

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

16 November, 2022  
04  
22/2225

## SITE INFORMATION

|   |  |
|---|--|
| RECEIVED  | 21 June, 2022  |
| WARD  | Wembley Hill   |
| PLANNING AREA   | Brent Connects Wembley   |
| LOCATION  | Fairgate House, 390-400 and 402-408 (Even), High Road, Wembley, HA9  |
| PROPOSAL  | Demolition of existing buildings and construction of an up to part 13 and part 17 storeys (including ground level) building comprising purposebuilt student bed spaces (Use Class Sui Generis) together with ancillary communal facilities, flexible non-residential floor space (Use Class E), cycle parking, mechanical plant, landscaping together with other associated works.   |
| PLAN NO'S   | See Condition 2.   |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_160808">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_160808</a></p> <p><b><u>When viewing this as a Hard Copy</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "22/2225" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol> |

## RECOMMENDATIONS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement.
3. *Hard and soft landscaping works on site to north (ref 22/2956) to be completed prior to first occupation or use of the development, together with provision of a permissive public footpath as part of these works and the area of land required for the fire tender vehicle access that is within the ownership of the applicant to be kept clear of any obstruction at all times.*
4. *Nominations agreement for student accommodation including affordable student accommodation – Agreement with one or more Higher Education Providers to secure nomination rights for at least 51% of the student bedrooms (178 bedrooms), including 35% (122 bedrooms) to be provided as affordable student accommodation (as defined within the London Plan), comprising a mix of units of different types and proportion of wheelchair accessible units to reflect the overall mix. Communal facilities including refuse storage, cycle storage, internal and external communal areas to be available equally to all students without additional charges. Early stage viability review if substantial implementation does not occur within two years.*
5. *Training and employment of Brent residents - Prior to a material start:*
  - a. to inform Brent Works in writing of the projected number of construction jobs and training opportunities and provide a copy of the Schedule of Works;
  - b. to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase and operational phase of the Development
  - c. financial contribution (estimated to be £39,875 for construction fee and £4042.50 for operational fee) to Brent Works for job brokerage services.
6. *Energy assessment*
  - d. Detailed design stage energy assessment. Initial carbon offset payment to be paid prior to material start (currently estimated to be £169,361.25) if zero-carbon target not achieved on site.
  - e. Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site.
  - f. In the event that a material start is not made by 15 June 2023, the energy assessments submitted under a. and b. above shall comply with Building Regulations Part L 2021.
  - g. 'Be seen' energy performance monitoring and reporting
7. *Travel Plan – Submission and implementation of Travel Plan for student accommodation and commercial uses, with a target of 100% of trips to be made by foot, cycle or public transport , including monitoring and review arrangements under the i-TRACE or TRICS survey methodology,*
8. Submission, approval and implementation of a waste management plan including commitment to fund and arrange independent collections from the site. Collections for the private units must be entirely privately funded and arranged unless an alternative plan showing a revised layout is submitted and agreed with the LPA which meets Veolia's requirements in respect of carrying distances.
8. *Financial contribution to Brent Council for street tree planting in the vicinity of the site (£7,000)*
9. *Surveys of television and radio reception in surrounding area, and any mitigation works agreed*
10. *Financial contribution to Transport for London: for improvements to public transport services (£39,000).*

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

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

### Conditions

#### *Compliance*

1. Three year rule
2. Approved drawings and documents
3. Restrict occupation to students
4. Quantum and use of commercial floorspace
5. Provide bins, bikes, internal & external communal student spaces
6. Non Road Mobile Machinery
7. Residential parking permit restrictions.
8. Tenure blind access to internal and external amenity spaces
9. Flank wall windows
10. Compliance with Arboricultural Method Statement & Tree Protection Plan
11. Compliance with biodiversity recommendations
12. Compliance with drainage strategy

#### *Pre-commencement*

13. Construction Method Statement
14. Construction Logistics Plan

#### *During construction*

15. District heat network connection
16. Ducting space
17. Materials samples
18. Landscaping scheme

#### *Pre-occupation*

19. Details of cycle storage for commercial units
20. Implementation of noise mitigation measures
21. Plant noise assessment
22. Final Student Management Plan
23. Delivery and servicing plan
24. Thames Water surface water network upgrades
25. Commercial kitchens extract flue / ventilation
26. Whole life cycle carbon reporting
27. Circular economy reporting
28. BREEAM certification

Informatives as listed in the Committee Report.

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

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

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

# SITE MAP

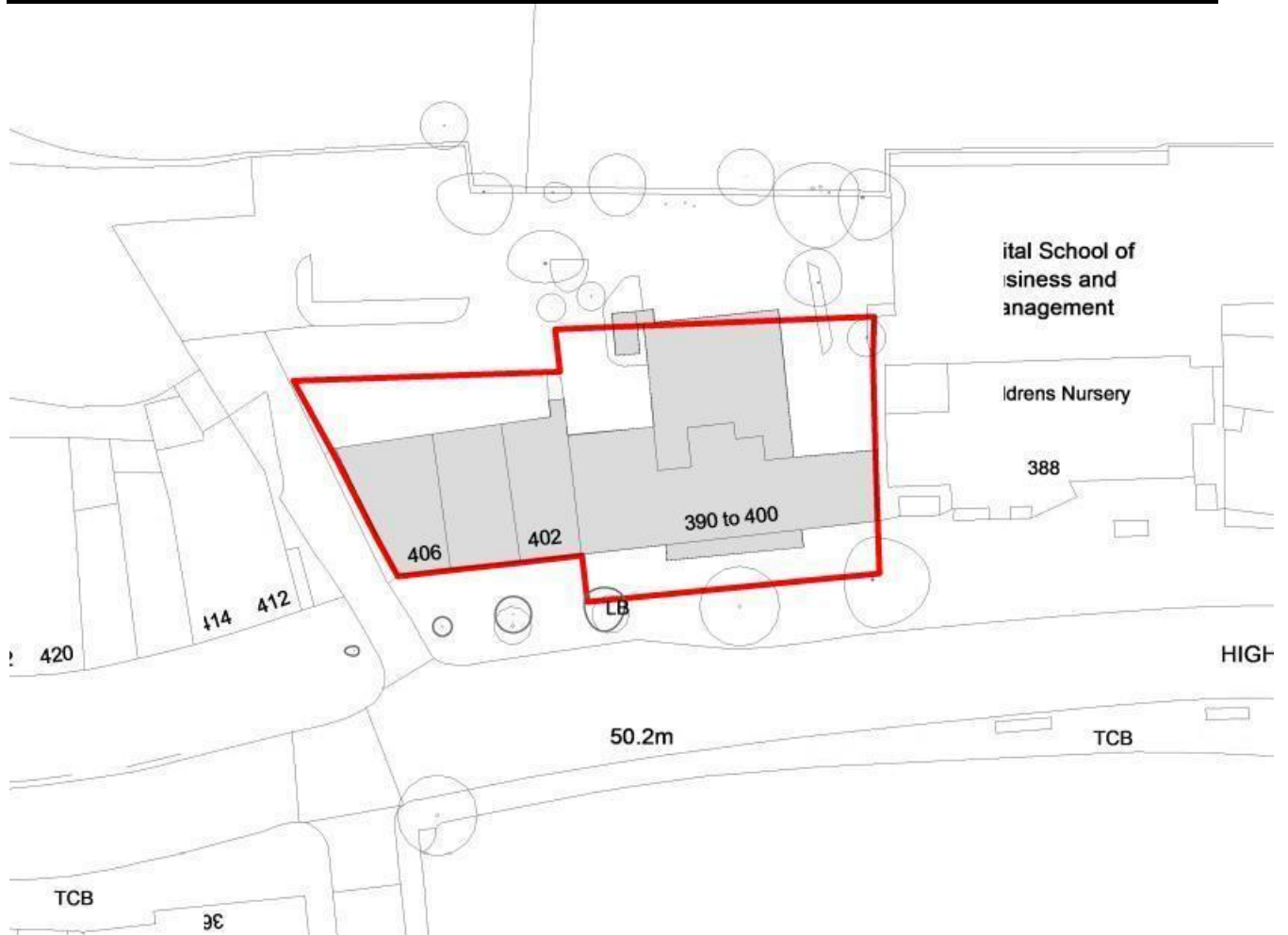


**Brent**

## Planning Committee Map

Site address: Fairgate House, 390-400 and 402-408 (Even), High Road, Wembley, HA9

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This map is indicative only.

## PROPOSAL IN DETAIL

The proposal is to demolish the existing buildings and redevelop the site as a single building, partly 13-storey, 16-storey and 17-storey. The building would provide purpose-built student accommodation with commercial floorspace (Use Class E) comprising three commercial units totalling 232sqm in area at ground floor level. A total of 349 student bedrooms is proposed (as a mixture of 200 cluster rooms, 32 twodios, 82 studios and 35 premium studios) 48 standard rooms and 32 premium rooms), together with a range of internal and external communal spaces.

## EXISTING

The existing site consists of Fairgate House, a vacant seven-storey office building at 390-400 High Road, and Pitsman House, a vacant three-storey office building at 402-406 High Road, both with some retail floorspace at ground floor level. The site is on the north side of the High Road in Wembley Town Centre and is part of a secondary shopping frontage. The site adjoins an area of hardstanding and mixed scrub to the north, and further to the north are railway embankment land and the Chiltern Line railway tracks.

The site is not in a conservation area and does not contain any listed buildings.

## AMENDMENTS SINCE SUBMISSION

Amended and additional plans and documents were received during the course of the application, as follows:

on 2 September 2022:

Safeguarding & Futureproofing the Wembley Link (July 2022);  
Revised Fire Statement in response to GLA comments;  
Amended Circular Economy Statement  
Further information to GLA on whole lifecycle carbon and PV roof panels.

on 29 September 2022:

Future development illustrative masterplan  
Revised Urban Greening Factor Plan  
Revised Landscaping and Public Realm Strategy Report  
Revised Ground Floor Landscaping Plan omitting tree planting too close to rear of building.  
Revised Biodiversity Net Gain Assessment

on 4 October 2022:

updated Cycle Parking Strategy

to secure minor changes to the ground floor landscaping proposals and first floor cycle storage. These did not materially alter the nature of the scheme, and did not require a further period of consultation.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Two letters of objection were received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

**Neighbour objections:** Two neighbour objections were received. These relate to the principle of high density development and student accommodation in Wembley, pressures on infrastructure and service provision, building heights and impacts on local and longer-distance views, overlooking of neighbouring gardens, impact on local parking and traffic, noise and pollution, and objection to installation of telephone masts on the roofs of buildings.

**Principle of development:** The proposal for a mixed use redevelopment of the site, comprising ground floor flexible commercial floorspace and purpose-built student accommodation would, together with the delivery of associated landscaping and a permissive public footpath on land to the rear under application reference 22/2956, would respond well to the aims of the BSWSA8 site allocation. The proposal has demonstrated that it re-provides the maximum viable amount of commercial floorspace, to mitigate the loss of existing office floorspace on the site. The proposal would contribute to the borough's housing targets and need for commercial floorspace, and would provide an active ground floor frontage to contribute to the viability and

vitality of Wembley Town Centre. The proposal is acceptable in principle.

**Affordability and mix of student accommodation:** The majority of the student accommodation (at least 51%, or 178 rooms) would be secured under a nominations agreement with one or more higher education providers, and 122 of these (35% of the total) would be affordable accommodation. The proposal includes 349 student bedspaces, which would be of four types. The nominations agreement would secure proportionate numbers of each type, including for affordable accommodation.

**Design and appearance:** The three parts of the building would be 13, 16 and 17 storeys tall, and would contribute to a varied and undulating skyline emerging in the area. The site is part of a Tall Building Zone designated in Brent's Local Plan, and the building heights are considered appropriate in this location. No harm would be caused to any heritage assets or protected views, and the massing and articulation of the building would enable it to be read as three separate parts to break up the visual impact of the overall bulk of the building. Active frontages and soft landscaping would create a successful relationship with the street, and the detailed design is considered to be of high quality.

**Fire safety:** The proposal has been reviewed by the Health & Safety Executive (HSE) under the Gateway One process. Emergency fire tender access to the rear of the building would be secured as part of the landscaping works to the rear of the site (reference 22/2956). On this basis, the HSE have confirmed they have no objection on layout or land use matters. Fire safety will also be considered at Building Regulations stage.

**Quality of student accommodation:** The student bedrooms have been designed with efficient layouts to maximise available space, and would be comparable in size to other student accommodation schemes in the area. Whilst the bedrooms would be primarily north- or south-facing single aspect rooms, design solutions have been employed to ensure all rooms would receive adequate daylight and would not be unduly at risk of overheating. Communal amenity space, including landscaped external spaces, would be provided in a range of types and scales across the building.

**Relationship with neighbouring properties:** Impacts on daylight and sunlight to neighbouring properties have been analysed and, while some hotel rooms and rooms in other emerging high density developments would experience a noticeable impact, existing residential properties in the area would be largely unaffected. With the additional landscaping secured to the rear (under reference 22/2956), adequate separation distances would be provided to allow any future development to the rear to come forward.

