green Spaces, was introduced in legislation for Neighbourhood Plans. This allowed communities to identify and protect green areas of particular importance to them. The Sudbury Town Neighbourhood Plan, at policy LGS1, identified four Local Green Spaces, one of which was Barham Park. Local Green Spaces had the same protection in planning law as Green Belt land.
- The Neighbourhood Plan's green spaces policy BP1 was very clear about the nature of that protection, which was applicable to Barham Park. It stated: 'Any proposals for the re-use or redevelopment of park buildings for residential use (Use Class C3) will not be supported.'
- 776 and 778 Harrow Road were park buildings. Originally, they were built within the park as homes for park-keepers. The proposal in the new planning application is seeking to demolish these park buildings and redevelop the site to provide four residential townhouses.
- Despite the benefit of providing new homes, it was felt that it would be wrong to approve the application, in its current form as it was clearly contrary to the Local Green Space policy BP1, which takes precedence over any contrary Brent planning policies, and would undermine the fundamental purpose of this Neighbourhood Plan.
- It was felt that the current application should be reconsidered, and a revised application be fully encouraged, which would provide a like-for-like replacement.

Following Councillor Ketan Sheth's statement being heard, the Chair invited the final speaker on the item, Rupert Wheeler (agent) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- Mr Wheeler felt the Committee reports provided a thorough description of the proposed development therefore advised that he would use his allocated time to respond to some of the queries raised so far.
- Mr Wheeler reassured the Committee that the site boundary line was supported by an accurate topographical survey, therefore the applicant was confident that the physical site plan was correct.

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- It was acknowledged that the current buildings on the site were sub standard and were not constructed to the standard that would now be expected of new homes. It was clarified that since the applicant had purchased the site in 2011 the same tenants had occupied the homes; therefore it was not the case that the applicant had allowed the properties to fall in to a derelict state.
- The re-development of the site would provide an opportunity to offer good quality sustainable homes with enhanced thermal and acoustic performance.
- It was not felt that the development would increase flood risk to the area, however the proposed dwellings would benefit from raised floor levels to provide increased protection from existing flood risk.

The Chair thanked Mr Wheeler for addressing the Committee and invited Committee Members to ask any questions or clarifying points they had in relation to the information heard. The Committee had one query in relation to details relating to the covenant of the site, Mr Wheeler advised that he was unable to comment on this as it was not considered to be a material planning consideration, however he went on to highlight an additional point that the re-development of the site would not result in any loss of public park space.

The Chair then invited Committee Members to ask officers any remaining questions they had in relation to the application. The Committee had questions in relation to policy consideration, the site's covenant, flood risk, scale and heritage and park access. The following responses were provided:

- In response to a Committee query in relation to what policies were considered as part of the application process, officers advised that the London Plan, Brent's Local Plan and the Sudbury Neighbourhood Plan were all taken in to consideration as part of the application process. It was confirmed that there was no hierarchy with equal weight being given to the policies within each plan. Officers acknowledged that it was possible that there could be different interpretations of some points in the plans, however officers had used their judgement and concluded that when weighing up the different policies against the proposed application, there was no harm associated with the proposal overall.
- The Committee queried what consideration had been given to ensuring that the park entrance gates were kept clear and unobstructed by parked vehicles. Officers advised that measures could be taken to mitigate these concerns and would be secured via condition.
- Following on from the concerns raised by objectors with regard to flood risk, the Committee required further information regarding the flood risk assessments undertaken and planned mitigations. Officers confirmed that the site fell within Flood Zone 1 (low risk of flooding), however was designated as a Flood Zone 3a for local surface water. A Flood Risk Assessment was submitted with the application that highlighted that the site benefitted from an existing drainage network, with surface water drainage going into the public surface water sewer system. Measures to reduce the risk of flooding included an attenuation tank a hydro brake (or similar system) fitted to slow down the rate of water runoff into the sewer and raising the floor level by 300mm. The assessment demonstrated that the mitigations included to minimise flood risk would ensure that the development was resistant and resilient to flooding with a 65% betterment

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on the existing runoff rate in a 1 in 100-year flood Overall officers were satisfied that the development would improve the site flood risk and not exacerbate the existing situation.

- In response to Committee concerns in relation to the scale and design of the proposed development, officers advised that the design had been considered in line with London Plan Policy HC1 that required any proposals affecting heritage assets and their settings to be sympathetic to the assets and their surroundings. The Heritage Officer had confirmed that materials and orientations of the building would form an association with the park, not encroach on to park land and be in keeping with the character of the park. Despite the proposed homes being 1 storey taller than the existing 2 storey homes, the Heritage Officer concluded that the overall scale and design would not be out of keeping with the character of the park and would not harm the significance or setting of the park.
- In response to a Committee query regarding what action could be taken if the proposed development did encroach on to park space, officers advised it was secured via condition that this could not happen, if there were breaches found the parks team would not permit the development.
- Following the concerns raised by objectors that the proposed development was in conflict with the Sudbury Town Neighbourhood Plan, LGS1 (Local Green Space), LGS2 (Barham Park) and BP1 (Barham Park) as they stated that any proposals for the re-use or redevelopment of park buildings for residential use would not be supported. Officers clarified that the scheme related to the development of existing houses and their gardens that were already within Use Class C3 and therefore did not result in the loss of any land that falls within the park use. Additionally, it was felt that the buildings were houses and not “park buildings.
- In response to a Committee query regarding whether consideration should be given to the covenant in place for Barham Park, Saira Tamboo, Senior Planning Lawyer confirmed that the presence of a covenant was not a planning consideration for the Committee.
- The Committee drew officers’ attention to a previously approved planning application in Sudbury Town that had seen the Council receive a £10k contribution designated to supporting disability access into Barham Park. The Committee felt that if the proposed development were approved it would be a good opportunity to use the funding previously acquired to undertake the work to improve disability access to the park. Officers advised that they would liaise with the Infrastructure Team to explore this further.

As there were no further issues raised 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 as set out in the Committee report and an additional condition requiring the submission and approval of further details detailing measures to prevent vehicular parking within the curtilage of the dwellinghouses and the implementation, retention and maintenance of those measures.

(Voting on the recommendation was as follows: For 7 & Against 1)

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PROPOSAL

Proposed erection of temporary sports hall (Use Class: E(d)) for period of 9 years on existing concrete slab east of main University Building.

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 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.
- (3) 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.

Nicola Blake, Principal Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the proposal was for the installation of a temporary sports hall at Westminster University's Northwick Park campus. The proposal would occupy existing hardstanding which had access to services, and as such, no further groundworks would be required. The temporary structure would be in use for approximately 9 years, after which it would be dismantled to enable the completion of the consented Northwick Park Masterplan.

The site was not situated within a conservation area and there were no listed buildings within the site curtilage.

As there were no speakers who had requested to speak on the item, the Chair advised the Committee that the application was presented to the Planning Committee due to its size. Committee Members were then invited to ask officers any questions they had in relation to the application. The Committee had one question regarding the temporary nature of the construction, officers advised that the site formed part of the wider Northwick Park Masterplan, which encompassed broader redevelopment. Plans were displayed to the Committee to provide greater context of the plan. The Committee were advised that the temporary sports hall would be constructed to continue to provide on site leisure facilities while other permanent construction works were going ahead.

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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.

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

(Voting on the recommendation was unanimous)

(6) Any Other Business

None.

The meeting closed at 8.14pm

COUNCILLOR KELCHER
Chair

APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

Provision of infrastructure

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

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 July, 2023
04
22/3260

SITE INFORMATION

RECEIVED	20 September, 2022
WARD	Northwick Park
PLANNING AREA	Brent Connects Wembley
LOCATION	231 Watford Road, Harrow, HA1 3TU
PROPOSAL	Demolition of the existing building and the erection of building of upto five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works
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_161947</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 "22/3260" (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 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 – late stage review mechanism in the form of a financial contribution towards the provision of off-site affordable housing within the Borough in the event that a surplus is identified.
4. Sustainability and Energy;
 - Detailed design stage energy assessment based on Part L 2021 of Building Regulations with a minimum 35% reduction on site. 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
5. Highways Works / Highway related;
 - Submission and approval in writing of Residential Travel Plans prior to first occupation of development including promotion of local car clubs through the provision of three years' free membership of a Car Club for residents;
 - Healthy Streets contribution (£50,000) towards highway improvements in the vicinity of the site
6. Indexation of contributions in line with inflation
7. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions _

Compliance

1. 3 years consent
2. Approved Drawings
3. Number of Units
4. Accessible Homes
5. Water Consumption
6. Sustainable Drainage Measures
7. Flood measures.
8. Internal Noise Levels
9. NRMM
10. Parking, Refuse Storage and Cycle Storage

11. Communal amenity spaces

Pre-commencement

12. Construction Method Statement

13. Construction Logistics Plan

14. Tree Protection Details

Post-commencement

15. Land Contamination study, remediation works and verification report

16. Piling Method Statement

17. External Materials

18. Design specifications

19. Hard and Soft Landscaping

20. Balcony/roof terrace screens

Pre-occupation or use

21. Car Park Management Plan

22. Plant Noise

23. Historic Plaque

Informatives

1. Building Adjacent to Boundary

2. CIL Liability

3. Party Wall Act

4. London Living Wage

5. Fire Informative

6. Quality of Imported Soil

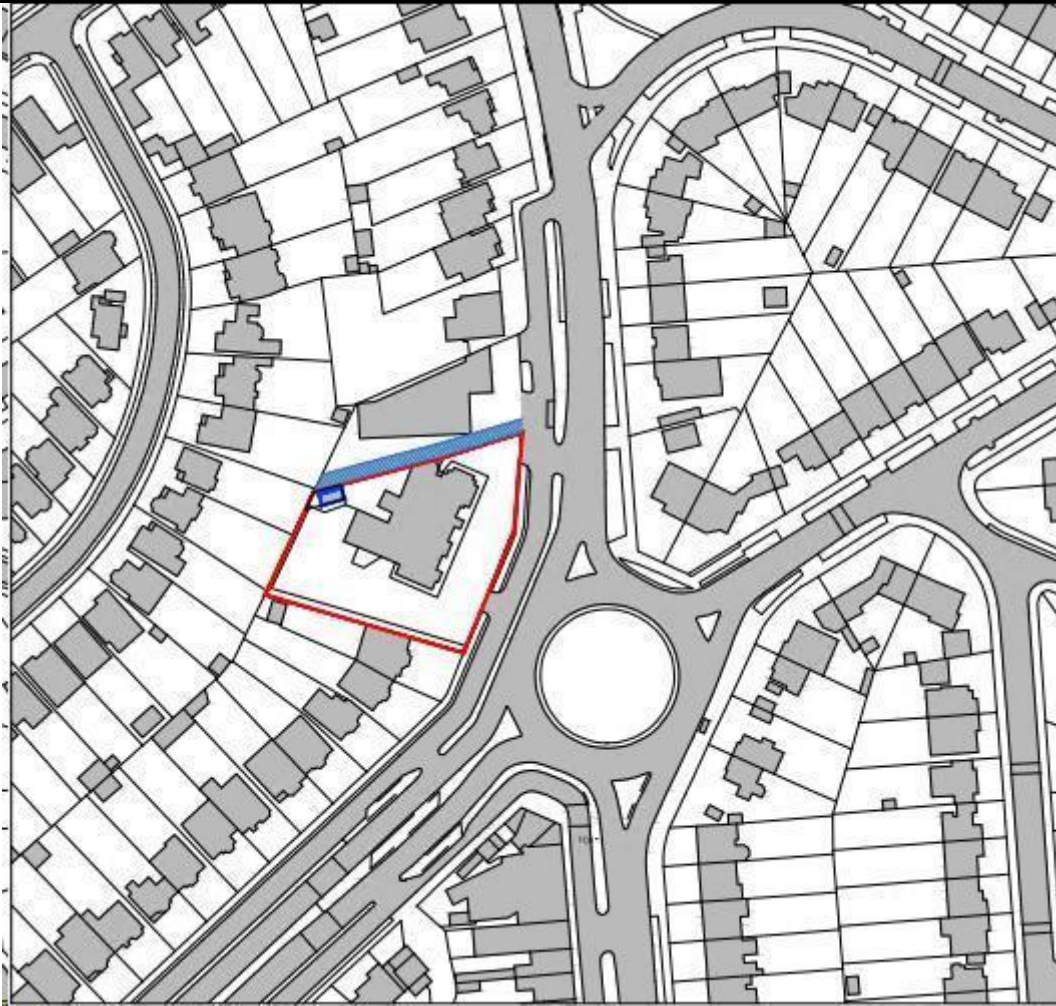
7. Thames Water Details

8. Groundwater Risk Management Permit

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

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

SITE MAP



This map is indicative only.

PROPOSAL IN DETAIL

The application is seeking permission to demolish the existing building on site and redevelop the site. The replacement building would comprise of a 3 to 5 storey building. The central element would feature 5 storeys dropping to 4 storeys to the north, south and west. A small element of the rear of the building is 3 storeys in height. The proposal includes a total of 42 new homes with the following mix; 15 x 1 bedrooms, 16 x 2 bedrooms and 11 x 3 bedrooms.

The proposal includes 24 car parking spaces within an undercroft parking area and parts of the eastern frontage. Vehicular access into the site would continue via the two existing vehicular access points from the service road which runs alongside Sudbury Court Drive and Watford Road. The refuse storage area would be sited to the property's frontage and the cycle storage to the rear parts of the ground floor. Six residential units would be situated on the ground floor, each having access to private amenity space. A communal amenity space area would be situated towards the south western part of the site and this would include a children's play area. The main entrance to the residential units would be positioned along the central part of the ground floor front elevation. The proposal would include 5 wheelchair accessible homes.

A communal roof terrace area would be provided at fourth floor level and would be situated towards northern elements of the new build. The existing substation would be maintained to the rear. A lift overrun would be included at roof level together with ancillary plant equipment and a total of 60 PV panels.

Amendments to the Proposal

Amendments were provided during the course of the application to increase the level of parking provision on site.

The changes are summarised as follows:

- Increase in the number car parking spaces from 16 to 24
- Introduction of a gate to the site frontage allowing for refuse collection
- Relocation of hedge outside of G.02/G.03 to align with the unit division
- Rearrangement of Units G.04 and G.05 to allow for the larger unit to benefit from dual aspect provision, and access to a larger private amenity space
- Rearrangement of private amenity space for 1.05, 2.05 and 3.05 to be accessed via the main living area

The above amendments were considered to be non-material and therefore no further consultation was carried out.

EXISTING

The site comprises of the Mumbai Junction Restaurant and the existing building is two storeys with a small basement area. It is located on the western side of Watford Road on the roundabout junction between Watford Road and Sudbury Court Drive. The front and rear portions of the site comprise of hardstanding areas serving a car park for the restaurant currently occupying the site. The application site also contained an existing substation along the north western boundary, which would be retained. The surrounding area predominantly comprises two storey suburban housing with taller buildings of up to three storeys in height with commercial units at ground level and flats on the upper levels located south and directly north of the application site.

The site does not contain any heritage assets, but the Sudbury Court Conservation Area is located on the opposite side of Watford Road. Within the Brent Local Plan, Nos. 199 to 223 Watford Road (located to the south of the application site) are designated as a neighbourhood parade.

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: 392 properties were consulted on this proposal. Objections have been received from 459 individual people (some submitting multiple objections during the course of the application), raising a wide range of issues / grounds of objection. A support comment was also received. 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 residential redevelopment of the site: The loss of the existing restaurant is considered to be acceptable. The site is outside of a designated centre or shopping parade, and planning policy does not prevent the loss of restaurant uses in such locations. The proposal does not constitute a community facility or pub and thereby Policies BS11 and BHC5 do not apply. The building although acknowledged as the former John Lyon public house does not make a significant contribution to the visual amenities of the area. The proposal would provide new homes that would meet an identified need within the borough on a "small site" in accordance with London Plan policies H1 and H2 and Brent policy BH1 and BH4. The residential use is supported in principle and considered to be in accordance with key strategic and local policies relating to housing provision.

Affordable Housing and housing mix: The Financial Viability Appraisal submitted demonstrates that the scheme would be unviable if affordable housing is provided on site. This has been reviewed and accepted by industry experts instructed by the Council. A section 106 agreement would be entered into to incorporate a late stage review mechanism which would secure a financial contribution towards the provision of off-site affordable housing within the Borough in the event that a surplus is identified. The application is therefore policy compliant. The proposal includes 11 three bedroom homes, which meets the requirements of policy BH6.

Design, layout, height and impact on the Sudbury Court Conservation Area: The site is not within a "priority area" for housing as defined within Brent Policy BH2 and as such, it is set out in small sites policy BH4 that "greater weight will 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 building heights and massing proposed, with a maximum of 5 storeys, are taller and larger than the existing buildings in the surrounding area. The surrounding area is generally residential in character, largely comprising of 2 storey dwellings with pitched roofs. Having a proposed building of this size and presence is considered appropriate having regard to the open setting of the John Lyon roundabout and the convergence of four main roads. The tallest portions of the development would mainly occupy the front, central portions of the site, thereby being focused away from the residential properties to the south and west of the site. The building is considered to be of good design quality, relating well to its context and would enhance the character and appearance of the surrounding area. Whilst officers consider that this is an acceptable solution for the development of the site it could also be reasonably concluded that a development that conforms more with the prevailing building heights and massing would be better suited to this location. However, on balance the scheme as submitted is considered acceptable. The proposed development is not considered to be harmful when viewed from locations within the nearby Conservation Area. Furthermore, while the building is visible within views towards the Conservation Area, the proposal is not considered to result in harm.

Quality of the resulting residential accommodation: The flats would have good levels of outlook and natural light and the arrangement of the building within the site, achieve good levels of separation distances between the homes. The proposal accords with internal floor space standards while the amount of external amenity space meets the requirements of policy BH13. The proposed play area is also policy compliant, exceeding GLA playspace requirements.

Neighbouring amenity: The overall impact of the development is considered acceptable in relation to neighbouring properties having regard to daylight, sunlight, outlook and privacy.

Highways and transportation: The proposed development would provide 24 on site parking spaces. This falls below maximum allowances set out in Policy T6 of the London Plan. It has been demonstrated that overspill parking may be accommodated on the adjoining service road. Electric Vehicle Charging Points (EVCP) and blue badge parking spaces would be provided whilst the high number of cycle parking proposed

would encourage sustainable travel patterns in accordance with London Plan standards. 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. 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. Further, the submitted Electro Magnetic Field (EMF) report demonstrates that the existing substation would not have a detrimental impact upon the health of residents of the proposed homes.

Landscape, ecology, biodiversity and flooding/drainage: It has been demonstrated there would be a net increase in trees on site, and no high value trees would be lost. The site is not close to any designated ecological assets and is not likely to form habitat for any protected species. This has been supplemented by a bat roost survey. A net gain in biodiversity is to be achieved as a result of development and the scheme will achieve an Urban Greening Factor of 0.451. Flood risk has been assessed and a range of SuDS measures are proposed to address surface water management with a 90 % betterment over existing runoff rates. No objection has been received from Thames Water.

Fire safety: It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan. The London Fire Brigade were also consulted and raised no objections. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

RELEVANT SITE HISTORY

Relevant planning history

21/3679 - Demolition of the existing building and the erection of a part three, part four and part five storey building to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works - **Refused, 29/12/2021.**

18/4682 - Certificate of lawful use for the existing use of the premises as a restaurant (Use class A3) – **Lawful, 04/01/2019.**

CONSULTATIONS

A total of 392 letters were sent out to the neighbouring properties within the vicinity of the application site on the 29/09/2022.

A site notice was posted within the vicinity of the site on the 05/10/2022.

A press notice was printed on the 13/10/2022.

At the time that this report was finalised, a total of 459 objections had been received. This includes objections from Barry Gardiner MP, Sudbury Court Residents' Association, Councillor Narinder Bajwa and Councillor Diana Collymore (Ward Councillors for Northwick Park). One comment of support was also received which states that a new building for 200+ residents would be a better use of the land as the existing restaurant is poorly upkept.

Summary of Objections

Comment	Officer Response
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<p>Loss of Building and Existing Restaurant</p>	
<p>Mumbai Junction restaurant is a well-frequented restaurant which has adapted to cater for the local need.</p>	<p>Refer to Background and Current Use and Loss of Existing Building sections of the report. There are no relevant planning policy requirements to maintain a restaurant use on site.</p>
<p>It is one of only very few remaining Public Houses/Restaurants in the local area and fear that the demolition of it would have a detrimental local community impact.</p>	<p>Refer to Background and Current Use and Loss of Existing Building sections of the report. The site as established lawful use as a restaurant.</p>
<p>The demolition of one of the areas community assets will undoubtedly damage the sustainability of the area and will damage community cohesion.</p>	<p>The use is not considered to be a community use. It is not a designated community asset.</p>
<p>The John Lyon building is part of a 1950s development fitting in with the adjacent houses. The lack of suitable repair/works disguise its visual importance.</p>	<p>Refer to Design, Character and Impact on the Street Scene and Loss of Existing Building sections of the report.</p>
<p>The proposed loss of Mumbai Junction Restaurant fails to comply with Policy BHC5 for the protection of public houses and BS11 for community facilities.</p>	<p>Refer to Background and Current Use and Loss of Existing Building sections of the report.</p>
<p>Design, Character and Impact on the Street Scene + Conservation area</p>	
<p>Concerned the proposed development would not at all be in keeping with the character of surrounding buildings and have an impact on the Sudbury Court Conservation Area. It is located within the gateway to the Conservation Area and</p>	<p>Refer to Design, Character and Impact on the Street Scene and Relationship with Sudbury Court Conservation Area sections of the report.</p>

therefore of increased importance.	
This application includes a part five storey building, which would make it larger than other nearby residential buildings.	Refer to Design, Character and Impact on the Street Scene sections of the report.
Scale and design is not acceptable.	Refer to Design, Character and Impact on the Street Scene sections of the report.
All recent developments in the area have included certain characteristics, such as pitched roofs, which have made them more sympathetic to the surrounding area.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The site is within an Area of Distinctive Residential Character.	<p>The areas of distinctive residential character as formerly referred to within the Unitary Development Plan (UDP) and have not been carried forward within the current Local Plan. Nevertheless, policy BH4 does discuss the need to place greater weight on the existing character of the area outside of priority locations.</p> <p>To this end, please refer to Design, Character and Impact on the Street Scene and Relationship with Sudbury Court Conservation Area sections of the report.</p>
It will without doubt damage the 1950s architectural consistency of Sudbury Court Drive and into Watford Road, it will also affect the Sudbury Court Conservation Area due to its close proximity.	Refer to Design, Character and Impact on the Street Scene sections of the report.
Heritage Report is not sufficient.	Refer to Relationship with Sudbury Court Conservation Area and Loss of Existing Building sections of the report.

