



Planning Committee

Wednesday 8 May 2024 at 6.00 pm

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

Please note this will be held as a physical meeting which all Committee members will be 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, Collymore, Dar, Ethapemi
and Kabir

Councillors
Kansagra and J.Patel

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

For electronic copies of minutes and agendas please visit:
[Council meetings and decision making | Brent Council](#)

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 Alternative Members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 13 March 2024 as a correct record of the meeting.		1 - 8
APPLICATIONS FOR DECISION		
4. 22/3346 - 2-8 Sevenex Parade & 2A London Road, Wembley, HA9.	Wembley Hill	13 - 52
5. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Deputy Director Democratic Services or their representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Tuesday 11 June 2024 (to be confirmed following the Annual Council meeting)



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#)

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 13 March
2024 at 6.30 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Ahmed, Akram, Collymore, Mahmood and Rajan-Seelan.

1. Apologies for Absence and Clarification of Alternate Members

Apologies for absence were received from Councillors Begum, Dixon and Maurice, with Councillor Ahmed attending as a substitute for Councillor Dixon and Councillor Collymore attending as a substitute for Councillor Begum.

2. Declarations of Interests

Councillor Saqib Butt declared a personal interest in relation to Agenda Item 4 (23/3365 - 163-165 Edgware Road, London, NW9), stating that as the Councillor representing Kingsbury ward they had been contacted by both residential organisations and the developer but affirmed that they had not yet come to a decision regarding the application and thus was attending the Committee with an open mind.

3. Minutes of the Previous Meeting

RESOLVED that the minutes of the previous meetings held on Wednesday 7 February 2024 be approved as a correct record of the meeting.

4. 163-165 Edgware Road, London, NW9

PROPOSAL

Redevelopment of the site for a basement (with small sub-basement for sprinkler pump and swimming pool plant room), ground plus five-storey building for an apart-hotel (152 rooms) with swimming pool and gym, a public house, co-working space and associated servicing, car parking (including accessible car parking), cycle parking and landscaping.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- i) The prior completion of a legal agreement to secure the planning obligations detailed in the Committee report.
- ii) The Head of Planning being delegated authority to negotiate the legal agreement detailed in the Committee report.

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- iii) The Head of Planning being delegated authority to issue the planning permission and impose the conditions and informatives detailed in the Committee report.
- iv) The Head of Planning being 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 being reached by the committee.
- v) The Head of Planning being delegated authority to refuse planning permission 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.
- vi) The Committee confirming 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.

Nicola Blake, Principal Planning Officer, introduced the report and set out the proposal. Members were advised that the supplementary agenda included further information relating to the sequential test and a minor clarification to the recommendations in the original agenda pack, as the application's approval was not 'subject to the application's referral to the Mayor of London (stage 2 referral)'.

The Chair thanked Nicola Blake for introducing the report and subsequently invited Mr Nic Rupalia (Objector) to address the Committee on behalf of Springfield Residents Association.

The following key points were highlighted:

- Concerns were raised relating to the height, size and character of the proposed development, which was said to be out of character with the local area, overbearing and detrimental to the local community.
- Further concerns were raised in relation to the Council having failed to consult residential properties on Lodore Gardens who would also be impacted by the development.
- The inclusion of kitchenettes in hotel rooms was questioned as it was believed that, despite the 90 day restriction on the length of stay, the hotel would be used for longer stays and therefore would result in greater congestion in the local area.
- Although local residents objected to Controlled Parking Zones (CPZ) in principle, it was stated that they would be forced to accept a CPZ due to the insufficient parking provision at the hotel and the increased vehicular usage

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that would be generated given the lack of public transport options in the locality.

- Overall, it was believed that the proposal would lead to overdevelopment in the local area and the extended stay of guests due to the inclusion of the kitchenettes in the units. However, members were informed that Springfield Residents Association would support the proposal if the height of the building was reduced to the same height as the adjoining Toyota showroom to be less visually intrusive and to better keep with the character of the local area.

The Chair thanked Mr Rupalia for addressing the Committee and invited the members to ask any questions they had in relation to the information heard. The Committee had questions regarding the 90 day stay restriction, the proposed CPZ, the height of the building, the consultation process and the inclusion of kitchenettes within the units.

The following responses were provided:

- In providing further information regarding concerns relating to hotel users staying for extended periods of time, Mr Rupalia explained that Springfield Residents Association wanted to prevent the hotel being used as an apartment for 90 days at a time given the previously highlighted worries of the individuals that this would bring to the local area.
- In discussing the proposed CPZ, it was outlined that currently there were no parking issues in the local area and it was felt that the development would introduce additional parking pressures which left residents with no alternative other than to support a CPZ, although residents opposed CPZ's in principle.
- Concerning the height of the building, it was detailed that the main concern related to the residential buildings to the rear of the property and the impact that the development would have on the skyline of the area.
- In response to a query from the Committee that sought further information regarding specific areas in Lodore Gardens that had been omitted from the consultation process, members heard that the required information could be provided outside of the Committee meeting.
- Regarding the inclusion of the kitchenettes in the units, Mr Rupalia questioned the necessity of the kitchenettes and queried whether it was identified as a requirement during the main study for the development.

Following the conclusion of the Committee's questions, the Chair thanked Mr Rupalia for responding to members' queries and proceeded to invite Mr Bhupesh Halai (Supporter) to address the Committee.

The Committee noted the following key points:

- Redevelopments in the local area were welcomed, particularly concerning vacant and neglected properties. In speaking on the specific proposal being

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considered, it was detailed that the property had been vacant for six years and had begun to attract anti-social behaviour.

- The co-working space included in the design was praised as it would provide local residents with an alternative working space.
- The leisure facilities and public house as part of the proposal were welcomed, in addition to the potential economic benefits that the establishment would bring.

The Chair thanked Mr Halai for addressing the Committee and welcomed questions and comments from members in relation to the information heard. The Committee posed a question concerning the possible stresses placed on parking in the local area as a result of the proposal. In response, Mr Halai expressed surprise that local residents had raised concerns regarding parking, stating that parking had never been an issue and they did not expect the development to cause significant disruption.

As the Committee did not have any other questions for Mr Halai, the Chair thanked him for addressing the Committee and welcomed Mr Rory Joyce, Mr Trevor Morriss, Mr Stephen Eyton and Mr Andrew Clements (on behalf of the Applicant) to address the Committee.

The following key points were highlighted:

- As a result of cooperation with Planning, Highway and Design Officers, it was detailed that the proposal adhered to local planning policies, with officers in a position to support the recommendation to grant planning permission.
- The proposed pub, apart-hotel and co-working space proposed for the former brownfield commercial site would bring benefits to the local area, through active frontages, community facilities and job creation.
- The proposal had been informed by a consultation and townscape assessment to ensure positive contributions to the neighbourhood.
- The proposed building would have a distinct and recognisable character to attract visitors and the local community but to also act as a mediator between the varied architectural styles in the locality.
- In addition to the aforementioned active frontages and public realm improvements, it was detailed that additional trees would be planted to enhance the local biodiversity.
- During the consultation process the design had been adapted to accommodate the views of planning officers and local residents, such as: reducing the height of the building by two stories, adjusting the rear of the building to comply with the Council's 45 degree standards, creating a more defined top, middle and bottom hierarchy to ensure greater cohesion of architectural elements, and altering the colour of the building (using red brick) to adhere to the character of the immediate area.

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- Overall, it was felt that the proposal would reinvent an important site that was adjacent to the Town Centre, providing economic benefits in addition to facilities for local residents.

The Chair thanked Mr Joyce, Morriss, Eyton and Clements for addressing the Committee and welcomed questions and comments from members in relation to the information heard. Members raised queries relating to the amenities at the hotel, local need, the design and management of the pub, transport impacts, benefits for residents, contingency plans, the star rating of the hotel, and the use of the site for temporary accommodation.

The following responses were provided:

- In providing further information concerning the amenities available at the hotel, the Committee noted that rooms would include a bathroom, kitchenette and good quality space which lent itself for short and longer stays. However, it was reiterated that the apart-hotel, primarily aimed at the business and leisure sector, should not be confused with an apartment as the proposal did not have fully fledged amenities required for a permanent living space.
- It was explained that a hotel needs assessment had been conducted by Avison Young which showed that there was a market need in Brent due to a shortage of hotels. Members were informed that it was expected for one third of the rooms to be used by the business market, one third to be used by holidaymakers or those on leisure trips and the remaining third would accommodate other patrons, such as those visiting family for example.
- Regarding the design of the pub, it was detailed that the design and location had been carefully considered to provide maximum frontage, reduce disruption to nearby properties and to be connected to other areas of the hotel, such as the lobby. In speaking on the management of the pub, it was anticipated that the hotel, facilities and pub would be managed by a single entity.
- In response to a query on the estimated impact on the local transport network, members were advised that the transport assessment concluded that the proposal would have little impact on most transport modes, with the site accessible via bus routes and nearby rail stations.
- The Committee noted that the required provision for passive charging points would be designed into the proposal.
- Members heard that the benefits to local residents included a local pub with hire space at a discounted rate, a small pool and gym at discounted rates, a co-working space free of charge, more visitors and expenditure in the local area, contributions towards a CPZ (if necessary) and a large Strategic Community Infrastructure Levy (SCIL) contribution. Moreover, the proposal would eliminate the anti-social behaviour currently occurring at the vacant property.

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- In discussing contingency plans for the site in the event that the apart-hotel was not successful, the Committee was informed that the design was purposefully flexible so the building could be converted into residential living spaces if necessary. However, it was not the intention to convert the building into residential accommodation in the future, it was merely an alternative built into the design and business model.
- It was detailed that the developer was aiming for the hotel to have three star accommodation and four star front of house amenities.
- The Committee noted that the site would not be used for temporary accommodation.

The Chair thanked Mr Joyce, Morriss, Eyton and Clements for responding to the Committee's queries and proceeded to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity in relation to the application. Members raised queries relating to best use of the site, the withdrawal of the condition requiring a referral to the Mayor of London, proposed use of the forecourt, parking pressures, public transport accessibility, the distance of the building to residential properties, economic benefits, cycle parking and hire bike provision, access to the pub, and local employment and training.