**Sustainability and energy:** The building is predicted to achieve a 62.3% reduction in carbon emissions against the Building Regulations 2013 baseline, significantly above the 35% policy target, and a BREEAM Excellent rating. A contribution to Brent's carbon-offsetting fund would be secured through the s106 agreement, to offset residual emissions.

**Impacts on microclimate and reception of TV and radio services:** The proposal would result in wind conditions within and around the site that would be suitable for the intended use or consistent with baseline conditions, with some localised improvements. A survey of predicted impacts on TV and radio reception to neighbouring properties would be secured through the s106 agreement.

**Environmental health considerations:** Air quality, noise and contaminated land impacts have been assessed and Brent's environmental health officers consider these to be acceptable subject to conditions. A construction method statement would be secured by condition.

**Flood risk and drainage:** The site is in a Flood Zone 1 for surface water and fluvial flooding. The proposal would provide a 95% betterment on the existing drainage rates for the site for a 1 in 100 year event via grey attenuation and blue roofs.

**Trees, biodiversity and urban greening:** Nine low quality trees within the applicant's ownership would be removed to facilitate the development. Ten new trees are proposed as part of the landscaping scheme, and additional tree planting would be secured on the land to the rear under reference 22/2956, together with a financial contribution of £7,000 towards street tree planting in the vicinity of the site. The existing site has low ecological potential and the proposal would result in a 251% increase in biodiversity on site. The Urban Greening Factor of 0.36 is marginally below the policy target but the proposal has optimised the scope for greening within the site and this would be supplemented by the additional landscaping on the site to the rear.

**Transport considerations:** The site has excellent access to public transport (PTAL Rating 6a) and the

development would be car-free, with adequate provision made for cycle parking and sustainable transport further encouraged through the submission and monitoring of a Travel Plan secured under the s106 agreement. Deliveries and servicing would be via an existing on-street loading bay, and further details of how these would be managed so as to avoid any adverse impacts on traffic flow on Wembley High Road would be secured by condition.

## MONITORING

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

### Floorspace Breakdown

| Primary Use          | Existing | Retained | Lost    | New     | Net Gain (sqm) |
|----------------------|----------|----------|---------|---------|----------------|
| General business use |          |          | 3159.99 | 232.4   | -2927.59       |
| Sui generis          | 0        |          |         | 11489.6 | 11489.6        |

### Monitoring Residential Breakdown

| Description | 1Bed | 2Bed | 3Bed | 4Bed | 5Bed | 6Bed | 7Bed | 8Bed | Unk | Total |
|-------------|------|------|------|------|------|------|------|------|-----|-------|
|             |      |      |      |      |      |      |      |      |     |       |

## RELEVANT SITE HISTORY

### 1. Fairgate House, 390-400 High Road, Wembley, HA9 6AS

#### 08/1195

Full Planning Permission

Granted 14/08/2008

Change of use of part of ground floor from office (Use Class A2) to retail (Use Class A1) as amended by plans received 25/07/08

### 2. Former Ground Floor West, Fairgate House, 390-400 High Road, Wembley

#### 17/1546

Full Planning Permission

Granted 27/11/2017

Change of use of the existing retail unit (Use class A1) into a mixed used comprising retail (Use class A1) and restaurant (Use class A3) to also include the installation of an external duct to the rear elevation.

#### 04/1019

Full Planning Permission

Granted 12/07/2004

Change of use of part of the ground floor from offices to employment agency (Use Class A2) and replacement of ground-floor front window with entrance doors

#### 01/2948

Full Planning Permission

Granted 11/02/2002

Change of use of part of ground floor from offices to retail use (Use Class A1) and alterations to front elevation

#### 92/1580

Full Planning Permission

Granted 01/11/1992

Change of use from B1 to Travel Agency A1, Installation of shop front

## CONSULTATIONS

2,046 neighbouring properties and Wembley Stadium Residents' Advisory Committee were consulted by letter on 24 June 2022. A press advert was published on 30 June 2022 and site notices were posted in the vicinity of the site on 28 June 2022.

Two objections were received and are summarised as follows:

| Objection comment  | Officer response   |
|--|--|
| New London-based development is happening mainly in Brent while other boroughs have more undeveloped land available.   | Development is taking place across London, and the need for the development has been established through the development plan process. This issue is further discussed under 'Principle of development'.   |
| The site should be used to provide a park as there is a lack of green spaces in the area.  | The site is allocated for redevelopment and the suitability of the uses proposed is discussed under 'Principle of development'.  |
| Large populations living in a small area results in a lack of community feel.  | There is no evidence that this is the case. The scheme has been designed in accordance with the site allocation which includes commercial floorspace at ground floor level, to contribute towards active frontages within this part of the town centre.  |
| Additional pressure on hospitals, GP services, schools and other infrastructure including sewerage network.  | Infrastructure requirements are identified through the preparation of local plan documents and through consultation with statutory consultees on individual schemes. New development also provides funding towards infrastructure improvements through the Community Infrastructure Levy and s106 planning obligations. A significant amount of infrastructure has been delivered or secured within Wembley. |
| The same effort should be put into the regeneration and redevelopment of Wembley High Road.  | Brent's Local Plan aims to secure further redevelopments in Wembley as part of this and other site allocations.  |
| Object to height of development. Chesterfield House should not be used to justify other high rise developments. Height should be limited to five storeys.  | The site is located within a tall building zone. This issue is discussed in further detail under 'Design, scale and appearance'.   |
| Height of development will lead to overlooking into neighbouring gardens.  | This issue is discussed under 'Relationship with neighbouring properties'.   |
| Cumulative impact of new high-rise developments makes the area closed in, dark, with no outlook. Impact on skyline along High Road. Loss of view onto central London landmarks. Lack of landscape views. | The proposal does not impact on any protected views within Central London. A townscape and visual impact assessment has been submitted and is discussed under 'Relationship with neighbouring properties'.   |
| Too many student developments in Brent already.  | This issue is discussed under 'Principle of development: student accommodation'.   |
| Impact on local on-street parking and traffic.   | This issue is discussed under 'Transportation considerations'.   |
| Noise and building pollution.  | This issue is discussed under 'Environmental health considerations'.   |
| Objection to phone masts being installed on new developments.  | The proposal does not include installation of telephone masts on the buildings.  |

### External and statutory consultees

#### **Greater London Authority / Transport for London initial Stage 1 response:**

Land use principles: The mixed-use redevelopment of the site could be acceptable, however the applicant must first demonstrate that the re-provision of employment floorspace is the maximum possible given concerns with the loss of office space resulting within the town centre. The requirement to enter into a



nomination agreement and an occupancy restriction for students must be secured.

**Affordable student accommodation:** The scheme proposes 35% on-site affordable student accommodation, which is supported in accordance Policy H15 of the London Plan. This must be confirmed and secured through a S106 agreement, as should the rent levels and eligibility criteria. Further information is required in relation to the distribution of the affordable student bedspaces proposed.

**Urban design:** The applicant should address the impacts of the tall building as required by Policy D9(C), along with comments in relation to the development layout, student accommodation quality, the fire statement, inclusive design and agent of change. Details relating to these matters should then be secured.

Other issues on transport, sustainable development and environmental considerations require resolution prior to the Mayor's decision making stage.

**Thames Water:** Confirmation of foul water network upgrades required by condition. No objection in relation to surface water.

**Secure by Design (Metropolitan Police):** Comments are discussed in main body of report.

**Health and Safety Executive:** Subject to fire tender access to the rear of the building being secured under reference 22/2956, the scheme does not result in any significant land use planning considerations, and can be further assessed during the later regulatory considerations.

### **Internal Consultees**

**Local Lead Flood Authority:** No objection

**Environmental Health including Noise Control Team:** No objection subject to conditions

**Sustainability and Energy:** No objection subject to conditions and s106 obligations

### **Pre-application engagement by applicants**

The National Planning Policy Framework and Brent's Statement of Community Involvement set out an expectation that developers will undertake a proportionate level of engagement with the local community prior to submitting a planning application.

In this case, the applicants have sought to consult local stakeholders including residents, community groups and ward councillors. A newsletter was sent to over 2,500 residents and businesses, inviting them to two public exhibition events. The events were held on 7 and 9 April in Ujima House (adjacent to the site). The events were also publicised in the Brent and Kilburn Times, and a dedicated community hub was launched at 390-406highroadwembley.co.uk, to enable interested parties to view the proposals and leave feedback online. Freepost and email addresses have been publicised to facilitate further feedback. Individual meetings were held with a number of key stakeholders. Seven written responses were received and these generally demonstrated a broad level of support for the scheme.

These activities are considered to be appropriate to the scale of the development and consistent with the advice set out in Brent's Statement of Community Involvement.

## **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, relevant to this proposal, is comprised of the:

London Plan 2021  
Brent Local Plan 2019-2041

Key policies include:

## London Plan 2021

SD1: Opportunity Areas  
SD5: Offices, other strategic functions and residential development in the CAZ  
SD6: Town centres and high streets  
SD8: Town Centre Networks  
D1: London's form, character and capacity for growth  
D3: Optimising site capacity through the design-led approach  
D4: Delivering good design  
D5: Inclusive design  
D8: Public realm  
D9: Tall buildings  
D12: Fire safety  
D13: Agent of Change  
D14: Noise  
H1: Increasing housing supply  
H15: Purpose-built student accommodation  
E1: Offices  
E2: Providing suitable business space  
E9: Retail, markets and hot food takeaways  
E11: Skills and opportunities for all  
HC1: Heritage, conservation and growth  
G1: Green Infrastructure  
G5: Urban greening  
G6: Biodiversity and access to nature  
G7: Trees and Woodland  
S11: Improving air quality  
S12: Minimising greenhouse gas emissions  
S13: Energy Infrastructure  
S14: Managing heat risk  
S16: Digital Connectivity Infrastructure  
S17: Reducing waste and supporting the circular economy  
S13: Sustainable drainage  
T2: Healthy streets  
T3: Transport capacity, connectivity and safeguarding  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T6: Car parking  
T6.5: Non-residential disabled persons parking  
T7: Deliveries, servicing and construction

## Brent Local Plan 2019-2041

DMP1: Development management general policy  
BP7: South West  
BSWSA8: Wembley High Road  
BCGA1: Wembley Growth Area  
BD1: Leading the way in good urban design  
BD2: Tall buildings in Brent  
BH1: Increasing housing supply in Brent  
BH7: Accommodation with shared facilities or additional support  
BE1: Economic growth and employment opportunities for all  
BE3: Local Employment Sites and Work-Live  
BHC1: Brent's Heritage Assets  
BHC2: National Stadium Wembley  
BGI1: Green and blue infrastructure in Brent  
BGI2: Trees and Woodlands  
BSUI1: Creating a resilient and efficient Brent  
BSUI2: Air quality  
BSUI4: On-site water management and surface water attenuation  
BT1: Sustainable Travel Choice  
BT2: Parking and car free development

BT3: Freight and servicing, provision and protection of freight facilities

The following are also relevant material considerations:

The National Planning Policy Framework 2021  
Planning Practice Guidance

#### Brent guidance documents

SPD1 Brent Design Guide 2018  
Planning Obligations Supplementary Planning Document – June 2022  
Brent's Waste Planning Guide 2015

#### Greater London Authority guidance documents

Housing SPG  
Affordable Housing and Viability SPG  
Optimising Site Capacity: A Design-Led Approach draft LPG  
Urban Greening Factor draft LPG  
Sustainable Transport, Walking and Cycle draft LPG  
Air Quality Positive draft LPG  
Circular Economy Statements LPG  
Whole-life Carbon Assessment LPG  
'Be Seen' Energy Monitoring Guidance LPG  
Fire Safety draft LPG

## **DETAILED CONSIDERATIONS**

### **Principle of development**

#### Policy background

1. London Plan Policy H1 sets out housing targets across London, with the target for Brent being 23,250 new homes over the ten-year plan period, and Policy SD1 designates Wembley as one of a number of Opportunity Areas with development potential of strategic importance for London. Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations, including a target of 15,000 new homes in the Wembley Growth Area. Policy BCGA1 also supports the delivery of high quality homes and economic regeneration in the Growth Area.
2. The site forms part of the BSWSA8 site allocation in the Wembley Growth Area, which is expected to deliver active ground floor frontages with town centre uses, improved public realm and pedestrian access, to contribute towards the viability and vitality of the town centre, in addition to contributing to Brent's housing targets.
3. London Plan Policy H15 and Brent's Policy BH7 support the delivery of purpose built student accommodation (PBSA) in well-connected locations to meet local and strategic needs, subject to specific criteria being met. The London Plan identifies a strategic need of 3,500 bedspaces across London. Whilst the site allocation does not refer specifically to student accommodation, this type of housing is acknowledged to relieve some of the demand for conventional housing, and would contribute towards Brent's housing supply (at a ratio of 2.5 bedrooms to one conventional housing unit).
4. However, the London Plan also requires development plans to identify and meet needs for all types of development, and the Wembley Opportunity Area has been identified as a priority location for jobs. The site is also located in the defined Wembley Town Centre boundary within a secondary shopping frontage. The London Plan recognises the potential of Wembley High Road as a future metropolitan centre and cultural area of significance at the London level. Local Plan Policy BCGA1 identifies that it is essential that any occupiers and commercial uses add to the viability and vitality of the town centre to ensure future growth.
5. Policy BE3 also reflects the continued need for employment floorspace. Criteria c of the policy allows the release of local employment sites for non-employment uses in allocated sites where it has been demonstrated that the maximum viable replacement of the existing floorspace has been sought.