<p>The proposed building does not respond positively in height or character to the surrounding area.</p>	<p>Refer to Design, Character and Impact on the Street Scene sections of the report</p>
<p>The proposed building massing will have a very negative visual impact; its roofscape is a complete opposite to its surrounding buildings.</p>	<p>Refer to Design, Character and Impact on the Street Scene sections of the report.</p>
<p>A brass plaque is located to beside the entrance commemorating John Lyon. To remove this would be a slight to his name.</p>	<p>The Conservation Office does not consider this feature to contain a heritage value however any development on site should seek to retain this feature.</p>
<p>The proposed development has not been designed upon the advice provided within Brent's Design Panel report (6th July 2021).</p>	<p>The proposed development is considered to have addressed the earlier reason for refusal in relation to design. The scheme has been reviewed by both the Council's Urban Design Officer and Heritage Officer. Refer to Design, Character and Impact on the Street Scene sections of the report.</p>
<p>The proposed development would fail to respect the pattern of development in the area as well as excessive hard standing within the frontage which would erode the suburban character of the area.</p>	<p>Refer to Design, Character and Impact on the Street Scene and Tree Consideration, Landscaping Provision and Urban Greening sections of the report. The areas to the front of the site already contains large areas of hardstanding and proposal would introduce new elements of soft landscaping to the front of the site which would benefit the site.</p>
<p>The proposal would result in the loss of open space and garden features surrounding the existing building.</p>	<p>The existing site mainly comprises of hardstanding. This proposal would include a significant betterment in terms of urban greening factor and new landscaping.</p>
<p>The proposed building footprint extends beyond the building line of the neighbouring houses.</p>	<p>Refer to Design, Character and Impact on the Street Scene sections of the report.</p>

Concerns that one lift would not be adequate for the proposed number of units. Some units are over 18m away from a means of fire escape.	Refer to the Standard of Accommodation section of the report. As per the plans provided, all units would be located within 18m of the proposed stair core. The application has also been accompanied by a Fire Statement that has considered means of escape under policy D5 and D12 of London Plan.
Recent developments in the area towards Northwick Park, East Lane, etc. are all sympathetic to their surroundings as they do not go above four storeys. Why is this development an exception?	Each application is assessed on a case by case basis as each site presents differing constraints and opportunities. Refer to Design, Character and Impact on the Street Scene sections of the report.
Impact on nearby residents	
It could also potentially overlook and be overbearing for neighbouring properties.	Refer to Impact on Neighbouring Occupiers sections of the report.
The proposal would appear overbearing to neighbouring properties.	Refer to Impact on Neighbouring Occupiers sections of the report.
Overdevelopment of the site and the detrimental effect it will have on the existing surrounding residents.	Refer to Impact on Neighbouring Occupiers sections of the report.
Loss of light to the nearby neighbours.	Refer to Impact on Neighbouring Occupiers sections of the report.
Casting shadows over the adjoining gardens of neighbouring properties in Sudbury Court Drive, Amery Road.	Refer to Impact on Neighbouring Occupiers sections of the report.

Noise disturbance to nearby neighbours.	The application site is located within a generally residential area. The proposed residential intensification is therefore considered to be acceptable from a noise perspective.
Parking and Highways Considerations	
The development will have an unacceptable impact on street parking, which the local hospital and education facilities rely on.	Refer to Transport and Highway Considerations section of the report. The trip generation data has revealed no further impact on the highway. Amendments were also received during the course of the application to increase the provision of on-site parking to 24 spaces.
Concerns that the surrounding roads do not have enough space to accommodate parking demands from the proposed development.	Refer to Transport and Highway Considerations section of the report. The trip generation data has revealed no further impact on the highway. Amendments were also received during the course of the application to increase the provision of on-site parking to 24 spaces.
Access to the site is considered to be dangerous from a number of approach routes. The impact of this would be worsened by the increased trip generations.	Officers in Transport have reviewed the proposal and do not consider the increased trip generation to be unsafe.
Delay in transportation to the hospital and relevant emergency vehicles.	Refer to Transport and Highway Considerations section of the report. The trip generation data has revealed no further impact on the highway.
Access to the site would require a dangerous U turn into the service road.	It is noted that there are banned U turns along Watford Road. However, this does not prevent vehicles accessing the service road.

The proposed development would worsen pedestrian safety at the already busy John Lyon roundabout.	As part of any consent, the applicant would be required to enter into a S106 agreement which would require a suitable financial contribution towards pedestrian improvements within the vicinity of the site.
Due to the width of the Service Road and the local parking overload, access to the site is severely restricted for construction and general servicing other than by van and car.	Refer to Transport and Highway Considerations section of the report.
Insufficient parking spaces provided.	Refer to Transport and Highway Considerations section of the report. Amendments were received during the course of the application to increase the provision of on-site parking to 24 spaces.
Servicing to the site could damage street trees.	The application has been accompanied by a tree report that has considered the impact of the proposal upon trees within the site and within the vicinity of the site that could be affected by the proposal.
Access to the site is lacking and manoeuvring will be extremely difficult without the removal of several on street car parking spaces.	Refer to Transport and Highway Considerations section of the report.
Congestion caused by deliveries.	Refer to Transport and Highway Considerations section of the report. Deliveries to the site are not considered add a significant number of vehicular movements that would further add to traffic issues within the area. A Construction Logistics Plan would provide further details of construction vehicles to the

	site.
Local residents have grave concerns for the safety of pedestrians and cyclists at this location.	Refer to Transport and Highway Considerations section of the report.
Not enough cycle ways in the area and unsafe for potential cyclists.	Refer to Transport and Highway Considerations section of the report.
Bus and train services are at full capacity within the area.	The proposal is not considered to have detrimental impact on public transport within the area given the low trip generation that is proposed.
If right turns were allowed from Watford Road, there would no doubt it would cause severe congestion and a resumption of accidents at this known black-spot.	<p>The Transport Statement has compared trips for the proposed development compared to its use as a restaurant. This indicates that the development will generate an extra 5 arrivals and 19 departures by car during the AM peak (8-9am) compared with the existing use, but reduce overall arrivals in the evening peak hour (5-6pm). The proposal is not therefore likely to have any significant impact on the local highway network.</p> <p>Right turns are not currently prevented, and given the anticipated increase in trip generation as noted above, this is not considered significant to require mitigation measures.</p>
Travel Plan targets are not providing realistic predictions. Car ownership predictions are underestimated and should be reviewed.	Refer to Transport and Highway Considerations section of the report
The service road that runs adjacent to the site cannot handle any parking of cars.	Parking would not be available on the service road. Refer to Transport and Highway Considerations section of the report
Local schools at capacity + this would require private transport to the area.	The proposal is not considered likely to have a significant impact on school places, which are monitored by another team in the

	<p>Council. School places are considered as part of the development of the Local Plan with evidence set out within the Infrastructure Delivery Plan.</p>
<p>A 7.5 Tonne weight limit is being imposed on the Service Road due to damage being inflicted on parked vehicles, grass verges and street trees.</p>	<p>Officers in transportation have advised that the weight restriction only applies to through traffic and exempts vehicles that need to reach premises in the area.</p>
<p>Due to the absence of continuous designated pedestrian routes to the site and within the site frontage, the application has failed to demonstrate that the site can be safely accessed by pedestrians.</p>	<p>Refer to Transport and Highway Considerations section of the report.</p>
<p>Residents of SCD are often blocked into or out of their driveways because of legal parking - vehicles park really close to the narrow drop kerbs, and because the service road is so narrow the residents can neither get in nor out. We also get a lot of vehicle storage on the service road.</p>	<p>Refer to Transport and Highway Considerations section of the report. The parking survey has identified appropriate on street parking.</p>
<p>There is parking in front of the site it is almost always full and the road very narrow making it very difficult for HGV to navigate safely.</p>	<p>Officers in Transportation have assessed the capacity of the service road for on street parking and analysed the tracking diagrams for larger vehicles entering and leaving the site.</p>
<p>The parking in front of 231 is used, when available, for shoppers at the John Lyon Shops. Loss of parking will damage the viability of the shops.</p>	<p>Refer to Transport and Highway Considerations section of the report. The proposed overspill of parking is not considered to have a negative impact on the local shops.</p>
<p>The data within both parking surveys</p>	<p>Officers in Transportation have advised that</p>

<p>undertaken is based upon inappropriate times (early morning hours which are not representative)</p>	<p>the method of the survey was acceptable.</p>
<p>The proposed development does not comply with Policy DMP11.</p>	<p>Policy DMP11 (forming an access onto a road) was a part of the Brent Development Management Policies document (2016) which has now been directly superseded by the Local Plan (2019-2041). The proposal has been considered having regard to Local Plan policy BT4 (forming an access on to a road) and officers in Transportation do not have concerns regarding site access.</p>
<p>Other Matters</p>	
<p>Members of the Planning Committee who attended the members briefing on the scheme at pre-application stage should not be considering this proposal</p>	<p>Section 8 of the Probity in planning guidance recognises that pre-application discussions between a potential applicant and a Council can benefit both parties and are encouraged.</p> <p>The Localism Act 2011 sets out legislation on Councillor engagement including matters that would not count as pre-determination.</p>
<p>Proposal would be contrary to policy BE6</p>	<p>Policy BE6 relates to neighbourhood parades and isolated shop units. The proposal is not within a neighbourhood parade and relates to an existing restaurant and not a shop unit. There are in any event a range of services (including shops and a restaurant) within the nearby neighbourhood parade (within 400 m of the site)</p>
<p>The loss of the current building will lead to the loss of several jobs as well as economic decline.</p>	<p>Brent's Local Plan does not seek to resist the loss of restaurants as part of redevelopments outside of town centres.</p>
<p>Environmentally there will be a disruption to the Green Ribbon running through the rear of the current property.</p>	<p>The application site is not within the direct vicinity of a designated wildlife corridor or SINC.</p>
<p>The proposed play space and private amenity space provision does not comply</p>	<p>Refer to Standard of Accommodation section</p>

with the London Plan. Off site play space would be dangerous to access.	of the report.
Site not appropriate for proposed density.	Refer to Standard of Accommodation section of the report.
The proposed play space will be inappropriately surrounded by trees, creating a dark and damp space.	The surrounding trees are considered to positively contribute to the visual amenities of the space, whilst also improving biodiversity.
Northwick Park already has a number of residential developments coming forward. This development is therefore not needed.	Refer to Principle of Development section of the report
Green ribbon running through the gardens of SCD, Amery Road and Watford Road, this development will create a break in the ribbon.	The application site is not within the direct vicinity of a designated wildlife corridor or SINC.
It appears that there are problems reaching the necessary capacity of surface water attenuation on site.	Refer to Drainage and Flooding Considerations of the report.
The Flood Risk Assessment is not aware of the persistent flooding around the John Lyon roundabout. It is presumed much of this water drains away through the application site.	Refer to Drainage and Flooding Considerations of the report.
No affordable housing provided within the scheme.	Refer to Affordable Housing section of the report.
Number of 3 bedroom flats is not sufficient.	Refer to Housing Mix section of the report.

<p>Concerns over the air quality information provided. On site pollution is worse than identified.</p>	<p>Refer to Air Quality Section of the report.</p>
<p>If this development goes ahead then jobs will be lost and several employees will become homeless.</p>	<p>Brent's Local Plan allows for changes to take place where business are in decline and supports expansion of business and jobs in its growth sectors and identified growth areas. The proposal itself increases the amount of homes available for residents and a more effective use of the site.</p>
<p>The existing unit is likely over 500sqm and should therefore require an impact assessment for its loss, as per Policy BH4.</p>	<p>Policy BH4 makes reference to the provision of new leisure and retail spaces outside of town centres. This application does not propose any new retail or leisure floorspace and therefore an Impact Assessment is not required.</p>
<p>The loss of the John Lyon pub would disrupt the existing neighbourhood parade and no alternate retail offering would be provided.</p>	<p>The application site is not considered to form part of a neighbourhood parade and there is alternate restaurant provision within 400m.</p>
<p>Have the Telecommunications company owning the monopolies to the front of the site been consulted? The development will interfere with signals.</p>	<p>Consultation has been carried out in accordance with statutory requirements and Brent's Statement of Community Involvement. Notices has been served on relevant parties. There is no obligation to consult the telecommunications company as a statutory undertaker under the General Permitted Development Order. Telecommunications policy does not place this as a specific consideration for this type of development and there is no evidence that telephone signals would be detrimentally interfered with.</p>
<p>The application fails to comply with Policy CP17</p>	<p>Policy CP17 forms part of the Brent Core Strategy (2010) which has now been directly superseded by the Brent Local Plan.</p>
<p>The bat survey provided should be treated with caution as this was undertaken in November and no confirmation has been</p>	<p>Further bat surveys at appropriate times of the year are recommended within the report. Should bats be found at any stage of the</p>

<p>provided on the time of day that the survey was taken. No mention was made of flight routes.</p>	<p>development, construction should be stopped and an a suitably qualified ecologist consulted.</p>
<p>There are no significant changes from the previously refused application.</p>	<p>Please see these matters addressed in the main body of the report.</p>
<p>The proximity of proposed units to the existing substation would result in an unacceptable quality of accommodation. This has not been suitably addressed in the Noise Assessment submitted.</p>	<p>Refer to the Relationship with the Existing Sub-Station section of the report.</p>
<p>There is considerable concern about the loss of trees and shrubs and also damage that this development would inflict.</p>	<p>Refer to the Tree Considerations of the report.</p>
<p>There have been three flooding events this year on Sudbury Court Drive with several more over the previous for years or so. This causes congestion to the John Lyon roundabout.</p>	<p>Refer to Drainage and Flooding Considerations of the report.</p>
<p>The proposed development should make proper use of SUDs as there is insufficient capacity to store excess drainage water within local water sources.</p>	<p>Refer to Drainage and Flooding Considerations of the report.</p>
<p>Lack of proper fire protection.</p>	<p>A Fire Statement has been provided with the application highlighting the proposal would comply with Policy D12 of the London Plan.</p>
<p>The proposed plan would result in the destruction of trees which are enjoyed by the population.</p>	<p>Refer to the Tree Considerations of the report.</p>
<p>In the absence of required detail, the submission does not demonstrate that the proposal will not have an adverse impact on local ecology or protected species, including</p>	<p>Given the nature and location of the site an Ecological Assessment is not required. The site is noted adjacent to a designated SINC or Ecological Corridor. Nevertheless, the applicant has provided a Preliminary Roost</p>

owls.	Assessment Survey that has concluded that the existing building does not have any bat roosts. Enhancement measures for both bats and birds, including owls, were recommended and conditions for external lighting.
The Noise Assessment submitted does not include appropriate consideration of the upper floor flats, as measurements were taken at first floor level.	Refer to the Noise considerations of the report.
Building construction itself would put extreme pressure on the road, side road and commuter run between Wembley and Harrow and the businesses/houses next to the proposed building will also be badly affected with a constant stream of contractors and creating untold noise and pollution.	A Construction Method Statement and Construction Logistics Plan would be required to reduce any potential harm from the proposed works.
Will further stretch the current issues with infrastructure in the area putting excessive demands on the water and sewerage system.	Thames Water were consulted during the course of the application raising no objections.
Inadequate number of lifts for a 5 storey building	The number of lifts is sufficient for such a development. The submitted Fire Statement makes reference to an evacuation lift. As the building is less than 30m high there is no requirement for a second stair case in line with the anticipated proposed changes to Building Regulations.
Local crime rates would increase.	The Metropolitan Police were consulted during the course of the application and raised no objection to the development. A number of security recommendations were also made which have been passed on to the applicant.
Vibrations will cause damage to local properties.	A construction Method Statement would be required by condition as part of any approval to ensure acceptable work practices.

The proposal would result in increased waste/street rubbish.	The proposed development incorporate appropriate measures for waste storage and collection.
The proposed development would have an unacceptable impact on nearby property prices.	This is not a material planning consideration.
It would be more sustainable to convert the existing building to residential accommodation, rather than demolishing it and constructing the proposed building.	Refer to the Sustainability section of the report.
Concerns over the number of units per stair core.	Refer to Floorspace Requirements section of the report.
The proposed development would not have suitable dual aspect provision for the proposed units.	Refer to the Standard of Accommodation section of the report.
The EMF report provided highlights unacceptable levels of radiation to potential nearby residents.	Refer to the Standard of Accommodation section of the report. This document has been reviewed by the Council's Environmental Health team and is considered to be suitable.

External Consultation

Thames Water: No objections raised subject to a condition being secured in relation to a piling method statement.

Historic England: Confirmed that they do not have any comments.

London Borough of Harrow: Confirmed that they wish to raise no objections.

Design Out of Crime Officer: Confirmed that they wish to raise no objections but recommended conditions including to secured by design accreditation.

London Fire Brigade: Have confirmed that they have no further observations to make and that that the application is advised to ensure that the plans conform to Part B of the Approved Document of the Building Regulations.

Internal consultation

Environmental Health - no objections raised in relation to noise. Conditions are recommended in relation to contaminated land and it is noted that the scheme is not air quality neutral. They have also confirmed that the Electromagnetic Field (EMF) report for the substation is acceptable as the reading are below the threshold levels.

Applicant's Public Consultation

A Statement of Community Involvement (SCI) has been submitted with the application. Key points from this are as follows:

Social Media Engagement

Advertisements were made via social media platforms. Two online Q&A events were held on: Wednesday 23 June at 7pm; and Thursday 24 June at 1pm. 91 households (measured by IP address) participated over the course of the three sessions. The applicant's SCI indicates the main issues raised from this public consultation were as impact on local infrastructure, car parking and traffic concerns, loss of the existing venue and impact on the Conservation Area.

Consultation

In July 2022, paper invitations were sent to 1813 local residents, an email invitation to ward councillors, residents and community groups and requests for meetings with ward councillors and Sudbury Court Residents Association.

Overall, 47 people engaged in the public consultation with 35 attending the public exhibition, of which 12 left feedback by either posted form or via the website. The applicant's SCI indicates that residents were happy that the development was a joint partnership between the applicant and the current owner of Mumbai Junction and were happy to have the owners of the restaurant at the exhibition to hear that they were part of the project and not being forced out by the developer.

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 D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design
Policy D5 Inclusive Design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D12 Fire Safety
Policy D14 Noise
Policy H1 Increasing housing supply
Policy H2 Small Sites
Policy H4 Delivering affordable housing
Policy H5 Threshold approach to applications
Policy H6 Affordable housing tenure
Policy H7 Monitoring of affordable housing
Policy HC1 Heritage conservation and growth
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands

Policy SI 1 Improving air quality
Policy SI2 Minimising greenhouse gas emissions
Policy SI4 Managing heat risk
Policy SI5 Water infrastructure
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage
Policy T2 Healthy Streets
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

Local Plan 2019-2041

DMP1 - Development Management General Policy
BP4 - North West
BD1 - Leading the way in good design
BD2 - Tall Buildings
BH1 - Increasing Housing Supply
BH4 – Small Sites and Small Housing Developments in Brent
BH5 - Affordable Housing
BH6 - Housing Size Mix
BH13 - Residential Amenity Space
BHC1 - Brent's Heritage Assets
BGI1 - Blue and Green Infrastructure in Brent
BGI2 - Trees and Woodland
BSUI1 - Creating a Resilient and Efficient Brent
BSUI2 - Air Quality
BSUI4 - On-site Water Management and Surface Water Attenuation
BT1 - Sustainable Travel Choice
BT2 - Parking and Car Free Development
BT3 - Freight and Servicing, Provision and Protection of Freight Facilities
BT4 - Forming an Access on to a Road

Other material considerations include:
National Planning Policy Framework 2021
National Planning Practice Guidance

Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018
Council's S106: Supplementary Planning Document 2022
Brent Waste Planning Guide 2013
Residential Amenity Space & Place Quality – SPD – 2023
Sustainable Environment & Development – SPD – 2023

DETAILED CONSIDERATIONS

Background

1. The subject application has been submitted following the refusal of application 21/3679 in December 2021. It seeks to overcome the refusal reasons, which are summarised as follows:
 - Scale, design, bulk, massing and siting in relation to the suburban context of the site would appear as an excessively bulky building which would result in a poor transition to the suburban housing immediately to the south of the application site.
 - The proposal failed to demonstrate that the development will have an appropriate relationship with the Sudbury Court Conservation Area.
 - Poor standard of accommodation for future occupiers due to limited outlook from a number of bedrooms and proximity to substation without evidence or mitigation measures to demonstrate that future residents would not be adversely impacted as a result of electromagnetic waves and background noise.
 - Proposal failed to demonstrate that the rear gardens of properties on Amery Road would not be adversely affected through undue levels of overshadowing.

- Poor relationship with the boundary of No. 135 Sudbury Court Road through overlooking and loss of privacy, overbearing relationship from rear habitable room windows and rear garden.
 - Proximity to neighbouring site and reliance on outlook over neighbouring site could have potential to comprise it from coming forward for redevelopment for industrial and residential purposes.
 - Lack of cycle parking in a secure and covered shelter
 - Lack of a legal agreement under Section 106 of the Planning Act which would ensure that the delivery of the maximum reasonable amount of Affordable housing together with an appropriate Affordable Housing review mechanism, and an appropriate level of carbon reduction across the scheme.
2. Since this decision the Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24th February 2022.

This was associated with the following documents being 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)
3. A number of these documents were considered for the 2021 application and included within the reasons for refusal. 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.

Principle of Development

Background and Current Use

4. The application site is currently occupied by the Mumbai Junction Restaurant. A number of objectors have raised concerns with the loss of the existing building. They have set out that it is one of very few remaining public houses/restaurants in the local area and that its loss would have a detrimental local community impact, resulting in the loss of a community asset.
5. Application reference 18/4682 established that the lawful use of the existing premises is as a restaurant, which now falls under Class E (Commercial, Business and Service) of the Use Classes Order 2020. As such, the existing lawful planning use of the building is as a restaurant (use class E(b)) (Food and Drink), and not as a public house (sui generis) or community use (falling within either use class F1 (Learning and Residential Institutions) or F2 (Local Community)). Planning policies relating to the protection of community facilities or public houses therefore would not apply in this case. Policy BH2 only seeks to provide the same amount and use class of non-residential floor space for proposed residential developments in relation to sites within town centres, edge of town centre sites and intensification corridors. The application site does not fall within any of these priority locations and therefore there is no policy basis for the re-provision of the restaurant use. The loss of the restaurant was previously considered and did not form an earlier reason for refusal within the 2021 application.
6. The existing building is also not registered as an asset of community value.

Loss of Existing Building

7. The former John Lyon pub was constructed in 1957 for Watney, Combe & Reid. The building does have listed building status nationally nor locally. It is not located within the nearby Sudbury Court conservation area. It formed part of a later phase of post-war development in the area and was not part of the Comben and Wakeling's Sudbury Court Estate which latterly was designation as conservation area.
8. A Heritage Statement has been included with the application which considers the significance of the building as recommended by NPPF 194. It confirms that it was constructed in 1957 for Watney's. The building is not on the Council's Local List nor was it considered to be architecturally and historically significant enough to be included when a review was undertaken in 2016. The Heritage Statement affirms its original conclusion 'it is difficult to see any grounds upon which it could be assigned Non-Designated Heritage Asset status.'

9. Whilst the building remains somewhat intact externally; it is not a particularly architecturally distinctive building nor historically is it important to the Sudbury Court Estate or Watney, Combe & Reid. It has been the subject of a significant amount of alteration (especially internally) and therefore would not meet the threshold required for statutory listing. Likewise, it is not special enough to be considered a non-designated heritage asset. Nevertheless, the name, John Lyon, is of course important as the 16th C founder of Harrow School. To this end, the Council's Heritage Officer has requested that in the event that planning permission is forthcoming, there should be a condition to require the submission and approval of a celebratory plaque which, would be easily visible from the public highway.
10. In conclusion, there is no objection to the loss of the existing building on site and the Council's Heritage Officer supports the findings of the Heritage Statement submitted with the application. Further, the demolition of the existing building did not form an earlier reason for refusal within the 2021 application.