The following responses were provided:

- In response to a question surrounding the best of use of the site given the acute housing need in the borough, members were advised that the GLA had forecast that Brent required 2622 new rooms between 2015 and 2040, which the proposed 152 units in the apart-hotel would contribute towards. Moreover, it was detailed that the hotel needs assessment and sequential test had concluded that the site was the most suitable site out of all those that were evaluated as it was in a prominent location, and thus would attract visitors, and it was large enough to accommodate the proposal.
- The Committee noted that the indication that the decision would be subject to a stage 2 referral to the Mayor of London was a drafting error. However, the application was still subject to the other conditions and legal agreement outlined in the report.
- In discussing the use of the forecourt, it was explained that currently the plans were for tree planting, but further amenities (such as tables and chairs) could be explored in the future. Regarding the governance processes required to make use of the forecourt, members noted that the process depended on the number of objections received to any proposal.
- Members heard that the transport assessment suggested that the proposal would be largely accessed via public transport, despite the below average PTAL rating of the area.
- It was detailed that a safety audit had not been conducted, but a healthy streets assessment had been undertaken regarding walking and cycling in the area which identified some issues which required improvement.

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Furthermore, it was explained that a road safety audit was not required due to the access into the building.

- Regarding parking pressures, the Committee was advised that officers did not expect the proposal to generate additional on-street parking. Moreover, although most nearby houses had private driveways, the Council could explore implementing a CPZ utilising contributions from the developer if required and subject to resident approval. However, as there was a CPZ north of the proposal, there were no current plans to introduce a CPZ in the immediate vicinity of the proposal.
- In response to concerns surrounding the distance between the back of the proposal and residential properties, members were informed that the 1st and 2nd stories were 6.7m away from the residential area and thus the windows in the relevant rooms were obscure glazed and non-opening to prevent overlooking. However, the Committee was reassured that the closest window to window distance between the site and neighbouring houses was 27 metres which was compliant with supplementary planning document regulations.
- In outlining the economic benefits of the development, it was detailed that the proposal would generate £1.2m in Brent SCIL and £500k in Mayoral SCIL, 39 full-time equivalent staff would be required for the hotel which may be sourced from the local community, local suppliers and services may be sourced to run the business, and the proposal would support other businesses in the borough by bringing in visitors who may use local shops and services.
- Members noted that the rear car park was deemed large enough to also be used as a taxi drop off/pick up location.
- The Committee was advised that both the Council and the developer could explore installing provision for bike hire either on or nearby the site, which could be included in the Travel Plan.
- As the proposal was not intended for residential use, members heard that council tax would not be levied.
- It was detailed that the pub could be accessed directly from the street and via the hotel lobby and co-working space.
- In response to a query regarding local training and employment arising from the development, the Committee was informed that the Council's Planning Obligations Supplementary Planning Document stipulated that 50% of the jobs should be secured as apprenticeships for Brent residents.
- Regarding electric vehicle charging points and disabled parking spaces, it was detailed that two disabled parking spaces included electric vehicle charging points, with seven passive charging points overall.

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- The Committee noted that the proposal did not include a children's playground.

As there were no further questions from members the Chair then moved on to the vote.

DECISION

RESOLVED to grant planning permission subject to the completion of a legal agreement to secure the obligations and conditions set out in the Committee report, in addition to amending condition 17 to require the identification and delivery (if feasible) of facilities for hire bikes (which may include geofenced areas, docking stations or docking areas) and amending condition 34 to include provision for access for local residents to the gym and pool at discounted rates and the co-working space at nil rates within the Community Access Plan.

(Voting on the above decision was unanimous).

5. Any Other Urgent Business

None.

The meeting closed at 7:47pm.

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

8 May, 2024
04
22/3346

SITE INFORMATION

RECEIVED	28 September, 2022
WARD	Wembley Hill
PLANNING AREA	Brent Connects Wembley
LOCATION	1-8 Sevenex Parade & 2A London Road, Wembley, HA9
PROPOSAL	Demolition of existing buildings and erection of a six and part seven storey building with basement level comprising residential flats (Use Class C3), ground floor commercial unit (Use Class E), associated communal space, landscaping and cycle and refuse storage.
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_162047</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 "22/3346" (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. A car-free agreement to remove the right of future residents to on-street parking permits within any existing or future CPZ that is introduced in the area;
6. Indexation of contributions in line with inflation (to be indexed from date of Planning Committee)
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 and Commercial Floorspace
4. Water Consumption
5. Implementation of Flood Risk Assessment and Drainage Strategy report
6. Non-Road Mobile Machinery (NRMM)
7. External amenity space
8. Substation doors

Pre-commencement

9. Construction Method Statement
10. Construction Logistics Plan

Post-commencement

11. Future Connection to District Heating Network
12. Land Contamination study, remediation works and verification report
13. Piling Method Statement

14. External Materials
15. Design specifications
16. Accessible Homes
17. Sound insulation measures
18. Hard and Soft Landscaping
19. Cycle parking
20. Delivery and Servicing Plan
21. Noise Mitigation Measures
22. External Lighting

Pre-occupation or use

22. Plant Noise


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

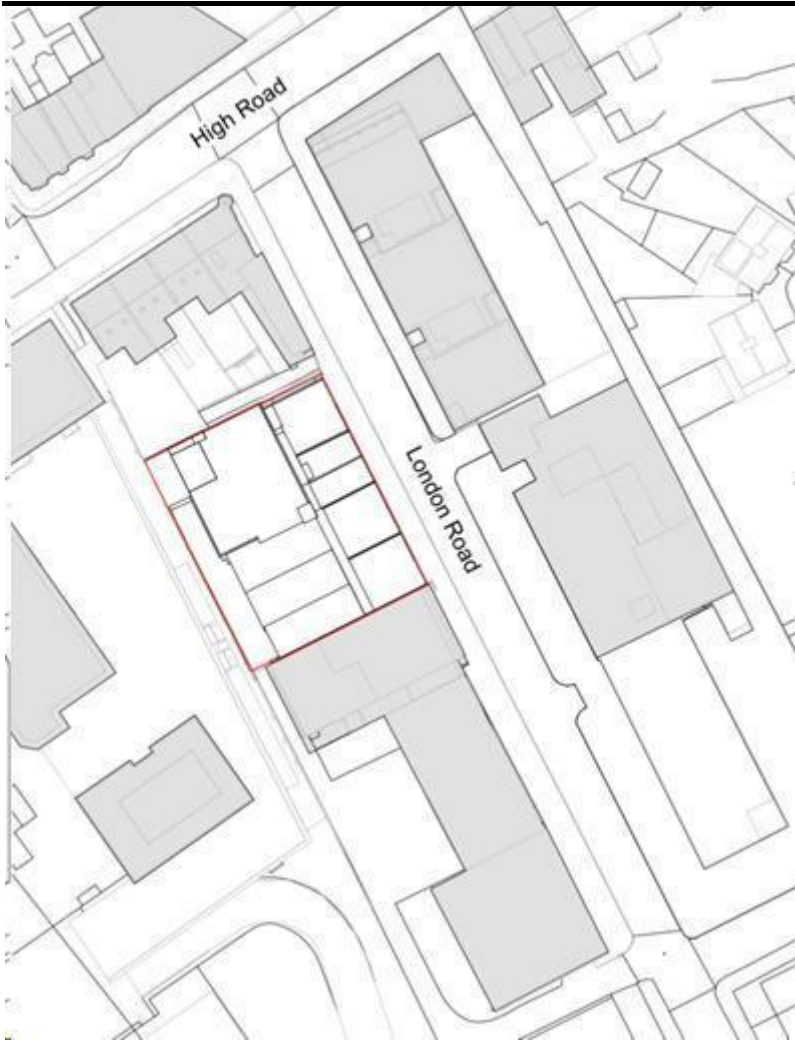
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied 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 authority is delegated to the Head of Planning and Development Services to refuse planning permission if the legal agreement has not been completed within a six month period following any resolution of Planning Committee to grant consent (or alternative timescales to be agreed with the Local Planning Authority).

SITE MAP

	<p>Brent</p>	<p>Planning Committee Map</p>	<p>Site address: 1-8 Sevenex Parade & 2A London Road, Wembley, HA9</p>	<p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.



PROPOSAL IN DETAIL

The proposal seeks full planning permission for the comprehensive redevelopment of the site to provide a 7 storey building, comprising a commercial unit within use class E with a GIA of 124 sqm and 41 residential units (Use Class C3).

The proposals include the following mix of homes:

Size	No.	Percentage
1 bedroom 2 person	20	48.8
2 bedroom 3 person	1	2.4
2 bedroom 4 person	8	19.5
3-bedroom 4 person	3	7.3
3-bedroom 6 person	9	22.0

The scheme would also include an ancillary gym in the basement for use by residents, cycle parking and refuse stores for both the residential and commercial elements.

Key Information

Site Designations

Relevant site designations:
Wembley Town Centre
Secondary Shopping Frontage
Wembley Growth Area
Tall Building Zone
Partially within the Wembley High Road site of Archaeological Importance
Air Quality Management Area

Land Use Details

Site area (ha):	0.12ha
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Residential and Non-residential details:			
	Use Description	Use Class	Floorspace (m ²) (Gross Internal Area)
Existing	Retail	E(a)	1662m ²
Proposed	Residential 20 no. 1 beds, 9 no. 2 beds and 12 no. 3 beds = 41 homes in total	C3	4404m ²
	Retail	E	124m ²
Total Proposed			4528m ²

Parking

	Use	Car Parking Spaces	% EVCP	Bicycle Spaces	
				Short stay	Long stay
Existing	Retail	0	0	0	0
Proposed	Residential	Car-free (with an exemption for 'blue-badge' holders upon application to the Council)	0	Off-site provision	72
	Retail	0	0	3	1

Environmental performance

	Policy target	Proposed
Energy		
Percentage of on-site carbon savings beyond Part L of Building Regulations (2021)	Since the submission of the planning application, the Building Regulations have been updated with 2021 version which came into effect in June 2022. In this case whilst the application was submitted in August 2022, the Energy Assessment was prepared in August 2021 and designed in accordance with 2013 regulations. This would achieve a 65% reduction in carbon emission in total. Nevertheless, a detailed design stage energy strategy will be required prior to commencement as an obligation within the Section 106 legal agreement and this will be assessed against the Building Regulations 2021	
Percentage of on-site carbon savings achieved through energy efficiency measures		
Off-site reduction (%) and/or carbon offset contribution		
Unregulated carbon emissions		
Sustainability		
BREEAM score	Excellent if over 1000sqm of commercial floorspace	Not required as less than 1000sqm
Urban Greening Factor (UGF)	0.4	0.3
Biodiversity Net Gain (BNG)	Positive	Figures not provided but likely to be an improvement given the hardstanding and buildings on site at present

Summary of amendments since submission

Amended and additional plans and documents were received during the course of the application, these include the following key changes:

- A revised financial viability assessment which remains to set out that the scheme cannot reasonable provide any affordable housing as detailed within this report;
- Layout changes, including removing windows with direct instances of overlooking on the north elevation;
- Uplift in the number of residential units by 3 (total of 41 units);
- Removal of car-parking provision within the basement and replacement with a gym which is ancillary to the use of the residents only.
- Alterations to the building layout in relation to stair cases and means of escape in light of comments received by HSE.