Furthermore, BSWSA8 site allocation seeks the maximum viable re-provision of employment floorspace, given the identified need within the Borough.

### Reprovision of office floorspace

6. The existing buildings on site comprise Fairgate House and Pittman House, which contain 2,566sqm of office floorspace above ground floor, in addition to 594sqm of retail floorspace. The proposal would provide 272sqm of commercial floorspace, and the exact nature of the uses provided and their configuration is discussed further under 'Commercial uses' below.
7. The proposal has been supported by a viability assessment, which seeks to demonstrate that the existing use of the buildings as office and retail accommodation is financially unviable. Marketing evidence is included and confirms that the office floors in the buildings are believed to have been vacant since 2016 and would require extensive refurbishment to enable occupation. Letting agents had received no enquiries about leasing the buildings for a viable rent during this time, although there had been some interest in buying them and in a change of use to storage (which would also entail a loss of office floorspace).
8. Officers accept that, due to the age and condition of the existing buildings, they no longer provide the quality or type of accommodation that would make them of interest to potential office or retail tenants. However they could be let out under two potential scenarios – a 'light touch' refurbishment of the building (resulting in a rent of £10 per sqft) and a full refurbishment (giving a rent of £12.50 per sqft), and the assessment considers whether either of these scenarios would be viable.
9. It is assumed that the 'light touch' refurbishment would only be able to achieve shorter term leases and so would be subject to more frequent void periods and re-lettings, and the assessment demonstrates that this would generate a negative rate of return and so would not be attractive to investors.
10. The full refurbishment would involve higher construction costs (£10m approx compared to £7m approx for the 'light touch' refurbishment), and would be more closely analogous to a new development, and so has been assessed over a five-year investment horizon. This is demonstrated to fail to deliver the quality of office space required to justify the investment and to produce declining returns over this period, which would not provide sufficient incentive for investors.
11. The assessment cites poor demand for office accommodation in this location as the underlying reason for both scenarios being unviable. Across London as a whole, office floorspace has been subject to falling rents and higher vacancy rates, with firms taking less space due to increased remote working and demand becoming increasingly concentrated in the more desirable locations. In terms of Brent, demand for office floorspace has been persistently weak across the last decade. However the assessment sets out that approx 750,000sqft (approx 70,000sqm) of new high quality office space (including The Hive Building which has tenants including Network Homes and Casio) is currently being delivered on Wembley Park Boulevard. Future demand is expected to be focused around the Wembley Stadium area.
12. As a result of this analysis, the assessment concludes that the site's existing use as office accommodation is obsolete and that continuing this use would be economically unsustainable and financially unviable. The associated costs required to retain the site in its existing use as office accommodation would be prohibitive and unsupported by the local office market, providing space that achieves high standards in terms of energy performance and can be tailored to suit occupiers' exact needs.
13. The assessment also demonstrates that the proposed development is predicted to achieve a profit of 10% on cost (9.16% on GDV). Your officers consider this to be below what would normally be considered a reasonable rate of return for a development of this type, and the scheme is considered to be in deficit on this basis. Other development scenarios could include providing one or more floors entirely devoted to commercial floorspace to mitigate the loss of the existing offices. However these scenarios would involve reducing the number of student bedspaces provided. As student accommodation is considered to be generally more profitable than commercial floorspace, any such scenario is highly likely to result in an increased level of deficit. On this basis, officers consider that the proposal delivers the maximum viable amount of employment floorspace in accordance with the site allocation and Policy BE3.

### Relationship with wider site allocation

14. The BSWSA8 site allocation seeks enhanced pedestrian accessibility and permeability to ensure continuous physical linkages from Wembley Triangle to Wembley Central Station. In particular, new pedestrian access along the rear of the High Road has been secured as part of the Chesterfield House development at the junction with Park Lane, as part of the Wembley Link development to the northwest of the site and under the outline consent to redevelop Ujima House to the east of the site. The Wembley Link scheme is currently under construction and includes a landscaped permissive public footpath, and the proposed development would be expected to continue this and to allow for a future connection to continue the footpath along the rear of the Ujima House development.
15. The proposal is also required to maintain a sufficient separation distance to the rear to allow any future development along the railway embankment to come forward in a way that provides adequate privacy for residents of both developments (normally considered to be 18m between habitable room windows).
16. The proposal does not make provision for these key elements of the site allocation, as the distance from the rear building line to the rear site boundary varies between 1m and 4m, which is not sufficient to provide a landscaped footpath or adequate privacy for residents. In order to resolve these concerns, the applicants have submitted a further application (reference 22/2956) for hard and soft landscaping works on land to the rear of the site, which is also in their ownership.
17. Planning permission has been granted for this proposal. This proposal, in combination with the current application, would provide an additional 8m to 13m depth to the rear of the building as landscaped space, which would make an acceptable contribution to the separation distances required for privacy. It would include a footpath linking to the footpath being delivered on the Wembley Link site. The s106 agreement connected to this application would secure the delivery of the landscaping works prior to occupation of this development, and the status of the footpath as a permissive public footpath. As such, the combined proposal would comply with the requirements of the site allocation.

#### Student accommodation

18. As noted above, student housing contributes to Brent's housing targets, at a rate of 2.5 bedspaces to one conventional housing unit, and the provision of accommodation for 349 students would equate to 139.6 new homes, which would contribute towards the wider target of 650 dwellings within the whole of the site allocation. To date within the wider site allocation, planning permission has been secured for 256 homes within Wembley Link scheme (18/3111) and outline consent secured for 5000sqm of residential floorspace (upto 54 homes) within Ujima House (19/3092).
19. The accommodation would be secured by condition for occupation by full students full time students enrolled on UK accredited and based further education courses during term time (for not less than 39 weeks of the year). The remaining time, (outside term time,) the Council is content that the units may be rented out on short-term lets, perhaps assisting tourism within the summer vacation period. This will apply to all of the student rooms. The majority of the units (51% of bedrooms) would be provided through a nominations agreement with one or more higher education providers, through the s106 agreement. This demonstrates that the accommodation would meet a specific London need, in line with policy H15 of London Plan and policy BH7 of Brent's Local Plan.
20. A draft student management plan has been submitted, setting out how the development would be managed through an on-site staff presence providing a point of contact for students but also for local residents who might be concerned about any incidents of anti-social behaviour. Management and maintenance of communal facilities, emergencies and security measures are also addressed. An updated document would be required as a condition prior to occupation, and would provide a dedicated contact for local residents.

#### Commercial floorspace

21. Three commercial units are proposed on the ground floor, of 107sqm, 96sqm and 45sqm respectively. The two larger units would, together with the entrance to the student accommodation, provide a continuous active frontage along the High Road and an element of active frontage along the sides of the building. The smaller unit would be located to the rear of the western wing of the building and would, together with a ground floor communal space for students, provide some natural surveillance to extend this active frontage along the proposed footpath to the rear.
22. The commercial units would be for uses within Use Class E (this class was introduced in 2020 to cover shops, cafes and restaurants, financial and professional services, gyms and fitness centres, health

services, nurseries, offices and light industrial uses). These uses are all considered appropriate within a town centre shopping frontage, and would all contribute to enhancing the viability and vitality of the town centre. This would allow for the units to be marketed to a wide range of potential tenants, and would help to reduce the risk of vacancies.

### Conclusion

23. The proposal would reprovide the maximum viable amount of commercial floorspace, and this floorspace would be an appropriate use for the town centre and would provide an active ground floor frontage. The provision of student accommodation would meet a specific London need, would be acceptable in this location and would contribute to Brent's housing targets. Subject to the associated landscaping works being delivered under reference 22/2956, the proposal would provide adequate public realm and pedestrian permeability to the rear of the High Road, and would be acceptable in principle on this basis.

### **Affordability and mix of student accommodation**

#### Policy background

24. London Plan Policy H15 sets out a requirement for all purpose built student accommodation (PBSA) to secure the maximum level as affordable student housing. This is defined as a bedroom (together with all services and utilities offered to equivalent non-affordable rooms) provided at a rental cost equal to or below 55% of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for the academic year. Applications providing at least 35% of rooms as affordable housing under this definition are eligible for the fast track route, whereby viability testing is not required. However, an early stage viability review would be required if development does not commence within two years, to incentivise early delivery.
25. Policy H15 also requires the use of the accommodation to be secured for students, with the majority of rooms including all of the affordable student housing being subject to a nominations agreement with one or more higher education providers.

#### Assessment

26. The application states that 35% of the student bedrooms would be provided as affordable student housing, within an overall 51% that would be provided through a nominations agreement with one or more higher education providers. These matters would be secured through the s106 agreement, together with an early stage review mechanism to incentivise delivery of the development within two years.
27. The remaining 49% of bedrooms could be let to students taking courses at other higher education providers in London. As there are a number of other existing and emerging PBSA schemes in Wembley Park, the proposal would contribute to an emerging student community in the area, and would offer residents the opportunity to widen their social circle by mixing with students studying at other establishments or living in other developments. Term time residency would be restricted by condition to students in full-time higher education, however the use of the building for other types of short-term accommodation at other times would also support the cultural and night-time economy of Wembley.
28. There is no policy requirement to provide any particular mix of types of accommodation. However, the proposal has been informed by advice from an experienced provider of purpose-built student accommodation. On this basis, four types of bedroom are proposed: cluster rooms (a group of six or seven bedrooms sharing a communal kitchen, dining and lounge area accessed off a shared corridor); twodios (two bedrooms linked by a shared kitchen diner); studios (bedrooms with private kitchenette) and premium studios (larger bedrooms with private kitchenette).

| Type            | Number | Percentage |
|-----------------|--------|------------|
| Cluster rooms   | 200    | 57%        |
| Twodios         | 32     | 9%         |
| Studios         | 82     | 23%        |
| Premium studios | 35     | 10%        |
|                 | 349    | 100%       |

29. The proposal thus would offer a degree of choice for students in different circumstances according to their lifestyle choices and needs. The s106 agreement would secure a proportionate number of each type of room as part of the nominations agreement, including for affordable accommodation.

## **Design, scale and appearance**

### Policy background

30. 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. Policy D9 sets out a framework for assessing proposals involving tall buildings including their visual impact, functional impact and environmental impact. The policy requires proposals to be justified with reference to existing and proposed long range, mid-range and immediate views, to demonstrate the impact of the proposal upon the surrounding streetscape.
31. Brent's Policy BD1 seeks the highest quality of architectural and urban design, whilst Policy BD2 directs tall buildings (defined as those of over 30m in height) towards designated Tall Building Zones and expects these to be of the highest architectural quality.
32. Section 16 of the NPPF advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance". Any harm to designated heritage assets requires clear and convincing justification. With regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Brent's Policy BHC1 requires new developments to demonstrate and justify any impacts on heritage assets, and Policy BHC2 identifies and protects a number of important views of the Wembley Stadium arch.

### Height, mass and bulk

33. The proposed building would comprise three elements: a central core of 17 storeys, a western wing of 16 storeys and an eastern wing of 13 storeys. The two wings would be angled in towards the core, reflecting the curvature of the road at this point, and the core would be set back behind the façade of the wings to emphasise their prominence.
34. The site falls within a Tall Building Zone, and is considered to be an appropriate location for tall buildings. Building heights along this section of Wembley High Road vary, but the emerging context includes a number of tall buildings creating an undulating skyline. In particular, the 17-storey and 19-storey point blocks of Wembley Link to the west (18/3111, currently under construction) step down from the 26-storey and 21-storey point blocks of Chesterfield House (now the Uncle Apartments) (15/4550, completed) which form a focal point for the area at the junction with Park Lane. To the east of the site, the outline consent at Ujima House (19/3092) is partly 10-storey and partly 11-storey, whilst the consented scheme at the Cecil Avenue junction opposite has a maximum height of 9 storeys and the existing Lanmor House has 7 storeys.
35. A Townscape and Visual Impact Assessment was provided with the planning application, and provides the following existing and proposed views, including cumulative views which take into account other emerging developments. These are described and assessed in the following paragraphs.
36. View 1: High Road, looking east: This view shows the existing three-storey street frontage with larger scale buildings in the centre and right of the view. The proposal would be prominent in this view, and the cumulative view shows it contributing to an emerging composition of taller buildings in the middle ground.
37. View 2: Cecil Avenue: This view north from the smaller scale of the traditional residential area currently opens out across a cleared site with larger scale and taller buildings forming a backdrop. The proposed building would fill the left of this view, but in the cumulative view would be mostly obscured by the consented scheme on the junction of Cecil Avenue and the High Road.
38. View 3: High Road, looking west: The 26-storey UNCLE Apartments building (former Chesterfield House) forms a landmark in the centre of this view, and large-scale mid-rise buildings dominate the middle and foreground. The proposal would appear alongside the UNCLE building and of a similar height, providing a transition in height from the mid-rise buildings. In the cumulative view it would be partly obscured by

the consented scheme on the Ujima House site, and would be mirrored by the Cecil Avenue development to the left.