Residential Development

11. The National Planning Policy Framework emphasises the provision of new homes as one of the key roles of the planning system. The London Plan proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year. Policy BH1 of Brent's Local Plan also reflects the London Plan target.
12. Policy H2 of the London Plan relates to small sites. This policy highlights that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations achieve the minimum targets for small sites as part of overall housing targets and increase the contribution of small sites to meet London's housing needs. This site is 0.24 hectares in size and therefore would be defined as a small site under policy H2 of London Plan.
13. In response to the above strategic policy position, Policy BH4 of Brent's Local Plan sets out local planning policy on small sites. This sets out that small housing developments (below 0.25 hectares or 25 dwellings in size) delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites, where consistent with other policies in the development plan, will be supported within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary through:
 - a) the infill of vacant or underused brownfield sites
 - b) residential conversions, redevelopment, extensions of dwellings, or infill within the curtilage of a dwelling
 - c) the redevelopment of flats, non residential buildings and residential garages,
 - d) upward extensions of flats and non residential buildings
14. In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will 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.
15. In this case, the site is not located within a priority area for new homes. However, the small sites policy does not preclude other sites from coming forward for redevelopment but stresses the need for greater weight will 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. These matters are discussed in more detail below.

Affordable Housing

Policy Background

16. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. Policy H6 requires affordable housing provision to include a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; and 40% to be determined by the borough based on identified need.
17. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This

split marries up with London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.

18. Where an application does not meet the above requirements set out in Part C of Policy H5, it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application.
19. Given that the level of affordable housing proposed is under the 35% threshold as set out within the London Plan and Brent Local Plan, a Financial Viability Appraisal (FVA) was submitted with the application.

Earlier refused scheme

20. The previous refused application reference 21/3679 was also subject to a FVA as no on site affordable housing was proposed. The earlier scheme was for 43 private homes. The FVA submitted with the refused application concluded via the viability assessment that the proposal would result in a deficit and would not be able to deliver any affordable housing. This was on the basis that an 100% market housing scheme would generate a residual land value of £891,658, which would result in a deficit of approx. £2,108,342 below the benchmark land value of £3,000,000. The FVA was reviewed by industry experts on behalf of the Council. The appraisal concluded that the scheme could deliver a surplus of £338,894 that could be used towards the provision of affordable housing, based on 100% market housing scheme. The main differences between the two consultants related to build costs, developer profit and benchmark land value.
21. One of the reasons for refusal was on the grounds that the proposed development was not subject to a legal agreement under Section 106 of the Planning Act which would ensure that the delivery of the maximum reasonable amount of affordable housing together with an appropriate Affordable Housing review mechanism.

Current proposal

22. As part of the current application an Addendum Viability Study was submitted to be considered in conjunction with the earlier FVA submitted as part of the 2021 application together with the review of the FVA on behalf of the Council. Once again, the addendum report has been reviewed by industry experts on behalf of the Council. This is on the basis of 42 private homes and a reduced benchmark land value of £2,270,000. The applicant's addendum report concludes that a wholly private scheme would deliver a deficit of £1,603,575 below benchmark land value. The Council's consultants who have reviewed the addendum have concluded that the scheme would also be in deficit based on a wholly private scheme but with a reduced deficit of £868,873. This does mean that even with no affordable housing this development presents risks to the developer in terms of getting a sufficient return on the development. If things do improve it might be possible to secure affordable housing via a late stage review but at this point the scheme cannot support any at all.
23. In conclusion, the review of the addendum report has concluded that the scheme cannot reasonably deliver any affordable housing. However, in line with policy a late stage review mechanism would be secured within a Section 106 Agreement to capture any off site contributions towards affordable housing in the event that viability improves. The proposal is therefore considered to comply with policies H4, H5 and H6 of London Plan 2021 and policy BH5 of Brent's Local Plan 2019-2041, and has overcome the earlier refusal for refusal on this matter.

Housing Mix

24. Policy BH6 of the Local Plan sets out that the council will seek to deliver a target of 25% of new homes as family sized (3 bedrooms or more) dwellings. For every four dwellings included within developments at least one must be 3 bedrooms or more. The proposed residential development would include 11 x 3 bedroom homes which delivers 1 in 4 of the homes within the development as family sized, and therefore complies with policy BH6.

Design, Character and Impact on the Street Scene

25. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Policy D3 of London Plan highlights the need for all development must make the best use of land by following a

design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

26. Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced in policy BD1 which seeks for new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. 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.

Height and Massing

27. Policy BD2 defines a tall building that is one that is more than 30m in height above ground level. Tall buildings are directed to tall building zones in the policies map. The policy goes on to say that in intensification corridors and town centres outside conservation areas and areas of distinctive residential character developments of a general building height of 15 metres above ground level could be acceptable, with opportunities to go higher at strategic points in town centres. In all cases the tall buildings must be shown to be positive additions to the skyline that would enhance the overall character of the area. They should be of exceptional design quality, consistent with London Plan Policy requirements in showing how they positively address their visual, functional, environmental and cumulative impacts.
28. The proposed building would not be defined as a tall building as it is less than 30m in height. The central portion of the proposed development would be 5 storeys in height and would contain a maximum height of approximately 18.6m. The northern, southern and western portions would be 4 storeys in height, eventually dropping to 3 storeys to the west (rear of the site).
29. It is set out within Brent policy BH4 that outside of the priority locations for housing, "greater weight will 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 area surrounding the application site mainly comprises of traditional two storey detached and semi-detached properties with relatively large garden areas. It is noted that a row of three storey buildings is situated further south of the site along Watford Road and this would appear to be a small isolated neighbourhood parade with commercial units on the ground floor and residential units located on the upper floors. The proposal would be larger both in height and massing than the existing buildings within the context and does diverge to a degree from that character.
30. The tallest portions of the development would mainly occupy the front, central portions of the site whereby this height would be considered appropriate given the open setting of the John Lyon Roundabout, at the convergence of four main roads, which creates a suitable foreground to a building of such a height. The overall height is also focused away from the residential properties to the south and west of the site.
31. Within the earlier refusal, the overall height, bulk and massing was not considered to respect the surrounding context within the vicinity of the application site. The proposed bulk and mass was considered to over dominate the site and would fail to respect the context and traditional suburban nature of the area. The height of the rear projecting element in particular would have failed to allow for a suitable transition when considering the established residential features to the west of the site along Amery Road. This addition would appear excessive and too severe jump in height. There were also concerns that the development would appear cramped with the northern splayed boundary and this is further intensified by the overall bulk and mass of the rear projecting element. This further highlights the overdevelopment nature of the proposed replacement building.
32. Furthermore, the earlier application was not provided sufficient analysis of the development while considering the nearby streets in particular Sudbury Court Drive where land levels do rise. There were also concerns in relation to how the proposal would be perceived from Amery Road.
33. In response to the above concerns, the scheme has been amended and removed a large section of the rear projection together with an overall reduction in the building height. The wings on either side of the five storey element have been amended to four storeys in height to provide a more symmetrical building. A townscape analysis has also been submitted that includes views from along Amery Road, Sudbury Court Drive, Paxford Road, The Crescent and The Green. These views are compared the proposal against the refused scheme. In addition, a number of Accurate Visual Representations were included.

Initially these views only related to one on the south eastern side of Sudbury Court Drive (close to the junction with the roundabout) and on The Green. Further AVR were provided further along Sudbury Court Drive (outside No. 52, 102 and 118), along Watford Road junction with The Green as requested by the Urban Design Officer and Heritage Officer.

34. The Council's Urban Design Officer has reviewed the revised height and massing and considers that the reduction in height to the rear and sides would allow for an appropriate transition and relationship when considering the height of the dwellings within the vicinity of the site. This is evident in a number of the views provided within the townscape analysis. In this regard, the subject proposal is considered to overcome the previous reason for refusal, which considered the overall bulk of the proposal to be unacceptable, creating an unacceptable transition to the surrounding properties.
35. The viewpoints provided with the application are considered to successfully demonstrate that the site has capacity to sustain a development of up to 5 storeys in height from an urban design perspective, given the wide and open nature of the road and junction that the building addresses.

Architecture and Materiality

36. SPD1 states that the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character.
37. A strong approach to materiality has been set out within the Design and Access Statement submitted as part of this application. The development would mainly comprise of a red brick base with a dark red/brown or green coloured cladding introduced at the upper floors/roof features. The materials would pick up several details from the surrounding context and nearby Conservation Area, which is welcomed. The facades are well-composed, with good proportions that establish a clear hierarchy across the scheme and define a coherent base, body and crown from ground floor to roof level. Nevertheless, as part of any consent, detailed bay studies would be required by condition to include indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets, typical balconies etc. Details of finalised materials would also be required via a planning condition.
38. Within the previous application, concerns were raised over the legibility of the proposed communal entrance. The entrance has now been brought forward of the main facade and is considered to be of a composition which presents a legible communal entrance to the wider streetscape, giving it a clear identity and creating a good sense of arrival for future residents. There were also concerns within the previous application regarding the extent of inactive frontage at ground floor level. To address this, the introduction of private amenity spaces adjacent to the communal entrance are considered to help to animate the frontage, whilst giving a formality to the façade composition.
39. Overall, the proposed approach to architecture and materiality is considered to be well designed, incorporating visual cues from the surrounding area.

Layout

40. The proposal would feature a projection forward of No. 135 Sudbury Court Drive by approximately 4.3m. This relationship has been achieved due to the angled orientation of this neighbouring property. The additional properties further south of Sudbury Court Drive contain a more linear and uniform building line and southern portion of the development would suitably resemble this established building line. A sufficient spacing would be maintained to the front of the site. The gradual projection forward towards the central of the site is considered acceptable given the width of the site. The building line further to the north would resemble that of the properties further north of the site.
41. An entrance lobby would be positioned along the central parts of the site, and it is considered that this would be well read, providing a welcoming experience for any future residents. A segment of the ground floor would provide vehicle access to the undercroft parking area. The existing access points from the service road the east would be used as part of the development.
42. Overall, the proposed layout is considered to be acceptable with regard to the established pattern of development in the surrounding area, and in light of the site's characteristics.

Relationship with the Sudbury Court Conservation Area

43. The site is situated adjacent to the Sudbury Court Conservation Area further to the east of the site and a Conservation Area is defined as a designated heritage asset.
44. Paragraph 194 of the National Planning Policy Framework (NPPF) 2021, states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 195 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
45. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the case of where development leads to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the NPPF highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy BHC1 of the Local Plan further re-emphasises the matters above. Policy BP4 further reveals the importance of conserving and enhancing heritage assets within this part of the Borough.
46. Sudbury Court Conservation Area Appraisal identifies the importance of protecting the Conservation Area and details prevailing quality, level of preservation of the details that define the character of the area. The site is also opposite a 'gateway' to the Conservation Area and therefore forms part of its backdrop.
47. A Heritage Statement has been included with the application which considers the significance of the Conservation Area as recommended by NPPF 194. For the most part, the new development would not be viewed from within the Sudbury Court Conservation Area, certainly not from its centre. Two views are provided within the Heritage Statement. View 9 is taken from within the Sudbury Court Conservation Area at its edge and is the most prominent view of the building from within the Conservation Area. It is clear that from this position the building would read as backdrop. The visual representation of the building does not appear harmful to views from the Conservation Area in this respect. Views to the site down The Crescent are also very limited.
48. View 1 is not from within the Sudbury Court Conservation Area but the site is seen in context when walking on Sudbury Court Drive. A further View 2 has also been provided from the pavement, as View 1 was taken from an island within the road, where views would not be as prominent. View 2 has been reviewed by the Council's Heritage Officer. It is considered that the proposed development would be seen in context with the Conservation Area when walking on Sudbury Court Drive. However, it would not be on its boundary, nor is it considered part of the gateway to the conservation area. It would not block or mar views to the Sudbury Court Conservation Area and would be seen in context with the properties alongside it on the opposite side of the road.
49. The Heritage Statement suggests that 'the appearance of the Proposed Development would neither detract nor enhance the significance of the Conservation Area. The ability of the observer to recognise and appreciate the Conservation Area would remain unchanged, and the impact would be neutral. The Proposed Development would, at least, preserve the character and appearance of the Sudbury Court Conservation Area.' The Heritage Officer agrees with this conclusion. Simply seeing something new is not considered to be harmful to the significance of the conservation area. Furthermore, the design of the building is considered by the Principal Urban Design Officer to be acceptable in terms of massing, with a strong approach to materiality and could become an exemplar scheme for suburban intensification.
50. The Sudbury Court Conservation Area has been determined in the Historic Environment Place-making Strategy to be of medium to low significance. On balance, it is hard to see how the significance of the Sudbury Court Conservation Area would not remain sustained given these circumstances. However, if one was to contend that a degree of harm would occur, this must be 'less than substantial' and at the very low end of the scale. This harm would be significantly outweighed by the public benefits of the scheme, which include the provision of new homes to meet housing need within the borough, including

family sized homes.

51. Overall, it is considered that the proposed development would not result in harm to the setting of the Sudbury Court Conservation. This is considered to overcome the previous reason for refusal on this matter whereby insufficient information was provided to demonstrate an acceptable impact upon this designated heritage asset.

Impact on Neighbouring Residential Amenity

Separation Distance and Privacy

52. Any development is required to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. SPD1 recommends that 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.

Properties to the rear on Amery Road

53. The windows and balconies on the western elevation within the rear projection are sited closest to the rear boundary with the properties on Amery Road. Within the rear projection, the ground floor to second floor would contain habitable room windows located at approx. 8.8m from the boundary with the rear gardens of No. 15 Amery Road, with the edges of the balconies at first and second floor levels at 7.3m from the boundary with these properties. A distance of over 32m would be maintained from the edge of the balconies to the rear habitable room windows within the properties on Amery Road.
54. The windows would be 20 cm below the distance referred to in SPD1, with this minor shortfall not considered to result in materially different levels of overlooking. However, the balconies project into this space and the distance to the boundary would be materially less than the 9 m specified in the guidance. Whilst in some instances the proposal would fail to maintain a 9m separation distance from the rear boundary, the degree of overlooking is reduced by the level of tree coverage and vegetation positioned adjacent to the rear boundary. The adjoining gardens are sizeable, and the rear building line of the residential properties to the west of the site would be in excess of 30 m from the balconies. While the distance from the rear element of these gardens is less than that set out in SPD1, the proposal is considered to be acceptable in relation to the degree of overlooking for the reasons set out above.

No. 135 Sudbury Court Drive

55. The front element of the building would be located approx. 1.5m to 4.3m from the boundary with No. 135 Sudbury Court Drive at ground to second floor levels. Windows are proposed within the flank elevation at ground floor level. Given that there is an existing boundary fence between the two sites, it is not considered that the scheme would result in overlooking from the ground floor flank wall windows. The balconies at the upper floor levels closest to the boundary with No. 135 Sudbury Court Drive can be conditioned to have high level screen to prevent directly overlooking to No. 135 Sudbury Court Drive. The roof terrace at fourth floor level for flat 4.01 would be within 9m of the boundary with No. 135 Sudbury Court Drive (7.3m to 8.3m). However, the terrace would not have direct views into the adjoining property due to the green roof that sits in front of it. The balconies with the rear projection would maintain a distance of over 12m to the boundary with the rear garden of No. 135 Sudbury Court Road with a greater distance being achieved for side facing windows.

Site to the north

56. The previous application included a reason for refusal in relation to the proximity of habitable room windows of the proposed development to the boundary with the adjoining site to the north, and lack of evidence on the access rights to the substation to demonstrate that this would need to be retained in the long term. The previous application failed to have an appropriate regard to the nature of the adjoining site as a development site for mix-use purposes.
57. The site to the north currently serves a car repair service. The proposed floor plan drawings submitted with the application illustrate an access boundary for the sub-station to the rear of the site. The Title Deeds provided within Appendix B of the Planning Statement state that full and free access must be maintained for access to the substation. This access would therefore be retained indefinitely, and an access boundary is shown on the proposed plans. Whilst it is noted that the kitchen/living windows to the

flank of proposed units 1.04, 2.04 and 3.04 would be within 9m of the site boundary, which formed a refusal reason within the previous application, it is considered that this measurement may instead be taken from the middle of the access road, as demonstrated to be retained in the proposed plans. This is in light of the Title Deeds provided. The aforementioned windows would be located at least 9m of the middle of the retained access road and the development is therefore considered to be acceptable in this regard. The remaining flank windows facing the north of the site (along the frontage of the building) do not contain sole flank wall windows, and could be conditioned to be obscured glazed and high opening, together with high level screening to the balconies. It is considered that the previous reason for refusal has been addressed on this basis.

Summary

58. In conclusion, the proposal would be considered to achieve an acceptable level of amenity in relation to neighbouring occupiers. Whilst some elements of the scheme do not fully comply with SPD1, such breach of the guidance would not be considered to a harmful impact to neighbouring occupiers, and the proposal would therefore comply with policy DMP1.

Outlook and Daylight

59. The building envelope of the proposed development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, 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. SPD1 further highlights the 1:2 rule for two storey extensions for commercial developments next to residential as well as between residential developments applies.

Nos 15 + 17 Amery Road

60. Section drawings have been provided within the Design and Access Statement to demonstrate that the proposed development would comply with the 30 and 45 degree rule in relation to these properties. This was also considered to be acceptable within the previous application which featured a greater massing to the rear.

No. 135 Sudbury Court Drive

61. The rear projection of the proposal would comply with 45 degree line from the rear garden of No. 135 Sudbury Court Road. The 1:2 guidance has been applied in relation to the front element of the building as it is the closest element that sits alongside No. 135 Sudbury Court Road. When measured from the middle of the nearest rear habitable room window at first floor level, a distance of 7m would be maintained from the middle of this window to the flank wall of the development (including the balcony). The proposal would project out 3.5m from this window and therefore would comply with 1:2 guidance.

62. It is therefore considered that the scheme has overcome the earlier reason for refusal in relation to the impacts upon No. 135 Sudbury Court Road as it would no longer result in an unacceptable relationship in terms of an overbearing appearance or harmful levels of overlooking/loss of privacy. The proposal would accord with policy DMP1 and the guidance set out within SPD1.

Daylight + Sunlight Assessment

63. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines set out a number of tests. The initial test relates to 25 degree line where it recommends that adequate daylight would be achieved when there is an unobstructed 25 degree angle in relation to neighbouring windows. In such cases no further testing would be required from these windows. Where further testing is required, firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.

64. To assess impacts on sunlight to existing south-facing windows and amenity spaces, an 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.

65. The NPPF also supports a flexible approach to applying standards in order to allow for an efficient use of sites.
66. A sunlight and daylight assessment has been provided with the application assessing the impact of the development on the neighbouring properties within the vicinity of the application site. The report concludes that there would be no direct impact on the neighbouring properties within the vicinity of the application site.
67. No. 135 Sudbury Court Drive to the south has windows in the side elevation facing towards the site. However these windows serve non-habitable rooms and BRE guidelines are clear that the effects on daylight and sunlight to non-habitable rooms are not required for testing. The report outlines that the front and rear facing windows serve habitable rooms, which would be unaffected by the proposed development due to the proposed layout and stepping down of the massing adjacent to 135 Sudbury Court Drive. Therefore, it is concluded within the assessment that 135 Sudbury Court Drive would adhere to the BRE guidelines as neither the front or rear windows would infringe with 25 degree line test given the orientation of these windows. The rear garden of 135 Sudbury Court Drive has been considered, but not tested, as it is located to the south of the development site. This means that there would be no material overshadowing of the garden from the proposed development. Due to the unfettered access of sunlight from the south, throughout the day, the occupants of 135 Sudbury Court Drive would enjoy sunlight levels in excess of the BRE guidelines recommendations.
68. Having undertaken a 25 degree angle test regarding the neighbouring properties along Amery Road, the proposed building layout, and the distance between the buildings, the proposed development adheres to the test. This demonstrates that the occupants within the Amery Road properties would maintain high levels of daylight and sunlight with the proposed development in place. In addition, the rear gardens to the Amery Road properties would maintain sunlight in excess of the BRE guidelines, as there is unfettered access to sunlight from the south, such that the 2-hour sun-on-ground assessment would be satisfied.
69. In conclusion, the assessment demonstrates that neighbouring properties together with their rear gardens would continue to receive good levels of daylight and sunlight with the proposed development in place, in line with BRE guidance. The proposal would accord with policy DMP1 and has sufficiently addressed the earlier reason for refusal in relation to concerns with overshadowing to the rear gardens of the properties on Amery Road.

Quality of Accommodation

70. Policy D6 of the London Plan sets out standards for housing quality. It requires new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3. Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

Daylight and Sunlight

71. A daylight and sunlight report was submitted with the application assessing the internal arrangement of the proposed residential units. Initially, the assessment was made into ground floor units only. However, concerns were raised by the Council's Urban Design Officer with regard to units 1.02, 1.05, 2.02 and 2.05 as to the performance of the living, kitchen, dining spaces. These units are partly buried within the depth of the plan and have projecting balconies above the windows, potentially limiting daylight and sunlight penetration. Following communication with the applicant, an addendum was received to ensure ground, first and second floor units were assessed.
72. The Illuminance Method daylight results show that 61 rooms out of 81 rooms tested adhere to the BRE guidelines. It is noted that where rooms fall below requirements, some of these are affected by the provision of balconies overhead, which is an inevitable effect for new urban developments when delivering the required amenity space standards, whilst others shortfalls are due to the inclusion of the kitchen areas within the new illuminance testing methodology. The Sunlight Exposure results show that of the 81 rooms tested, 54 rooms (67%) adhere to the BRE guidelines. This is considered to be a suitable level of adherence given the proposed development has windows facing in all directions, including the

north where sunlight is limited. In light of the above, the proposed layout of units 1.02, 1.05, 2.02 and 2.05 is also considered to be acceptable.

73. For the sunlight quality to the proposed amenity areas, the ground floor gardens have been assessed. It is noted that the upper levels of the proposed development would obtain higher levels of daylight and sunlight. The assessment of the sun-on-ground has been undertaken to two amenity areas at ground level. The results of the assessment can be seen on the ground floor plan at Appendix 2, which shows Area A1 and A2 would obtain at least 50% of the garden sunlit in the assessment month of March. Areas A1 and A2 obtain levels of 96% and 100% respectively, which are well above the target set out in the BRE guidelines.
74. Overall, the assessment of the light for the future occupants demonstrates an acceptable level of adherence to the daylight assessment, whilst also demonstrating a good level of sunlight will be achieved.

Floorspace Requirements

75. Policy D6 of London Plan sets out minimum floorspace requirements. It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. The Design and Access Statement submitted with the application highlights that all proposed units would meet the London Plan floorspace requirements.
76. The proposed first and second floors would include 11 units which would exceed recommended 8 homes per core as set out in the Mayor's Housing SPG. However, given the "T" shape of the buildings the homes are clustered around a centrally located core.
77. The section plans submitted with the application demonstrates that the proposal would meet the required floor to ceiling height of 2.5m of at least 75% of the internal floorspace as set out within the London Plan.