EXISTING

The site area equates to 0.12 hectares and sits to the south-west of London Road, towards its junction with High Road. The site is roughly square in plan and slopes from the north-east to the south-west.

The site is currently occupied by a single storey flat roofed building which contains 8 no. small commercial units facing onto London Road and a workshop at the rear. The total external floorspace of the buildings on site is around 1138sqm. At lower ground level is a basement area which is associated with units 2 and 3 of the existing building. There is also a small first floor associated with units 2 and 3. Units 1, 2 and 3 are currently vacant.

The site lies within the boundaries of Wembley Town Centre and is classified as a Secondary Shopping Frontage. It is also within the Wembley Growth Area.

The site is not located within a conservation area and there are no listed buildings within the sites curtilage. It does however contain part of the Wembley High Road Site of Archaeological Importance.

The neighbouring sites include to the south four storey (and basement level) Patidar House which is used for community and education purposes. To the north along High Road is a three storey terraced building at Nos. 443 to 543 High Road that contain a mix of commercial uses and residential on the upper floors. The Poundland store to the east has planning permission for its redevelopment to provide a building of up to 8 storeys with a mix of 44 flats and retail/community floorspace under reference 19/2459 (granted on 07/02/2022).

AMENDMENTS SINCE SUBMISSION

Since submission, revised drawings have been provided as a result of further discussions with the Health and Safety Executive (HSE) in relation to matters of fire safety. The ground floor and basement floor plans have been revised to separate the lift to the basement from the corridor to the main lifts and provide balcony details to mitigate further concerns of fire safety. Revised drawings were provided on 14/03/2024 and a HSE response was provided on 28/03/2024 with no objection outstanding. The revised drawings have been considered and form the basis of the assessment below.

In order to incorporate the above into the floorplate of the design, a slight reduction in the commercial floorspace has been revised within the drawings. The submission saw 141sqm of commercial space at ground floor being provided, since the latest revisions, this has been updated to a minor reduction of 124sqm.

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: 487 properties were consulted on this proposal in the most recent round of consultation. Prior to this there had been two earlier rounds of consultation. In response, objections have been received from 40 individual addresses (some submitting multiple objections during the course of the application), raising a wide range of issues / grounds of objection. These are summarised in detail below in the 'Consultation' section. Two support comments were also received. A number of consultees (internal and external) have provided comments, as set out within the 'Consultation' section also.

Principle of mixed-use redevelopment of the site: The comprehensive redevelopment of the 0.12ha site proposes the provision of a building of up to 7-storeys in height, comprising a commercial unit within use class E, with a GIA of 124sqm and 41 residential units (Use Class C3). The proposed uses are supported in principle and considered to be in accordance with key strategic and local policies relating to housing and retail.

Affordable Housing and housing mix: . A total of 12 of the 41 homes would have 3 bedrooms which delivers 1 in 4 family sized homes within the development, and therefore complies with policy BH6. The scheme would not deliver any on-site affordable housing and it has been demonstrated through the financial viability appraisal that the scheme could not viably deliver any affordable housing on site. The scheme is therefore compliant with policy. In addition, 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.

Design, scale and massing: The proposed 6- to 7-storey building is considered to fit well within the existing and emerging context and have a positive impact on the street scene. The U shaped building is visually articulated to read as two elements within the London Road frontage (one 6-storeys and the other 7-storeys)

and includes a good level of activity within the street frontage.

Quality of the residential accommodation: The residential accommodation proposed is of sufficiently high quality, in line with the objectives of policy D6 of London Plan 2021. The flats would have good outlook and sufficient levels of natural light, and the wings of the building within the site achieved good levels of separation distances between them. The provision of amenity on site has been reasonably maximised for a location such as this and is of sufficient quality and provides a variety of external communal spaces and on-site play, for future occupiers.

Heritage: Although the site does not contain any designated / undesignated heritage assets, there are some within the wider area. The proposed scheme would not harm the significance of any of the identified heritage assets.

Neighbouring Amenity: As the report below acknowledges, there would be some impacts to neighbouring residential properties in terms of loss of light and outlook. A BRE daylight and sunlight and overshadowing assessment has been carried out that has into account the nearby sensitive receptors.

These assessments confirm these impacts would be minor in the majority of instances. The proposal would have a higher level of impact on some windows of some properties than others. However, the level of impact is not considered to be unduly detrimental given the general high level of compliance given the urban nature of the scheme. The overall impact of the development is considered acceptable, particularly in view of the wider benefits of the scheme in terms of the Council's strategic objectives.

Highways and transportations: The site is within an area of excellent PTAL and the proposal would be "car free". It proposal would secure the removal of rights of future residents to on-street parking permits. Any 'Blue Badge' holders would be exempt from the agreement so would be free to park along the site frontage, should applications be made to the Council.

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.

Landscape, ecology, biodiversity and flooding/drainage: The proposal sees a net gain in biodiversity and while the Urban Greening Score does not present a 0.4, there are significant improvements to the landscaping within the site on the landscaped courtyard and roof terraces. Flood risk has been assessed and there are no objections raised.

Fire Safety: A fire statement was submitted in accordance with this policy, and sets out details of construction, means of warning and escape, features to reduce the risk to life, access for fire service personnel, equipment and appliances, and the impact of potential future modifications. The statement is considered to satisfy the requirements of Policy D12b. Furthermore, the HSE have been consulted on the proposal and raised no objections in terms of land use planning matters.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

487 neighbouring properties were consulted on 30/09/2022.

A site notice was posted outside the building on 27/10/2022. A press notice was issued on 13/10/2022.

The drawings were then updated to include 3 extra units and other internal layout changes. These revised drawings were consulted on 04/08/2023.

Further documents which sought to update the description of development and an additional update to the Financial Viability Appraisal were submitted in November and made publicly available. These updated documents, with the updated description to include 41 residential units were consulted for a further 14 days on 20/11/2023.

Throughout the course of the application, 42 comments were received. Of these 40 were objections and 2 were comments of support.

A summary of the objection comments are set out below:

Nature of Objection	Officer Response
Neighbouring amenity and other considerations in relation to existing residential occupants	
Disruption to the local residents	Whilst there would be some disruption to local residents during the construction period, a construction management plan and construction logistics plans are recommended to be conditioned to any grant of planning permission to minimise the impact of the construction works on local residents.
Loss of view from the existing flats in Central Apartments	A loss of view is not a material planning consideration. However, the impact on the amenity from neighbouring properties in terms of daylight, sunlight and overshadowing is discussed within paragraphs 69 to 119 below.
Loss of daylight and sunlight to neighbouring properties	As noted above, this is discussed within paragraphs 74 to 119 below.
Loss of value of existing properties	This is not a material planning consideration.
Increased bill costs for heating	Whilst there is some loss of daylight to neighbouring properties, this is considered to be within tolerable levels for the site context. There is no evidence to suggest that the proposal would increase bill costs for adjoining properties.
Infrastructure Considerations	
Lack of capacity on existing trains and buses to accommodate the additional homes	Officers in Transportation have advised that given the scale of the development that is proposed, the scheme would not result in a significant increase in trip rates for public transport, and therefore no contribution towards bus service or train enhancements was considered necessary - please refer to paragraph 122 below.
Highway Considerations	
Lack of parking	The scheme is proposed to be car free in line with parking standards. This is discussed in further detail within paragraph 121 below.
Increased congestion in the surrounding roads	As discussed within paragraph 122 of the committee report, the majority of the trips associated with the development would be by pedestrians and public transport. Officers in Transportation have advised that the scheme would not give rise to concerns with increased traffic.
Other considerations	

No affordable housing provision	The scheme complies with policies H4, H5 and H6 of London Plan 2021 and policy BH5 of Brent's Local Plan 2019-2041 as it has been demonstrated that the scheme can not viably deliver any affordable housing on site. This matter is discussed in detail within paragraphs 12 to 19 below.
Overcrowding within the locality	The site is located within a priority location for new homes within the boundaries of Wembley Town Centre and within the Wembley Growth Area. The homes within the development and considered to be of a high quality and in line with the requirements of policy D6.
The proposed height is excessive	The site is located within a Tall Building Zone where buildings of over 30m (around 10 storeys) are generally supported. In this case, the building is less than 30m at upto 7 storeys high. It is considered to be of an appropriate scale for its location as discussed within paragraphs 21 to 30 below.
Increase noise and pollution	It is acknowledged that noise from construction can result in some unavoidable noise impact. The hours of construction are controlled through Environmental Health Legislation to mitigate the impact as far as possible.
Concern with cladding of the building and the surrounding buildings in relation to fire safety	The scheme has been accompanied by a fire statement that covers the matters required under policy D12b of London Plan 2021. It has also been reviewed by the HSE to have confirmed that they do not object to the scheme as it does raise any land use matters. Further details of fire safety would be considered through building regulations.
Poor air quality and pollutants	The application has been accompanied by an air quality neutral assessment that has demonstrated that the occupiers of the homes would not be exposed to high levels of pollutants and that the scheme would not result in a harmful level of increase of pollutants from the development in terms of building or transport emission. This is discussed in further detail within paragraphs 130 to 134 below.

The comments of support received are set out below:

Nature of support comment	Officers Response
New homes	Comments acknowledged. The scheme would deliver 41 new homes.
Improvements to the area	Comments acknowledged. The scheme would be CIL liable and therefore contribution towards infrastructure requirements within the Borough.

Close connectivity to transport links	Comments acknowledged. The site is within a high PTAL area.
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Internal/External Consultation

Greater London Archaeological Advisory Service – No objections raised.