39. View 4: Wembley Triangle: This view is dominated by the protruding bulk of Elizabeth House in the foreground, with the UNCLE building again appearing in the distance as a landmark framed by the new buildings at Brent House. The proposal would continue this family of taller buildings in the middle distance, together with the Ujima House development which would provide a transition down to the lower-rise buildings to the left.
40. View 5: Wembley Stadium Station entrance: This view across Wembley Hill Road shows the existing and emerging taller buildings on the High Road, the two point blocks of Wembley Link now visible alongside the UNCLE building. The proposal would merge into this cluster of buildings, sitting in front of the UNCLE building and in turn partly obscured by Ujima House.
41. View 6: Dennis Avenue: This traditional residential street is to the north of the site and on elevated ground. The view south across the railway lines features mature tree cover, with the UNCLE building and Wembley Link in the background on the right. The proposed building would sit in the centre of this view, partly obscured by trees, and would contribute to a distinctive pattern of stepping down in height, together with Ujima House to the left.
42. View 7: King Edward VII Park: This view southeast across the wide expanse of the Park shows the UNCLE building and Wembley Link behind the treeline in the distance. The proposed building would sit alongside these and would continue the pattern of descending heights forming a backdrop to the Park.
43. View 8: Elmwood Park, Sudbury: This view southeast across parkland is similar to View 2 in Brent's Policy BHC2, and the Wembley Stadium arch is clearly visible on the horizon in the centre of the view. The proposal is just visible as part of a cluster of tall buildings in the far distance, but would be totally obscured by the completed Wembley Link development, and would not affect the view of the arch.
44. View 9: Horsenden Hill, Perivale: This view northeast corresponds to View 3 in Brent's Policy BHC2. Wembley Stadium arch can be seen on the horizon in the centre of the view, with some tall developments clustering around it. The proposal would appear beneath the arch in front of another building of similar height, and would contribute to an emerging skyline around the Stadium in which the arch would retain its overall prominence.
45. View 10: One Tree Hill, Alperton: Wembley Stadium arch is visible in the far distance in this view northeast from higher ground, and a cluster of tall buildings can be seen on the left of the view, the UNCLE building being the tallest. The proposal would continue this undulating skyline to the left of the Stadium, stepping down in height from the UNCLE building.
46. View 11: Barn Hill: This view from the highest point of Barn Hill is similar to View 1 in Policy BHC2, and is framed by dense vegetation on either side, with the Stadium arch partly visible through the trees. The proposal would appear as part of a cluster of tall buildings in the far background, descending in height from the 26-storey UNCLE building.
47. View 12: Ealing Road: This view north from the entrance to the Shri Vallabh Midhi Mandir has a mixed retail and residential character, and the top of the Wembley Link development is just visible behind street trees in the background. A small part of the building would be glimpsed in summer and would be more visible in winter, alongside parts of other developments emerging in this area in the cumulative view.
48. View 13: High Road by Park Lane: This view east is dominated by the UNCLE building appearing on the corner junction, and the proposal would be seen in the middle distance alongside other tall buildings in the emerging streetscene, helping to establish a new character for the area.
49. View 14: Oakington Manor Drive: This view west from the junction with Harrow Road features a three-storey retail parade in the foreground and Elizabeth House is prominent in the middle ground. The UNCLE building and Wembley Link are clustered together in the background and the proposal would join this cluster, partly obscured by Ujima House in the cumulative view.

#### Impact on townscape and heritage assets

50. The representative views above illustrate the impact of the proposal upon typical views within the immediate area, as well as middle distance and longer distance views. The proposal would be read as



part of a group of new taller buildings emerging in this part of Wembley. It would maintain the undulating skyline descending from the landmark UNCLE building established by other developments, and would mediate between the scale of taller buildings to the west and the lower-rise character of the High Road to the east. The GLA have confirmed that the site is not located within any strategic views as determined by the adopted London View Management Framework and does not raise any strategic concerns in terms of long-range view impacts. The varied heights of the building are differentiable from long distance views and make a positive contribution to the existing and emerging skyline.

51. However, in relation to the mid-range views from the surrounding neighbourhood and more immediate views from surrounding streets, the GLA have highlighted that the extensive longitudinal massing is readily visible (i.e. as presented in Views 1 and 6 above), and as such the resultant scale appears overbearing from the streetscape views provided. The GLA have suggested that additional articulation should be explored as well as a greater contrast in colour and materiality to break up the massing along Wembley High Road and have commented on the extent of blank wall on the eastern elevation.
52. In response to these concerns, Brent's Urban Design Officer has not raised such concerns, and considers in terms of height and massing, that the proposal clearly defines a landmark building, and also acts as a transitional building that mediates between the scale of new and emerging development to the west, and the lower-rise scale of the High Road to the west. The Urban Design Officer has advised that externally, the facades are well composed, with good proportions that establish a clear hierarchy across the scheme and define a coherent base, body and crown from ground floor to roof level. The views show that the orientation of the three parts of the building, together with the variation in height and brick colour, would enable them to be read as different but related elements within the townscape, and would help to break up the impression of bulk. In this context, the building heights and massing are seen as appropriate to the context and the impact on the townscape is acceptable.
53. The assessment has considered all above-ground heritage assets within 1km of the site, including Wembley High Street Conservation Area, listed buildings such as Wembley Arena and the Roman Catholic Church of St Joseph, locally listed buildings such as No 324 Harrow Road, and the locally listed King Edward VII Park.
54. The proposal would introduce a taller building into the wider context of Wembley High Street Conservation Area, but as part of an established backdrop of large scale and taller buildings, and would not harm its character and appearance or its significance. Similarly the proposal would appear in the backdrop of Wembley Arena as one of an emerging skyline of taller buildings, and would not cause harm to the significance of this listed building. Brent's conservation officer has requested a view from Wembley High Street Conservation Area, to support the conclusion that the proposed building would not harm its significance, and this will be reported on via the Supplementary Agenda.
55. The Church of St Joseph is immediately to the east of Elizabeth House but is set back from the road frontage. As such it is not visible in View 4 or View 14 and consequently its setting would not be affected by the development. The potential impact on this and other heritage assets has been considered as part of the assessment, and this exercise has satisfactorily demonstrated that no harm to the significance of these assets would be caused.
56. The proposal is also supported by an archaeological desk based assessment, as parts of the wider site allocation are within a Site of Archaeological Importance designation. This is a lower level designation with the status of a non-designated heritage asset. The assessment does not identify and archaeological remains of sufficient importance to prevent or significantly constrain the development of the site. The later twentieth century development of the site is likely to have had an adverse impact on any archaeological remains that may have been present. The assessment highlights the low potential for prehistoric, Roman or early medieval remains to be present within the site. Whilst remains of subsequent medieval or post-medieval agricultural activities may be present on site, Brent's conservation officer considers that twentieth century development of the site is likely to have at least partially damaged any earlier deposits or features, and that no further action is required.

#### Site layout and relationship with the street

57. The building footprint would fill most of the site, leaving small areas to the side and rear for soft landscaping, and a more substantial landscaped area including raised planters and informal seating to the front. The latter would create a focal point around the entrance to the student accommodation, providing legibility and a sense of arrival for students and encouraging informal social interaction. The entrance would be two storeys in height and would project beyond the main building line, to reinforce its

function as a welcoming focal point for the development.

58. Two of the commercial units would provide active frontages onto the High Road and continuing along the sides of the building. On the western side, the stepped elevation would create additional visual interest for passers-by while the eastern side of the building would feature a 3m wide colonnade providing pedestrian access under the building to the rear and to a dedicated lift to the first floor cycle store. The colonnade would feature festoon lighting and climbing plants and would allow for some interaction with the outdoor seating area proposed on the adjoining western side of the Ujima House consented scheme.
59. The first floor of the building would mainly comprise communal amenity spaces for students and thus would have a more active character than the accommodation above. At the front of the building, a series of external terraces along each wing of the building would be set into the building frame with inflected balconies, and these would help to provide additional activity to animate the street at first floor level.
60. Whilst the side and rear elevations do not provide a continuous active frontage, it is acknowledged that the ground floor also provides ancillary functions such as plant rooms and refuse storage. A partial basement is proposed, allowing some of the plant requirement to be accommodated below ground, however it is considered that more extensive basement construction could involve excessive cost that would negatively impact on the viability of the scheme. In the circumstances it is considered that the extent of active frontage has been maximised, and that the proposal creates an effective relationship with the street.
61. Externally, opportunities for high quality landscaping have been maximised both within and around the scheme, and in particular the proposals to revitalise the frontage along the High Road are supported. Further details including proposed materials samples and a more detailed landscaping scheme including tree planting would be secured by condition to ensure high quality design is delivered. The proposal includes planting of two street trees on the public footway in front of the site, and a financial contribution to deliver two street trees would be secured through the s106 agreement.

#### Architectural detailing and materials

62. The building facades are well composed and harmonious, and the repeating arrangement of windows creates a strong vertical emphasis and sense of harmony and rhythm. A clear hierarchy is established across the scheme, with the bottom, middle and top of the building defined by detailing such as the progressively narrower window openings.
63. The Design and Access Statement provides more details on proposed materials. A relatively simple materials palette is proposed, with the use of three distinct brick tones distinguishing the three elements of the building. These would be enriched by profiled concrete spandrel panels and articulated concrete piers, adding texture and relief to the facades, and by the bronze aluminium inflected balconies, signage and entrance canopy on the ground and first floor. This approach anchors the scheme and gives a sense of identity to the communal entrance and street frontage, whilst also establishing a strong sense of site-specific character.
64. A number of bay studies have been provided, illustrating elements of the design in greater detail. Further information in the form of indicative technical sections and materials samples would be secured by condition.

#### Secure by Design

65. Secure by Design officers provided advice to the applicants during the pre-application stage, and further details of this engagement are set out in the Design and Access Statement.
66. The building would incorporate a zoned fob-access system to control access, supported by CCTV monitoring. The nominations agreement would secure occupation by students primarily from a specific higher education provider, and the use of the building would be subject to a student management plan secured by condition, in order to minimise potential conflicts between different groups of students. Further details of the proposed fob access control, CCTV and entrance surveillance, and management of communal student spaces including roof terrace areas would be amongst the important issues to be clarified in this document.
67. In terms of natural surveillance of the informal seating at the front of the building, the colonnade and the footpath to the rear, the student accommodation would be managed 24 hours a day, and further

measures to enhance safety and security and minimise anti-social behaviour around the building envelope could be secured by condition. The nature of the student use is considered likely to result in the ground floor student spaces and entrance, and the first floor communal space, remaining active into the late evening. This would enhance natural surveillance at times when the commercial activities may have ceased. As noted above, the commercial units would be potentially suitable for night-time economy uses, given the High Road location, and these would further increase natural surveillance around the site. An external lighting strategy would also be required by condition.

## Conclusion

68. The building would have an acceptable impact on the townscape and would not harm the significance of any heritage assets. Active frontages and external landscaping would activate and create an attractive relationship with the street, and the approach to detailed design and materiality would create a high quality appearance and provide a high degree of visual interest for passers-by. Secure by Design issues have been considered in detail. Overall the proposal is considered to be of a high quality of design and to contribute positively to the visual amenity of the surrounding area.

## **Fire safety**

69. 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, and further details of the evacuation lifts would be secured by condition. The statement is considered to satisfy the requirements of Policy D12.

70. The proposal is also classified as a 'relevant building' under planning regulations introduced in 2021, which require a fire statement to be submitted in the form prescribed by the Secretary of State and introduce a statutory requirement to consult the Health and Safety Executive (HSE). This process is known as 'planning gateway one', and the proposal would be subject to further scrutiny before construction starts ('gateway two') and after completion ('gateway three'). These later stages are regulated by the Building Safety Act 2022.

71. Following the submission of a fire statement in the prescribed form, the HSE queried a number of issues including the availability of fire service vehicle access to the rear of the building (given that firefighter travel distance to the rear of the building would be over 40m if a vehicle were to stop at the front of the building). In response to this concern, the applicants have provided further details of fire vehicle access via the associated application for landscaping to the rear (ref 22/2956). Fire vehicles would be able to drive into this space via the existing service road to the west of the site, stop within 18m of the rear of the building, and then turn within the site in order to exit from the service road in a forward gear.

72. The HSE have been reconsulted and have confirmed that the revised scheme addresses all of its concerns satisfactorily. Further issues that would need to be addressed at the Building Regulations stage are highlighted in the HSE's response.

## **Relationship with neighbouring properties**

### Policy background

73. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The building should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing rear garden boundaries (although it should be noted in this case that the site does not directly adjoin any existing residential properties). Separation distances of 18m to windows and 9m to boundaries with adjoining properties or development sites should be maintained.

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. The BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit. The 2022 BRE Guidelines are not materially different from the 2011 Guidelines which they have superseded, in respect of the guidance provided for impacts on neighbouring properties.
76. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. The guidance sets a target for windows of 25% of total APSH including 5% in winter months for windows, and for amenity spaces to receive at least two hours sunlight on 21 March and not less than 0.8 times their former value.
77. However, the BRE also recognise that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and support the use of a 'mirror image' analysis in such cases. The NPPF 2021 also supports a flexible approach to applying standards in order to make efficient use of sites.