Outlook and Aspect

78. Policy D6 of the London Plan highlights that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
79. Within the previously refused application, there were significant concerns raised in relation to the level of outlook received by a number of the proposed ground floor units. These are each addressed below.
80. The bedroom serving G.01 is located within close proximity to the main entrance of the development. Previous concerns were raised over the location of the boundary screening to the proposed amenity space which was in close proximity to the bedroom window. To alleviate these concerns, the unit has been provided with a decked amenity space of a suitable width which meets London Plan standards, with the screening now sited in a suitable location to allow for an appropriate level of outlook, whilst also preserving the privacy of the space.
81. Concerns were also raised over the flank bedroom window for unit G.02 which was sited directly adjacent to a hedge, and 2.6m from the site boundary. Whilst the window would remain within 2.6m of the site boundary, the hedge has been relocated to better align with the natural subdivision of the units. It is therefore considered that an appropriate level of outlook would be received, given the site constraints.
82. The bedroom located within G.05 which was previously considered to receive an unacceptable level of outlook has been removed from the subject application and therefore overcomes the previous concerns.
83. Otherwise, the proposed unit layout is considered to be acceptable, providing a suitable level of outlook to each unit. Further, it is considered that internal layouts have been well thought out, to maximise dual aspect provision, with living spaces located to the corners of the development where possible.
84. Amendments were also received during the course of the application to flip units G.04 and G.05. This allowed the larger, 2 bedroom 4 person unit to benefit dual aspect provision, as well as to benefit from access to a larger private amenity space.

Relationship with the Existing Sub-Station

85. Unit G.05 would be positioned within close proximity to the existing substation to the rear of the site. The proposed first, second and third floors would contain units with balconies directly adjacent to the substation. These upper floor units would also contain opening points within close proximity to the substation.
86. Within the previously refused application, the Noise Assessment failed to fully assess this relationship in full. In addition to this, the Environmental Health Team raised concerns in relation potential of electromagnetic fields generated by the electric substations on/near the site which were not addressed.
87. Although the noise assessment provided as part of the subject application doesn't specifically mention the substation, a frequency analysis was undertaken that demonstrates there is low frequency noise; more likely from extraction fan noise as opposed to the substation. Due to this specification it has been noted that the proposed glazing would reduce low frequency noise to an acceptable level. This information has been identified as acceptable by the Council's Environmental Health Team. Furthermore, an EMF Report was submitted during the course of the application which demonstrates acceptable levels, below threshold levels. The application is therefore considered to suitably overcome the previous reason for refusal.

Accessibility

88. Policy D7 of the London Plan requires that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'.
89. The development has been designed to allow residents to gain step-free access to the building when considering the external environment through clearly visible and identifiable entrances from the public realm. Step-free access would also be provided to the rear amenity space. The scheme would include 5 units designed to building regulations M4(3) 'wheel chair accessible homes standards'. This would equate to over 10% which complies with the requirement of the London Plan.
90. The remainder of the homes would be designed to M4 (2) 'accessible and adaptable dwellings' standards.

Privacy

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

External Amenity Space

92. 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 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.
93. The requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
94. 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.
95. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

96. In line with policy BH13, the scheme would be required to provide a total of 900sqm of external amenity space (2 x 50sqm and 40 x 20sqm). Each home would have access to a private terrace or balcony that meets or exceeds London Plan standards for external amenity space. However, there is an overall shortfall in private amenity space of 388.8sqm against the targets set out within policy BH13. However the scheme would have access to 533sqm of communal amenity space located at ground floor level and at 4th floor level. The combination of private and communal amenity space would result in a scheme that would not be short of the targets set out within policy BH13.

Play Space

97. London Plan policy S4 refers to play space requirements for residential developments. A children's play area would be provided to the rear of the site and this would measure approximately 170sqm. This provision would exceed the requirement of the GLA playspace requirements of 140sqm for a scheme with 42 homes (all of which are private).

Transport and Highway Considerations

98. The application site fronts the service road, which runs along Watford Road on the north-eastern side of the roundabout junction with Sudbury Court Drive and The Crescent. Watford Road is a London Distributor Road.

99. The service road serves a mixture of residential and commercial properties. It is approximately 5.5m wide and permits uncontrolled on-street parking. However, its width allows parking along one side only, with six cars able to be accommodated opposite the application site and a further six to the north. Nevertheless, it is subject to demands from commuters and shoppers to the local area, particularly during the day.

Parking

100. The existing 40 car parking spaces on site significantly exceeds maximum car parking allowances for a restaurant.

101. With regard to the site's redevelopment, parking standards at Appendix 4 of the Local Plan are taken from Table 10.3 in London Plan Policy T6.1 for residential use. The low access to public transport services means that up to 0.75 spaces per 1-2-bed flat and one space per 3-bed flat are allowed.

102. The proposed development would therefore have a maximum car parking allowance of 35 spaces. This is a reduction from the previous Development Management Policy standards that were in operation when previous proposals were considered, which would have allowed up to 49 spaces.

103. Within the initial submission documents, the applicant proposed 16 formal undercroft spaces which is in accordance with maximum parking standards. However, although the proposed car parking was compliant with maximum standards, the Council's adopted policy BT2 states that "Development will be supported where it does not add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on street parking conditions. As such, justification for the relatively low level of proposed car parking was required.

104. To establish likely parking demand, reference to data from the 2011 Census suggests that car ownership for flats in the area averages about 0.76 cars/flat, suggesting that the development would generate demand for 32 spaces.

105. The previously refused application (ref: 21/3679) proposed 18 formal undercroft parking spaces, plus six informal spaces along the proposed service road along the front of the building. This left an expected overspill of about eight cars, which were deemed capable of being accommodated along the service road in close proximity to the building. As such, the previous scheme was not considered likely to cause any severe parking problems in the vicinity of the site. Nevertheless, the subject application at submission reduced the undercroft parking to 16 spaces, whilst also reducing the width of the service road along the front of the building to accommodate soft planting, such that it would no longer be able to accommodate any informal parking. The off-street parking provision was therefore significantly reduced by about one-third in comparison with the earlier submission (24 spaces down to 16 spaces), leading to a much greater volume of overspill parking estimated at an average of 16 cars.

106. To this end, detailed survey information on parking conditions in the area was gathered by the

applicant using an accepted methodology to establish whether there is spare capacity to accommodate some parking demand along the service road fronting the site. Surveys were carried out over the period of two nights from 00:30-05:00 on Wednesday 5th May and Thursday 6th May 2021. The carriageway of the service road in close proximity to the site has a total capacity for twelve cars, with about six spaces directly fronting the site and a further six spaces to the north. On 5th May, six cars were observed as being parked, leaving six spare spaces, whilst on 6th May, four cars were noted, leaving eight spare spaces. The service road is therefore

107. Nevertheless, Google Streetview images show that it does tend to be heavily parked during the day and suggestions from resident objections are that many of the spaces are used by staff at Northwick Park Hospital. As such, there is less spare parking capacity available during the day close to the site. It is recognised that residential parking demand from this site would be likely to fall during the day though as residents travel to work and this is set out in Table 6 of the Transport Statement provided.
108. If space only exists for six cars to overspill from the site onto the service road close to the site, then a further ten residents would be seeking parking space further afield. However, the remainder of the kerbside parking that was surveyed was at least 120m distant from the building entrance, with the majority of it accessed via the crossing of major roads. Only the northern service road of Sudbury Court Drive provides reasonably convenient parking, but this has only 13 spaces within 200m of the building entrance. Given these distances, it was considered that residents are more likely to take their chances on parking for short periods in and around the development, such as on double yellow lines, across driveways and junctions, on footways/verges, or most likely, on the service road and landscaped areas fronting the building, despite its reduction in width. This will be particularly the case if they are carrying heavy shopping or have young children with them. Such parking would in turn obstruct safe access to the building and along the adjoining streets.
109. As such, concerns were raised over the impact of the estimated overspill of 16 cars from the site would have on highway conditions in the area, given the shortage of available on-street parking space in the immediate vicinity of the building. To this end, it was noted that an additional 8 spaces were required on site, with the remaining demand to be accommodated on the service road.
110. In light of the above, a revised ground floor plan was accepted during the course of the application which demonstrates an additional 8 parking spaces to be located within the site's frontage (bringing the total provision on site to 24 spaces). To accommodate this, the proposed soft landscaping has been rearranged but has not resulted in a significant net loss. Furthermore, the soft landscaping to the frontage would also be a significant increase to the previous application, where this was not highlighted as a concern. The revised documents have been reviewed by the Council's Transport Team and are considered to ensure that the proposed development would not unacceptably impact upon highway safety, as parking demand may be suitably accommodated on site with an estimated overspill parking demand for 8 spaces, which would be comparable to the earlier refused scheme. Bearing in mind that the standards are expressed as maxima this does not conflict with the policy. The potential (on and off street) demand can be accommodated within accepted tolerances. Moreover, policy emphasis on restraint is likely to influence occupiers' modal choices particularly around ownership and use of a car.
111. The proposed 3.2m headroom to the undercroft area is appropriate.
112. The Transport Statement also indicates that 20% of car parking spaces would be provided with active provision for electrical vehicle charging, whilst the remainder would be provided with passive provision, as per the London Plan requirements. However, these have not been indicated on the site layout plan, and details would need to be conditioned.
113. The provision of two disabled car parking spaces has been indicated, which would meet the current requirements.
114. Officers in Transportation have also requested a Car Parking Management Plan to be conditioned to ensure that cars only park on-site within the designated spaces within the site, with details of what action would be taken if cars parked elsewhere. It should also set out how spaces would be allocated, to give the greatest priority to those with the greatest need (disabled persons, family units etc.).

Healthy Streets

115. Although the scale of the development is below that where TfL's guidelines would consider it essential, the poor location of the site in terms of public transport access means that a Travel Plan is of

benefit in this case. The applicant has thus submitted a Framework Travel Plan.

116. The main proposed target is to reduce the proportion of trips made by car drivers from 44% to below 20% within 5 years, which is welcomed. However, the content of the travel plan requires revisions if this target is to be realised. The measures only relate to providing information to residents and this is only successful for a limited number of persons. Incentives for people to change their attitudes also need to be included, such as pre-loaded Oystercards, discount cycles etc. It is also noted that Enterprise have recently begun operating a Car Club within the vicinity of the site, so a useful measure would be to pay for residents membership and use of the car club for a period of time, so that they don't need to own a car, but have access to one when required.
117. Details of the Travel Plan Co-ordinator would be required for the final Travel Plan.
118. The Travel Plan also suggests that the site has good walking, cycling and public transport infrastructure. This does not correlate with the PTAL value of 2, whilst several of the arms of the adjoining roundabout have poor pedestrian crossings. To this end, it was noted to be of benefit if the pedestrian environment around the site could be improved, which could be by way of a contribution or part of S278 works. Undertaking of a Healthy Streets Assessment in the vicinity of the site would help to identify key shortcomings that could be addressed. As such, a Healthy Streets Assessment was submitted during the course of the application, which has been reviewed by the Council's Transport team.
119. The Healthy Streets Briefing Note identifies routes to various destinations which require the crossings of each arm of the roundabout junction, which is a reasonable approach. The Highway Code has recently been updated to clarify that pedestrians have the right of way at junctions including roundabouts and so cars should give way to pedestrians wanting to cross, unfortunately this rarely occurs and so the environment needs to improve in order to enforce this. If an environment is dominated by cars with limited facilities for pedestrians more people would choose to drive as it looks like that is what people are supposed to do.
120. The briefing note includes some data on collisions, but no map of the area included in the coverage has been included so it is unclear of the area covered whilst it would be expected to include at least up to all of the formal pedestrian crossings mentioned as being within a reasonable distance within the assessment. Furthermore, the period of the collision data is from January 2019 to December 2021 in which for a large portion of this period the Country was under Covid restrictions in which travel was significantly reduced and so it would be expected that a reduction in collisions would occur during this period, indeed this partly the goal of travel restrictions and in particular restrictions on driving was so that NHS resources weren't taken up by dealing with the aftermath of collisions.
121. In light of the above insufficiencies noted, the applicant agreed to enter into discussions with the Council's Highway team to discuss an appropriate financial contribution for the improved pedestrian environment around the site. Following discussion, it was agreed that the conversion of the existing informal pedestrian crossing across Watford Road directly outside the site into a Zebra Crossing and the provision of a speed table on the adopted service road to line up with the existing informal crossing / proposed zebra crossing would be a suitable approach to improving pedestrian safety around the site, so that walking may be further encouraged. Such improvements through a financial contribution of £50,000 would be secured via a Section 106 agreement, and the application is therefore considered to be acceptable in this regard.

Cycle Parking

122. The proposals require a minimum provision of 77 long-stay cycle parking spaces and two short-stay spaces. The proposed ground floor plan proposes 80 spaces; 74 on two-tier racks and six on 'Sheffield' stands to accommodate non-standard bikes. Two external 'Sheffield' stands for visitors are also shown to meet short-stay requirements. Refusal reason 7 of the previous decision notice has thus been addressed.

Servicing

123. Minimum storage requirements are for 4,800l of recyclable waste, 4,800l of residual waste and 966l of organic waste. This would result in the need for 10 x 1,110l Eurobins and four wheeled bins. The refuse store indicates that 10 x Eurobins and 4 x 240l refuse bins will be accommodated and so this would be acceptable. Whilst the communal bin store does exceed the recommended 30m carrying distance from the entrance of some of the flats (excluding vertical distance) (the longest distance is

approx. 38m), the shortfall would not be considered significant.

124. The proposal initially showed service vehicles going into the site through a carriage drive style access. However, this was changed in order to allow the required level of parking to be provided and service vehicles would now stop on the service road to the front of the property. A gate was proposed to the front of the property to allow refuse bins to be wheeled to the collection point. The gate is shown to open over the highway and would need to open inwards (into the site), which can be secured through condition.

Trip Generation

125. The applicants have provided a trip generation analysis based on TRICS survey data for both the existing restaurant and the proposed residential flats. The trip rate calculations for the flats are based on five similar blocks of flats in areas of Outer London with a low PTAL rating, so are considered representative of this proposal.

126. The analysis indicates that the development will generate an extra 5 arrivals and 19 departures by car during the AM peak (8-9am) compared with the existing use, with an additional three vehicle movements in the evening peak hour (5-6pm). These additional flows are not considered significant enough to have a detrimental impact on highway network capacity in the area.

Tree Consideration, Urban Greening and Ecology

127. Policy BGI2 states that development with either existing trees on site or adjoining it that could affect trees will require a submission of a BS5837 or equivalent tree survey detailing all trees that are on, or adjoining the development site.

128. The site is not affected by any Tree Preservation Orders and it is not within a designated Conservation Area. It does sit opposite the Sudbury Court Conservation Area.

129. A Tree Report and Tree Protection Plan were submitted with the application. To implement the planning permission being sought, part of G1 (group located south of the site) and all of G3 (group located north east of the site) would need to be removed to facilitate the construction new building and garden space. The trees in G1 could be considered unsuitable for long term retention due to their growth potential. These are low quality trees, with G3 being partially in decline. The report highlights it will not be practical to try and retain the trees along the boundary in G1 where the building line comes close to it. The application is seeking for these trees to be replaced by suitable tree cover, including 30 new specimen trees of either advance nursery stock or semi mature specimens planted throughout the development.

130. The layout of the building means that the actual footprint of the new building sits outside of the calculated RPA (Root Protection Area) of the trees, so no deep excavation works will take place in this protected area and so significant roots will not be impacted. The findings identify that the layout of the building does not encroach into the RPA of the other trees to be retained and protected and therefore the deep excavation works will not impact on these protected areas.

131. The risks to the trees associated with construction activities apart from the direct way they could be impacted as discussed above, will be via indirect actions from construction activities such as, inconsiderate material storage, manoeuvring of materials, scaffold erection etc. The site contains the relevant for these actions to be carried sufficiently. Protective fencing will be erected in the locations shown on the tree protection plan. These protection mechanisms would be implemented next to the trees located to the front of the site. Hand digging and air spade works will be used within the RPA with an arborist on site to supervise proceedings. Site supervision will be conducted by an on site suitably qualified arborist.

132. The Council's Tree Officer has reviewed the information provided with regard to trees and raises no objection to the proposal. Whilst it is noted that the revised parking layout would require increased hardstanding provision within close proximity to the existing street trees, this would be acceptable, provided a no dig construction method was used within the Root Protection Areas. To this end, a tree protection and landscaping condition would be required as part of any consent.

Urban Greening

133. Policy G5 of the London Plan highlights that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and a target score of 0.4 for residential development. This is also set out within policy BH4 which seeks for small sites to achieve an UGF of 0.4. As part of the original submission, the applicant provided calculations demonstrating that the proposal would achieve a UGF score of 0.466 which would exceed the target score set out in the London Plan and Brent's Local Plan. Following the submission of a revised front forecourt plan, the UGF calculation has been revised. This has been slightly reduced to 0.451 and still exceeds the policy requirement of 0.4. The UGF is recommended to be secured within the landscape condition.

Ecology and biodiversity

134. The sites does not lie within close proximity to a site of nature conservation importance. The nearest one is Northwick Park and the Ducker Pond which is a designated Grade I SNIC and located approx. 240m away on the opposite side of Watford Road. Nevertheless policy BG11 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area.

135. Objectors have said that there is the potential for bats to be affected by the proposal. As noted above, the site is not within a designated nature conservation area or a wildlife corridor. However, this does not necessarily mean that bats are not present within the site or otherwise affected by the proposal. The applicant has submitted a Preliminary Bat Roost Assessment Survey with the survey being carried out on 22nd November 2021 as part of the earlier refused application. The report concluded that the existing building does not have any bat roosts. This report has been resubmitted and no further survey carried out. However, it is considered that the recommendations set out within the earlier report would still be applicable given the date, findings and recommendations of the report. Enhancement measures were recommended and conditions for external lighting. It is recommended that an informative is added highlighting that work should stop immediately if bats are found at any phase of the development, with a suitably qualified ecologist to be contacted for further advice.

136. A UGF Masterplan was submitted alongside the application which was revised following the noted amendments to the front forecourt. This demonstrates a UGF of 0.451 which is an overall improvement from the originally submitted landscaping plan. It is set out that the design attempts to provide as much increased tree and hedge screen and generally softening to the overall proposed architectural scheme, and from the adjacent pedestrian and vehicular traffic flow - on Watford Road. Further planting beds provide soft boundary edges and privacy to and from the adjacent public footpaths, communal path areas and nearby private terraces. The layout, theme and rythmn of the design generally provides for soft landscape areas which frame the key entrances and exits and to be impactful, enhancing the adjacent landscape street scene and public realm. Whilst it is not clear what the existing UGF score is on site, the overall amount of soft landscaping would be enhanced within the site and it is therefore considered that the score of 0.451 suitably demonstrates an overall increase.

Sustainability

137. Policy SI2 of the London Plan sets out that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

138. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

139. An Energy Statement has been submitted with the application stipulating that A 'Lean, Clean, Green' approach has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 70.79% above Part L 2013 standard, through the adoption of high standards of insulation, air source heat pump driven heating and hot water systems to the flats and a roof mounted PV array. The remainder of the carbon off setting would need to be secured as a payment in lieu. Whilst it is noted that Part L 2021 of national building regulations took effect on 15 June 2022, at the time of the application submission, the GLA guidance was to continue to use the 2020 guidance, spreadsheet and the Part L 2013 methodology, until the software had been updated. Therefore, whilst the figures are based on Part L 2013, the reduction is high, and it is considered that with the measures proposed, that the scheme could reasonably secure a 35% on site reduction based on Part L 2021. Such details would be secured within the Section 106 Agreement to any forthcoming consent, and would address the earlier reason for refusal in this regard.

Environmental Considerations

Noise

140. A Noise Impact Assessment was submitted with the application. The report highlights that it is recommended that acoustic fenestration and ventilation measures be considered in order to protect the daytime and night-time amenity of future occupiers. This assessment has been reviewed by the Council's Environmental Health team and is considered acceptable, provided the mitigation measures as stated within the report are implemented. A compliance condition to this end is therefore recommended.

141. A condition to limit noise from plant and equipment in relation to neighbouring occupiers is also required.

Air Quality

142. The site is in an Air Quality Management Area. London Plan Policy SI1 requires that all major developments within London are Air Quality Neutral. As such, an Air Quality Neutral Assessment needs to be undertaken and submitted with the planning application. Brent's Policy BSUI2 requires major developments to be air quality neutral.

143. An air quality assessment has been submitted and includes an air quality neutral assessment. The assessment considers the air quality impacts associated with the construction and operation of the development. The air quality assessment has also considered the level of exposure for occupiers of the proposed development in relation to concentrations of pollutants and concludes that the levels are below objectives, and therefore future residents and users will experience acceptable air quality, without the need for mitigation measures.

144. The report highlights that whilst the scheme would be air quality neutral in relation to building emissions, the scheme would not achieve air quality neutral for transport emissions. This is based on the predicted daily vehicle movements from the proposed development. The number of spaces at 24 is lower than the current 40 on site. Officers also note that the scheme proposes electric vehicle charging points and that a travel plan would be secured to promote sustainable modes of transport. The scheme also provides cycle parking. On that basis it is concluded that supporting information secured via condition can redress the balance on this issue.

Construction Noise and Dust

145. The development is within an Air Quality Management Area and located very close to residential premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. As such a Construction Method Statement via a prior commencement planning condition would be required.

Contaminated Land

146. The application site is within an area that has been identified as potentially contaminated due to its previous use. Conditions are recommended requiring an investigation of land contamination together with details of any remediation and verification of the works carried out.

Lighting

147. The new development should not give rise to light or other nuisance to nearby residents. A condition would require that, should external lighting be installed, details of the lighting, including a measure of lux levels, to ensure that any lighting does not adversely affect safety, amenity or ecology.

Flooding and Drainage

148. Policy BSUI3 highlights that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application is accompanied by a Flood Risk Assessment. It sets out that the site lies within Flood Zone 1 and would be at low/negligible risk of flooding from fluvial, tidal, sewer, infrastructure (reservoir) and ground water sources. It notes that the site is at some risk from surface water flooding with parts of the site towards the west, south and east within 'low risk' areas of pluvial flooding with the Environment Agency's surface water flood map indicating that the flood depth in these areas would be less than 300mm. A large proportion of these areas will comprise of the communal amenity space and open space surrounding the development however it is suggested that the finished floor levels for any residential properties be raised by 150mm above existing ground levels to mitigate any risk of pluvial flooding. Such details are recommended to be conditioned to any forthcoming consent.

149. Policy SI13 of London Plan sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy. Policy BSUI4 relates to on site water management and surface water attenuation. It requires major developments to:

- a) use appropriate sustainable drainage measures to control the rate and volume of surface water run-off;
 - b) ensure where feasible separation of surface and foul water systems
 - c) make reasonable provision for the safe storage and passage of flood water in excessive events;
- and
- d) demonstrate adequate arrangements for the management and maintenance of the measures used.

150. The application has been accompanied by a drainage strategy. It notes that the exiting run off rate from the site is 32.25 l/s and that the scheme would be proposing to discharge the site to greenfield runoff rates with a peak outflow rate of 3.2l/s (90% betterment). This would be achieved through a number of sustainable drainage measures including a green roof, bio-retention/rain garden and permeable paving. An attenuation tank would also be proposed with a storage capacity of 172m³. Confirmation has been provided the surface and foul water would be separated, and that the sustainable drainage measures would managed and maintained for the lifetime of the development by an appropriate managing body. It is considered that the sustainable drainage measures are accept and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent.