Thames Water – recommended a condition for a piling method statement and for surface water run off to be in accordance with the drainage strategy set out within London Plan. They confirmed that in relation to waste water network and sewage treatment works infrastructure capacity, no objections are raised.

Environmental Health – queries raised in relation to the scheme not being Air Quality Neutral. Conditions recommended in relation to construction noise and dust, and Non Road Mobile Machinery. Conditions also recommended in relation to contaminated land, noise mitigation/sound insulation measures and plant noise.

Health and Safety Executive (Gateway 1 – Fire Safety) – content with the fire safety design to the extent it affects land use planning considerations.

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
BCGA1- Wembley Growth Area
BP7 – South West
BD1 – Leading the way in good design
BD2 – Tall Buildings
BD3 – Basement Development
BE3 – Local Employment Sites and Work-Live
BE4 – Supporting Strong Centres
BH1 – Increasing Housing Supply in Brent
BH2 – Priority Areas for Additional Housing Provision within Brent
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 – Green and Blue 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

The following are also relevant material considerations include:

National Planning Policy Framework

Brent Waste Planning Guide 2013

Brent's Design Guide – Supplementary Planning Document 1 2018

Residential Amenity Space & Place Quality – SPD – 2023

Sustainable Environment & Development – SPD – 2023

Council's S106: Supplementary Planning Document 2022

London Plan Guidance - Housing Design Standards June 2023

DETAILED CONSIDERATIONS

Principle of Development

Loss of existing commercial floorspace

1. The proposal results in the loss of the existing commercial floorspace on site. This is around 1662sqm and involves a mix of uses within class E, including a workshop at the rear. It is noted that a parts of the commercial floorspace are vacant although no details of the extent of the vacancy period has been provided to support the planning application.
2. Policy BE3 identifies sites that contain commercial floorspace that is in use for research and development, light industrial, general industrial or storage and distribution to be a Local Employment Site. The policy sets out that the Council will only allow the release of Local Employment Sites to non-employment uses where:
 - 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.
3. Where criterion a) or c) is being used to justify the release, the maximum viable replacement of the existing employment floorspace will be sought.
4. Where criterion b) applies, if within the existing or emerging creative clusters of Harlesden, Wembley Growth Area, Willesden Green, Alperton Growth Area, Kilburn, Kensal Green, Neasden, Queen's Park, Burnt Oak Colindale Growth Area, and Church End Growth Area, affordable workspace is to be provided on-site.
5. Policy BE4 also sets out that unviable secondary frontage, on the periphery of town centres will be promoted for workspace, social infrastructure and residential uses. Viability will be determined in accordance with the marketing requirements.
6. A similar position is set out within policy BH2 that highlights the following:

Within town centres, edge of town centre sites and intensification corridors where existing non-residential

floorspace forms part of a site proposed for residential development, the council will require re-provision of the same amount and use class of non-residential floorspace. Exceptions to this will be where it can be shown that:

- a) the site is allocated or has planning permission for an alternative use(s);
 - b) there is no need for it or reasonable prospect of its use if provided; or
 - c) in exceptional cases that its loss is outweighed by the benefits that its replacement with residential floorspace will bring.
7. As noted above, the application has not been accompanied by marketing evidence to demonstrate that the use of the building could be used for continued commercial purposes. The total floorspace of the commercial unit would be less than that as currently exists. However, the workshop at the rear of the site is within a constrained location. The application has provided a commercial unit on ground floor that faces onto the London Road. This would be allocated for commercial uses within use class E. The floorspace of the commercial unit has increased from 116sqm to 124sqm during the course of the application and provide an active frontage along London Road. Overall, it would provide an acceptable town centre use on the ground floor of the building within the designated Secondary Shopping Frontage and would be complemented by residential uses within the building within the town centre location as set out within policy BE4. The overall benefits of the scheme are therefore considered to outweigh the harm of not fully re-providing then existing commercial floorspace.

Residential uses

8. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Brent's local plan policy BH1 reflects this target as well.
9. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.
10. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing would be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
11. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites (below 0.25 hectares or 25 dwellings) and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (including PTAL 3-6, intensification corridors, or a town centre boundary). In these priority locations, the character of the existing area will be subject to change over the Local Plan period. The site is considered to be a small housing site under BH4 as it is less than 0.25 hectares. The site lies within a priority area given its location within Wembley Town Centre and Wembley Growth Area and with a highly accessible PTAL rating of 6, and therefore the principle of the redevelopment of the site for increase in residential home is acceptable.

Affordable Housing and Housing Mix

Policy background

12. 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.
13. 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.

14. 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.
15. 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.
16. The application as submitted included a Financial Viability Appraisal (dated December 2022), this FVA assessed the submitted 38 units and identified that it was unable to support any affordable housing on the site and that the scheme would generate a deficit of £3,310,000 against the benchmark land value. This was reviewed by the independent consultants on behalf of the Council who challenged a number of assumptions but concluded that the scheme would generate a deficit of £2.13m.
17. Following the August design revisions and the November re-consultation an updated FVA has been provided which has assessed the 41 residential units, the update has specified that the scheme would still generate a deficit and be unable to support any affordable housing provision. This report has been reviewed on behalf of the Council by independent viability consultants, who have challenged a number of assumptions in the report but have concluded that even on the basis of more favourable assumptions the scheme would still be in deficit by £1.88m.
18. 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.
19. In conclusion, the review of the financial viability assessment 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.

Housing Mix

20. 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 12 x 3 bedroom homes which exceeds 1 in 4 of the homes within the development as family sized (policy BH6 would require 10 homes to be provided as family sized to meet the requirements of the policy) , and therefore complies with policy BH6.

Design, Scale and Appearance

21. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use, while Policy D5 seeks inclusive design without disabling barriers. Brent's Policy BD1 seeks the highest quality of architectural and urban design.
22. Policy BD2 sets out that a tall building is one that is more than 30 m in height above ground level. Tall buildings are located to Tall Building Zones within the policies map. The proposal does not relate to a tall building as it is under 30 m high but is within a Tall Building Zone. Policy BH4 also recognises that within priority locations for additional homes that the character of the area will change over the plan period.
23. The existing character of the area along the High Road is predominantly defined by the terraces of three-storey early twentieth century retail developments with residential flats above, whilst the surrounding side streets have a predominantly two-storey residential character although adjacent to the subject site to the south are existing five to eight storey buildings on London Road, and opposite the site there is consent for a building of up to 8 storeys in height (LPA Ref: 19/2459).
24. The wider character of the area is also varied with taller buildings in the vicinity such as the 14-storey buildings to the rear of the site around Wembley Central and the 18-storey West One development on Montrose Crescent.

25. The proposed building is arranged in a 'U' shaped footprint around a communal courtyard garden for all the residents at ground floor level. When viewed from London Road it reads as two blocks (one at 6 storeys with recessed top floor and the other at 7 storeys with recessed top floor). The proposal's height at 7 storeys is acceptable in this context. The building façade is composed of a street level, middle and set back top level. The commercial unit is delineated by wider framed openings in the facade, a double height ceiling and a signage zone all set within the overall brick frame. The centrally located residential entrances are clearly defined with cast stone details and signage. A special brick frieze will adorn the street parapet. The design of the two block allows for a vertical emphasis to the development and a separation of cores for residential access. The commercial unit delineates and defines the commercial from the residential entrances, which has clear legibility at ground floor level. The use of contrasting brick colour in the two blocks, with a third lighter brick at ground floor level will reinforce this and helps to bring an appropriate scale to the street and a strong sense of identity to each block.
26. The rear facade has been designed as a series of projected bays, where the main rooms are located. The super white brick will provide contrast and articulation to the elevation. The size of the windows has been maximised to provide as much daylight as possible into the rooms and frameless glass balustrade have been proposed to the projected balconies.
27. The proposed design shows a 5-storey flank wall to the northern boundary. This has a light well within to increase daylight and provide better outlook for the units. This also helps to provide an interesting elevation in views from High Road. The scale and massing has been developed to be sympathetic to the surrounding buildings.
28. Generally, the proposal is well designed in terms of urban design within the wider context of the buildings within the vicinity of the site. In terms of height and massing, the proposal is considered appropriate for the site, limiting the potential impact on neighbouring properties by satisfying the principles of SPD1 design guide.
29. SPD1 highlights the importance of 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. The submission indicates that the two blocks would have contrasting brick colour, with a third lighter brick at ground floor to reinforce the building and bring an appropriate scale to the street, in addition to an identity of each block. Externally, the façade composition reflects the character of the surrounding brick area to some degree within what is a relatively compact form of development that creates a sophisticated proposal and as such the principle of the materials are acceptable.
30. The Council's Principal Urban Design Officer was satisfied with the materials and general design approach. Overall, the buildings would be of a high-quality design and contain elements of contemporary design creating positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition giving confidence that the scheme would deliver a high quality and robust building.

Layout and Relationship with the street

31. The proposal includes two separate cores for the residential units of the building, with 3 to 4 units per core, this is therefore in accordance with Mayor of London Housing Quality LPG. Two entrance doors from the street are proposed and these are uniform in their character and designed in the same way.
32. The inclusion of the commercial unit at ground floor allows for active street frontages and the therefore the secondary shopping frontage has been retained. An area for signage has been included within the proposals and it would respond well to the scale and architectural language of the surrounding shop fronts in terms of overall height and rhythm of the window openings at a human scale street level.

Heritage considerations

33. Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
34. Paragraph 203 of the NPPF goes onto say that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be

required having regard to the scale of any harm or loss and the significance of the heritage asset.

35. The existing building and application site is within the Wembley High Street Site of Archaeological Importance. It is also near 431-433 High Road which has been identified as a non-designated heritage asset.
36. A heritage statement has been submitted with this application to describe the significance of the heritage asset and to understand the potential impact of the proposal in line with paragraph 194 of the NPPF. In relation to the impact upon the Site of Archaeological Importance, it has specified that no significant impacts on archaeological remains are anticipated as a result of the development proposals, and that no archaeological assessment or planning conditions are therefore necessary. This has been reviewed by Historic England's Greater London Archaeological Advisory Service who have advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological importance and that no further assessments or conditions are considered necessary. The Council's Heritage officer has confirmed that they have no reason to disagree with this view especially given the evidence submitted in the Heritage Statement.
37. In terms of the non-designated heritage asset, 431-433 High Road, the Council's Heritage Officer has confirmed that they support the view in the Heritage Statement at 4.13 mainly that 'The Site lies within the wider urban surroundings of the 431-433 High Road but does not represent an element of setting which contributes to the significance of the building.' Furthermore, the new development would not harm the significance of the building given it is some distance away. It would also not harm its built form or fabric as well as its relationship with the High Road.