#### Assessment of separation distances

78. As noted above, the accompanying application for landscaping works to the rear would secure adequate separation distances from the rear building line to allow any future development to the rear to come forward in a similar manner without creating harmful levels of overlooking between the two sets of residents. Whilst concern has been raised regarding overlooking onto properties to the north of the railway embankment, the nearest such properties would be approx 100m distant from the site. The nearest part of the Wembley Link development to the northwest would be over 20m distant from the proposed building and at an oblique angle that would minimise any potential for overlooking. No other residential properties would be affected, as those on the south side of the High Road would also be over 20m distant from the site.
79. The east and west elevations of the building would include shared kitchens for the cluster bedrooms and some studio bedrooms, all having corner windows to provide dual outlook. In relation to the Ujima House site to the east, the proposed building would retain a separation distance of 1m from this site. However, Ujima House is not currently in residential use and the consented scheme (ref 19/3092) for its redevelopment would be subject to a condition preventing any side-facing habitable room windows. Nevertheless, to ensure that this scheme does not prejudice the ability for the neighbouring sites to come forward for redevelopment given their close proximity of the application site boundaries, it is recommended that a condition is secured for the flank wall windows on the eastern wing from second to twelfth floor to be obscured glazed and high opening only, and for the flank wall windows on the western wing from second to fifteenth floor to also be obscured glazed and high opening only.

#### Daylight and sunlight assessment

80. The daylight sunlight assessment carried out to support this application pre-dates the publication of the 2022 BRE Guidelines and is based on the 2011 Guidelines, as the required software has not yet been to support the 2022 Guidelines. The assessment compares existing and proposed VSC and NSL factors for existing neighbouring properties, and officers consider that these results are sufficiently robust given the similarity in the two versions of the guidance in terms of assessing impact on neighbouring properties.
81. The assessment uses the ADF measure of internal daylight to assess the impact on the two consented schemes nearby that are not yet occupied (Wembley Link – currently being built, 18/3111, and Cecil Avenue – works not yet started, 19/2891), and compares the ADF achieved following construction of this scheme with the ADF levels as originally assessed under these planning applications. Whilst the BRE Guidelines 2022 set out a new methodology for assessing ADF, the use of the 2011 methodology enables a more direct comparison with the original values for these two consented schemes, which were both assessed against the 2011 Guidance. The consented scheme adjoining the site at Ujima House (19/3092 – works not yet started) has not been assessed as it would not contain any side-facing habitable room windows or other windows that could be affected by this development in terms of daylight and sunlight.

82. The above comparison of the proposed development to the existing situation is defined as Scenario 1, and the assessment also provides the results of Scenario 2, in which the cumulative impact of this development and the development of the consented scheme at Ujima House is considered. The results of the assessment are discussed in the following paragraphs.
83. In summary, under Scenario 1, 118 of the 194 windows assessed (61%) would continue to meet the BRE targets for VSC. However, of the rooms assessed for NSC, 97% (96 of the 99 rooms) would continue to achieve BRE target values and so would continue to appear well lit. In the two consented schemes assessed, 196 of the 314 rooms tested (62%) would meet the BRE target value. A total of 147 windows within 90 degrees of due south were tested for APSH, and 124 of these (84%) would meet the target values.
84. Under Scenario 2, the number of windows meeting the VSC target would fall to 51% (99 out of 194 windows), however only one additional room would fall below the NSL target values, with 95 out of 99 rooms (96%) continuing to appear well-lit. The number of rooms in the two consented schemes meeting the ADF targets would fall to 51% (161 out of 314 rooms), however 124 of the 147 south-facing windows (84%) would meet the target values for APSH, the same proportion as in Scenario 1.
85. 412-414 High Road is a three-storey property to the west of the site, with a ground floor commercial unit and residential uses on the upper floors. Fourteen windows serving nine rooms were assessed. One of the windows currently has a VSC of 28.3%, above the 27% target value, and this window would experience a fall to 0.417 times its former value under Scenario 1, while the VSC of a second window would fall from 23.4% to 0.526 times its former value. The remaining twelve windows, all of which have existing VSC values below 27%, would retain over 0.8 times their former value of VSC. Scenario 2 would deliver similar results. The two windows affected are both side-facing roof dormers providing a secondary aspect for dual aspect rooms, and all of the nine rooms tested would comply in terms of NSL and so would continue to appear well lit, in both Scenarios. One window was tested for sunlight and would remain compliant with the APSH target in both Scenarios. Officers have had reference to previous planning history on this site (reference 16/4534), which confirms the lawful use as ground floor commercial with two residential units above, including accommodation in the roof comprising two dual-aspect rooms (both with a front-facing and side-facing window).
86. 416 High Road is adjacent to the above property to the west, and is also a three-storey building with ground floor commercial unit and residential use above. Four windows were tested, and all would continue to receive significantly over 0.8 times their former value of VSC, while the four rooms served by these windows would not experience any material change in VSC. There were no south-facing windows tested for sunlight. The same results were obtained for both Scenarios.
87. 367 High Road is to the southwest of the site, and also a three-storey building with commercial ground floor and residential use above. Five windows were tested, and all would continue to receive significantly over 0.8 times their former value of VSC, while the two rooms served would experience only a negligible impact, retaining well over their existing value of NSL. There were no south-facing windows tested for sunlight. The same results were obtained for both Scenarios.
88. London Wembley Hotel (365 High Road) is a hotel and, as such, only provides accommodation of a very transitory nature. The impact on daylight and sunlight to this property would therefore carry less weight than for buildings in existing residential use. The building has seven floors, all of which include hotel bedrooms, although there is also a lounge / diner on the ground floor. A total of 146 windows were assessed, of which 73 would not be materially affected under Scenario 1. Of the remaining 73, thirteen windows with existing VSC levels of below 10% would experience a fall in VSC of 0.174 – 0.792 times their former value, however it is important to note that due to the existing very low values the impacts of any further loss are exaggerated. A further 50 windows have existing VSC values below 27% but above 10%, and would experience a fall in VSC to 0.798 – 0.511 times their former value. Finally, ten windows have existing VSC levels above 27% and would experience a fall in VSC to below 27% and to 0.799 – 0.712 times their former value. Scenario 2 would have a slightly greater impact, with a total of 76 out of 146 windows being materially affected.
89. These 146 windows serve 72 hotel rooms, and the impact on NSL to these rooms would be less marked, with only three rooms experiencing a noticeable fall in NSL to between 0.518 times and 0.775 times their former value, under Scenario 1. The same three rooms would also be materially affected under Scenario 2. The remaining 69 hotel rooms would continue to appear as well lit as in the existing situation, under both Scenarios. Five windows were assessed for sunlight, and all would continue to meet BRE target values for APSH under both Scenarios.

90. Lanmor House (370-386 High Road) is a seven-storey building immediately to the east of Ujima House, and the upper floors are in residential use. Under Scenario 1, the assessment of 24 windows finds that none would be materially affected by the proposed development, although a number have existing VSC levels below 27%, and that none of the twelve rooms assessed would experience any noticeable loss of NSL. Of the twelve south-facing windows assessed for sunlight, all would continue to comply with the BRE target values for APSH.
91. Under Scenario 2, 17 of these 24 windows would experience a noticeable fall in VSC to between 0.126 times and 0.795 times their former value (although 15 of these 17 windows have low existing VSC levels of below 27%). These windows serve 12 rooms, each room having both a side-facing and front-or rear-facing window, and only one of these rooms would experience a noticeable impact in terms of NSL (retaining only 0.74 times its former value). Twelve south-facing windows were assessed for sunlight and all would continue to meet BRE targets, with the exception of one ground floor window only receiving 4% of Winter Probable Sunlight Hours (WPSH), a minor shortfall against the target of 5%. It should be noted that Lanmor House is adjacent to Ujima House and would be affected by its redevelopment regardless of whether the application site is also redeveloped. Similar impacts were reported during the determination of the outline consent to redevelop the Ujima House site (ref 19/3092) and were considered to be acceptable in the context of a high density urban environment.
92. Wembley Link (land to rear of 416 – 444 High Road) is a consented scheme consisting of two point blocks (17 and 19 storeys high) currently in construction. As the building is not yet occupied, ADF values have been assessed, and 126 windows were tested, of which 108 (86%) would meet the BRE criteria under Scenario 1. The 18 remaining rooms include 16 living / kitchen / dining rooms (LKDs) and two bedrooms. Twelve of the LKDs do not meet the BRE target of 2% ADF in the existing situation (values between 1.1% and 1.2%), and these would achieve slightly lower values of between 1.0% and 1.1% under Scenario 1. The remaining four LKDs would meet or exceed the target in the existing situation (2.0% - 2.2%) and would fall slightly below the target under Scenario 1 (1.7% - 1.9%) but would continue to meet the 1.5% target for living / dining rooms. The ADF values for the two bedrooms would fall from 1% to 0.9%, marginally below the target.
93. Under Scenario 2, the number of rooms meeting the BRE criteria would fall from 108 to 105 out of 126 windows tested, demonstrating a minor additional impact from the cumulative development. However, of the 18 LKDs not meeting the criteria, thirteen would fail to do so in the existing situation (with ADF values of 0.4% to 1.2%) and the ADF values of these would fall only marginally to 0.3% - 1.1%). The remaining five rooms would retain ADF values of 1.7% to 1.9%, marginally below the 2% target for LKDs but above the target for lounge / diners. The three remaining rooms are bedrooms, which would achieve an ADF of 0.8% - 0.9% against a target value of 1%.
94. In terms of sunlight, 23 of the 115 south-facing windows tested would see a reduction in annual APSH. However seven of these would retain values of 22% - 24%, only marginally below the 25% target. The remaining 16 windows would have APSH values of less than 10%, however these would have very low values in the existing situation, which is considered to be due to the style of the building and overhanging balconies. These impacts are the same under both Scenarios
95. Wembley High Road / Cecil Avenue is a consented scheme of up to ten storeys on the corner site due south of the application site. A total of 188 rooms at this scheme were assessed for impacts on their ADF values, and 88 would meet the target value under Scenario 1. Of the remaining 100 rooms, 32 serve separate kitchens (less than 13sqm), together with 63 bedrooms and five LKDs. The kitchens would achieve values of 0.2% to 1.5%, however all fail to meet the 2% ADF target in the existing situation and, given their small size, are unlikely to be used for long periods of time. Of the 63 bedrooms, 34 do not meet the 1% target in the existing situation and the retained ADF would be between 0.1% and 0.9%. The five LKDs would retain ADF values of 1.3% to 1.9% against the 2% criteria.
96. Under Scenario 2, the number of rooms meeting the ADF target would fall to 52 out of 188. The remaining 132 rooms not meeting the target include 42 kitchens of less than 13sqm in size, 84 bedrooms and six LKDs. The kitchens all fail to meet the target in the existing situation and the retained values of 0.1% to 1.3% would be marginally below those in Scenario 1. Of the 84 bedrooms, 43 do not meet the criteria in the existing situation, and the retained values would be between 0.1% and 0.9%. The six LKDs would retain ADF values of 1.3% to 1.8% against the 2% target.
97. Fourteen windows were tested for sunlight, and all would continue to comply with BRE Guidelines under both Scenarios.

98. In terms of overshadowing to neighbouring amenity spaces, the impact on the communal amenity area at Wembley Link has been assessed and would remain compliant in Scenario 1 (it has not been tested against Scenario 2, which would not result in any additional impact). The roof terrace at the consented Ujima House scheme was not tested as, due to the relative orientation of the buildings, it is not considered that this would be materially affected by the development.
99. In conclusion, whilst there would be some noticeable impacts in terms of daylight to neighbouring properties, these would primarily affect hotel rooms and recently consented but unoccupied developments, neither of which would have the same expectations of daylight as established residential properties. In this respect, the impact is considered to be of a scale and nature that could be accepted in a dense urban area such as this. The wider planning benefits associated with the redevelopment and regeneration of Wembley High Road are considered to be sufficient to outweigh concerns regarding levels of daylight in this case.

## **Quality of student accommodation**

### Policy background

100. London Plan Policy H15 requires PBSA schemes to provide adequate functional living space and layout. However, there are no specific policy standards in terms of minimum internal floorspace or external amenity space. Brent's Policy BH7 requires non self-contained accommodation including student accommodation to provide acceptable quality, meeting appropriate standards for the needs of its occupants, including external amenity space, and appropriate communal facilities.
101. The BRE Guidelines published in 2011 recommend an Average Daylight Factor (ADF) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, although 1.5% is generally used for combined living spaces. Standards for daylight distribution and sunlight, including sunlight to amenity spaces, are also recommended. The Guidelines recognise that sunlight is most valued in living spaces, rather than bedrooms and kitchens.
102. The 2011 Guidelines were recently superseded by 2022 Guidelines. These are not based on Average Daylight Factor, as the associated British Standard is now obsolete. They use a more complex modelling methodology that takes into account factors such as weather, time of day and window orientation. The assessment of sunlight has also altered, with the new target being a minimum of 1.5 hours of sunlight on 21 March. However, as this application was made prior to the publication of the 2022 Guidelines, the assessment carried out was based on the 2011 Guidelines.