151. Thames Water were consulted during the course of the application and confirmed that they would have no objections in relation to surface water drainage subject to the application following the sequential approach to the disposal of surface water in line with policy SI13 of London Plan. They also recommended a condition in relation to piling as the development is located within 15m of a strategic sewer and an informative to be applied in relation to groundwater discharge. They also confirmed that they wish to raise no objection in relation to waste water network and sewage treatment works infrastructure capacity,

Fire Safety

152. Policy D12a of London Plan highlights in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. Policy D12b goes onto say that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. Fire safety is also covered under policy D5(b) of the London Plan in relation to inclusive access. A Fire Statement has been submitted on behalf of the applicant by a third party who is a suitably qualified assessor. The fire statement has covered a range of matters set out within policy D12 including "Building Construction Method and Products and Materials Used", "Means of Escape for All Building Users and Evacuation Strategy", "Passive and Active Fire Safety Measures ", "Access and Facilities for the Fire and Rescue Service " , "Site Access for the Fire and Rescue Service" and "Future Development of the Asset and

'Golden Thread' of Information".

153. It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan. The London Fire Brigade were also consulted and raised no objections. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

Equalities

154. 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

155. 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 obligations secured through a Section 106 Agreement. The proposal would result in the provision of 42 new homes, including 11 family sized homes, and would meet an identified need in the borough. The scheme would comply with affordable housing policy despite the absence of affordable housing as it has been demonstrated that the scheme would result in a deficit against reasonable target profit levels. The proposed development is larger than the surrounding buildings both in terms of height and massing. As discussed the Officer view is that the design responds well to its the context and is well composed albeit it would represent a strong element in the local street views. No harm is considered to result to the setting of the Sudbury Court Conservation Area. However, if one did conclude that a degree of harm resulted, the Officer's view is that the level of harm this would be "less than substantial" and significantly outweighed by the benefits of the scheme. The scheme would be air quality neutral in relation to building emissions, but would not be air quality neutral in relation to transport emissions. The limited conflict with policy is capable of a degree of mitigation through the development of a travel plan and moreover considered to be outweighed by the planning benefits of the scheme including the delivery of 42 new homes with 11 family sized homes, contributing towards the Council's housing targets.



Application No: 22/3260

To: Mr Kieran Rushe
Rapleys LLP
66 St James Street
London
SW1A 1NE

I refer to your application dated **20/09/2022** proposing the following:

Demolition of the existing building and the erection of building of upto five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works

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

at **231 Watford Road, Harrow, HA1 3TU**

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: 04/07/2023

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's 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):

2111-BG-00-00-DR-A-00.101	Rev P3	Location Plan
2111-BG-00-B1-DR-A-10.200	Rev P3	Existing Basement Plan
2111-BG-00-00-DR-A-10.201	Rev P3	Existing Ground Floor Plan
2111-BG-00-01-DR-A-10.202	Rev P3	Existing First Floor
2111-BG-00-ZZ-DR-A-10.271	Rev P3	Existing Elevations
2111-BG-00-00-DR-A-15.101	Rev P3	Existing & Demolition Site Plan
2111-BG-00-00-DR-A-20.101	Rev P3	Proposed Site Plan
2111-BG-00-00-DR-A-20.201	Rev P7	Proposed Ground Floor Plan
2111-BG-00-01-DR-A-20.202	Rev P5	Proposed First Floor Plan
2111-BG-00-02-DR-A-20.203	Rev P5	Proposed Second Floor Plan
2111-BG-00-03-DR-A-20.204	Rev P5	Proposed Third Floor Plan
2111-BG-00-04-DR-A-20.205	Rev P5	Proposed Fourth Floor Plan
2111-BG-00-05-DR-A-20.206	Rev P5	Proposed Roof Plan
2111-BG-00-ZZ-DR-A-20.251	Rev P3	Proposed Section A
2111-BG-00-ZZ-DR-A-20.252	Rev P3	Proposed Section B
2111-BG-00-ZZ-DR-A-20.271	Rev P3	Proposed East Elevations
2111-BG-00-ZZ-DR-A-20.272	Rev P4	Proposed North Elevations
2111-BG-00-ZZ-DR-A-20.273	Rev P5	Proposed West Elevations
2111-BG-00-ZZ-DR-A-20.274	Rev P4	Proposed South Elevations
9020-01-B		Landscape Design and UGF Plan
9020-02-A		Roof Landscape and UGF Plan

Supporting Documents

Tree Protection Plan Rev 2

Accurate Visual Representations - Revised Views (prepared by Preconstruct Ltd, 28th February 2023)

Preliminary Roost Assessment Survey (prepared by Arbtech, 23/11/2021)

Foul Sewage Assessment (prepared by Waterman Infrastructure & Environment Limited, September 2022)

Drainage Management Plan (prepared by Waterman Infrastructure & Environment Limited, September 2022)

Arboricultural Report Rev 2 (prepared by Andrew Day, 9th September 2022)

Air Quality Impact Assessment (prepared by Stroma, September 2022)

Flood Risk Assessment (prepared by Ardent, September 2022)

Noise Impact Assessment (prepared by Acoustics Plus, 16/09/2022)

Landscape Design Statement, Initial Landscape Specification and Urban Greening Factor (UGF) Report And Calculations (prepared by Concept Landscape Architects, Rev A - June 2023)

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

- 3 The scheme hereby approved shall contain 42 residential dwellings within Use Class C3 as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 Units G.02, G.03, 1.06, 2.06 and 3.06 shall be designed to comply with Building Regulation M4(3) 'wheelchair accessible homes' standards and the remaining residential units designed to comply with Building Regulations M4(2) 'accessible and adaptable homes' standards.

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

- 5 The building 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.

- 6 The works shall be carried out in full accordance with the recommendations set out within the approved Drainage Management Plan prepared by Waterman (dated September 2022) in relation to the proposed surface water drainage strategy. The measures shall thereafter be maintained in accordance with the sustainable drainage systems management plan throughout the lifetime of the development, unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: To ensure that surface water flooding is reduced and controlled within the site.

- 7 The design mitigation measures in relation to the proposed development shall be carried out in accordance with the details set out within the Flood Risk Assessment dated September 2022 prepared by Ardent Consulting Engineers, unless alternative measures are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the scheme is resilient to all sources of flooding including pluvial flooding.

- 8 The development hereby approved shall be carried out fully in accordance with the submitted Acoustic Plus Noise Assessment (Ref: 104170A Issue 5 dated 16th September 2022) unless otherwise agreed in writing by the local planning authority.

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

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

Reason: To protect local amenity and air quality in accordance with Brent Policies BSUI1, BSUI2 and London Plan Policy SI1.

- 10 The development hereby approved shall not be occupied unless the car parking spaces

(including the provision of 5 active electric vehicle charging points and passive provision of the remaining car parking spaces), cycle storage and refuse stores have been completed in full accordance with the approved drawings and 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.

- 11 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.

- 12 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.

- 13 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;
- iii. Vehicular routes to the site;
- iv. Parking of vehicles of site operatives and visitors;
- v. Storage of plant and materials used during the construction period;
- vi. Wheel washing facilities;
- vii. Any temporary lighting;
- viii. Protection of the carriageway and any footway users at all times during construction;
- iv. Erection of hoardings, security fencing and scaffolding on/over and pavements and carriageway;
- x. Contact details of personnel responsible for the construction works

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.

- 14 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees in accordance with BS5837:

2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/utilities/drainage
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA that may impact on the retained trees
- d) A full specification for the installation of boundary treatment works
- e) A full specification for the construction of any roads, parking areas and driveways to be constructed using a no-dig specification including the extent. Details shall include relevant sections through them.
- f) Detailed levels and cross sections to show that the raised levels or surfacing, where the installation of no-dig surfacing within the RPA is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction activities in this area clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained trees and landscaping
- p) Veteran and ancient tree protection and management.

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DMP1 and BGI 2.

- 15 (a) Prior to the commencement of building works (excluding demolition of the existing building), 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 and a Remediation Strategy should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 16 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 the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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

- 17 Details of materials for all external building work, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations). The work shall be carried out in accordance with the approved details 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.

- 18 Prior to the commencement of works (excluding site clearance, demolition and below ground level works) detailed bay studies including indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets, typical balconies etc shall be submitted to and approved in writing by the local planning authority. 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.

- 19 Details of the hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), Such details shall include:

- I. A scaled plan showing vegetation to be retained and trees and plants to be planted, which shall include a minimum of 30 trees
- II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species to achieve a net gain in biodiversity within the site
- III. Details to demonstrate that an Urban Greening Factor of at least 0.4 would be achieved within the site
- IV. Sufficient specification to ensure successful establishment and survival of new planting
- V. Details of all proposed hardstanding
- VI. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights) including all gates that front the highway to be designed to not open outwards onto the highway
- VII. Details of roof terrace design and planting for high quality usable external amenity space
- VIII. Details of the specification of the green roofs within the development
- IX. The provision of 24 car parking spaces (including the marking out of 2 disabled parking bays), including the size and siting of the parking area, defined points of access and the surfacing materials to be used,
- X. Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall include capacity for a minimum of 77 long-stay and 2 short-term spaces
- XI. Details of any external lighting and light spill diagram in relation to neighbouring properties
- XII. Details of children's play equipment within the communal garden
- XIII. The provision of 5 active electric vehicle charging points and passive provision of the remaining car parking spaces
- XIV. Details of bird and bat boxes
- XV. A 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.

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 .

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new trees(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 a accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

Reason 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 in accordance with policies DMP1 and BGI 2.

- 20 Prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations), details of screens between adjoining balconies within the development and on the edges of the balconies for units 1.01, 1.04, 1.06, 1.07, 1.11, 2.01, 2.04, 2.06, 2.07, 2.11, 3.04, 3.06, 3.07, 3.10, 3.11, and the communal terrace at 4th floor level shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details 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 or result in overlooking and loss of privacy.

- 21 Prior to first occupation or use of the development hereby approved, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall include:
- The management and allocation of spaces which shall include give priority to those with greatest need (disabled persons, family units etc);
 - Details of measures to ensure that the car parking spaces are only used by residents of the development;
 - Details of measures to ensure that cars only park on-site within the designated spaces within the site, with details of what action would be taken if cars parked elsewhere.

The development shall thereafter be 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 in the interest of safety and to limit potential over-spill parking on the highway to ensure the free and safe flow of traffic and pedestrians.

- 22 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.

- 23 Prior to first occupation of the development, details of a plaque which celebrates the existing

building on site (located in an easily visible position from the public footway} shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Heritage Officer.

The plaque shall thereafter be installed in accordance with the approved details prior to first occupation of the development hereby approved, and thereafter retained throughout the lifetime of the development.

Reason: In the interest of local history.

INFORMATIVES

- 1 (F16) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 2 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.
- 3 (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 4 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.
- 5 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.
- 6 The applicant is informed that, in relation to the discharge of conditions regarding the remediation of contaminated land, 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.
- 7 Thames Water advises the applicant of the following:
 - A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade_effluent@thameswater.co.uk. Application forms should be completed on line via https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWl0_lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES_8DRQ06gKk&m=-u-R_Q15lz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7LtxulFk4_2FpFRZ9ippAbc0KqM1IRBH6yHdbE&e=. Please refer to the Wholesale;

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

- 8 In the event that bats are found at any stage of the development, work should stop immediately, and a suitably qualified ecologist should be contacted for further advice.

Any person wishing to inspect the above papers should contact James Mascal, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2209

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 July, 2023
05
23/0578

SITE INFORMATION

RECEIVED	16 February, 2023
WARD	Wembley Park
PLANNING AREA	Brent Connects Wembley
LOCATION	Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU
PROPOSAL	Demolition of existing building and erection of building for use as a purpose-built Further Education College Campus of up to 8 storeys high with associated plant at roof level, provision of hard and soft landscaping and cycle parking facilities, loading bay and accessible parking bays on Rutherford Road frontage and drop off bay on Fulton Road
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_163806</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 "23/0578" (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. Training and employment of Brent residents - Prior to a material start:
 - 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
4. Sustainability and Energy
 - a) Detailed design stage energy assessment. Initial carbon offset payment if zero-carbon target not achieved on site.
 - b) Post-construction energy assessment. Final carbon offset payment if zero-carbon target not achieved on site.
 - c) 'Be seen' energy monitoring requirements
5. Financial contributions (indexed from the date of committee resolution)
 - a) To TfL for public transport (£227,500 currently requested by TfL but applicant has proposed a contribution of £177,450 to take into account the trips associated with the existing college facility in Wembley. The final amount is discussed between applicant and TfL.)
6. Submission and approval of a Travel Plan for staff and students including targets for 3 and 5 year period and review mechanism to include the review of modal share and an associated uplift in the level of short stay cycle parking provided on-site (up to a maximum of 184 total short stay spaces) if cycle spaces are regularly over 80 % capacity.
7. A section 38/278 Agreement to secure highway works to provide:
 - a) the provision of 3m wide loading and 2.7m wide disabled parking bays and footway widening to retain a minimum 2.4m wide adopted footway along the Fulton Road and Rutherford Way frontages of the site;
 - b) traffic calming measures along Rutherford Way and Fulton Road comprising i) the provision of a speed table at the junction of Rutherford Way and Fulton Road and ii) on Rutherford Way at the southern end of the site (unless the Council agrees this is not feasible);
 - c) further details regarding the design and layout of the on-site servicing bay and associated access/egress within the Rutherford Way frontage including the narrowing of the vehicular access and egress points, location of bollards and precise siting of the bay and associated access/egress; and
 - d) works associated with the provision of the accesses to the highway to serve the proposed on-site servicing bay and the reinstatement of existing accesses made redundant by the proposal;
8. Indexation of contributions in line with inflation
9. Any other planning obligation(s) considered necessary by the Head of Planning.

That the Head of Planning is delegated authority to impose conditions and attach the following informatives in relation to the following matters:

Conditions


1. Three year rule for commencement
2. Approved drawings and documents
3. Use Class
4. Non-Road Mobile Machinery (NRMM)
5. Air Quality
6. Flood Risk Assessment (FRA)
7. Drainage Strategy (SuDS)
8. Noise Impact Assessment
9. Tree Protection
10. Construction Method Statement (CMA) and Air Quality and Dust Management Plan (AQDMP)
11. Construction Logistics Plan (CLP)
12. Contaminated Land
13. District Heat Network
14. TV Aerial/Fibre Connectivity Infrastructure
15. External Materials
16. Hard and Soft Landscaping
17. Cycle Parking
18. Counter Terrorism Measures
19. Thames Water Infrastructure
20. Community Access Plan
21. Whole Life Carbon
22. Circular Economy Statement
23. Delivery and Servicing Plan (DSP)
24. Temporary fencing
25. External lighting
26. Canteen Kitchen Extract and Ventilation and Odour Control
27. BREEM

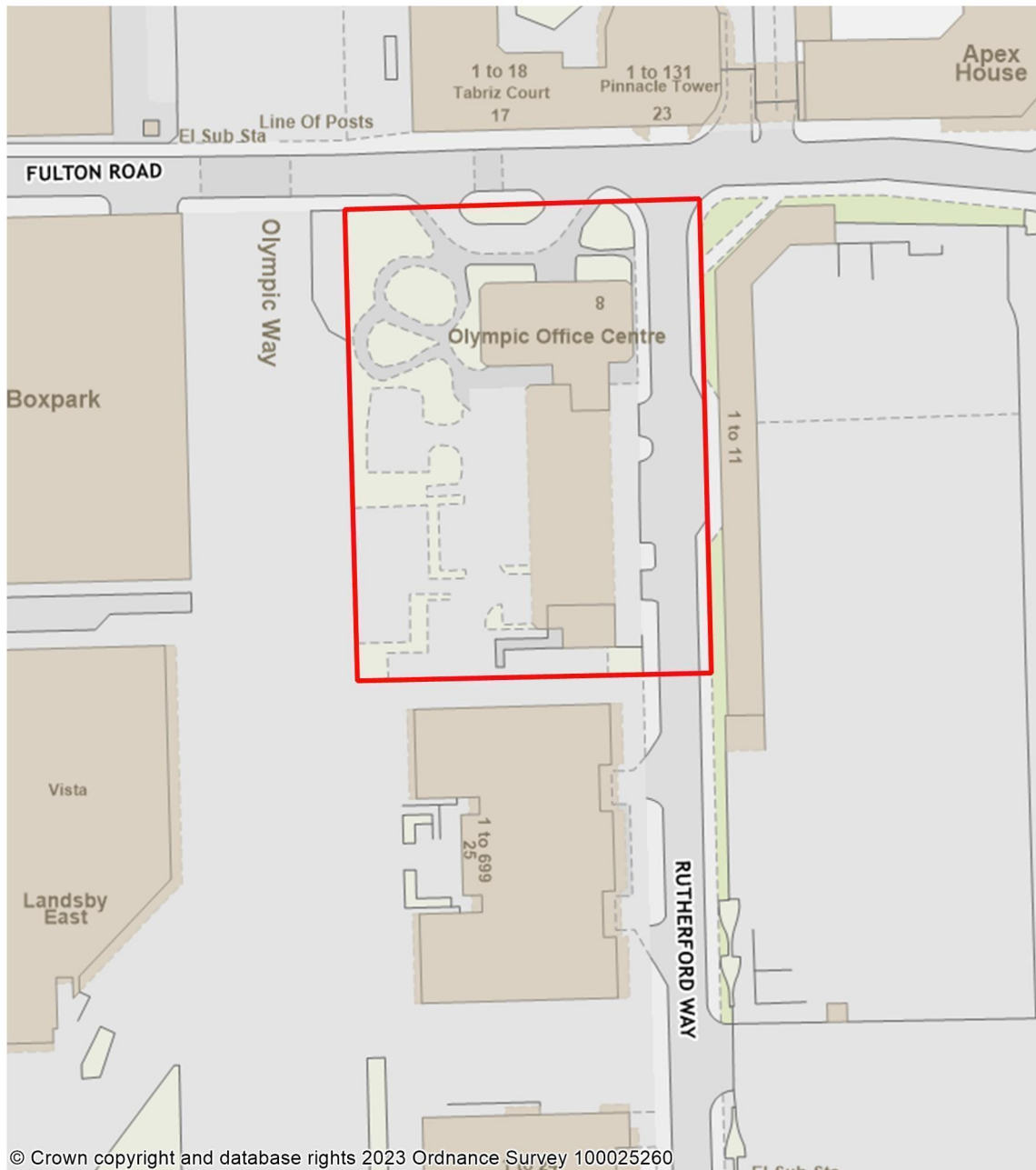
Informatives

1. CIL Liability Approval
2. Party Wall
3. Fire Statement Informative
4. Thames Water Assets
6. Asbestos Removal
7. In-situ Soil Sample
8. London Living Wage
9. Noisy Works

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

	Planning Committee Map
Brent	Site address: Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of existing building and erection of building for use as a purpose-built Further Education College Campus of up to 8 storeys high with associated plant at roof level, provision of hard and soft landscaping and cycle parking facilities, loading bay and accessible parking bays on Rutherford Road frontage and drop off bay on Fulton Road.

EXISTING

The site is located between Olympic Way and Rutherford Way and is currently occupied by an eight storey office building along with associated car parking and soft landscaping.

The site forms part of Wembley Growth Area and the site also forms part of a site allocation within the Local Plan 2019-2041. The allocated use is for mixed use main town centre uses, education/campus or residential incorporating flexible retail uses, leisure and community uses at ground floor level. The site falls within Wembley Town Centre boundary and the site is also situated with the Tall Building Zone. Elements of the site also fall within a Floodzone 3a for local surface water.

AMENDMENTS SINCE SUBMISSION

During the course of the application the following amended documents and information was received:

- Revised Energy Assessment
- Revised Whole Life Carbon Assessment
- Revised Circular Economy Statement
- Confirmation of indicative temporary fencing
- Updated Flood Risk Assessment

Updated Drainage Strategy

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: One letter of objection has been received, which raised concerns regarding the cumulative and specific impact of construction and associated traffic. A comment in support was also received. These are addressed in the Consultation section below.

Principle of Development: The site is allocated for development with an educational facility/ College of North West London campus as one of the proposed uses. The principle of development is in accordance with the Brent Local Plan policy BCSA5 and the Wembley Growth Area principles.

The proposed use would result in the loss of office/employment floorspace. While there has been no information provided to demonstrate that the maximum viable amount of office floorspace would be provided within the scheme in line with policy BE3, the site includes an allocation for educational development, therefore the provision of an educational facility which amalgamates two existing centres is a significant benefit that outweighs any harm in relation to the loss of office accommodation.

Scale, Layout and Appearance: The scale and layout of the proposed scheme is considered to be acceptable within the context of the surrounding area which comprises tall buildings in a dense urban context. It is considered that the layout of the building and the site would work successfully in providing a design which responds well to its context and offers public realm benefits. The development layout is reflective of the existing context and approach to development along Olympic Way.

Protected views of the Stadium Arch: The low level podium and set back massing protects views of Wembley Stadium with only slightly increase of 1.95m to the maximum height of the existing building to respect longer views. The dominance of the arch of the stadium is considered to be retained.

Impact on Residential Amenity: The relationship between existing and consented windows and the proposed development is not considered to be significantly harmful in terms of privacy and outlook having regard to the scale and density of development coming forward in the locality. In terms of daylight and sunlight, there would be some cases of noticeable reductions. However, when considering the extant consent and the urban nature of the subject site and surrounding area, the proposed development is considered to outweigh the harm associated with the loss.

Transportation and Highways: The development is car-free with the exception of on-street blue badge parking spaces. The Council’s Highways Officers consider the proposal to be acceptable on transportation and highways grounds, subject to the various conditions and section 106 obligations which are set out in this report.

Landscaping, Greening & Trees: The proposals involve the loss of 27 individual trees. The indicative landscape plans shows the location of 19 proposed new trees. at street level and a further 22 trees on the L02 terrace. The proposal includes soft landscaping at ground level, on the terrace and green roof. This would result in biodiversity net gain net gain of 0.14 biodiversity units and an urban greening factor of 0.34. This will enhance the public realm and create ecological value to the application site.

Environmental Health: The development therefore complies with the relevant local plan and London Plan requirements subject to conditions to secure mitigation measures.

Flood Risk and Drainage: The flood risk assessment has been reviewed by the Local Lead Flood Authority (LLFA) who is satisfied with the finding of the report and the mitigation measures. The green and grey infrastructure proposed would result in significant betterment in the control of surface water flooding compared to the existing situation and is therefore considered acceptable.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
20/3930	Certificate of lawfulness for proposed temporary use of the first and second floors as coronavirus vaccination centre	Certificate of Lawfulness Granted	04/12/2023
17/5097	Redevelopment of the Olympic Office Site and erection of a replacement building comprising residential units, flexible retail uses, car parking at basement level, associated landscaping, plant room and amenity space, subject to a Deed of Agreement dated 14th August 2020 and a subsequent Deed of Variation dated 7th April 2021 under Section 106 of the Town and Country Planning Act 1990, as amended.	Granted	15/04/2021

CONSULTATIONS

417 neighbouring and nearby properties and Wembley Stadium Residents’ Advisory Committee were consulted commencing 02/03/2023.

A site notice was also displayed on 8 March 2022 and the application was advertised in the local press on 9 March 2023.