Quality of accommodation

38. New residential homes should meet with or exceed the minimum internal space standards contained within the London Plan policy D6. The policy highlights that new homes should be provided with adequate levels of outlook, daylight and natural ventilation, which is supported by Council's Design guide SPD 1 (2018).
39. The scheme includes two residential entrances accessed from London Road on either side of the commercial unit. The homes are located at ground floor level and above.
40. The scheme has been designed so that there are no more than four homes per core, which is welcomed and within the recommend number of eight homes per core as set out within the Housing Quality LPG. However, only 9 of the 41 homes are dual aspect but it is acknowledged that the site is constrained due to the relationship of neighbouring buildings, and to enable the site to be optimised, a U shaped building has been proposed to maximise the amount of daylight and sunlight within the site and to provide a good quantum of external communal amenity space. The single aspect homes do not directly face north or south.
41. The submitted drawings indicate that all the units would meet the minimum space standards set out by the London Plan. Furthermore, each single bedroom would require a GIA of 7.5sqm with a width of at least 2.15m and each double-bedroom should have a floorspace of 11.5sqm and should be at least 2.55m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide. The submitted drawings have demonstrated that the above has been achieved.
42. The homes would have outlook to the frontage of London Road and over the courtyard proposed at ground. While some units are single aspect, given the town centre location and surrounding character it is considered that the shortfall of dual aspect units can be considered on balance acceptable.
43. In terms of privacy, SPD1 outlines that new development should provide adequate privacy and amenity for new residents and protect those of existing ones. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will require a minimum separation distance of 18m, and habitable room windows should be positioned 9m away from neighbouring rear gardens. Brent's SPD 1 Design guide states that balconies should not overlook the habitable room windows or gardens of adjoining properties. The proposal has demonstrated that the above is achieved between directly facing homes with a distance of 20.9m being achieved between directly facing habitable room windows and 17.8m (a shortfall of 0.2m) between the edges of directly facing balconies).

44. London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. Each home would achieve an internal floor to ceiling height of over 2.5m in line with policy D6.

Accessible Homes

45. In line with London Plan policy D7, 10% of new dwellings should be designed to M4(3) standards and the remainder to M4(2) standards. The submitted plans show 4 of the homes designed to M4(3) standards and the remainder to M4(2) standards. This is slightly under 10% and a condition is therefore recommended for 5 of the new homes to be designed to M4(3) standards to comply with policy D7.

External amenity space

46. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family homes located at ground floor level (three or more bedrooms) and 20sqm in all other cases.
47. The BH13 requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
48. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
49. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy.
50. Moreover, the Council adopted the Brent Residential Amenity Space and Place Quality Supplementary Planning Document on 12th of June 2023. The SPD provides guidance on planning matters related to the provision of residential amenity space and public realm within developments.
51. The proposal includes two ground floor family sized homes which require 50sqm of external amenity space per home and the 20sqm standard for amenity space would be applied to each of the remaining 39 homes, giving a total requirement of 880sqm amenity space to fully comply with Policy BH13. All units would have access to private terraces or balconies which vary between 5sqm and 16sqm, with all meeting London Plan standards. However, based on policy BH13 requirements there would be a shortfall of 479.7sqm based on the individual balcony space alone.
52. The shortfall would be mitigated by the provision of communal amenity spaces as follows:
- Courtyard (Podium floor) – 225.8sqm
 - Roof Terrace (5th floor) – 64.24sqm
 - Roof Terrace (5th floor) – 129.28sqm
 - Roof Terrace (6th floor) – 148sqm
 - Total combined communal amenity space - 568.04sqm
53. The combined roof terraces and ground floor courtyard podium would be accessible for all residents' and would achieve a cumulative amenity space of 568.04sqm and as such, the shortfall would be mitigated, and the proposal would accord with policy BH13. The areas are of useable space and located in separate areas of the building, which allows for each area to form its own character to the benefit of the future occupants. A landscaping plan would be attached to any subsequent grant of planning consent to ensure

that the applicant demonstrates that the quality of the space is sufficient, in line with policy D6, BH13 and the Brent Residential Amenity Space and Place Quality SPD.

Play Space

54. London Plan policy S4 refers to play space requirements for residential developments. Whilst no details of a child play space have been provided, the scheme would require 79.9sqm of playspace to meet the GLA playspace requirements. It is considered that informal playspace could be made available within the communal amenity space at courtyard level. Such details are recommended to be conditioned to any forthcoming consent.

Internal daylight and sunlight

Daylight

55. An internal daylight and sunlight report has been carried out in accordance with Building Research Establishment's Report 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2022 3rd Edition).
56. Internal Daylight has been assessed using Spatial Daylight Autonomy (SDA). The SDA is used to calculate the illuminance from daylight at each point on an assessment grid placed within the room at the working plane at hourly intervals for a typical year. Target illuminance (ET) for bedrooms is 100 lx, for living rooms, 150 lx and kitchens, 200 lx. These levels should be achieved across at least 50% of the working plane in a daylight space for at least half of the possible daylight hours
57. The results note that out of 115 rooms tested, 76 (66%) meet the assessment criteria. 39 rooms fall short of the BRE recommendations, therefore achieving a compliance rate of 66% overall. Of the 39 rooms that fall short, 27 are Living Kitchen Dining rooms (LKDs) and 12 are bedrooms. LKD's tend to be deeper in order to provide adequate useable space and accommodate more desirable open-plan layouts for occupiers. When a room is deeper the report highlights that it becomes more difficult to achieve light to the back portion of the room. In order to offset this, it is often the case that the kitchen is placed towards the back of the rooms and provided with artificial task lighting to ensure the space is useable. In order to take into account these factors it is often accepted that a reduced target of 150 lux is more reasonable, than the initial 200 lux.
58. This target is reflective of the target given for living rooms, which tends to be the main use of these rooms. When considering the alternative target of 150 lux, eight more LKD rooms would meet the BRE recommendations, thus increasing the compliance rate to 71%.
59. The remaining 12 rooms falling short of the BRE recommendations are bedrooms. In any case, 7 out of 12 bedrooms achieve results of 43-49% against the target of 50% which would be a minor loss. It is important to note that the BRE guide acknowledges that achieving good daylight within bedrooms is less important than for other room types, due to their primary use for sleeping at night and for storage.
60. The report has included an additional alternative scenario which assesses the daylight received within the proposed rooms, without the presence of the balconies on the proposal. The results of the alternative assessment show that 105 out of the 115 proposed habitable rooms will pass or achieve results close to their BRE recommendations when the balconies are removed improving the compliance rate of the proposed scheme from 71% to 91%. It is therefore important to note that balconies are an operative cause of the low performance of the proposed scheme, but the benefits of providing private external amenity space for the occupants of the development is a significant benefit and considered to outweigh the harm in terms of internal daylight levels.

Sunlight

61. The BRE guide requires that the sunlight testing is applied to rooms of all orientations, noting that rooms facing north of due east or west are unlikely to meet the targets.
62. BS EN 17037 recommends that a space should receive a minimum of 1.5 hours of direct sunlight on the 21 March (equinox). For dwellings, at least one habitable room, preferably a main living room, should meet at least the minimum criterion.
63. The orientation of the site will play a big role in the proposal's compliance with this test. Obviously not all

sites are well situated to receive direct sunlight, so a flexible approach is recommended on this basis.

64. In respect of sunlight out of the 40 LKDs rooms identified, only 7 face within 90° of due south. However, despite this 13 LKDs meet the requirement and shall receive good levels of sunlight. Once again, an alternative assessment has been carried out with the balconies removed and show improved performance with an additional 8 rooms across the development achieving BRE recommendations.
65. The orientation of the site also results in a limited number of rooms being south facing. The use of south facing rooms also needs to be balanced against overheating considerations.

Overshadowing to external amenity spaces

66. The BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March.
67. The courtyard amenity space at podium level would not achieve two hours sunlight on 21st March. However, the roof top communal amenity spaces at 5th and 6th floor level would achieve their BRE recommendations on 21st March with at least 90% of these spaces achieving a minimum two hours sunlight.

Conclusion

68. The levels of daylight and sunlight received by the new homes and amenity spaces within the development are considered to be appropriate for a scheme of this density, and that the provision of private external amenity space (in the form of balconies) outweighs the associated reduction in daylight received by rooms. The lower levels of daylight to some amenity spaces, such as the court yard garden, are considered to result from a strong rationale to the design approach for the site, and the quality of the spaces is still considered to be good despite the lower levels of sunlight. It is also noted that residents will be able to access a variety of amenity spaces throughout the site, with the majority of these meeting BRE guidance levels for sunlight. The proposal is considered to be acceptable in relation to the levels of internal daylight and sunlight.

Relationship with neighbouring properties

Impact on neighbouring residential amenity

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

Privacy

70. In order to retain acceptable privacy levels to properties, SPD1 states that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18 m, except where the existing character of the area varies from this. A distance of 9 m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.
71. The building is proposed to be building along the northern and southern boundaries of the application site. However, no windows are proposed within these elevations that overlook the neighbouring sites. The windows within the inside of the courtyard achieve a distance of 14 m to the eastern boundary.

Sense of enclosure

72. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2 m height at the nearest edge of an affected property private amenity space and sit below a line

drawn at 30-degrees from neighbouring rear habitable room windows.

73. In this case, the development does not adjoin any private rear gardens so 45 degree line would not be applicable. The development would breach 30 degree line from the first floor windows to the residential flats along the High Road but further assessment in terms of their daylight and sunlight has been considered below. A distance of 13.9 m would also be maintained between these windows and the flank wall of the development providing a good separation.