### Internal layout

103. Internally, the layouts are well-planned and present a range of typologies that support different ways of living for a range of different residents. In the cluster units, the placement of the shared kitchen and living spaces on the ends of the building would allow these spaces to benefit from corner windows providing dual aspect. In terms of internal floorspace, the cluster bedrooms would all be 12.5sqm in area with a kitchen / living area of 25sqm to 31sqm shared between six or seven bedrooms, while the studio rooms would be 17sqm – 19sqm, the premier studios up to 25sqm, and the twodios between 38sqm and 51sqm. All rooms would have private ensuite facilities. A total of 34 bedrooms would be accessible for wheelchair users, with adjustable worktops and larger ensuites (including eight rooms in twodio units, which would allow wheelchair users to share with a carer or other friend, and premium studios on floors 10 – 15).
104. Internal daylight and sunlight has been assessed, using a target of 1.5% ADF for cluster bedrooms, communal study areas and ancillary ground floor spaces, and 2% for studio rooms and shared kitchen / living areas. Overall, 93% of habitable rooms assessed would achieve the recommended ADF values. Daylight distribution within rooms was also assessed, and 96% of rooms would meet or exceed the target against this measure. The majority of rooms (89%) with a window facing within 90 degrees of due south would meet or exceed the BRE targets for sunlight, and those falling below this target would be either the first floor communal spaces with direct access to the external terraces or dual-aspect studio rooms with a main window facing north and secondary window facing east or west, which would have a lower expectation of sunlight.
105. In the context of student accommodation in a high density urban environment, the proposal is considered to provide a very good standard of internal daylight and sunlight.

## Communal amenity space

106. The proposal offers a good variety of amenity spaces throughout, which would give future residents greater choice and flexibility of lifestyles. These include common areas, study spaces, a library, laundry room, private dining room, gym and multi-use studio. The total area of internal amenity spaces proposed is 570sqm, which equates to an average of 1.5sqm per bedspace.
107. Externally, first floor terraces of 49sqm on each of the two wings of the building would be accessed through the internal communal areas and would provide a series of spaces for small groups separated by trellises with climbing plants, and a roof terrace on the thirteenth floor roof would provide an additional 253sqm of external space. The total of 351sqm external space would equate to approx 1sqm per student.
108. The thirteenth floor roof terrace would be landscaped and provide spaces to study, eat or exercise outside, with a view of the Wembley Stadium arch. This area would receive at least two hours direct sunlight on 21 March across 82% of its area, and most of the space would have over six hours of sunlight on this date and in the summer. In terms of the BRE targets for overshadowing of external amenity spaces, it would be very well sunlit throughout the year.
109. A significant level of consideration has been given to the uses and layouts of the communal amenity spaces, with a number of different scenarios set out in the Design & Access Statement. In particular, the approach to distributing amenity spaces throughout the scheme, in the form of study spaces on every other floor, is strongly welcomed and represents an exemplary solution to tackling isolation, creating opportunities for incidental social interaction and therefore supporting the health and wellbeing of future residents by creating smaller communities within a much larger community.

## Comparison with other student accommodation developments

110. The Design & Access Statement sets out a comparison of student housing developments in Wembley and elsewhere in London, in terms of the level of internal space provided. This is summarised in the table below, which demonstrates that the proposal is comparable to other developments in terms of the size of the basic cluster room and the amount of kitchen space for students, and that it provides noticeably more internal amenity space than all the other schemes reviewed. The range of communal facilities provided is similar across the seven schemes.

|  | <b>Cluster room area</b> | <b>Kitchen area per bedspace</b> | <b>Internal communal amenity space per bedspace</b> |
|--|--------------------------|----------------------------------|---|
| <b>Proposal</b>                        | 12.5sqm                  | 4.3sqm                           | 1.5sqm  |
| <b>Unite, Olympic Way</b>              | 9.5sqm                   | 3.14sqm                          | 0.65sqm   |
| <b>Apex House, Fulton Way</b>          | 14sqm                    | 4.44sqm                          | 0.57sqm   |
| <b>Kelaty House, First Way</b>         | 13.5sqm                  | 5.45sqm                          | 0.76sqm   |
| <b>Raffles House, Lakeside Way</b>     | 11.8sqm - 12.7sqm        | 3.9sqm                           | 0.47sqm   |
| <b>Scape, Fulton Road</b>              | 12sqm                    | 3.56sqm                          | Information not provided                            |
| <b>Vita Student Exchange, Lewisham</b> | 12.6sqm                  | 4.2sqm                           | 0.92sqm   |

111. This review was supplemented by visits to the Grand Felda House and Felda House developments in Wembley, input from a specialist student housing provider, focus groups and an online survey of students and graduates, to help understand students' priorities and needs. Space to socialise, external areas, shared study spaces and access to a gym were amongst the key priorities, all of which would be provided in the proposed development.

## Conclusion



112. In summary, it is considered that the proposal would offer a good standard of accommodation for students, in terms of internal private and communal space, external amenity space, daylight and sunlight, and the range of communal facilities provided. The proposal compares well with other student housing developments and would contribute effectively to students' overall wellbeing.

## **Sustainability and energy**

### Policy background

113. All major developments are required to achieve zero carbon standards including a 35% reduction on the Building Regulations Part L Target Emission Rates achieved on-site, in accordance with the energy hierarchy set out in London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions. Ongoing monitoring and reporting of energy performance is also required under the 'Be Seen' part of this policy, and a whole lifecycle carbon assessment is required for applications referable to the Mayor. London Plan Policy S7 also requires a circular economy statement.
114. The Building Regulations Part L 2021 took effect from 15 June 2022 and all planning applications submitted on or after this date are required to comply with this version, which supersedes the 2013 Part L. However transitional arrangements have been set out, under which the new Regulations will not apply where the local authority receives notice of building work before 15 June 2022 and building work starts before 15 June 2023. The GLA have previously confirmed that the proposal can be assessed against the 2013 Regulations under these transitional arrangements.
115. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy BSUI1, demonstrating at the design stage how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day. Major commercial floorspace is required to achieve a BREEAM Excellent rating and this also needs to be appropriately evidenced.
116. An overheating assessment is also required, to assess and mitigate the risk of high temperatures in residential units in accordance with London Plan Policy SI4, and Policy SI7 also requires a circular economy statement for applications referable to the Mayor.

### Proposed energy strategy

117. The energy strategy submitted sets out details of how regulated carbon emissions would be reduced by 12.94% through energy efficiency ('Be Lean' measures) and by a further 49.36% by generating renewable energy on-site ('Be Green' measures). Measures proposed include passive solar gain, waste water heat recovery (taking advantage of the high demand for hot water associated with student accommodation), use of air source heat pumps for heating and hot water, and photovoltaic panels. Although there would be a slight shortfall against the target 15% reduction through 'Be Lean' measures, the total reduction in emissions would be 62.3%, which significantly exceeds the 35% policy target, and the limited conflict with Policy SI2 is considered to be acceptable in this case. The contribution to Brent's carbon offsetting fund is estimated at this stage to be £338,725, and would be secured through the s106 agreement together with updated energy assessments at detailed design and post-construction stages. The risk of overheating has also been assessed, and the proposal would comply with the requirements in this respect.
118. The proposal does not include any connection to a district heat network ('Be Clean' measures). Brent's Energy Manager has confirmed that whilst there are a number of small communal heating systems along the High Road there is not known to be a district heat network operating nearby. It is not currently possible to connect to the district heat network in Wembley Park, as there is no provision to cross the railway at that point. However, the development would be expected to ensure that there is potential for future connection should it be possible to cross the railway in the future or an alternative network becomes available. This future connection would be secured by condition.
119. Subsequent amendments to the scheme included installation of two PV panels on the roof of the central core. This would further reduce the on-site carbon emissions towards the zero-carbon target, which would be captured in the detailed design stage and post-completion stage energy assessments.

120. A BREEAM pre-assessment was submitted, setting out how a BREEAM Excellent rating could be achieved for the development. As with all assessments at this stage, the assessment is predictive as it incorporates assumptions about how the detailed design, construction and operation stages would perform against BREEAM criteria, which cannot be confirmed at this stage. However the targeted score of 80.33% significantly exceeds the 70% threshold for an Excellent rating, and consequently this rating is considered to be achievable. Further evidence of the achievement of this rating would be required prior to occupation of the building.

#### Whole lifecycle and circular economy

121. The Design & Access Statement includes a review of the existing buildings and their refurbishment potential. This demonstrates that the building fabric of Fairgate House performs poorly in terms of its thermal properties and would need upgrading to reduce energy demand, that the building relies heavily on gas heated radiators, that roof elements have been leaking, that external walls are poorly insulated, leading to condensation and internal mould, and squatters have caused internal damage. Floor to ceiling heights are very low and the internal layout is poor. The smaller building, Pitman House, also has poor thermal performance and would require significant upgrading. With only three storeys it does not make efficient use of land in this town centre location. As such, although the retention and refurbishment of existing buildings can be beneficial in terms of whole lifecycle carbon emissions, it is considered that this is unlikely to be the most sustainable solution in this case.

122. A whole lifecycle carbon assessment was submitted. This presents a quantitative analysis of the operational carbon emissions associated with the existing buildings and with the proposed building (the latter is based on the emissions predicted in the energy strategy discussed above), and the embodied carbon emissions associated with the manufacture, transport and construction activities required to create the new building. Emissions associated with maintenance, repair, replacement and demolition are also considered. This process allows for the choice of materials and construction methods to be reviewed in the light of the potential to reduce the associated carbon emissions. This document has been reviewed by the GLA and subsequently revised to reflect their comments. A further assessment would be required post-construction, and this would be secured by condition.

123. A circular economy statement was also submitted, and subsequently revised in response to comments from the GLA. This covers issues including reuse of materials arising from demolition and remediation works, minimising demand for materials and enabling their reuse, managing waste on site and encouraging waste recycling, storage space and collection systems to support recycling and reuse. No details on operational waste management have been provided, and these would be sought together with other details of servicing as discussed under 'Transport Considerations' below.

#### **Impacts on microclimate and reception of TV and radio services**

124. A Wind Microclimate Assessment has been submitted with the application. This uses the Lawson Comfort Criteria, which is the industry standard defining how an average pedestrian would react to different wind levels. Wind speeds are categorised as being suitable for either sitting, standing, strolling or walking, or as uncomfortable for most activities. Developments should aim to provide at least strolling conditions along pedestrian thoroughfares, standing conditions at main entrances, drop off areas, taxi ranks and bus stops, sitting conditions at outdoor seating areas in the summer, and standing conditions in large public amenity spaces in the summer, with sitting conditions at designated seating locations. Finally, sitting or standing conditions should be achieved in summer on balconies and private amenity spaces – providing sitting conditions in summer would generally ensure that standing conditions could be maintained in winter. Strong wind thresholds requiring mitigation measures are also defined.

125. The assessment assumes that the Wembley Link and Cecil Avenue developments are part of the existing surroundings, whilst the Ujima House development is assumed to form part of a cumulative scenario together with this proposal. This approach is consistent with the approach taken to analyse daylight and sunlight impacts.

126. The proposal would not create any regions of potentially unsafe wind conditions, and ground level conditions would be suitable for the intended use or consistent with baseline conditions. The proposal would create some localised improvements in wind conditions, such as at the entrances to retail units on the south side of the High Road, which would be more suitable for the intended use than at present. Conditions on the external first floor and thirteenth floor terraces would also be suitable for the intended use.

127. A survey of predicted impacts from the development on TV and radio reception to neighbouring properties, and any necessary mitigation measures, would be required and would be secured through the s106 agreement.

## **Environmental health considerations**

### Air quality

128. Like many areas in Brent, the site is in an Air Quality Management Area. London Plan Policy S11 requires that all major developments within London are Air Quality Neutral. As such, an Air Quality Neutral Assessment needs to be undertaken and submitted with the planning application. Brent's Policy BSUI2 requires major developments in Growth Areas to be Air Quality Positive, in line with the approach set out in the GLA's draft Air Quality Positive guidance.
129. An air quality assessment has been submitted, and includes an air quality neutral assessment and air quality positive statement. The assessment considers the air quality impacts associated with use of the emergency life-saving generator and pumps for fire use, in addition to the construction and operation of the development. The air quality assessment has also considered the level of exposure for occupiers of the proposed development in relation to concentrations of pollutants and concludes that the levels are below objectives, and therefore future residents and users will experience acceptable air quality, without the need for mitigation measures.
130. The document has been reviewed by Environmental Health officers, who have confirmed that it is acceptable and that there are no objections in relation to air quality and no further conditions are required.

### Noise and vibration

131. London Plan Policy D14 expects new developments to reduce, manage and mitigate noise to improve health and quality of life. An acoustic assessment was submitted, and identifies sources of external noise in the vicinity of the site, including traffic and road works on the High Road, internal plant and the use of the commercial units. Although there is notable noise from the Chiltern railway line to the north of the proposal, it is not thought that railway noise will have an adverse impact on future occupants. Recommendations are put forward to ensure that future occupants of the accommodation do not suffer a loss of amenity as a result of internal and external noise, including use of mechanical ventilation heat recovery to avoid the need to open windows for extended periods, and measures to restrict noise from the commercial units.
132. Environmental Health officers have reviewed the report and recommend a condition to secure evidence that the recommended mitigation measures have been implemented. A condition to limit noise from plant and equipment is also required. In terms of noise from the proposed development impacting on neighbouring residents, it is considered that implementation of a Student Management Plan would be sufficient to prevent any undue nuisance or disturbance occurring.