One objection was received. The key concerns are summarised as follows:

Reasons for objecting	Officer’s Comment
Concerns regarding impact of construction including noise pollution, air pollution, dust	Construction and demolition works are essential for the growth and redevelopment of Brent. This site has been designated as a development site

<p>particles, debris and street pollution</p> <p>Concerns regarding health and safety with multiple constrictions sites including dangerous road crossings</p> <p>Concerns regarding disruption to local economy and business interruptions during building works</p> <p>Concerns regarding impact to daily life and home life</p>	<p>allocation within the Brent Local Plan. However the noise and disturbance associated with such works can affect those living and working in close proximity.</p> <p>The Control of Pollution Act 1974 gives powers to the Council which can restrict working hours and allow conditions to be stipulated on the types of machinery/ plant that are used on construction sites and complaints can be made to the Council's noise team where nuisances occur. Due to there being other primary legislation which controls this work, these issues cannot be considered within the planning assessment.</p> <p>However, in order to mitigate concerns associated with construction a Construction Logistics Plan and Construction Management Plan is recommended to be secured via condition.</p>
<p>Concerns regarding additional traffic including during construction and event days</p>	<p>Please see Transport Considerations section of the report.</p>

One support comment was received but raised a number of matters to be considered within the design as summarised below:

Comment	Response
<p>Need for the new development to fully co-ordinate with existing infrastructure and public realm along Olympic Way</p>	<p>The final landscaping scheme will be subject to a condition including details of equipment and structures and functional services. However, the indicative layout has coordinated the planting and furniture with the existing public realm.</p>
<p>Landscape frontage to be designed in relation to crowd control on Stadium Major Event days with appropriate controls to prevent anti-social behaviour</p>	<p>During the course of the application meetings took place with stakeholders Public Safety team. Details of temporary fencing in relation to crowd control will be secured via a condition.</p>
<p>Proposed landscaping within the frontage should be considered in the context of the existing major drainage that runs under Olympic Way frontage</p>	<p>The submitted drainage strategy acknowledges the existing sewer crossing the site and the final landscaping scheme will be secured through condition including details of the frontage.</p>
<p>Met Police should be consulted on the location of hostile vehicle measures (HVM)</p>	<p>During the course of the application, the usage HVM was discussed with the Met Police and the exact location will be secured via a condition.</p>
<p>Appropriate traffic calming measures and improve pedestrian crossing facilities should be secured as highway works as seen within the earlier approved application reference 17/5097</p>	<p>Traffic calming measures and pedestrian crossing facilities will be secured via as part of the legal agreement in accordance with details discussed with Transportation while ensuring coordination with neighbouring schemes.</p>
<p>All frontages should be activated as far as possible</p>	<p>The proposed design includes a high level of active frontage with fenestration on all elevations.</p>

Delivery and servicing should be appropriately managed taking into account Stadium Major Event days	The proposed lay-by along the Fulton Road street frontage would not be accessible on event days. An updated Servicing and Delivery Plan will secured through condition.

External Consultation

Greater London Authority including Transport for London feedback

Confirmed that the proposal is supported in principle, but the scheme does not fully comply with policies within the London Plan as summarised below:

- Land use principles: The proposed loss of vacant office space at this allocated site within the Local Plan for educational use is supported in strategic planning terms.
- Urban design: The site is within a location identified as appropriate for tall buildings and the height raises no strategic concerns. The layout, public realm, landscaping, and architectural design are considered to be appropriately resolved.
- Transport: A contribution of £227,500 towards bus service improvements is requested. Any proposed highway improvements should be secured through a Section 278 agreement. Parking and Loading should be appropriately managed via a Parking Management Plan. A Parking Management Plan, EVCPs, Travel Plan, DSP and CLP should all be secured.
- Sustainable development: Further information on Energy, Whole Life Carbon and Circular Economy is required to ensure full compliance with London Plan requirements.
- Environment: Further information is required on sustainable drainage.

Thames Water

Advised that there is insufficient capacity to foul water infrastructure and that a condition would be requires to consider an upgrade to the waste water network. No objections raised in relation to surface water network infrastructure capacity.

Met Police

Advised revisions to proposal for the following reasons:

- Landscaping (pinch points and narrow paths, concealment opportunities with furniture and planters, lack of defensible border, anti social behaviour with landscaping, crowd management, position of HVM measures)
- Cycle Parking (poorly overlooked footpath between Olympic Way and Rutherford Way, need for CCTV system)

The recommended measures were:

- a secured locked/gate overnight and during event days
- good levels of external lighting
- modular seating
- planters with good sightlines and removing unofficial seating opportunities.
- secured by design accreditation

Conditions are recommended to be secured in relation to crowd control measures on Wembley Stadium Major Event days, counter terrorism measures, external lighting and CCTV.

Internal Consultation

Environmental Health

No objections raised on noise related matters subject to the proposal being carried out in accordance with the recommendations set out within the noise assessment. No objections were raised on air quality grounds as the scheme meets air quality neutral. Conditions are recommended in relation to contaminated land, and construction management.

Local Lead Flood Authority:

No objections raised to either the flood risk assessment or drainage strategy.

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

Relevant policies include:

London Plan 2021

SD1 Opportunity Areas
SD6 Town centres and high streets
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
D8 Public realm
D9 Tall buildings
D11 Safety, security and resilience to emergency
D12 Fire Safety
D14 Noise
E1 Offices
S3 Education and Childcare Facilities
G1 Green Infrastructure
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI4 Managing heat risk
SI5 Water infrastructure
SI6 Digital connectivity infrastructure
SI7 Reducing waste and supporting the circular economy
SI12 Flood risk management
SI13 Sustainable drainage
T1 Strategic approach to transport
T2 Healthy Streets
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T7 Deliveries, servicing and construction

Brent Local Plan 2019-2041

DMP1 Development Management General Policy
BP1 Central
BCGA1 Wembley Growth Area
BCSA5 Olympic Office Centre - Site Allocation
BD1 Leading the Way in Good Design
BD2 Tall Buildings
BSI1 Social Infrastructure and Community Facilities
BE1 Economic Growth and Employment opportunities for all
BE3 Local Employment Sites and Work-Live

BHC2 National Stadium Wembley
BGI1 Blue and Green Infrastructure in Brent
BGI2 Trees and Woodland
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

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance
 - Supplementary Planning Guidance / Documents:
 - SPD1 Brent Design Guide 2018
 - Planning Obligations Supplementary Planning Document June 2022
 - Sustainable Environment & Development SPD June 2023
 - Greater London Authority guidance documents
 - Optimising Site Capacity: A Design-Led Approach LPG
 - Urban Greening Factor LPG
 - Sustainable Transport, Walking and Cycle LPG
 - Air Quality Positive LPG
 - Circular Economy Statements LPG
 - Whole-life Carbon Assessment LPG
 - 'Be Seen' Energy Monitoring Guidance LPG
 - Fire Safety draft LPG

DETAILED CONSIDERATIONS

1. Principle

1.1 Site Allocation

1.11 Brent Local Plan Policy BCSA5: Olympic Office Centre sets out the site allocation for this application site. The allocated uses are proposed as mixed use main town centre uses, education/campus or residential incorporating flexible retail uses, leisure and community uses at ground floor level with an indicative capacity of 253 residential units plus 1,051sqm of flexible retail uses/ or College Of North West London (CNWL) campus.

1.12 The allocation presents the infrastructure requirements of: public realm associated with removal of vehicle crossings/new access point, green and sustainable infrastructure and consideration to the critical trunk sewer and local water network capacity.

1.13 The application proposes the site's redevelopment into a college for further education which accords with the Brent Local Plan. The application provides open active frontage along Olympic Way together with green and blue sustainable infrastructure that will be discussed below. The principle of the development in this location is therefore supported.

1.2 Wembley Growth Area

1.21 Brent Local Plan Policy BP1 highlights there is a need to meeting social infrastructure requirements by securing provision for needs arising from new housing development, especially the provision of new

education, health, cultural and community facilities and Brent Local Plan Policy BCGA1 stipulates that Wembley will continue to drive the economic regeneration of Brent. It will become a high quality, urban, connected and sustainable city quarter generating new jobs across a range of sectors including retail, offices, conference facilities, hotels, sports, leisure, tourism and visitor attractions, creative and cultural industries and education facilities reflecting its recognised potential as a future metropolitan centre and cultural area of significance at the London level.

1.22 The application and proposed use also broadly accords with BP1 and BCGA1 by securing provision of new educational facility and driving regeneration within Wembley.

1.3 Loss of Employment Use and Provision of Education Use

1.31 The site is within the Wembley Growth Area and also lies within the boundary of Wembley Town Centre. The site is occupied by an eight storey office building and was previously occupied by Network Homes, Reed Recruitment and some other small businesses.

1.32 Brent Local Plan Policy BE3 states that the council will only allow the release of development of a) continued wholly employment use is unviable; or b) development increases the amount of workspace as well as retaining the existing employment use or provides that additional workspace as affordable studio, research and development, light industrial or general industrial workspace, with maker space in light industrial use prioritised to meet demand; or c) the site is allocated for development. Where criterion a) or c) is being used to justify the release, the maximum viable replacement of the existing employment floorspace will be sought.

1.33 In this case the site is allocated for development, therefore meets criterion c). However no employment floorspace is to be provided given the nature of the use and the associated requirements for layouts. There are significant identified benefits in the provision of the education facility that meets a local need which will replace the existing college sites at Wembley Park and Willesden with significant improvement to the quality of facilities currently provided. This benefit is considered to outweigh the harm associated with the loss of the employment floorspace.

1.34 Brent Local Plan Policy BSI1 supports existing and new social in social infrastructure and community facilities. Proposals for new or enhanced social infrastructure facilities, including the consolidation of existing facilities, will be supported by the Council where:

- e) easily accessible by public transport, walking and cycling, preferably in town centres or Growth Areas;
- f) located within the community they are intended to serve;
- g) provided in flexible and adaptable buildings;
- h) ideally co-located with other social infrastructure uses; and
- i) maximising wider community benefit, through if necessary, requiring formal community use agreements.

1.35 London Plan Policy S1 outlines that development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported and new facilities should be easily accessible by public transport, cycling and walking and should be encouraged in high streets and town centres.

1.36 Local Plan Policy S3 explains development proposals for education and childcare facilities should:

- 1) locate facilities in areas of identified need
- 2) locate facilities in accessible locations, with good public transport accessibility and access by walking and cycling
- 3) locate entrances and playgrounds away from busy roads, with traffic calming at entrances
- 4) link to existing footpath and cycle networks to create healthy routes to schools, and other education and childcare facilities, to enable all children to travel actively to school (walk, cycle or travel by public transport)
- 5) maximise the extended or multiple use of educational facilities for community or recreational use, through appropriate design measures
- 6) encourage the shared use of services between schools, colleges, universities, sports providers, and community facilities, and between early years and health and social care providers
- 7) ensure that new developments are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach
- 8) ensure that facilities incorporate suitable, accessible outdoor space
- 9) locate facilities next to parks or green spaces, where possible

1.37 CNWL is a Further Education college with currently two campuses in the London Borough of Brent at

Wembley Park and Willesden. The College specialises in technical and professional courses focused on delivering the skills and qualifications necessary to help students develop.

1.38 The applicant has recognised that both existing campuses are no longer fit for purpose, inefficient and are unable to fulfil the College's full potential. The College's educational facilities will therefore be consolidated into one new-build campus on a prestigious site at Olympic Way in Wembley (Olympic Office Centre). The applicant states that both existing campuses are relatively environmentally poor and do not meet modern accessibility standards.

1.39 With regards to Brent Local Plan BS1, the proposal conforms with criterion e, in that the college is sited within an area with a PTAL rating of 5 and is within a Growth Area and Town Centre. As such, the site has an easily accessible location suitable for future students. The existing Wembley Park campus is located approximately 200m from the application site, therefore the development is considered to conform to criterion f. The applicant has advised the building is flexible and adaptable to meet the current and future educational needs. The site is located within Wembley Growth Area which contains a mix of uses including social infrastructure use such as Brent Civic Centre located nearby to the application site. The use of the facility for the wider community outside of educational hours and term times has not been raised in the submitted Planning Statement. Local community groups and social infrastructure providers should be approached to understand their needs, and incorporate them into any forthcoming Community Use Agreement, in accordance with criterion i). This will be secured via condition.

1.4 With regards to London Plan Policies S1 and S3, as stated above, the further education facility addresses a local need and provides high quality infrastructure in an accessible location. The identified need is recognised that the existing campuses do not meet accessibility standards and environmental standards. The college will include integrated and expanded supported learning for student with Learning Disabilities or Difficulties (LLDD) and Profound and Multiple Learning Difficulties (PMLD). The justification and specific education offer has been set out within the applicant's Planning Statement. Improvements to the surrounding site access will be further assessed below including links to existing the pedestrian environment on Olympic Way and traffic calming measures. While the site is somewhat constrained, a recreational terrace would be provided at level 2 to provide outdoor space for students. Overall, the proposed use accords with Development Plan Policies.

2. Design and Character

2.1 Scale and Massing

2.12 The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Brent Local Policy DMP1 requires the scale, type and design of development to complement the locality. Brent Local Plan Policy BD1 stipulates that innovative contemporary design will be supported where it respects and complements the historic character but is also fit for the future. All new development must be of the highest architectural and urban design quality. Brent Local Plan Policy DMP1 requires the scale, type and design of development to complement the locality.

2.13 Brent Local Plan Policy BD2 of the relates to tall buildings. It defines a tall building is one that is more than 30m in height. Tall buildings are directed to locations within the tall building zone and must be shown to be positive additions to the skyline that would enhance the overall character of the area. They should be of exceptional design quality, consistent with London Plan Policy requirements in showing how they positively address their visual, functional, environmental and cumulative impacts. The site lies within a tall building zone and therefore the principle of a tall building would be supported at the location subject to complying with policy D9 of London Plan and policy BD2 of Brent's Local Plan.

2.14 Policy BP1 of the Brent Local Plan highlights that tall buildings are appropriate within the tall building zone, taking care to preserve protected views of the stadium and create a high quality new neighbourhood, integrating well with the suburban character of the surrounding area. In this context policy BHC2 of Local Plan stipulates that development must not be to the detriment of the National Stadium and development must preserve and enhance the architectural integrity of the national stadium. Policy BC5A5 (Site Allocation: Olympic Office Centre) states that the site is suitable for a tall building subject to this not adversely impacting on protected key views of the National Stadium. Building height and massing should build upon the newly established rhythm along this part of Olympic Way and respond to surrounding development coming forward as part of the Wembley Park redevelopment. The ground floor/podium use should come forward towards the edge of Olympic Way to provide additional continuation of the active frontage edge formed by the adjacent Unite and Novotel developments, as well as along Fulton Road and Rutherford Way. The low level podium

and massing set out as such to protect the views of the stadium.

2.15 The proposed development would see the introduction of a single building with a height of 8 storeys with a flat roof design. A two storey podium to the building is created at street level housing the main entrance, foyer space and construction/ engineering spaces. This volume comes forward to align with the frontage of the adjacent buildings and interface more directly with Olympic Way. The workshop activities will be visible from this busy route and will help animate the street. The entrance will be defined on the corner of Olympic Way and Fulton Road. Above the podium, level 2 provides a central gathering area and a landscaped roof terrace fronting Olympic Way. Levels 2 and 3 act as a horizontal break between the workshop podium volume below and the main teaching accommodation above with a recessed facade design. The four storey element above would house the rest of the teaching department, cantilevered over the lower level 2 terrace. The upper volume is set back to comply with view corridor requirements and aligns with the approach of buildings to the north, Unite Students and Marathon House. At roof level, PV panels will be located on a planted green roof.

2.16 Around the building, to the frontage, the development proposes landscaping along Olympic Way. Rutherford Way to the east provides service access to the building for kitchen deliveries and refuse disposal, as well as access to the substations, gas and refuse stores. A dedicated off-street delivery area is proposed that serves the construction and engineering workshops and provides access to southern core and goods lift. A drop-off zone along Fulton Way will accommodate parent, taxi and bus drop off and pick up for the PMLD students, while accessible parking bays are positioned here for access to the main entrance. Bicycle hoops are provided along the south and north façades. The enclosed bicycle store is located to the south west corner of the building allowing easy access from both Olympic Way and Rutherford Way.

2.17 The proposed development would constitute a tall building, measuring approximately 38.35m including rooftop plant. It would be 1.95m taller than the existing eight storey building. The site allocation states that the site is suitable for a tall building, and the proposed height is considered acceptable as the low level podium and set back massing protects views of Wembley Stadium with only slightly increase to the maximum height of the existing building to respect longer views. The height sits at a similar height to Novotel Hotel with Unite Students stepping up in excess of 10m above the proposed development.

2.18 Behind the application site, the reserved matters application (Application Ref. 22/3208) at block NE01 exceeds heights at the application site. The massing and height therefore sits comfortably within the context of the predominant pattern of development, reducing in scale towards the podium creating a more human scale on Olympic Way. It is noted that the proposed building would be significantly shorter than the previous approval for the site which at its highest point would have been 21 storeys. (Application Ref: 17/5097).

2.19 The massing of the building is simple in its form and creates emphasis on the entrances and areas of amenity with the elevated terrace. The overall bulk is considered to be well suited to the emerging context of Olympic Way. The building reflects the identity of the local surroundings, complementing nearby typologies.

2.2 Detailed design and layout

2.21 Brent Local Plan Policy BP1 outlines the need to enhance the public realm and stadium approach from Wembley Park and Wembley Stadium Stations and SPD1 highlights that the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with the local character.

2.22 The development layout is reflective of the existing context and approach to development along Olympic Way. A viewing corridor to Wembley stadium has been retained with a height of 10 metres along Olympic Way. This is enabled through an established set back, creating a shelf at first floor, and this design element reinforces the character of the area. At ground floor, the main entrance proposes a fully glazed screen creating a large covered space leading to an entrance foyer which brings users into a double volume space. Overall, the building's mixed floor plate allows a variety of different educational purposes including large teaching rooms and workshops, labs, IT rooms, informal social learning and general teaching rooms, gathering spaces, individual work areas and staff work rooms. Additionally, Level 2 contains a kitchen and canteen eating area while Level 3 provides the PMLD and leaning resource centre. Internally, the floor plans are formed around central voids and a continuous corridor/atrium that connects lift cores and staircases. The functional design of the building has been designed to accommodate the flexible needs of the teaching on offer at the college.

2.23 The ground floor layout provides an active frontage along the majority of the ground floor along the western elevation provided an improved relationship with Olympic Way, similar to adjacent development.

There would be an expanse of landscaped open space fronting the college with defensible planting, trees and an integrated bench immediately abutting the principal elevation. New trees will also be planted on along the Rutherford Way and Fulton Road frontages.

2.24 In terms of accessibility, London Plan Policy D5 seeks to ensure that new development achieves the highest standards of accessible and inclusive design while London Plan Policy S3 part 7 seeks to ensure that new developments for education are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach. Within the applicant's Design and Access Statement, it is set out that the building access strategy has been developed to be inclusive and intuitive to ensure clear navigation within and around the building is appropriate for all. This is particularly important given that the proposed building will include integrated and expanded supported Learning facilities including Learners with Learning Disabilities or Difficulties (LLDD) and Profound and Multiple Learning Difficulties (PMLD) provision.

2.25 The development has been designed to be entered and used safely, easily and with dignity by all. The proposal is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation, or special treatment.

2.26 Externally, the material palette has been chosen to articulate the components of the building. The overall approach is contemporary with facades composed of glass, metal, cladding and ceramics. The podium (Ground and Level 1) is formed of a ceramic plinth, ceramic rainscreen cladding panels, metal fin and curtain wall windows with smaller panels of opaque glass all set below the cantilevered metal perimeter canopy. Hostile vehicle mitigation measures (HVM) on north and east elevations will be coordinated with the plinth. The concourse facade (Levels 2 and 3) provide a different elevational approach while incorporating similar materials. This is designed to be predominantly a double glazed curtain wall system with elements of metal fins and ventilation louvres. The typical upper four facades use triple-glazed, composite glazing systems. In slab locations, glazed rainscreen panels will conceal the structure but continue the vertical appearance of the clear glazing elements. Full height aluminium semi-perforated rainscreen panels will create a further vertical rhythm with the glazed elements. The perforations to these panels will allow for mechanical ventilation to be provided.

2.27 The proposed materials approach would be acceptable and would replicate the modern context of buildings within the vicinity of the application site. Approval of final materials and key construction details will be subject to a planning condition.

2.8 Public Safety

2.81 London Plan Policy D11 requires LPAs to consider safety, security and resilience to emergency as part of planning applications and to work with the Metropolitan Police and other bodies in doing so. London Plan policy sets out development must create a safe and secure environment which is resilient the impact of emergencies including fire and terrorism.

2.82 In order to achieve high quality amenity landscape to the frontage of the site and to balance the need to public and crowd safety specifically during Wembley events days, it will be necessary for a requirement of temporary fencing to be placed around the outside of the proposed planters at certain times on Stadium Major Event Days. This fencing will be subject to detailed specification including which days, times, precise location and type of fencing. This has been agreed as an acceptable solution of the management of egress crowds of event days. The detail is to be discussed pursuant to a condition and in collaboration with key stakeholders.

2.83 The Metropolitan Police have also advised planning conditions relating to public safety and counter terrorism which will be secured.

3. Impact on Residential Amenity

3.1 SPD1 advises 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.

3.2 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.

3.3 The building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, 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.

3.4 To the north, the development adjoining Fulton Road and beyond this No.5-9 Olympic Way, comprises of Novotel hotel and residential developments Tabriz Court and Pinnacle Tower, adjacent to this is Apex House. To the rear/east the development site is bordered by Rutherford Way and beyond this plot NE01 on the Wembley Park Masterplan. To the south, the site is bordered by Unite Student Building (Student Accommodation). To the west, across Olympic Way the site faces Boxpark with plot NW08 sitting to the south west.

3.5 Privacy and Overlooking

3.51 The development achieves appropriate separations from neighbouring buildings and plots in line with relevant SPD1 guidance, this includes a separation in excess of 40m from any future emerging residential buildings on the western side of Olympic Way, a 19m separation from the hotel and Tabriz Court and Pinnacle Tower to the north and a separation of 23m to the edge of the future building on the NE01 plots along the east side of Rutherford Way. The Unite Student Accommodation Building to the south has a small number of side facing windows and a 11m separation is achieved which is considered sufficient to retain suitable outlook to the facing windows despite being shorter than the privacy distances specified in SPD1 guidance. It should be noted that the proposed building sits slightly further away than the closest point of the existing building towards Unite Students Building. However, while the close relationship with the Unite building already exists, the proposal would have a greater depth along this boundary.

3.52 Overall, it is considered that the relationship between windows on this elevation is acceptable. The character along the pedestrian route on the southern side of the building will be far more enclosed than the other sides of the building, and it is considered that while the proposal will have an impact on privacy to side facing windows of the adjoining block with the greater depth of the proposed building when compared to the existing. However, this is not considered to be significantly harmful having regard to the scale and density of development coming forward in the locality.

3.6 Massing, Daylight and Sunlight

3.61 The site benefits from an extant planning consent (Application Ref: 17/5097) for the redevelopment of the site and erection of a building comprising of residential units, flexible retail units and car parking at basement level. The tallest element of the extant consent reached 102.225 AOD in comparison to the proposed scheme set at 70.82 AOD.