Daylight and Sunlight

74. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight (BRE209) 2022 guidance is required where the 25 degree test is not met. This guidance supersedes the 2011 version, however the advice in relation to assessing the impact on neighbouring properties remains consistent with the earlier version.
75. In support of the application a Daylight and Sunlight Report has been submitted, which assesses the effect of the proposed development on surrounding properties as well as within the proposal itself (discussed above)
76. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. In addition, existing daylight may be affected if levels of No-Sky Line (NSL) within rooms are reduced to less than 0.80 times their former values.
77. In respect of direct sunlight and overshadowing, the 2022 BRE guidance recommends that a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1st of February and 21st of March with cloudless conditions. It is suggested that 21st March (equinox) be used for the assessment.
78. 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 and that the amount of sunlight, following the proposed development, is reduced by more than 4%, to less than 0.80 times its former value.
79. The BRE guide defines criteria by which to assess the impact of a proposed development on open spaces using the sunlight amenity test. This test quantifies the area of each space that receives at least two hours of sunlight on the 21st of March, in both the existing and the proposed situations. The 21st of March is chosen as it represents the mid-point of the sun's position throughout the year (equinox). The guidance suggests that, for a space to appear adequately sunlit throughout the year, at least 50% of its area should receive two or more hours of sunlight on the 21st of March. If the space fails to meet the above, then the area receiving at least 2 hours of sunlight should not be reduced to less than 0.80 times its former area.
80. The assessment has considered all the closest neighbouring residential properties with windows overlooking the proposed development which are:
- Manor Court
 - Wembley Central
 - 451 & 453, 449, 447, 443 and 445 High Road
 - 435 to 441 High Road (Consented Proposal)
81. In total, 7 neighbouring properties/buildings and 411 windows have been reviewed. The results set out that 392 of 411 windows would comply with BRE guidance in relation to the VSC (accounting for 95% BRE compliance rate). In terms of NSL 294 or 305 rooms that were assessed would meet the BRE guidance (accounting for 97% compliance). In addition, the APSH results highlighted that 235 out of 241 windows that were tested would meet sunlight recommendations (98% compliance). The results of the overshadowing to gardens and open spaces test, shows that the three neighbouring amenity spaces

tested do not meet the BRE recommendations. It should be noted that these spaces are located on the lower ground floor, which are compromised prior to the proposed re-development of the site.

82. A further analysis looking at the individual properties is set out below:

Manor Court and Wembley Central

83. Manor Court is a ten storey residential building located to the west of the application site. Wembley Central is a fourteen storey residential and commercial building, also located to the west of the application site.

84. The daylight and sunlight report has confirmed that the VSC and NSL results for Manor Court and Wembley Centre developments would meet BRE guidance. All windows and rooms would achieve results in excess of the BRE recommendations, with many instances of windows remaining unaffected by the proposed scheme. Therefore, the current levels of daylight will be maintained following the construction of the proposed development.

85. In relation to ASPH the results confirmed that adequate levels of sunlight amenity would be maintained to all relevant tested windows.

86. There were no relevant amenity spaces within this property to be tested in relation to overshadowing to gardens and open spaces.

435 to 441 High Road (consented scheme)

87. This site is located on the opposite side of London Road and the BRE assessment has considered the consented scheme at this site.

VSC

88. The VSC results show that 2 of the 122 windows (W23, first floor & W22 second floor) tested fall short of the BRE recommendations. Both of these windows appear to serve bedrooms and are subject to reductions of 0.50 and 0.73 their former targets. The BRE target is 0.8, for W22 the reduction is minor.

89. Both of the windows have low existing VSC figures in the existing condition. This is due to the windows being located in a recess and under the overhanging balconies. The design of this building itself hinders the ability of these windows to receive daylight and imposes overly restrictive condition on the development land.

APSH

90. The results confirm that satisfactory levels of sunlight amenity will be experienced following the construction of the development with the exception of 3 windows (W19, 20 and 23 on the first floor). These windows serve a LKD and a bedroom. The reduction varies from 0.5 to 0.71 the former value. It is considered that in this dense urban location the impact to the sunlight hours are considered acceptable.

Daylight Distribution

91. 54 rooms have been assessed with 50 meeting the BRE recommendations. The 4 rooms identified are 10, 11, 12, and room 9 on the second floor. Rooms 10, 11, and 9 on the second floor all achieve results of 0.77 and 0.79 against the target of 0.8, which is a very minor shortfall and acceptable for the urban context.

92. Generally it is considered that good levels of daylight will be achieved within this property following the construction of the proposed development.

Sunlight Amenity

93. There are no nearby gardens or amenity areas directly to the north of the development located at this property.

94. Considering the above, the properties are not considered to be unreasonably impacted as a result of the proposed development in the context of an urban location.

443 to 451 High Road

95. The properties along the High Road (Nos. 443 to 451 High Road) contain existing three storeys buildings with residential on the upper floors. The daylight and sunlight reports for individual properties is summarised below:

443 and 445 High Road

VSC

96. The VSC results demonstrate that 8 out of the 10 windows meet the BRE recommendations. The 2 windows which are subject to marginal deviation are subject to 30% and 26% reduction to their existing value, with a retained VSC level of 19.28 and 20.45. The BRE recommends a reduction 20% is unlikely to be noticeable. So while occupiers may notice a change in the light level, it would be unlikely to be detrimental to their enjoyment and use when read in against the daylight distribution results.

APSH

97. The results confirm that, where tested and relevant, satisfactory levels of sunlight amenity will be experienced following the construction of the development.

Daylight Distribution

98. The results show that each room would continue to meet daylight distribution levels in line BRE guidance. Overall, good levels of daylight will therefore be received within this property following the construction of the development.

Sunlight Amenity

99. The results of the overshadowing test show that sunlight availability to this garden after the construction of the proposed development will be reduced beyond the BRE allowance. This garden is in a vulnerable position in that it is located within the development to the south. Any development to the south of this space will affect its sunlight availability. The area identified as amenity is not considered to function as a normal garden as it is situated to the rear of the commercial buildings. It is therefore considered that the results would make this space any more vulnerable and therefore the results are not unreasonable.

100. Considering the above, the daylight and sunlight to this property would not be unreasonably impacted, given the context of the urban location.

447 High Road

VSC

101. The VSC results show that 4 of the 9 windows tested fall short of the BRE recommendations. These windows achieve proposed and existing ratios of 0.67 and 0.79 and therefore meet the alternative targets established for the purposes of this assessment. Room 2 on the first floor serves a kitchen and achieves a ratio of 0.67, while this is a shortfall, it is mitigated through the additional window serving this room which is in line with BRE recommendations. As such, this room would not be expected to be impacted.

APSH

102. The results confirm that satisfactory levels of sunlight amenity will be experienced following the construction of the development with the exception of 1 window (w2 on the first floor), with a reduction to 0.75 times its former value.

103. The use of this room could not be confirmed subject of this application, however, should it be considered a habitable room, on balance this one instance of a shortfall would be considered acceptable given the overall benefits of the development.

Daylight Distribution

104. The results confirm that satisfactory levels of distribution remain in 4 of the 6 rooms tested. The two rooms that do not meet the BRE guidelines would see a reduction of between 0.63 to 0.69 times their former value which is a minor reduction from the targets set out in the BRE guidance.

105. Generally good levels of daylight will therefore be received in this property, following the construction of the propose development.

Sunlight Amenity

106. There are no nearby gardens or amenity areas directly to the north of the development located at this property, this test is therefore not relevant.

107. The levels of daylight and sunlight to this property will not be unreasonably impacted as a result of the proposed development when reviewing the proposal in the context of an urban location.

449 High Road

VSC

108. The VSC results show that that 4 of the 10 habitable windows tested fall short of the BRE recommendations, with a reduction of between 0.64 to 0.73 of its former value These results are therefore considered to be reasonable given the context of the surrounding environment.

Daylight Distribution

109. The results confirm that satisfactory levels of distribution remain in 3 of the 6 rooms tested. The 3 rooms that fall short of their targets achieve a result within reasonable realms achieving proposed and existing ratios of 0.67 and 0.78, given the urban context. It is therefore considered that good levels of daylight will be received generally within this property following the construction of the development.

Sunlight Amenity

110. The results of the overshadowing test show that sunlight availability to this garden after the construction of the proposed development will be reduced beyond the BRE allowance. This garden is in a vulnerable position in that it is located within the development site to the south. Any development south of this space will affect its sunlight availability. It is also understood that this space is not used in the usual manner of a garden as it is located to the rear of the commercial buildings with convoluted access.

111. It is therefore considered that any additional development in the nearby vicinity will not reduce sunlight to this already vulnerable space as the space does not function as a normal garden and therefore the results in this instance are not unreasonable.

112. Generally, the property will not be unreasonably impacted as a result of the proposed development, given the urban context.

451 and 453 High Road

VSC and Daylight Distribution

113. The VSC results show that 6 of the 9 habitable room windows tested fall short of the BRE recommendations. These windows achieve proposed and existing ratios of 0.63 and 0.79 with 3 of the windows achieving marginal results. The remaining 3 windows meet the alternative targets established for the purposes of this assessment and are therefore considered to be reasonable given the urban context.

114. In terms of daylight distribution 2 of 6 rooms would not comply with guidance, with a reduction of 0.61 to 0.65 the former value.

APSH results

115. The results confirm that satisfactory levels of sunlight amenity will be experienced following the construction of the development with the exception of 1 window (W5 on the first floor) (reduction of 0.53). The assessment has been unable to confirm the use of this room, however, should it be classed as a

habitable room, it is considered that the shortfall and the urban context of the location would be considered on balance as acceptable given the overall benefits of the redevelopment of the proposal and the number of family units to be provided.

Sunlight Amenity

116. The results of the overshadowing test show that sunlight availability to the garden space after the construction of the proposed development would be reduced beyond the BRE allowance. This garden is in a vulnerable position in that it is located within the development to the south. However, given that this area is situated to the rear of the commercial uses and the convoluted access route it is not expected to be used as amenity space or to function as a normal garden space.

117. The levels of daylight and sunlight to this property are not expected to be unreasonably impacted as a result of the proposed development given the urban context of the location.

Conclusion

118. The daylight has been assessed to 411 windows using the VSC, the results demonstrate that 392 meet the recommendations in the BRE, equating to a 95% BRE compliance rate. For the APSH assessment, 235 of the 241 (98%) of the windows tested met the sunlight recommendations and the results of the Daylight Distribution Test show that out of the 305 rooms, 294 (96%) will fully comply with the BRE recommendations. With regard to the garden spaces, 3 of the neighbouring amenity spaces tested do not meet the BRE recommendations. Although, it is considered that these spaces are compromised given their siting to the site at low level.