### Contaminated land

133. A ground investigation report was submitted with the planning application. Environmental Health officers have reviewed the document and note that the criteria used are for public open space rather than a residential end use with plant uptake (ie the potential for food growing on site), with most of the landscaped area consisting of ground floor raised planters and roof terraces.
134. On this basis, the report is considered acceptable and no conditions are required. There are no positive indications that the site is likely to be contaminated. Given the limited area of ground floor landscaping, the nature of student lifestyles and the managed character of the development, food growing is considered to be unlikely to take place on site, and any change of use involving conventional housing at ground floor level would require further planning permission. An informative is recommended, to advise on reporting any unexpected evidence of contamination during excavation works.

### Construction process

135. A condition is recommended, to secure the submission of a Construction Method Statement prior to commencement, to control dust, noise and other nuisance impacts of the construction process.

## **Flood risk and drainage**

136. The site is within a Flood Zone 1 for both surface water and fluvial flooding and is not in a critical drainage area, but is susceptible to groundwater flooding. London Plan Policy SI13 and Brent Policy BSUI4 require sustainable drainage measures on major development sites.
137. A Flood Risk Assessment and Drainage Strategy was submitted with the application. The proposed scheme would provide a 95% discharge rate betterment for the site for a 1 in 100 year event via grey attenuation and blue roofs. The blue roofs would be located on the sixteenth and thirteenth floors, and the attenuation tank would be located below ground.
138. The Local Lead Flood Authority have assessed the proposed strategy and confirm that it would offer a significant improvement on the current brownfield discharge rates and is acceptable on this basis. Compliance with the strategy would be secured by condition.

### **Trees, biodiversity and urban greening**

139. Trees are a material planning consideration in any planning application, and Brent's Local Plan Policy BGI2 requires major developments to make provision for planting and retention of trees on site. The railway line embankments are part of a designated wildlife corridor protected by Brent's Policy BGI1, and this policy also requires new development to achieve a net gain in biodiversity on site.
140. London Plan Policy G5 and Brent's Policy BGI1 encourage development proposals to embed urban greening as a fundamental element of site and building design, and require detailed information on the development's urban greening factor to be submitted as part of major planning applications. The urban greening factor combines measures such as new tree planting, biodiversity enhancements, landscaping and sustainable drainage features into a single measure, and Policy G5 seeks a score of 0.4 for predominantly residential developments.
141. The Arboricultural Impact Assessment surveys five street trees to the front of the site, and fifteen trees or tree groups on land to the rear of the site (including ten on the land within the applicant's ownership that is proposed for the accompanying landscaping works under ref 22/2956). Nine of these ten trees are proposed to be removed, including eight low quality Category C trees and one tree that needs removal due to its poor condition. One moderate value Category B tree would be retained, together with the ten trees within the railway embankment land and the five street trees. A tree protection plan is provided, showing construction exclusion zones, barrier fencing and stem protection areas, and compliance with this would be secured by condition.
142. Within the site, planting of ten new trees is proposed as part of the landscaping scheme, comprising six at the front of the building and four to the rear. Further details of these would be required as part of a detailed landscaping condition, and additional tree planting would be secured as part of the accompanying landscaping works under ref 22/2956. In addition, a financial contribution of £7,000 would be secured through the s106 agreement, to enable the planting of street trees in the vicinity of the site to offset the visual impact of high density development.
143. A CAVAT assessment was submitted (this quantifies the financial value of trees to be removed and proposed tree planting) and assessed the value of the trees to be removed as £3,249 and the value of proposed trees as £11,737. This relates to an earlier set of landscaping proposals involving more dense tree planting to the rear of the site (22 trees in total), and the financial value of trees on site would be reduced under the current proposal. However it is considered that this would be more than compensated for by the additional tree planting secured under ref 22/2956.
144. To assess potential biodiversity impacts, the application has been supported by an Ecological Appraisal, which reports on an extended habitat survey of the site, daytime assessments of the buildings and trees on site for evidence of bats, and a dusk emergency survey of the buildings. The buildings were found to have low potential to support roosting bats, although habitat adjacent to the site provides opportunities for foraging and commuting bats, and the buildings and mixed scrub provide opportunities for nesting birds. The site provides only habitats of negligible ecological value and negligible opportunities for other protected or priority species.
145. The report recommends measures to avoid or reduce any adverse impacts, including checks for hedgehogs and nesting birds, and a sensitive lighting scheme, together with habitat creation to improve the biodiversity value of the site. Bird boxes and insect nest boxes are proposed, and further details of these would be secured as part of the materials and landscaping conditions.

146. The Biodiversity Impact Assessment Report goes on to quantify the existing and proposed biodiversity of the site. The existing site has a small area of introduced shrub with scattered trees, and has a biodiversity value of 0.07 habitat units. Whilst the majority of the site would continue to comprise buildings and hardstanding, the proposal would also introduce ornamental planting in front of the building, fern planting to the rear and small areas of roof planted as intensive green roofs, in addition to climbing plants and ten replacement trees. The completed development would have a biodiversity value of 0.17 habitat units, representing an increase of 251% in biodiversity over the existing site.
147. The proposal includes an urban greening factor plan, showing that an Urban Greening Factor of 0.36 would be achieved. Whilst this falls marginally short of the 0.4 target, it is considered that the proposal has optimised the scope for urban greening within the site. Furthermore, the additional soft landscaping and tree planting proposed under ref 22/2956 would result in a higher overall score for the combined development. On this basis the urban greening of the site is considered to be acceptable and to incorporate new tree planting, high quality landscaping and biodiversity enhancements to comply with the relevant policies.

### **Transport considerations**

148. Wembley High Road is a London distributor road and bus route, and a Controlled Parking Zone operates from 8am to 6.30pm Monday to Saturday (8am to midnight on Wembley Stadium event days). The PTAL rating is 6a (excellent). On-street parking and loading is generally prohibited at all times, however there is a loading bay (17m in length) on the High Road immediately to the front of the site.

### Parking provision

149. London Plan Policy T6 strongly supports a move towards more sustainable travel choices, and expects car free development (in which only designated Blue Badge parking is provided) to be the starting point in accessible locations such as this. Policy T6.1 sets out maximum parking allowances for residential developments (the maximum for areas of PTAL 6 is car-free development other than for disabled persons parking), and Local Plan Policy BT2 also requires student housing development to be car free.
150. No parking is proposed, and this would comply with the relevant parking standards. Although students would not be eligible for on-street parking permits, as they would not be permanent residents, a condition is recommended to ensure that students are notified of this.

### Cycle parking

151. London Plan Policy T5 requires the provision of 0.75 cycle parking spaces per bedspace for the student accommodation, in addition to one short-term space per 40 bedrooms. This results in a requirement for 262 long-stay spaces and eight short-stay spaces for students in this case. In addition, four long-stay and two short-stay spaces would be required for the commercial units.
152. The proposals include the provision of a cycle store on the first floor, comprising 262 spaces including 248 spaces on two-tier stands and 14 spaces provided as 'Sheffield' stands which would provide 5% of the spaces in an accessible form. A detailed specification for the two-tier stands has been provided to demonstrate that the spacings would be achievable. A dedicated over-sized lift to the cycle store would be provided, accessed via a lobby from the eastern colonnade. In case of the lift breaking down, cyclists could also access the lifts in the main core. Arrangements for the management of the cycle parking would be secured through the revised Student Management Plan.
153. Twelve external 'Sheffield' stands would be provided to the front and western side of the building, providing 24 short-stay spaces which exceeds the policy requirement. Cycle storage for the commercial units would be provided within the units and in accordance with the detailed requirements of the individual tenants, and further details of these could be secured by condition.
154. Amendments to the cycle storage were secured following concerns raised by Transport officers and TfL, and these are now considered to be acceptable.

### Servicing

155. Deliveries and servicing are proposed to be undertaken from the on-street loading bay at the front of the site. To understand the current demand for the loading bay, the Transport Assessment includes

survey data of vehicles using it from 7am to 7pm on Thursday 26 May 2022. This indicates that the bay has some spare capacity, whilst some of the vehicles observed using the bay were servicing existing units on the site, a demand that would be displaced by the proposed development. It is therefore considered that the proposals are unlikely to result in excessive use of the bay, whilst the Delivery and Servicing Plan submitted indicates that deliveries will be co-ordinated between the different uses on the site.

156. Further details would be needed to demonstrate that the process of students moving in and out of the accommodation would be managed within the capacity of the loading bay, particularly at the start and finish of term, when deliveries to the site would be at their most intensive. Although the issue is addressed to a limited extent in the Student Management Plan, it is considered that student demand for use of the loading bay would need to be carefully co-ordinated with demand for deliveries to the commercial units and with other uses, to prevent vehicles queueing to enter the loading bay and potentially impacting on bus services operating along the road. Consequently these details would need to be required as part of a final Delivery and Servicing Plan prior to occupation.
157. Transport for London has sought further assurances of how delivery and servicing vehicles would be prevented from blocking the road whilst queueing to enter the loading bay, which in turn could impact on bus services operating along this road. This concern relates specifically to the student move-in and move-out process, which would need to be carefully managed in this respect. In response to such concerns, the applicant has advised that students as part of their leases will be advised on moving in and out procedures and the appointed Student Management Company will be responsible for this process to avoid any crossover/impact. Further details on the final arrangements will be secured within the delivery and service plan and the student management plan, and this has been agreed by Transport for London.
158. The plans show a refuse store for the student accommodation, comprising 20 x 1,100L bins. Based on Brent's standards for conventional housing developments, storage of 41,800L would be required, divided equally between dry recycling and residual waste. Furthermore, the store would be located over 20m from the on-street loading bay. The applicant has advised that refuse store has been designed based on the experience of the operator for the student accommodation (CRM) with other student accommodation that they manage. They have confirmed that it is typical for student operators to have private refuse collections that occur on a twice-a-week basis, and that the size of the refuse store has been designed to allow for this frequency of collections and for the amount of waste expected to be collected from 349 bedrooms. To address the concerns in relation to the carrying distance being over 10m from the loading bay, private refuse collection arrangement will need to be agreed and secured through a Section 106 obligation. A refuse management plan will be required by condition and also need to secure details of how students would be encouraged to recycle waste and minimise residual waste.

#### Transport Assessment

159. The Transport Assessment uses the TRICS database to predict the potential trip generation of the proposals and as the development is to be 'car-free', the majority of these trips would be made by walking, cycling or public transport. The predicted 33 two-way trips in the morning peak and 49 two-way trips in the afternoon peak are considered to be unlikely to have a significant impact on local public transport capacity.
160. Transport for London have noted that the site's location within an area of high growth could result in cumulative impacts on the public transport network. A financial contribution of £39,000 to public transport improvements has been agreed between the applicant and TfL, and would be secured through the s106 agreement.

#### Active Travel Zone, Healthy Streets and Vision Zero

161. An Active Travel Zone Assessment (ATZ) and Healthy Streets assessment was carried out in line with London Plan Policy T2. Routes to four key destinations were assessed (Lancelot Medical Centre on Lancelot Road, King Edward VII Park on Park Lane, Wembley Park Boulevard local shops and bus stops on Wembley Hill Road). The routes involve walking to Wembley Central and Wembley Stadium Stations, and to the bus stops along the High Road.
162. This exercise highlighted aspects of the walking and cycling environment close to the site that could be improved in order to encourage more active travel, in particular in regard to cycle access and the lack of a dedicated cycle route. In this context, it is noted that the development has been designed with an appropriate setback so as to not preclude the future delivery of measures such as a protected cycle track

and it has not been requested by your transport officers for this scheme to be required to undertake any specific highway improvement works under s.278 works. Brent's Infrastructure Delivery Plan (IDP) has identified active transport projects being considered and planned for within Brent and one of these relates to Wembley Hub Cycle Route enhancements. Funding for this project has been identified to be source by TfL and developer funding within the IDP. Further information has been provided on road accidents in the surrounding area, and it is noted that these have occurred in the vicinity of signalised crossings which would generally be expected to minimise any such incidents.

### Travel Plan

163. A Travel Plan has been submitted, which includes a target of at least 80% of occupants using walking, cycling and public transport, in line with the modal shift targets set out in the Mayor's Transport Strategy.
164. An updated Travel Plan would be secured through the s106 agreement, together with arrangements for on-going monitoring and review. As the development would be car-free, the applicant has agreed to the final Travel Plan including a target of 100% of trips being by walking, cycling or public transport in this case.

### Construction Logistics Plan

165. A Framework Construction Logistics Plan has been submitted, which estimates a construction period of approx 30 months in which the peak number of estimated construction vehicle trips would be 13 per day. More details of where construction vehicles would park whilst servicing the site would need to be submitted, and this would need to be in a suitable location to minimise disruption to the highway and the operation of bus services, and avoids vehicles having to reverse onto or from the High Road. Swept path analysis would also be required to ensure any reverse manoeuvring by construction vehicles is minimised.
166. The vehicle route to the site has been indicated as involving arrivals from the A406 and A40 via Ealing Road and departures to the A406 via Harrow Road. Transport officers' preference is for all movements to and from the site to be via Harrow Road and the A406, and more detailed arrangements for the routing and parking of construction vehicles would be required as part of a final Construction Logistics Plan to be required by condition.