3.62 In relation to the SPD1 45 degree line. The application does not adjoining private garden areas but is opposite the balconies of flats fronting Fulton road. The development exceeds a 30 degree line towards the north, east (under construction) and west (outline consent but not yet constructed) neighbouring properties. However, the proposal sits approximately 1.95m taller than the existing eight storey building and, the existing building also breaches the 30 degree line. Given the density of development expected in the area, most of the new developments would project above the 30 and 45 degree lines taken from the homes within the lower floors of the developments within the growth area. The applicant has provided a Daylight & Sunlight Report to demonstrate the impact on neighbouring buildings.

3.63 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.

3.64 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.

3.65 However, the BRE also recognise 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.

3.66 The assessment has been undertaken using the VSC, NSL, and APSH (sunlight) tests set out within the BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2022).

3.67 The two buildings affected the most by the proposed development area No.5-9 Olympic Way containing Novotel Hotel, Tabriz Court and Pinnacle Tower to the north and Unite Students Building to the south. Both Wembley Park (Plot NW08) and Apex House meet BRE Guidelines as such there is no impact beyond recommendations. For Plot NE01 to the east of the application site, the applicant has noted that as this site is yet to be built or occupied a separate indicative assessment (VSC facade study) to understand the potential impact of the proposal on the daylight (VSC) amenity to this portion of the masterplan. The results highlight that a central low portion of windows will experience VSC reductions in excess of 20%, however these will be limited between 20% and 30% which is considered to be a minor adverse change in daylight.

3.68 For No.5-9 Olympic Way containing Novotel Hotel, Tabriz Court and Pinnacle Tower residential accommodation is located across the 1st to 19th floors of the property. 252 windows serving 170 rooms were tested. Of the 252 windows tested for VSC, 191 windows (75%) will adhere to the BRE Guidelines for VSC, therefore continue to achieve 27% VSC or will experience less than a 20% change. Of the 61 windows that do not meet the BRE criteria, 35 will experience an alteration between 20% - 30%, which is typically considered to be minor adverse, nine will experience an alteration between 30%-40%, which is typically considered moderate adverse and 17 will experience an alteration above 40%, which is typically considered major adverse. For VSC levels, of the 61 windows that do not meet the BRE criteria, 28 will retain a VSC value between 18.2% - 26.2%. The remaining 33 windows will retain a VSC value between 0.9% -6.1%. The applicant has advised this is primarily due to the existing architectural features of the property in that windows located behind recessed balconies are limit in achieving natural light. It is noted that all existing values are below 10% in existing conditions, therefore any meaningful development at the site would cause disproportionate percentage loss changes.

3.69 Of the 170 rooms tested for NSL 152 (c.89%) are considered to fully comply to the BRE Guidelines. Of the 18 rooms that do not meet the BRE criteria, six will experience an alteration between 20% - 30%, five will experience an alteration between 30%-40% and seven will experience an alteration in excess of 40%. The applicant understands that five of these are LKD's and 13 are bedrooms.

3.70 The sunlight assessment (APSH) shows that 221 of the 231 windows assessed will meet the BRE recommendation for APSH. When considering winter sunlight levels, seven of the 10 windows which exceed the BRE recommended criteria will continue to retain an APSH level in excess of the permissive 5% value. Turning to the annual sunlight levels, the three windows which do not meet the winter will retain winter APSH values of 3%, reduced respectively from existing levels between 9%-13% and therefore fall short of the recommended values in the existing conditions.

3.71 For the Unite Student Building, of the 197 windows tested for VSC, 160 windows (c.81%) will adhere to the BRE Guidelines for VSC, therefore continue to achieve 27% VSC or will experience less than a 20% change. Of the 37 windows that do not meet the BRE criteria, seven will experience an alteration between 20% - 30%, which is typically considered to be minor adverse, nine will experience an alteration between 30%-40%, which is typically considered moderate adverse and 21 will experience an alteration above 40%, which is typically considered major adverse.

3.72 With regards to the VSC levels, of the 37 windows that do not meet the BRE criteria, 10 will retain a VSC value above 15% with the remaining 27 windows will retaining a VSC value between 2.6% -14.2%.

3.73 Of the 95 rooms tested for NSL 70 (c.74%) are considered to fully comply to the BRE Guidelines. Of the 15 rooms that do not meet the BRE criteria, one will experience an alteration between 20% - 30%, two will experience an alteration between 30%-40% and 22 will experience an alteration in excess of 40%. The applicant understands that all 15 rooms are bedrooms. The results of the assessment demonstrate that this property is compliant against the APSH methodology to assess sunlight.

3.74 The report has further provided a comparative assessment with the consented scheme versus the proposed and a cumulative baseline analysis. When considering the daylight and sunlight impacts of both the Wembley Masterplan outline consented scheme and the Proposed Development, should they come forward successfully on site at a similar time. The results of the cumulative assessment demonstrate that these properties will experience additional daylight and sunlight transgression. The consented scheme generally has a greater impact on daylight with absolute change around to 2-2.5% for VSC and 0.3 to 8.2% for NSL.

Where windows do experience transgressions beyond the previously consented levels, they are nearly identical.

3.75 While the numerical values stated in the BRE guide provide useful guidance, it is important to consider the local context of the site. High density urban areas, for example, the massing and density proposed and existing across the Wembley Growth Area may often experience greater site constraints when compared to low-rise suburban areas, and thus some detrimental impact can be unavoidable. In this instance, it is considered that the results are acceptable given the high density and heavily urban character of the surroundings. The windows which are affected in the Unite Student building are north facing windows which were constructed close to the boundary within a Growth Area. The associated rooms are bedrooms within cluster units which have a corner kitchen/living/dining room with outlook to the East (towards Rutherford Way) or West (towards Olympic Way). Furthermore, the student rooms are occupied in a more transient way, where students are typically only present during term times and spend a lot of time away from their rooms.

3.76 Overall, the impact of the proposal on surrounding daylight and sunlight levels for existing and emerging buildings is considered acceptable. There are instances where reductions would be noticeable in some cases, however, when considered the extant consent and the urban nature of the subject site and surrounding area, the proposed development is considered to outweigh the harm associated with the loss of daylight and sunlight in this context.

4. Transport and Highway Considerations

4.1 Highway Considerations

4.11 Fulton Road and Rutherford way are local commercial access roads & bus routes. On-street parking prohibited at all times along site frontages, with loading prohibited on Fulton Road. There is a bus stop at the south end of Rutherford Way frontage and both roads are lightly parked at night. Olympic Way is pedestrian access only. The site is within a PTAL area of 5 with very good access to public transport

4.12 The application proposes inset bays along Rutherford Way and Fulton Road to provide two disabled parking spaces with loading bay and drop off bay with footway widened behind.

4.2 Parking and Servicing

4.21 Car parking allowances for Brent are set out in Appendix 4 of the adopted Local Plan. For education uses with a PTAL rating of 5, any parking aside from disabled and operational parking needs to be justified by a Transport Assessment. Servicing standards are set out in Appendix 5, but there are no specific standards for colleges.

4.22 Two disabled parking spaces are proposed to be provided through the use of a lay-by within the existing footway along the Rutherford Way street frontage, so maximum standards would be complied with. However, the spaces are shown at just 2.4m width, which is substandard for disabled spaces and needs to be increased to 2.7m which can be secured through the S278 works. The spaces would sit within the public highway, so will fall under the control of the Local Highway Authority and cannot therefore be specifically allocated to the college. Electric vehicle charging points should be provided for these spaces and this will be added to the scope of the S278 Agreement.

4.23 An unobstructed footway will also need to be constructed to the rear of the lay-by to a minimum width of 2.4m and adopted under a S38 highways agreement. No details of the future adopted footway boundary have been provided at this stage, but this can be agreed as part of the S278 approval process as there is sufficient landscaping space shown to accommodate the footway.

4.24 Two loading areas are proposed as follows:-

(i) A lay-by within the existing footways along the Fulton Road street frontage. This would lie beyond the Hostile Vehicle Measures (HVM) on the approach to Olympic Way, so would not be accessible on event days. Transport have therefore liaised with the Met. Police and they have confirmed that it would be acceptable for a lay-by to be created here, as long as it is understood that no vehicles are to be parked within the layby when HVM measures are put in place on Event Days. The waiting and loading restrictions will need to reflect this requirement to prevent any waiting or loading on event days between 8am-midnight, so that any vehicles that flout this would be towed away. As above, the works to create the lay-by will require a Section 278/38 Highways Agreement and a new highway boundary line at the rear of the widened footway will need to

be agreed.

The Fulton Road frontage will also need to include complementary HVM measures to ensure the measures in the public highway cannot be by-passed and HMV bollards have been indicated on the drawings which align with the measures within the street.

(ii) A loading area set back behind the existing footway along the Rutherford Way frontage, thus sitting within private land. This would have carriage drive style access and egress similar to that outside the Unite Student housing block to the south. However, the pedestrian environment outside the Unite building is poor and encourages unauthorised parking on the site forecourt which obstructs access by delivery vehicles. The applicant is looking to address this through the use of bollards to discourage vehicles driving over the footway (outside of the vehicular access and egress points), level surfacing and the use of much higher quality of hard landscaping materials.

4.25 The applicant has advised that an off-street servicing bay is required due to the nature of the goods that would need to be delivered, which includes construction materials for the associated courses that are taught at the facility. The applicant considers it necessary to ensure that a servicing space is available for these materials immediately adjacent to the workshops, which could not be guaranteed with an on-street bay. They also consider it more practical and safe to unload these heavy goods onto the private forecourt rather than onto (and then across) the footway.

4.26 The Council's Transportation officers initially raised concern about the layout of the carriage way style servicing bay as initially proposed as it was not considered to demonstrate that a good pedestrian environment would be provided. However, following further discussions, bollards have been introduced to mitigate the potential for vehicles to drive outside of the proposed vehicular area and the layout has been adjusted slightly. While the changes are welcomed, further amendments to the precise layout of the bollards would be required. It is likely that the width of the access and egress to the highway can be reduced further if the service vehicles utilities both sides of the carriageway when accessing and egressing. This would be considered safe and appropriate given the lightly trafficked nature of Rutherford Way. The further consideration of the location and layout of the accesses and bay will also ensure that the provision of the bay does not prejudice the provision of a raised table across Rutherford Way connecting Olympic Way and the new Quintain park along the route between Unite and the proposed building, and between the new Quintain buildings being constructed opposite the site (known as plots NE01 and NE02). These changes would be secured through the S278 works for the scheme and are therefore included under Highways works within the Section 106 heads of terms.

4.27 Officers would continue to be concerned if a significant amount of servicing took place within this bay and an updated Delivery and Servicing Plan (DSP) is therefore recommended to be secured through condition which includes measures to limit the use of this bay and to prevent unauthorised use of the bay. The provision of the Rutherford Way serving bay is considered to be acceptable on this basis.

4.3 Cycle Parking

4.31 The proposals would need to provide cycle parking spaces in accordance with London Plan standards, which are based on the number of staff and students (long-stay parking at one space per 4 staff and one space per 20 students, with short-stay parking at one space per 7 students).

4.32 The submission suggests that there will be capacity for 1,401 students and 242 desks for staff, which would result in a minimum requirement for 130.7 long-stay spaces (60.5 for staff and 70.2 for students) and 200.14 short-stay spaces. The applicant has indicated that the college would only be occupied by, at most, by 60% of students at any time. If so, these requirements would fall to 78.42 long-stay and 120.08 short-stay spaces. A total of 78 long stay and 120 short stay cycle parking places are proposed.

4.33 It is accepted that the London Plan standards are based on full-time equivalent levels for both staff and student numbers and it is also accepted that not all students would be expected on site at all the time, so a 60% level would be reasonable. The applicant through further discussions has indicated that 60% capacity would also apply to staffing levels. On this basis, the provision would align with London Plan standards.

4.34 However, the trip generation figures from the Transport Assessment predict that 20% of the students would access the site by bike while 13% of staff would. If only 60% of the students and staff attended at any one time, this would result in a demand for 168 student cycle parking spaces and 19 staff cycle parking, resulting in a total demand for 187 spaces. The proposed provision of 198 cycle spaces would therefore meet this demand.

4.35 The Travel Plan has a target to increase the student cycle trip generation by 6%, which would then result in an increase of 50 student cycle spaces and 9 staff cycle spaces (again based on the 60 % occupancy level). The applicant has indicated that there is scope to increase future provision of short stay spaces by up to 64 which could be based on operational surveys and this will form part of the Travel Plan.

4.36 The long-stay cycle parking is proposed to be located in a store located on the south west corner of the site, whilst the college entrance is located on the north west corner on the Olympic Way, some 70m away. The London Cycle Design Standards recommend placing cycle parking as close to the main entrance as possible, however, it is considered that the location allows for convenient access to/from Rutherford Way.

4.4 Healthy Streets and Active Travel

4.41 In line with London Plan policy T2 all developments are expected to deliver improvements that support the 10 Healthy Streets indicators. An Active Travel Zone Assessment (ATZ) and Healthy Streets assessment has been carried out in line with London Plan Policy T2.

4.42 A Healthy Streets Assessment has been included within the Transport Assessment and this includes routes to Wembley Central Station, Asda on Forty Lane and bus stops at the junction of East Lane with Wembley Hill Road. All routes identified areas for improvement, which were principally improved pedestrian crossing facilities, traffic reduction, street furniture, vegetation and re-paving. These improvements to the active travel environment/public realm should be secured in line with London Plan policy T4 to mitigate transport impacts. The use of planters instead of bollards is supported to ensure the permeability of the footway and given with clear widths are provided to support pedestrian demand.

4.43 It is noted that the previously approved redevelopment of this site included traffic calming measures (two speed tables) in Rutherford Way fronting the building to facilitate a 20mph speed limit, as well as the widening of the highway along the Fulton Road frontage to provide public space. Given the high level of pedestrian movement expected for this development and the future provision of public open space to the east of Rutherford Way, the provision of traffic calming in Rutherford Way would be expected to be secured again. The provision of a raised table at the junction of Rutherford Way and Fulton Road is to be secured through this consent (through the S278 process). Transportation officers consider that the provision of the southern speed table (across Rutherford Way at the southern end of the site) is important for traffic calming and to ensure a good pedestrian route to the new park, but this would be contingent on the relocation of the bus stop. The changes to the Rutherford Way servicing bay discussed above will ensure that the proposed loading bay (and associate accesses) does not prejudice the delivery of the additional raised table across Rutherford Way. The provision of this will be secured subject to the feasibility of such works (as set out in the Recommendation section of this report) given the need to relocate the bus stop. The delivery of streetscape improvements and road calming measures will be secured through a legal agreement.

4.5 Trip Generation

4.51 A multi-modal trip generation assessment has been provided based on full time occupancy. The TRICS sites selected included surveys from 2022 through to 2015. A revised Trip Generation Assessment was requested by TfL due to the concern that the impact on the surrounding transport network is being underestimated

4.52 Noting capacity issues on the local bus network, TfL are seeking a financial contribution towards improvements, including but not limited to capacity enhancements, in line with Policy T4. The submitted trip generation assessment identified that the proposal is forecasted to generate a net bus demand of 35 two-way trips in the AM peak period. Based on this assessment, and in line with other developments in the area, a financial contribution of £227,500 would be requested. The applicant has requested a reduction based on the fact that the development is consolidating two existing campuses into a single purpose-built facility. One of those campuses is on Olympic Way within 100m of the application site. In total 22% of students will be transferred from the existing facility on Olympic Way and consequently the suggested financial contribution (based on the request) is £177,450.

4.53 The final amount will be considered at stage 2 referral to the GLA and written into the S106 agreement.

4.6 Travel Plan

4.61 A Travel Plan has been submitted and although the baseline data matches that within the Transport

Assessment, all targets are yet to be confirmed. Transportation Officers have set out that proposed targets for future staff and student modal-share should be set out now for 3- and 5-year periods. The majority of measures contained within the Travel Plan are about providing information, when this only has a limited impact on behaviour change. Nevertheless, given the limited opportunity for car parking in the area should in itself be successful in restraining car use amongst staff and students.

4.62 A revised version of the Travel Plan with clear targets will be sought, enforced, monitored, and reviewed through the Legal Agreement.

4.7 Construction

4.71 Finally, the applicant has submitted a Construction Management Plan, which includes some details of traffic management and confirms that throughout the construction works, vehicles would be able to enter the site. This is welcomed in principle, but it needs to be borne in mind that no deliveries will be permitted to the site within four hours of an event on Wembley Stadium Event Days. A full Construction Logistics Plan (CLP) would need to be conditioned identifying appropriate mitigation measures for event days.

5. Environmental Health Considerations

5.1 Air Quality

5.11 London Plan SI2 seeks to tackle poor air quality and ensure development proposals do not lead to further deterioration of existing poor air quality. Part 2c sets out that major development proposals must include Air Quality Assessment. Development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure.

5.12 Policy BSUI1 of Brent's Local Plan requires all major developments in Growth Areas to be air quality positive. 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. The assessment shall include mitigation proposals for any identified adverse impacts. The assessment should also analyse the relationship between the nearby highway. Any necessary mitigation measures if required should be fully considered within the design of the building.

5.13 The application is a major development in a Growth Area and is also within the Air Quality Action Area. The applicant has submitted an air quality assessment. The report is of sufficient technical quality and the development is air quality neutral. The proposed development will be provided with heat and hot water by Air Source Heat Pumps (ASHPs) and roof mounted Photovoltaic (PV) panels, which have no on-site emissions. The site will include an emergency generator. The assessment of generator emissions has concluded that the off-site impacts of emissions associated with the testing and maintenance of the emergency generator will be negligible. The building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The submitted air quality positive statement also sets out that the development will remove an existing car park and replace this with two blue badge parking spaces along with no direct emissions from the routine heating and hot water provision. The statement has also set out a range of mitigation measures to demonstrate an air quality positive approach. These include: better design to reduce exposure such as measures for the building facades set back to reduce exposure to future users as well as the delivery of green amenity areas, reduction of building emissions such as the usage of an ASHP and PV Panels and the exhaust stack diesel generator located in an area with good dispersion, and the reduction of transport emissions including provision of good pedestrian and cycle access, car free development (two disabled on street bays only) and a travel plan to encourage alternative active travel. Furthermore, impact to mitigate dust emissions during the construction phase of the development, the report recommends a dust management plan (DMP) is conditioned.

5.14 Overall, the site is considered suitable for use and there will be no adverse impact on air quality. The proposed development therefore complies with the relevant local plan and London Plan requirements subject to conditions to secure mitigation measures set out above.

5.2 Land Contamination

5.21 The applicant has submitted a RSK Geo-environmental and Geotechnical report dated March 2021. This report concludes that a clean cover system will be required due to the presence of asbestos in soils and further gas monitoring is being undertaken to conclude the requirements of the gas regime. As such further information will be requested via condition to ensure safe development and secure occupancy of the site in

the form of a site investigation setting out remediation options and a verification report to confirm that such remediation works have been carried out.

5.3 Odour

5.31 The application contains a kitchen/canteen on the second floor along with training domestic kitchens for students. The applicant has not provided an Odour Risk Assessment, however the applicant has provided a Ventilation and Extract Statement dated December 2022. The main kitchen includes a dedicated mechanical ventilation system including exhaust canopies with integral filters and kitchen exhaust flue. The training kitchen will provide domestic canopies and ductwork. The main kitchen follows guidance of DW172: Specification for Kitchen Ventilation Systems. As such, the documents demonstrate that consideration to the impact of the kitchens has been considered in line with benchmark standards.

5.4 Construction Management

5.4 The applicant has submitted a construction management plan and this does have controls to minimise noise and dust from the site during construction. However, it is also recommended that on-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards for Opportunity Areas and this will be secured through condition. Further measures to control emissions should be submitted during the construction phase must be incorporated into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. The Council's Environmental Health Officers have also recommended that CFA piling is undertaken on site.

5.5 Noise

5.51 London Plan Policy D14 states that where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles. Proposals should manage noise by promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

5.52 The applicant has submitted a noise assessment. This assessment considers ventilation and glazing specifications to ensure that noise levels within the college are in line with BB93 (acoustic design for school). In addition, a BS4142 assessment has been submitted for the plant associated with the development and this concludes that plant noise at the nearest residential receptor will be 10dB below background noise levels. Therefore provided the glazing and ventilation specification is implemented and the plant equipment remains the same levels as those stated within the report then the proposal is considered to not cause undue harm on surrounding sensitive uses.

5.6 Lighting

5.61 London Plan places importance on tall buildings being designed to minimise light pollution as well as the importance of lighting of the public realm to ensure safety and security issues.

5.62 With regards to the ground floor lighting LED strip lighting will be installed to the base of all benches and raised planters. This allows the space to be well lit but with discreet luminaries and lighting systems, and also mitigates against surrounding light pollution due to the sites proximity to Wembley Stadium. Internally, the building form has relatively high ceilings and with the introduction of the central atrium spine allows good levels of daylight to all levels, thereby reducing artificial lighting use. Further, an advanced LED digital lighting system is linked to daylight levels and occupancy to reduce unnecessary usage.

5.63 The applicant has submitted an Architectural Exterior Lighting Statement which applies to the ground floor landscaping to the north, east, south and west sides of the site together with level 02 terrace and roof level. The report outlines the initial concepts and approach for the exterior lighting. The strategy has included recommended illuminance levels for the external lighting, which vary between 5 lux to 50 lux for different parts of the application site. The report sets out that the lighting would be controlled by full automation.

5.64 It is noted that the site is situated in an urban area surrounded by high levels of footfall with social, entertainment and hospitality uses in close proximity. However, some routes including the southern gap between Unite Students building may have lower footfall and closer to residential accommodation. The site is not adjacent or nearby to SINC or green corridor. Overall, the report demonstrates that exterior lighting takes consideration of the various standards with particular focus on target illuminance in accordance with

CIBSE/SLL guidance and stipulations from Department of Education, with aim to creating a lit environment that follows best practice. The final lighting strategy will be subject to a condition.

6. Sustainability

6.1 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 the use of sustainable drainage (BSUI4).

6.2 Major residential and non-residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2021 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. 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.

6.3 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.

6.4 Policy SI2 also 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.

6.5 Carbon Emissions

6.51 The applicant has submitted an Energy and Sustainability Statement.

6.52 The proposed development aims to be zero carbon and with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated the remaining CO2 emissions for the scheme is set at 27.5 tonnes per annum. This demonstrates a total carbon emissions reduction of 36% when compared to the 2021 building regulations baseline that includes heat pumps. This is equivalent to 68% saving versus a gas-boiler baseline. The shortfall will be met through a Brent council's carbon offset fund. This is currently set at £95 per tonne of CO2 which is payable for a period of 30 years for the calculation of offset payments. The predicted CO2 offset price for the application site is calculated to be £78,375 based on a 36% on site reduction. A more detailed energy statement would be secured within the Section 106 Agreement.