119. While there are some windows which do not achieve the BRE the scheme provides an overall high compliance with BRE guidance as a whole, and these results are considered to be acceptable given the urban context of the proposal that is located within the Wembley Growth Area and its town centre location, and that the site is within a Tall Building Zone. The properties that are mainly affected currently afford outlook over the low scale existing buildings on site resulting in higher levels of daylight than what could be expected for a typical urban context. The overall benefits of the development including the delivery of new commercial floorspace and residential homes (including a policy compliant level of family sized homes) would outweigh the limited harm identified above.

Transport and Highways

Site Context

120. The application site is situated on Sevenex Parade and as existing has access to the basement from the rear. Sevenex Parade is a local commercial and residential access road, with a Controlled Parking Zone (CPZ). The road is not defined as heavily parked at night and there are loading restrictions in the daytime too. The area is within an area of excellent PTAL rating of 6.

Car Parking

121. The proposal has been revised since the original submission omitting the provision of car parking spaces at the basement level. The original provision would have exceeded the maximum car parking allowance, and as such, the removal of the parking element in its entirety is a welcome change. A 'car-free' agreement would be secured for any future grant of planning consent to remove the right of future residents to on-street parking permits. Any 'Blue Badge' holders would be exempt from the agreement so would be free to park along the site frontage, should applications be made to the Council.

Trip Generation

122. At submission there was concern given the number of vehicular trips would be generated as part of the proposal, however, following the removal of the basement car park from the revised drawings these would not be overestimated, meaning more pedestrian and public transport trips are likely. However, given the scale of the proposal (41 residential units and 124sqm of retail it is not considered that within the town centre area and the number of public transport options available in the nearby vicinity that there would be any rise to concern over traffic or public transport impact.

Cycle Parking

123. The revised proposals increasing the number of units to 41 would require a minimum of 72 long-stay and two short-stay cycle parking spaces to be provided for residents' to accord with the updated London Plan standards. All residential cycle parking is proposed in the basement, although only 68 spaces have been shown. These spaces are sited on two-tier stands. Four further spaces are required and these should be on 'Sheffield' stands to accommodate larger non-standard bikes. There may be space for this within the smaller basement store, however, given the removal of the parking as part of these updated revisions, the basement now has a significant area that could be used for additional bike storage.
124. As the bicycle parking is proposed within the basement of the building, adequately sized lifts (2.3m x 1.3m) would be required for access and these are provided within the update drawings.
125. Up to four bicycle parking spaces (one long-stay and three short-stay) are also required for the retail unit. Four long-stay spaces have been shown at ground floor level, although their provision within the refuse store would not be the best location, and as such a condition securing further details would be secured subject of any grant of consent.
126. Two-sheffield stands are proposed on the footway of London Road for visitor cycle parking, however, given these are outside of the application site these would not fall part of the development. There are however additional bicycle parking bays in the nearby Central Square that could be used by visitors.

Servicing

127. The proposed retail unit would also require servicing by transit-sized vans. Ideally, the existing basement and rear service road would be used to provide the opportunity for off-street servicing. However, it is accepted that access to the rear is awkward and it is unlikely that the existing commercial units on the site make any use of the rear service road at present given the restricted nature of the access route. The undertaking of servicing from the London Road frontage would therefore be acceptable in principle. A delivery and servicing plan would be secured subject of any grant of planning consent.

Refuse and substation

128. The proposals would result in the need for a minimum refuse storage capacity of 8,820l for residents. Ten 1,100l Eurobins are proposed to meet this demand, along with five 240l bins for organic waste. The bin store fronts London Road, to allow easy access for collection.
129. The proposals include a substation and doors to this store are still showing opening outwards over the adopted highway. This is contrary to S153 of the 1980 Highways Act and subject of any grant of consent, a condition securing revised details for the access point to this area would be sought.

Environmental Health Considerations

Air Quality

130. The site is within an air quality management area, and London Plan Policy SI1 requires major developments to be supported by an air quality assessment and to demonstrate 'air quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.
131. In addition, policy BSUI2 of Brent's Local Plan 2019-2041 sets out the requirements for Major developments within Growth Areas and Air Quality Focus Areas to be required to be Air Quality Positive and elsewhere Air Quality Neutral. Where on site delivery of these standards cannot be met, off-site mitigation measures will be required.
132. The application included an Air Quality assessment, which is considered to be acceptable and demonstrates that air quality levels are suitable for this development and that no mitigation measures are required.
133. The air quality assessment has included an Air Quality Neutral Assessment. The assessment has taken into account the main likely effects on local air quality during construction, which relate to the generation of dust and particulates, the likely effects of any proposed heating system and a breakdown of vehicle trips that will be associated (operational and construction related). In terms of Building Emissions Benchmark (BEB) as the scheme would provide heat and hot water via an electric ASHP system, there

would no associated pollutant emissions. The Total Building NO_x Emission of 15.4 kg/annum is less than the Total BEB NO_x Emission of 143.2 kg/annum. The Total Building PM 10 Emission of 0.39 kg/annum is also less than the Total BEB PM 10 Emission of 12.4 kg/annum. The proposed development is thus better than air quality neutral in terms of building emissions. In terms of transport emissions, the report concludes that the total development transport emissions would marginally exceed the total transport emission benchmarks of both NO_x and PM 10. However, the scheme has since been amended to be car free and this the total transport emission would have decreased. It should be noted that the scheme is required to be Air Quality positive rather than Air Quality Neutral. However, while an air quality neutral assessment has been submitted, given the car free nature of the development and inclusion of Air Source Heat Pumps, it is considered that reasonable measures have been incorporated to mitigate any potential air quality effects.

134. The submitted assessment sets out measures to minimise or prevent dust and particulates to be implemented on site throughout the construction works, and these would be covered through a Construction Method Statement. Due to the site being located very close to other commercial and residential premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. The construction management plan provides good controls on noise and dust, including a requirement for bored piles as opposed to driven. Additionally, a condition is recommended to ensure non-road mobile machinery complies with appropriate emissions standards.

Contaminated land

135. The applicant has submitted a phase 1 desk top study and geo-environmental assessment. The surrounding area and parts of the development site have been identified as previously contaminated. The applicant has submitted a land contamination desktop study and this demonstrates that a full assessment of land is required. Environmental Health Officers are satisfied that the assessments carried out are suitable, and that the proposals are acceptable, subject to conditions requiring further investigation, remediation and verification of works carried out.

Noise

136. The application has been accompanied by a Noise & Vibration Assessment. The report has identified that the proposed development site is in an urban location with the principal noise sources being road traffic. In response to these noise sources, high specification acoustic glazing and acoustic ventilation opening solutions are likely to be required to achieve the required internal noise levels. In relation to external amenity spaces, the scheme would be exposed to noise levels that exceed guidance. However, this is a typical feature of developments within urban areas, and the benefits of providing access to external amenity space outweigh any harm.
137. In response to the above matters, it is recommended that conditions are secured in relation to mitigation measures in relation to internal noise levels and for plant noise to be conditioned.

Sustainability

138. Planning applications for major development are required to be supported by proposals for sustainable design that accord with various policies in the Brent Local Plan and the London Plan. This is designed to demonstrate, at the design stage, how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per day (SI 5) and the use of sustainable drainage (BSUI4).
139. Major residential and non-residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. Since the submission of the planning application, the Building Regulations have been updated with 2021 version which came into effect in June 2022. In this case whilst the application was submitted in August 2022, the Energy Assessment was prepared in August 2021 and designed in accordance with 2013 regulations. Nevertheless, a detailed design stage energy strategy will be required prior to commencement as an obligation within the Section 106 legal agreement and this will be assessed against the Building Regulations 2021. Policy SI2 also sets out more detailed requirements, including the 'Be Seen' requirement for energy monitoring and reporting. Policy SI4 requires the energy strategy to include measures to reduce the potential for internal overheating and reliance on air conditioning systems.

140. 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 national price per tonne of carbon of £95, or through off-site measures to be agreed with the Council.
141. 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 not be required for this development.
142. For the residential parts of the development, the policy also requires at least 10 percentage points of the minimum 35 percentage point reduction to be attributable to energy efficiency measures (known as 'be lean' measures) and for the commercial parts of the development, the policy requires at least 15 percentage points of the reduction to be attributable to 'be lean' measures. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.
143. In accordance with this strategy, the proposed development will incorporate a range of passive and active energy efficient measures, exceeding current Building Regulations 2010, Part L (2013 edition with 2016 amendments) requirements for the levels of insulation and air tightness, the installation of high-performance glazing, heat recovery ventilation and energy efficient lighting. The implementation of these measures will reduce CO2 emissions by 29% for the residential units and 22% for the non-residential units compared to notional buildings.
144. A feasibility study was then carried out for the development and a range of renewable technologies analysed. That analysis identified that Air Source Heat Pumps were the most suitable technology for this development. This will reduce CO2 emissions by 30% for the residential units and 13% for the non-residential units. As such the proposed development achieves a total regulated CO2 saving of 65 % which exceeds the 35% minimum set out in London Plan Policy SI2.
145. Policy BSUI1 expects major development to connect to or contribute towards a decentralised energy system. Developments completed prior to the implementation of the heat network should be designed so that they can switch to the heat network once it is available. There are currently no plans for a district heating system within the Wembley Central Area, however, the proposed development has made provision for a future district heating sub-station if required.

Urban Greening Factor

146. The submission includes supporting information to demonstrate that the scheme would achieve an urban greening factor score of 0.3, which would be a shortfall of the 0.4 minimum required for a scheme of this size under policy BH4 of the Local Plan and policy G5 of the London Plan. However, the site at present only consists of buildings and hard surfacing, so the scheme would significantly improve upon its urban greening factor score compared to the existing situation. Details to maximise the urban green factor score within the site are recommended to be conditioned to any forthcoming consent.
147. Landscaping details have been submitted which set out how the urban green factor would be achieved. Soft landscaping would be provided at both courtyard and roof top levels and include the provision of new plant and flower beds, trees and green roofs.