### Conclusion

167. A car-free development is acceptable in this location and adequate cycle parking provision would be made, together with arrangements for deliveries and servicing to be undertaken without affecting the flow of traffic on the highway. Subject to the conditions and planning obligations recommended above, and any financial contribution requested by TfL being secured through the s106 agreement, the proposal is considered to be acceptable in transport terms.

### **Equalities**

168. 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).

### **Environmental Impact Assessment**

169. On 14 April 2022 the applicants submitted a request for an Environmental Impact Assessment Screening Opinion. On 5 May 2022, the local planning authority published its Screening Opinion, which concluded that an Environmental Impact Assessment was not required for this development.

### **Conclusion**

170. Subject to the delivery of the landscaping works to the rear of the site (ref 22/2956) being secured through the s106 agreement, the proposal would be broadly in accordance with the aims of the BSWSA8 site allocation. Whilst the loss of existing office floorspace is of concern, the proposal is considered to reprovide the maximum viable amount of commercial floorspace on site, and there is no policy conflict in this case.

171. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions and completion of Section 106 Agreement.



## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/2225

To: Ms Nicks  
DP9  
100 Pall Mall

SW1Y 5NQ

I refer to your application dated **21/06/2022** proposing the following:

Demolition of existing buildings and construction of an up to part 13 and part 17 storeys (including ground level) building comprising purposebuilt student bed spaces (Use Class Sui Generis) together with ancillary communal facilities, flexible non-residential floor space (Use Class E), cycle parking, mechanical plant, landscaping together with other associated works.

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

at **Fairgate House, 390-400 and 402-408 (Even), High 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: 08/11/2022

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):

JTP\_MP\_XX\_ES\_A\_001  
JTP-MP-XX-SL-A-001  
JTP\_MP\_XX\_SL\_A\_002  
JTP-MP-XX-RP-A-101  
JTP-XX-00-GA-A-101  
JTP-XX-01-GA-A-102  
JTP-XX-02-GA-A-103  
JTP-XX-03-GA-A-104  
JTP-XX-04-GA-A-105  
JTP-XX-05-GA-A-106  
JTP-XX-06-GA-A-107  
JTP-XX-07-GA-A-108  
JTP-XX-EL-XX-A-101  
JTP-XX-EL-XX-A-102  
JTP-XX-EL-XX-A-103  
JTP-XX-EL-XX-A-104  
JTP-XX-0B-GA-A-001  
JTP-XX-00-GA-A-002 Rev P2  
JTP-XX-01-GA-A-003 Rev P2  
JTP-XX-02-GA-A-004  
JTP-XX-03-GA-A-005  
JTP-XX-04-GA-A-006  
JTP-XX-05-GA-A-007  
JTP-XX-06-GA-A-008  
JTP-XX-07-GA-A-009  
JTP-XX-08-GA-A-010  
JTP-XX-09-GA-A-011  
JTP-XX-10-GA-A-012  
JTP-XX-11-GA-A-013  
JTP-XX-12-GA-A-014  
JTP-XX-13-GA-A-015  
JTP-XX-14-GA-A-016  
JTP-XX-15-GA-A-017  
JTP-XX-16-GA-A-018  
JTP-XX-RF-GA-A-019 Rev P2  
JTP-XX-EL-XX-A-001  
JTP-XX-EL-XX-A-002

JTP-XX-EL-XX-A-003  
JTP-XX-EL-XX-A-004  
JTP-XX-EL-XX-A-005  
JTP-XX-EL-XX-A-006  
JTP-XX-EL-XX-A-007  
JTP-XX-EL-XX-A-008  
JTP-XX-SE-XX-A-001  
JTP-XX-SE-XX-A-002  
JTP-XX-SE-XX-A-003  
JTP-XX-SE-XX-A-004

8392-PL-GA-101 Rev 02  
8392-PL-GA-102  
8392-PL-GA-103  
8392-PL-GA-104  
8392-PL-UGF-105 Rev 02

Air Quality Assessment (Air Quality Consultants, Ref J10/13120A/10, 15 June 2022)  
Biodiversity Net Gain Assessment (Ecology by Design, Ref EBD02245, 29 September 2022)  
Design & Access Statement (June 2022) (Ecology by Design, Ref EBD02245, 17 June 2022)  
Ecological Impact Assessment (Including Bird and bat Assessment) (Ecology by Design, Ref EBD02245, 17 June 2022)  
Fire Statement Report (Ashton Fire, Issue 04, Ref AF2689, 1 September 2022)  
Flood Risk Assessment, Drainage & SuDS Strategy (Curtins, Ref 080438-CUR-XX-XX-T-C-92030 Rev P03, 28 June 2022)  
Landscape and Public Realm Strategy Report (Spacehub, Ref 8392-DAS-001-REV-01, September 2002)  
Planning Noise and Vibration Report (Sandy Brown Consultants, Ref 22033-R03-C, 13 June 2022)  
Tree Survey and Arboricultural Impact Assessment (Tim Moya Associates, Ref 220161-PD-11, 14 June 2022)

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

- 3 The student accommodation hereby approved shall be not be occupied other than by Students for a period of not less than 39 weeks in any year unless otherwise agreed in writing by the Local Planning Authority. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education institution for not less than 80 % of the course time unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development hereby approved shall provide a minimum of 272sqm of commercial floorspace. The floorspace shall not be used other than for purposes in Use Class E, notwithstanding the provisions of the Town and Country Planning (General) Permitted Development Order (England) (2015, as amended) (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: In the interests of proper planning.

- 5 The cycle storage, refuse storage and all internal and external areas for communal use by students shall be installed in accordance with the approved plans (or as otherwise agreed in writing by the local planning authority) prior to 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.

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

safety and to ensure an acceptable form of development.

- 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 Policy BSUI1 and London Plan Policy S11.

- 7 Occupiers of the student accommodation and commercial floorspace hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. On, or after, practical completion but prior to any occupation of the student accommodation development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the development.

Reason: In order to ensure that the development does not result in an increased demand for parking

- 8 All internal and external communal amenity spaces located on the ground, first and thirteenth floors shall be made available to all students, regardless of the type and affordability of their accommodation. All internal amenity spaces on other floors shall be made available to all students occupying the relevant floors, regardless of the type and affordability of their accommodation.

Reason: In the interests of proper planning and to ensure an equitable distribution of amenity space.

- 9 The windows on the flank elevation of the eastern wing from second to twelfth floor levels and the windows on the flank wall of the western wing from second to fifteenth floor shall be obscured glazed and high opening only (1.7m above internal floor level) and shall be maintained as such for the life of the development,

Reason: To ensure that the any redevelopment of the neighbouring sites is not compromised.

- 10 The development shall be carried out fully in accordance with the approved Tree Survey and Arboricultural Impact Assessment (Tim Moya Associates, 14 June 2022).

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

- 11 The development shall be carried out fully in accordance with the Recommendations in the approved Ecological Impact Assessment (Ecology by Design, 17 June 2022) and Biodiversity Net Gain Assessment (Ecology by Design, 29 September 2022).

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

- 12 The development shall be carried out fully in accordance with the approved Flood Risk Assessment, Drainage & SuDS Strategy (Curtins, 28 June 2022).

Reason: To ensure adequate arrangements for drainage of the site, in accordance with London

- 13 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

The development shall thereafter be constructed in accordance with the approved Construction Method Statement.

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

Reason for pre-commencement condition: 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.

- 14 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.
- the majority of construction traffic (including all smaller rigid vehicles) would be routed via the A404 Harrow Road rather than the A406/A40/Ealing Road;
- 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.

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

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

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

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

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

- 17 Prior to commencement of development (excluding demolition, site clearance and the laying of foundations), details of materials for all external work, including samples to be made available at an agreed location and including details of any proposed integral bird boxes and other integral habitat boxes, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 18 Prior to first occupation or use of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping work shall be completed:-

- (a) prior to use or occupation of the building, in respect of all hard landscaping elements and boundary treatments;
- (b) during the first available planting season following completion of the development hereby approved, in respect of all soft landscaping elements.

The scheme shall include details of:-

- i. Proposed materials for all hard surfaces;
- ii. Species, sizes, locations and densities for all trees and shrubs;
- iii. Details of materials and size of all raised planters and trellises;
- iv. Details of external furniture and informal seating;
- v. Details of biodiversity enhancement measures as set out in the approved Biodiversity Net Gain Assessment;
- vi. Details of external lighting across the site in accordance with Artificial Lighting Guidance (Bat Conservation Trust & Institute of Lighting Professionals, 2018) including diagrams of light spillage;
- vii. Details of any external CCTV installations;
- viii. Details of the proposed arrangements for maintenance of the landscaping.

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

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

- 19 Prior to first occupation or use of the commercial units, further details of long-stay cycle storage to be provided for occupiers shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate cycle storage provision in accordance with London Plan Policy T5.

- 20 Prior to first occupation of the development, a report shall be submitted to and approved in writing by the local planning authority, which provides evidence that the recommended mitigation measures described in the approved Planning Noise and Vibration Report (Sandy Brown Consultants, 13 June 2022) have been implemented.

Reason: In order to safeguard the amenities of future occupiers, in accordance with Brent Local Plan Policy DMP1.

- 21 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 first occupation or use of the development, 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.

- 22 Prior to first occupation of the student accommodation, an updated Student Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The updated plan shall include:

- details of the student accommodation management provider appointed to manage the student accommodation;
- details of a dedicated community liaison contact for the development;
- details of how students would be encouraged and facilitated to recycle waste where practical to do so;
- details of how access to communal student spaces including external areas and cycle storage will be managed;
- details of access control measures to ensure safety of students and other users of the building.
- details of student move in/out procedures to minimise impact on the highway network.

The approved Student Management plan shall be implemented for the life of the development from first occupation of the student accommodation.

Reason: To ensure that the development is appropriately managed to minimise detrimental impacts on surrounding properties

- 23 Prior to first occupation or use of the development, a Delivery and Servicing Plan in relation to the student accommodation and commercial uses shall be submitted to and approved in writing by the local planning authority. This document shall set out measures to ensure that all delivery and servicing activities, including activities associated with students moving into and out of the development, can be safely accommodated without adversely affecting conditions on the highway network or pedestrian safety in the area.

All delivery and servicing activity shall thereafter be carried out 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 without adversely affecting conditions on the highway network or pedestrian safety, in accordance with London Plan Policy T7 and Brent Local Plan Policy BT3.

- 24 Prior to first occupation or use of the development, the following shall be submitted to and approved in writing by the local planning authority:

- (i) confirmation from Thames Water that either all foul water network upgrades required to accommodate the additional flows from the development have been completed; or
- (ii) confirmation that a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

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

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 25 Prior to first use of any commercial kitchen within the development, details of the extract ventilation system and odour control equipment for the kitchen, including all details of external ducting, must be submitted to and approved in writing by the Local Planning Authority.

The approved equipment shall be installed prior to the commencement of the relevant use and shall thereafter be operated at all times during the operating hours of the relevant use and

maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents.

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

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

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

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

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

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

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 3 The developer should be aware of any protected species legislation relevant to the implementation of this development, including statutory protection for nesting birds. Further guidance on construction near protected species can be found at <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>



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

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

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

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

6 Thames Water has advised of the following:

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

[https://urldefense.com/v3/\\_\\_https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes\\_\\_;!!CVb4j\\_0G!TLA\\_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf\\_fkhBodMkeq1uxMSM3VrN\\_jHKyw\\$](https://urldefense.com/v3/__https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes__;!!CVb4j_0G!TLA_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf_fkhBodMkeq1uxMSM3VrN_jHKyw$)

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

[https://urldefense.com/v3/\\_\\_https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes\\_\\_;!!CVb4j\\_0G!TLA\\_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf\\_fkhBodMkeq1uxMSM3VrN\\_jHKyw\\$](https://urldefense.com/v3/__https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes__;!!CVb4j_0G!TLA_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf_fkhBodMkeq1uxMSM3VrN_jHKyw$)

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/\\_\\_https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_\\_;!!CVb4j\\_0G!TLA\\_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf\\_fkhBodMkeq1uxMSM3VrJIGBXpg\\$](https://urldefense.com/v3/__https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes__;!!CVb4j_0G!TLA_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf_fkhBodMkeq1uxMSM3VrJIGBXpg$)

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

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed

illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.com/v3/\\_\\_http://www.thameswater.co.uk\\_\\_;!!CVb4j\\_0G!TLA\\_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf\\_fkBodMkeq1uxMSM3VrYWbWFyA\\$](https://urldefense.com/v3/__http://www.thameswater.co.uk__;!!CVb4j_0G!TLA_Dmlt1r4yurt9WTmFbpW65M3wGweSb0gx2aAdoO4PZRR2uLKTrEBQEVQO49VHLmbf_fkBodMkeq1uxMSM3VrYWbWFyA$). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 7 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 8 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.
- 9 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,  
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233