6.53 The details of the energy efficiency improvements are as follows:

6.44 Be Lean:

- Total savings from 'be lean': 4.4 tonnes / 10%
- The use of incorporating efficient fabric
- The use of natural ventilation,
- The use of efficient mechanical ventilation with heat recovery and high efficiency lighting

6.45 Be Clean:

- The London Heat Map shows no existing district heatworks with capacity for new connections
- The plant is configured to facilitate future connects to a District Heat Network

6.46 Be Green:

- Total savings from 'be green': 11.0 tonnes / 26 %
- On site renewable energy in the form of high-efficiency heat pumps providing space heating, cooling and hot water. It will also include a significant amount of photovoltaic (PV) panels on the roof.
- The reduction is relative to a baseline that includes heat pumps

6.47 Be Seen:

- The development will be provided with a comprehensive set of energy sub-meters to track and record the developments energy use to ensure the development's energy use can be monitored and tracked

post completion

6.48 The GLA has reviewed the energy and sustainability aspects of the proposal. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan SI2 and SI2. A roof layout should be supplied with the extent of PV provision demonstrating that renewable energy has been maximised. Be Lean requires further exploration of energy efficiency measures for the non-domestic element. Further details on the design of district heating network connection is required, and the future connection to this network must be secured by condition. The above information would be required ahead of stage 2 referral to the GLA.

6.5 Sustainable Design and Construction

6.51 A number of the applicant's submission documents outline sustainability benefits which would be incorporated into the scheme.

6.6 BREEAM rating

6.61 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 BREAM pre-assessment sets out that the applicant is provisionally targeting the achievement of an 'Outstanding' rating with a targeted score of 88.09%. A condition will require that a BREEAM post-assessment is submitted following first operation of the development to confirm that a minimum "Excellent" rating is achieved.

6.7 Overheating

6.71 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 SI4.

6.8 Whole life carbon cycle and Circular Economy Statement

6.81 A Whole Life Cycle (WLC) Carbon Assessment was initially 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 that options for reducing carbon emissions have been considered and implemented where feasible. The GLA noted that the original documentation did not comply fully with policy SI2. However, the applicant has submitted further information in response to these comments and the GLA considers these matters acceptably addressed

6.82 A Circular Economy (CE) statement was submitted, as required by London Plan policy SI7. The GLA have reviewed the Circular Economy Statement and noted that it does not yet comply with London Plan Policy SI7. During the course of the application, further information was submitted and the GLA, this suitably addresses previous concerns.

7. Trees

7.1 Policy BGI2 of the Local Plan stipulates that development with either existing trees on site or adjoining that could affect trees will require the submission of a BS5837 or equivalent tree survey detailing all tree(s) that are on, or adjoining the development site. In the case of major development to make provision for the planting and retention of trees on site. Where retention is agreed to not be possible, developers shall provide new trees to achieve equivalent canopy cover or a financial contribution for off-site tree planting of equivalent canopy cover will be sought. Replacement canopy cover will be measured as total canopy area of new trees at time of planting being equal to canopy area of existing mature trees proposed for removal.

7.2 The application is supported by an Arboricultural Report produced which includes an Arboricultural Survey, Site Plans (existing and proposed), a Tree Protection Plan and Arboricultural Method Statement relating to the one tree to be retained T28. The proposals involve the loss of 27 no. individual trees including 2 no. category B trees and 21 no. category C trees. There is only one Category B tree which is to be retained as part of these proposals.

7.3 The indicative tree planting plan shows the locations of 41 proposed new trees. This includes 19 trees at ground level and a further 22 on the level 2 terrace. This would result in the net gain of 13 trees across the

site. Although, the Council's Tree Officer would require the planting of an additional 8 trees at ground level. These will be secured via a Hard and Soft Landscaping Scheme along with a Tree Protection Plan to ensure protection of the retained T28.

7.4 Utilities including new water supply and drainage should be achieved without negatively impacting on the numbers of trees to be planted on site. The planting of additional trees and other planting at level 2 terrace is welcomed.

8. Urban Greening, Biodiversity and Ecology

8.1 Urban Greening

8.11 London Plan Policy G1 states proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network and London Plan Policy G4 supports the creation of areas of publicly accessible open space. Policy G5 requires major development proposals to contribute to the greening of London by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. The Major recommends a target Urban Greening Factor (UGF) of 0.3 for predominately commercial development. Local Plan Policy BG11 supports meeting the UGF with emphasis on solutions to support biodiversity.

8.12 The applicant demonstrates consideration of access to public open space across the site, including green structure, opportunity to improve pedestrian routes through materiality and opportunities for active frontages, in accordance with London Plan Policy G4. The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.34, which exceeds the target set by Policy G5 of the London Plan.

8.13 The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the masterplan which is strongly supported and should be brought to fruition. This includes landscape pockets to the college frontage on Olympic Way with the incorporation of standard trees, planting beds, rain gardens and seating. Elsewhere proposed trees and ornamental flower rich perennial planting are proposed at ground level with the Level 02 terrace providing further trees and ornamental and climber planting. At roof level a green roof is proposed. This supports multifunctionality, in accordance with Policy G1 of the London Plan. The management and maintenance of the areas will be subject to condition to ensure the spaces develop and thrive.

8.2 Biodiversity

8.21 London Plan Policy G6 along with Brent Local Plan Policy BG11 with set out that development proposal should aim to secure net biodiversity gain.

8.22 The survey area extends to 0.48ha and comprises building, developed land sealed surface, modified grass, introduced shrubs and scattered trees. Proposed habitat creation includes biodiverse roof, trees, shrubs, and rain garden. The proposals stand to result in a net gain of 0.14 biodiversity units associated with area-based habitats compared with pre-development value. This is equivalent to a total net increase of 19.6% in ecological value. Detail relating to the proposed ecological compensation and enhancement actions in relation to habitat creation and management should be provided within an Ecological Management Plan (EMP) for the site which will be secured through planning condition. It is noted that any additional trees would further increase the biodiversity gain.

8.3 Ecology

8.31 The applicant has submitted a Preliminary Ecological Appraisal. The report concludes that the survey, undertaken on the 4th March 2021, alongside data received from a desk top study, confirmed the site has low potential to support foraging/commuting bats and high potential to support nesting birds. The report recommends that site clearance should be undertaken outside of the nesting bird season or after a nesting bird check by a qualified ecologist confirms the likely absence of nesting birds from areas of the site to be cleared. A sensitive lighting strategy is also recommended to address potential impacts upon foraging and commuting bats. In addition to these mitigation actions, any areas of vegetation lost should be compensated for through the provision of enhanced wildlife friendly landscaping. This could include provision of: Biodiverse living roofs; Wildlife friendly landscaping; Vertical greening; Invertebrate habitat features including bee houses/log piles; and Bird and bat boxes. An Ecological Management Plan secured through the landscape planning condition should provide detail on all ecological mitigation and enhancement associated along with a Construction Environmental Management Plan (CEMP).

9. Flood Risk and Drainage

9.1 Flood Risk

9.11 Policy BSUI3 of the Brent Local Plan highlights that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application is accompanied by a Flood Risk Assessment. It sets out that the site lies within Flood Zone 1 and would be at low/negligible risk of flooding from fluvial, tidal, sewer, infrastructure (reservoir) and ground water sources. The site lies within Brent's Critical Drainage Area and parts of the site are liable to surface water flooding. The report highlights that the proposals are shown to experience flood depths of up to 600mm in the design surface water flood event during the Medium Risk (1 in 100 year RP) surface water flood event. Only a very limited area at the centre of the site is shown to experience such flood depths, with the majority of the site remaining unaffected. It is unlikely that the site is affected by overland flows in the design event, and as such is likely to be managed through SuDS onsite.

9.12 A number of flood resilient measures are proposed given the risk of surface water flooding as noted above to the construction of the building and interior fit out. The report has also set out that given the site's location in Flood Zone 1 and relatively low risk of flooding from surface water sources with consideration of mitigation measures, and safe access and egress in the Medium Risk (1 in 100 year RP) Surface Water flood event, no full Flood Warning and Emergency Plan is required for the development proposals. The flood risk assessment has been reviewed by the LLFA who has confirmed that are satisfied with the finding of the report and the mitigation measures. Such details are recommended to be conditioned to any forthcoming consent.

9.2 Sustainable Drainage

9.21 Policy SI13 of the London Plan sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy. Policy BSUI4 of the Brent Local Plan relates to on site water management and surface water attenuation. It requires major developments to:

- a) use appropriate sustainable drainage measures to control the rate and volume of surface water run-off;
- b) ensure where feasible separation of surface and foul water systems
- c) make reasonable provision for the safe storage and passage of flood water in excessive events; and
- d) demonstrate adequate arrangements for the management and maintenance of the measures used.

9.22 The application has been accompanied by a drainage strategy. It is proposed all runoff from the proposed impermeable area (0.444 ha) is attenuated and controlled to 2.0 l/s for all storm events up to and including the critical 100 year plus 40% climate change event. In addition, it is proposed for green roofs to be incorporated to roof areas providing interception storage, slowing down runoff and providing treatment. The measures would be result in a significant betterment in the control of surface water flooding compared to the existing situation for 1, 30 and 100 year storm events (existing rate of 36.97l/s, 90.65 l/s and 165.59 l/s). Confirmation has been provided the surface and foul water would be separated, and that the sustainable drainage measures would be managed and maintained for the lifetime of the development by an appropriate managing body. The Local Lead Flood Authority has reviewed the proposal and considered that the sustainable drainage measures are acceptable and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent.

9.23 Thames Water were consulted during the course of the application and confirmed that they would have no objections in relation to surface water drainage capacity. They did however advise that there is capacity issues with foul water and a condition has been recommended.

9.24 The GLA had advised rain water harvesting and water reuse to reduce consumption of water across the site, however this was deemed not feasible. This is based on an assessment accounting for the statistical rainfall data within the Wembley area and the potable water demand of the proposed development. As such, the water efficiency is considered to generally meet the requirements of London Plan Policy SI5.

10. Fire Safety

10.1 Policy D12b of the London Plan (as well as the draft London Plan Fire Safety Guidance) requires all major development proposals to submit a Fire Statement which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

10.2 The applicant has provided a Fire Statement which has addressed the above requirement, in accordance with policy D12B of the London Plan.

11. Training and Employment

11.1 Local Plan policy BE1 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. As part of this, the Council will seek a financial contribution for this job brokerage service, which includes both pre and post-employment support and mentoring. The fee will also support residents with low skills who would benefit from opportunities to develop new skills and will fund initiatives such as CSCS Training, recruitment, events and information days.

12. Public Sector Equality Duty

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 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.

13.2 The proposal will bring forward a CNWL further education campus which aligns with the site allocation and aspirations of the Wembley Growth Area. The proposal will create a well designed, sustainable building complete with high quality public realm. The benefits of the scheme are considered to outweigh the loss of employment floorspace and harm to neighbouring amenity.

13.3 The application is therefore recommended for approval subject to the conditions set out in this report.



Application No: 23/0578

To: Jonathan Bainbridge
Bidwells
25 Old Burlington Street
London
W1S 3AN

I refer to your application dated **15/02/2023** proposing the following:

Demolition of existing building and erection of building for use as a purpose-built Further Education College Campus of up to 8 storeys high with associated plant at roof level, provision of hard and soft landscaping and cycle parking facilities, loading bay and accessible parking bays on Rutherford Road frontage and drop off bay on Fulton Road

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

at **Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU**

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: 04/07/2023

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 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):

Drawings:

Existing Ground Floor Plan 01554-WEA-XX-00-DR-A-1000 P01
Proposed Ground Floor Plan 01554-WEA-XX-00-DR-A-1200 P01
Proposed First Floor Plan 01554-WEA-XX-01-DR-A-1201 P01
Proposed Second Floor Plan 01554-WEA-XX-02-DR-A-1202 P01
Proposed Third Floor Plan 01554-WEA-XX-03-DR-A-1203 P01
Proposed Fourth Floor Plan 01554-WEA-XX-04-DR-A-1204 P01
Proposed Fifth Floor Plan 01554-WEA-XX-05-DR-A-1205 P01
Proposed Sixth Floor Plan 01554-WEA-XX-06-DR-A-1206 P01
Proposed Seventh Floor Plan 01554-WEA-XX-07-DR-A-1207 P01
Proposed Roof Plan 01554-WEA-XX-RF-DR-A-1208 P01
Existing East Elevation 01554-WEA-XX-E-DR-A-2001 P01
Proposed East Elevation 01554-WEA-XX-E-DR-A-2101 P01
Existing North Elevation 01554-WEA-XX-N-DR-A-2002 P01
Proposed North Elevation 01554-WEA-XX-N-DR-A-2102 P01
Existing South Elevation 01554-WEA-XX-S-DR-A-2003 P01
Proposed South Elevation 01554-WEA-XX-S-DR-A-2103 P01
Existing West Elevation 01554-WEA-XX-W-DR-A-2000 P01
Proposed West Elevation 01554-WEA-XX-W-DR-A-2100 P01
Existing Typical Upper Floor Plan 01554-WEA-XX-XX-DR-A-1001 P01
Existing Site Plan 01554-WEA-XX-ST-DR-A-0002 P01
Proposed Site Plan 01554-WEA-XX-ST-DR-A-0012 P01
Proposed Site Sections 01554-WEA-XX-XX-DR-A-3000 P01
Proposed GA Section A-A 01554-WEA-XX-XX-DR-A-3001 P01
Proposed GA Section B-B 01554-WEA-XX-XX-DR-A-3002 P01
Proposed GA Section C-C 01554-WEA-XX-XX-DR-A-3003 P01
Proposed Olympic Way Elevational Detail 01554-WEA-XX-XX-DR-A-4000 P01
Proposed Olympic Way Entrance Elevation Detail 01554-WEA-XX-XX-DR-A-4001 P01
Proposed Rutherford Way Elevation Detail 01554-WEA-XX-XX-DR-A-4002 P01
Proposed South Elevation Detail 01554-WEA-XX-XX-DR-A-4003 P01
Proposed Fulton Road Elevation Detail 01554-WEA-XX-XX-DR-A-4004 P01
Proposed Typical Upper Elevation Detail 01554-WEA-XX-XX-DR-A-4005 P01
19182-BBUK-ZZ-00-DR-L-0100 Rev P02 GA plan Ground Floor
19182-BBUK-ZZ-02-DR-L-0102 Rev P02 GA plan L02 Terrace, Roof

Documents:

Air Quality Assessment J10/13818A/10/2/F2 dated 15 December 2022 prepared by Air Quality Consultants Ltd
Arboricultural Method Statement P2688-AMS01 V1 dated 04/10/2022 prepared by Ligna Consultancy
Tree Survey dated 04/10/2022 prepared by Ligna Consultancy
Biodiversity Impact Assessment 551314sm08Feb23FV02_BIA dated February 2023 prepared by Greengage
Preliminary Ecological Report 551314smSept21DV02_PEA.docx dated 24/9/21 prepared by Greengage
Noise Impact Assessment 6610-MXF-UCG-XX-RP-J-56002 Rev P03 dated 19/12/22 prepared by Max Fordham
Drainage Strategy 1-572 Rev D dated 21/06/23 prepared by Civilistix
NPPF Flood Risk Assessment 6827-RHD-ZZ-XX-RP-Z-2500 dated 29 June 2023 prepared by Royal HaskoningDHV
Circular Economy Statement Spreadsheet dated 22/05/2023 prepared by Max Fordham
Circular Economy Memo dated 22/05/2023 prepared by Max Fordham
Circular Economy Appendix I to VI dated 22/05/23 prepared by Max Fordham
Circular Economy Statement Written evidence P03 dated 22/05/2023 prepared by Max Fordham
Whole Life-Cycle Carbon (WLC) Memo dated 31/01/23 prepared by Max Fordham
Whole Life-Cycle Carbon Assessment P04 dated 31/01/23 prepared by Max Fordham

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the Development hereby approved shall only be used for purposes within Use Class F1(a), as defined by the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenity of residents and in the interest of ensuring appropriate access and servicing.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy BSUI1 and London Plan Policy S11.

- 5 The development shall be carried out fully in accordance with the mitigation measures set out within the approved Air Quality Assessment, prepared by Air Quality Consultants dated December 2022, unless alternative mitigation measures are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate arrangements for drainage of the site, in accordance with London Plan Policy S11 and Brent Local Plan Policy BSUI1.

- 6 The development shall be carried out in full accordance with the "Flood Resilient Construction Techniques" set out within the "Recommendation" section of the NPPF Flood Risk Assessment

prepared by Royal Haskoning DHV dated 29th June 2023, unless alternative measures are submitted to and approved in writing by the Local Planning Authority, and the scheme is thereafter implemented in full accordance with the alternative measures.

Such measures as noted above should be retained throughout the lifetime of the development.

Reason: To ensure that the scheme is resilient to all sources of flooding including pluvial flooding.

- 7 The works shall be carried out in full accordance with the recommendations set out within the approved Drainage Strategy prepared by Civilistix Consulting Engineers dated June 2023 in relation to the proposed surface water drainage strategy. The measures shall thereafter be maintained in accordance with the surface water management and maintenance schedule as detailed within the approved document throughout the lifetime of the development, unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: To ensure that surface water flooding is reduced and controlled within the site.

- 8 The Development hereby approved shall only be undertaken in accordance with the details provided in the approved Noise Impact Assessment produced by Max Fordham LLP (ref: 6610-MXF-UCG-XX-RP-J-56002 Rev P03). Should any plant/glazing or the ventilation strategy subsequently proposed differs from that considered within the approved Noise Impact Assessment, the proposed plant/glazing or the ventilation strategy shall not be installed until full details have been submitted to the Local Planning Authority for approval in writing. Such detail to include:

- (i) Details of the glazing and their minimum sound insulation performance;
- (ii) the particulars and or specification of noise levels, vibration and where relevant odour control of each item of mechanical plant;
- (iii) details of any ducting in terms of its appearance and siting;
- (iv) demonstrate that the individual and cumulative predicted noise levels from any mechanical plant together with any associated ducting, shall be 10 dB(A) or greater below the typical background noise level (LA90) during the time of plant operation at 1 m from the nearest on and off-site NSR: the method of assessment should be carried out in accordance with BS4142:20147 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (v) include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)
- (vi) include a scheme of mitigation in the event the predicted vibration levels of the plant exceed acceptable norms
- (vii) include a scheme of mitigation in the event the predicted odour levels of the plant exceed acceptable norms

The development shall thereafter be installed in accordance with the approved details and maintained thereafter for the lifetime of the Development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise, vibration and odour nuisance

- 9 The development shall be implemented in strict accordance with the Tree Protection Plan and Arboricultural Method Statement (Ligna Consultancy ref: P2688-AMS01 V1 dated 04/10/2022) or subsequent approved revisions.

REASON: To ensure that the tree T28 is to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DMP1 and BGI 2.

- 10 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. In addition, measures to control emissions during the construction phase relevant to a medium risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. The AQDMP should also be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be constructed in accordance with the approved Construction Method Statement, together with the measures and monitoring protocols implemented throughout the construction phase.

The development shall thereafter be constructed in accordance with the approved Construction Method Statement, together with the measures and monitoring protocols implemented throughout the construction phase.

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: Nuisance from demolition and construction activities can occur at any time, and adequate controls need to be in place before any work starts on site.

11 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.

12 (a) Following the demolition of the building 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. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and 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

- 13 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.

- 14 Prior to the commencement of Development, but excluding site clearance and demolition, detailed plans demonstrating sufficient ducting space and routing for the provision of a communal television system/satellite dish/full fibre connectivity infrastructure shall be submitted to the Local Planning Authority for approval in writing.

The Development shall only be undertaken in accordance with the approved detail.

Reason: To mitigate the possibility of numerous satellite dishes and infrastructure being installed on the Development in the interests of the visual appearance of the Development and the locality in general and future proofing the Development.

- 15 Prior to commencement of development (excluding demolition, site clearance and laying of foundations), details of materials for all external building work, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority. 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 façades will be constructed, to include typical windows, parapets, soffits and the junctions between key materials. The development shall be carried out in full accordance with the approved details.

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

- 16 Prior to commencement of development (excluding demolition, site clearance and laying of foundations) 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;
- 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 27 individual trees at ground floor level
- 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;

- Existing and proposed functional services above and below ground in relation to proposed landscaping (e.g. drainage, power, communications, shared ducting provision)
- 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 551314sm08Feb23FV02_BIA dated February 2023 prepared by Greengage
- Details to maximise the urban green factor (UGF) for the site in line with policy G5 of London Plan (with a minimum target of 0.3), including the requirement to submit a UGF Masterplan
- Details of any external CCTV installations
- An Ecological Management Plan with details of habitat creation and enhancement
- 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, 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.

- 17 Prior to commencement of development (excluding demolition, site clearance and laying of foundations), a plan showing the arrangement of cycle storage within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall set out the following cycle storage provision:

- 78 long-stay cycle parking spaces to be provided;
- 120 short-stay cycle parking spaces surrounding the perimeter of the building;

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 unless alternative details are agreed in writing by the Local Planning Authority.

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

- 18 Prior to commencement of development (excluding demolition, site clearance and laying of foundations), details of any proposed counter-terrorism measures including location of HVM measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police and the approved details shall be implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure a satisfactory development that accords with London Plan policy GG6.

- 19 Prior to the occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water) that confirm that either:
- (a) All foul water network upgrades required to accommodate the flows from the development have been completed; or
 - (b) A development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied.

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

Reason: Network reinforcement works are required to accommodate the proposed development. Reinforcement works are necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 20 Prior to first occupation or first use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access arrangements and management responsibilities, inclusive of any specific for Event Days.

The approved Community Access Plan shall be brought into operation within 3 months of first occupation or use of the facilities and it shall remain in operation for the duration of the use of the Development.

Reason: To secure well-managed, safe community access, to ensure sufficient benefit to the Development of a community facility and to accord with Local Plan.

- 21 Prior to the occupation of the development 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.

- 22 Prior to the occupation of the 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.

- 23 Prior to the first occupation of the development hereby approved, a Delivery and Servicing Management Plan including details of long term maintenance and management shall be submitted to and approved in writing by the Local Planning Authority . The Delivery and Servicing Plan shall include details of how adopted footways would be protected and how arrangements can be made for safe and efficient operations without detrimental impact on

pedestrian movement. The plan shall include a strategy for the management of delivery and servicing on event days at Wembley National Stadium which shall be worked on up in consultation with the stadium, and shall ensure that no deliveries take place between four hours prior to the start of an event, to four hours after the end of an event.

The development shall thereafter operate in accordance with the approved delivery and servicing management plan unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To minimise negative impacts associated with servicing demand of the proposed development.

- 24 Prior to the first occupation of the development hereby approved, details of temporary fencing for Event Day events, together with precise locations, specification and a management plan, shall be submitted and approved in writing by the Local Planning Authority. The details shall be agreed in collaboration with Public Safety Officers.

The fencing and associated management procedures shall be fully implemented in accordance with the approved details, without any deviation, for the lifetime of the Development, unless prior written approval to alternative fencing and/or management have been granted by the Local Planning Authority and those alternative details are implemented in full.

Reason: To ensure appropriate crowd and public safety in relation to Wembley events.

- 25 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.

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

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

- 27 Within six months from practical completion of the development 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 applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

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

3 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.

4 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read the guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures

[https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!RxnLifSEK11bRT8zKi4SJQ0iskpqs2xQ-zFFIhgkFEZLhp1UmaAo68McAhMuKU3atXK-_CkpPuKRZb1mryuQ1mQqube8xVo\\$.](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!RxnLifSEK11bRT8zKi4SJQ0iskpqs2xQ-zFFIhgkFEZLhp1UmaAo68McAhMuKU3atXK-_CkpPuKRZb1mryuQ1mQqube8xVo$.)

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

5 Due to the age of the buildings asbestos may be present. Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.

6 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.

7 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.

8 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30
Saturdays – 08.00 to 13.00
Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

Any person wishing to inspect the above papers should contact Lena Summers, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5233