Ecology and Biodiversity Net Gain

148. Policy BGI1 'd' states that all developments should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area. Part 'e' of this policy also states that in meeting the urban greening factor, place emphasis on solutions that support biodiversity. This is supported by policies G5 and G6 of the London Plan.
149. An ecology report has been submitted. In terms of habitat there were no trees or vegetation of any kind on site. The site consisted solely of buildings and hardstanding. There is also a lack of natural habitats around the site with no connective habitat to more vegetated areas. Only occasional street trees were present along London Road and adjoining roads. As such, the site is unsuitable for most wildlife.
150. The buildings were also assessed for potential bat roosting features. This concluded that no evidence of bats, such as droppings or feeding remains, was found anywhere in or around the buildings. There were no suitable crevices or perches available for roosting bats and the internal environment was too

bright in places for a day roost. As such, this building complex was considered to have negligible roosting bat potential. However, if demolition takes place beyond one year from the date of the survey, then a further bat survey may be required to ensure the bat potential of the building remains negligible.

151. As part of the recommendations within the report, it also out that set out if demolition during the bird breeding season (March to August inclusive) are inspected for nesting birds 48 hours prior to demolition. If any active nests are found, works must cease and the buildings can only be removed once any chicks have fledged.

152. Whilst the ecology report does not provide figures in relation to a net gain in biodiversity within the site, as noted above the site consists of hardstanding and buildings, with no tree or vegetation on site. There is therefore an opportunity to provide a net gain in biodiversity within the site. A number of ecological enhancements could also be made to the site to include green roofs, native planting to include species which provide berry, nectar and pollen sources for foraging birds and invertebrates. The report also recommended bat and bird boxes to be installed within the courtyard and roof terraces to provide additional nesting and roosting opportunities. Bug hotels and bee boxes can also be installed on terraces to increase opportunities for invertebrates.

153. Details of sensitive external lighting are also recommended.

154. It is recommended that the above measures are secured within a condition any forthcoming consent.

Flood risk and drainage

155. Policy BSUI3 sets out 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. Proposed development must pass the sequential and exceptions test as required by national policy.

156. A Flood Risk Assessment has been submitted that highlights that the site is at low risk of flooding from all sources including pluvial flooding, and therefore the sequential and exceptions tests are not required.

157. In line with policy BSUI4 a drainage strategy should be provided. This has been included within the submission and highlight that surface water run off within the site would be reduced through blue roofs. Whilst the rate of run off would not meet greenfield rates, it would be a significant betterment on site compared to existing surface water run off rates and reduce surface water run off within the site and risk of flooding elsewhere. A table showing the comparison is set out below:

Return Period	Greenfield	Brownfield	
	Peak Runoff Rate (l/s)	Pre-Development	Post-Development
1	0.4	4.3	1.1
30	1.0	9.5	1.9
100	1.4	12.3	2.4
100+40	N/A	N/A	2.8

A condition is recommended to be secured in relation to sustainable drainage measures as set out within the drainage strategy including a drainage maintenance plan.

Fire safety

158. London Plan Policy D12 requires all new development to achieve high standards of fire safety, and major developments are required to submit a Fire Statement outlining compliance with the measures required under Policy D12(B). A fire statement was submitted in accordance with this policy, and sets out details of construction, means of warning and escape, features to reduce the risk to life, access for fire service personnel, equipment and appliances, and the impact of potential future modifications. Fire evacuation lifts and refuge points would be provided for disabled residents. The statement is considered to satisfy the requirements of Policy D12.

159. The proposal would be considered as a "relevant" building for the purposes of consulting the Health and Safety Executive (HSE). The scheme has been designed so that the single stairs that serve the residential storeys do not continue down to basement level, with the basement having a completely independent staircase which discharges directly to outside. The re-design of the stair cases has

addressed earlier concerns raised by the HSE. Furthermore, the fire statement has confirmed that all materials which become part of an external wall or specified attachment achieve 'Class A2-s1, d0 or better'. The latest response from the HSE dated 28.03.2024 has confirmed that they are now content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

160. Overall, it is considered that the proposal is acceptable in regard to fire safety.

Equalities

161. 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

162. The proposal would include the redevelopment of the site to provide a mixed use building of up to 7 storeys high, with a commercial Class E unit and 41 residential units. It would optimise the capacity of the site within a highly sustainable location within the Borough and make a contribution towards housing supply within the Borough, including the delivery of family sized homes. Whilst the scheme does not achieve 0.4 urban greening factor score, 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.



DECISION NOTICE – APPROVAL

Application No: 22/3346

To: Mrs Young
Freeths LLP
Cumberland Court
80 Mount Street
Nottingham
NG1 6HH

I refer to your application dated **28/09/2022** proposing the following:

Demolition of existing buildings and erection of a six and part seven storey building with basement level comprising residential flats (Use Class C3), ground floor commercial unit (Use Class E), associated communal space, landscaping and cycle and refuse storage.

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

at **1-8 Sevenex Parade & 2A London Road, Wembley, HA9**

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

Date: 29/04/2024

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2021
Brent Local Plan 2019-2041

- 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):

D-010 Rev C – Proposed location plan;
D-012 Rev D - Proposed site plan;
D-013 REV R – Proposed basement floor plan;
D-014 REV S - Proposed ground floor plan;
D-015 – Proposed first floor plan;
D-016 REV J – Proposed second floor plan;
D-017 REV H – Proposed third floor plan;
D-018 REV Q – Proposed fourth floor plan;
D-019 REV Q – Proposed fifth floor plan;
D-020 REV R – Proposed sixth floor plan;
D-022 REV M – Roof Floor Plan;
D-023 REV F – Street front elevation;
D-024 REV L - Proposed front elevation;
D-025 REV H – Proposed rear elevation (south);
D-026 – Proposed side elevation (north);
D-027 – Proposed side elevation (south);
D-028 REV H – Proposed section DD -AA;
D-029 REV E – Proposed section BB – Block 1;
D-030 REV J – Proposed section CC;
D-031 REV L - Proposed section DD;
D-032 REV A - Proposed section EE;
D-037 REV A - Typical Balcony Detail.

Supporting Documents

PG01A Fire Statement, DN01B Fire Statement, Design and Access Statement Sevenex Parade, Design and Access Addendum Sevenex Parade, Ventilation and Extraction Statement, Sustainability Statement, Transport Statement, Planning Statement Sevenex Parade, Heritage Statement, Noise Report, Energy Assessment, Flood Risk Assessment, Air Quality Assessment, 09925-FPCR-XX-XX-DR-L-0004-P01 – UGF Calculations, 009925-FPCR-ZZ-5-DR-L-0002-P06 – Landscape proposals (5), 09925-FPCR-ZZ-6-DR-L-0003-P02

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

- 3 The scheme hereby approved shall contain 41 residential dwellings within Use Class C3, and 124sqm of commercial floorspace within Use Class E as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

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

Reason: In order to ensure a sustainable development by minimising water consumption in compliance with policy SI5 of London Plan 2021 and Brent Policy BSUI4.

- 5 The works shall be carried out in full accordance with the recommendations set out within the approved Flood Risk Assessment and Drainage Strategy report (Simpson TWS dated: 01/09/2021) 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.

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

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

- 7 The development hereby approved shall not be occupied unless the external amenity spaces at podium and roof top levels 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.

- 8 All doors serving substations/plant rooms from the public realm or public highways shall not open outwards unless details are submitted to and approved in writing by the Local Planning Authority that robustly justify, to the satisfaction of Brent's highways officers, that outward opening doors in these locations are necessary.

Reason: To protect the public highways and public realm from obstructions, in the interests of highway safety.

- 9 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.

- 10 Prior to commencement of the development hereby approved, a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall include details of how:

- construction would be co-ordinated with the construction operations of other developments in the area, so as to minimise the cumulative impacts on local residents and businesses.
- construction traffic would be managed so as to prevent any undue obstruction to Wembley High Road and associated bus services.

The development shall thereafter be constructed in accordance with the approved Construction Logistics Plan.

Reason: To ensure the development is constructed in an acceptable manner.

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

- 11 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.

- 12 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to 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. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

- 13 No piling shall take place until a Piling Method Statement (detailing the depth and type of any piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken i

accordance with the terms of the approved piling method statement.

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

- 14 Prior to the commencement of works (excluding demolition, site clearance, and laying of foundations), further details of all exterior materials (including samples of key materials which shall be provided on site for inspection or in another location as agree, and/or manufacturer's literature) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure a high quality development which makes a positive contribution to the character and appearance of the local area.

- 15 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.

- 16 The development hereby approved shall be built so that no fewer than 5 of the 41 residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings, and the remaining homes shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

Prior to the commencement of works (excluding demolition, site clearance, and laying of foundations), detailed layout plans, showing which residential units within the development would be 'wheelchair user dwellings' (i.e. meeting Building Regulations requirement M4(3)) and the remainder of the homes designed to M4(2) requirements shall be submitted to and approved in writing by the Local Planning Authority, and thereafter development shall be implemented in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

- 17 Prior to commencement of development (excluding demolition, site clearance and laying of foundations) a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The insulation of the separating floor between the commercial use and the flats on the first floor shall be designed to meet the standards of Building Regulations Approved Document E 'Resistance to the passage of sound'. The approved measures shall thereafter be implemented in full.

Reason: To maintain acceptable noise levels between the different users of the building.

- 18 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 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
- II. Details to demonstrate that an Urban Greening Factor of at least 0.3 would be achieved within the site
- III. Sufficient specification to ensure successful establishment and survival of new planting
- IV. Details of all proposed hardstanding

- V. 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
- VI. Details of roof terrace design and planting for high quality usable external amenity space
- VII. Details of children's play equipment within the communal garden
- VIII. Details of bird and bat boxes
- IX. 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 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.

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

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

- minimum of 72 long-stay and two short-stay cycle parking spaces for the residential dwellings, including provision of 'sheffield' stands to accommodate larger non-standard bikes
- one long term and three short term cycle parking spaces for the commercial unit

The cycle parking submissions shall be compliant with London Plan standards (Including London Cycling Design Standards).

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

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

- 20 Prior to first occupation or use of the development hereby approved, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the local planning authority. All delivery and servicing activity shall thereafter be carried out fully in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

- 21 Prior to the occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority that provides evidence that the mitigation measures described in the approved Noise Impact Assessment (prepared by Sharps Redmore) have been implemented in accordance with the approved details.

Reason: To provide an acceptable internal noise levels for occupants of the development.

- 22 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.

- 23 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.

Prior to installation of any plant, 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 and maintained in accordance with the approved details

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

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 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.
- 4 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

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

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