

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

24 October, 2023  
03  
22/0784

## SITE INFORMATION

|   |   |
|---|---|
| RECEIVED  | 1 March, 2022   |
| WARD  | Tokyngton   |
| PLANNING AREA   | Brent Connects Wembley  |
| LOCATION  | Wembley Point, Wem Tower, 1 Harrow Road and 5-15 Harrow Road, Wembley, HA9  |
| PROPOSAL  | Redevelopment of site including the erection of 3no. buildings up to 32 storeys in height, comprising 515 residential dwellings (Use Class C3), flexible commercial floor space (Use Class E), indoor sports facility (Use Class E) and associated parking, landscaping and enabling works APPLICATION SUBJECT TO AN ENVIRONMENTAL STATEMENT  |
| PLAN NO'S   | Refer to 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_159229">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_159229</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></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 "22/0784" (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. (a) The provision of a minimum of 116 Affordable residential dwellings, comprising a minimum of:
  - 73 London Affordable Rent dwellings (including 21 x 1-bedroom, 13 x 2-bedroom and 39 x 3-bedroom unless an alternative mix is subsequently agreed)
  - 43 London Shared Ownership dwellings (including 28 x 1-bedroom and 15 x 2-bedroom unless an alternative mix is subsequently agreed)(b) Together with an early and late-stage review mechanisms in accordance with the Mayor of London SPG to capture any uplift in affordable housing.
4. Highways works and adoption including:
  - (a) Phase 1 S38/S278 Highway Works in Point Place and Harrow Road to:
    - (i) widen Point Place to incorporate a loading bay and disabled parking bays along its southern side with a 2.5m (minimum) width footway behind and a retained contraflow cycle lane along its northern side between Argenta Way and Tokyngton Avenue;
    - (ii) provide a zebra crossing at the footpath access from Tokyngton Avenue;
    - (iii) reposition the bus stop in Point Place and provide a bus shelter;
    - (iii) provide traffic-calming measures;
    - (iv) amend the kerb radii, central islands and traffic signage at the junction of Point Place and Harrow Road;
    - (v) remove the redundant crossovers to Harrow Road and Point Place and return them to footway with full height kerbs; and
    - (vi) resurface the footways fronting the site;
  - (b) Phase 2 S38/S278 Highway Works (with TfL as a party to the agreement) along the Old North Circular Road frontage to:
    - (i) widen the footway to 4m fronting the site to provide a shared footway/cycleway, including the dedication of land within the site as public highway; and
    - (ii) depending upon the works that may already have been undertaken to construct CFR23, to adjust the alignment of the left-turn filter lane from Old North Circular Road to Harrow Road to widen the footway to retain a 4m footway/cycleway width;
  - (c) A car-free agreement to remove the right of future residents to on-street parking permits within any existing or future CPZ that is introduced in the area;
  - (d) Establishment of a Car Club within the vicinity of the development
  - (e) Submission and approval of a Residential Travel Plan, including the provision of at least three years' free membership for initial residents;
  - (f) Public access to the paths and open spaces within the site.
  - (g) That the owner shall arrange and pay for the second weekly collection of waste associated with the residential dwellings within the site;
  - (h) A financial contribution of £546,700 towards station improvements at Stonebridge Park;
  - (i) A financial contribution of £481,000 towards bus service enhancements;
5. Sustainability and Energy:
  - (a) Detailed design stage energy assessment. Initial carbon offset payment (estimated to be

around £912,712) to be paid prior to material start if zero-carbon target not achieved on site.

(b) Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site.

(c) Be seen' energy performance monitoring and reporting

6. Training and Employment Plan:

a) to inform Brent Works in writing of the projected number of construction jobs and training opportunities and provide a copy of the Schedule of Works;

(b) to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase and operational phase of the Development, in line with Brent's Planning Obligation SPD;

c) financial contribution of £178,750 in accordance with Brent's Planning Obligations SPD to Brent Works for job brokerage services

7. A financial contribution of £125,000 in relation to improvements to nearby open spaces which may include improvements to the open spaces themselves, the play facilities within these open spaces and/or improvements to the routes to these spaces from the application site

8. Surveys of television and radio reception in surrounding area, submission of a TV and Radio Reception Impact Assessment, and undertaking to carry out any mitigation works identified within the assessment and agreed;

9. Indexation of all financial contributions set out above in line with inflation;

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

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

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

### **Conditions**

#### *Compliance*

1. Three year rule
2. Approved drawings and documents
3. Use Class E(d) restriction of non-residential floorspace within Building B
4. Maximum number of residential dwellings
5. Restriction on distances from buildings in relation to the culvert or river
6. Compliance with Flood Risk Assessment
7. Restriction on structures or level changes within the application site
8. Compliance with Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment
9. Compliance with Drainage Strategy
10. Non Road Mobile Machinery
11. Water efficiency
12. Electric Vehicle Charging Points
13. Car and Bicycle Management Strategy
14. Open arrangement of doors within Building B
15. Access to amenity - Building C

#### *Pre-commencement*

16. Construction Logistics Plan
17. Construction Method Statement

18. Phasing Plan/CIL chargeable development plan
19. Maintenance and inspection of river wall
20. Detailed construction methodology
21. Tree Protection measures
22. Construction Ecological Management Plan
23. Pre-development CCTV survey of the culvert

*During construction*

24. Contaminated land
25. Programme of archaeological works
26. Piling Method Statement
27. District heating network connection
28. Fibre connectivity
29. External materials
30. Design details
31. Microclimate mitigation measures
32. Wheelchair accessible homes
33. Flood Warning and Evacuation Plan
34. Details of habitat creation (floating reed beds)
35. Hard and soft landscape works
36. Management of access to the site for refuse vehicles and emergency vehicles
37. Layout and access to cycle stores
38. External lighting strategy

*Pre-occupation*

39. Community Access Plan
40. Whole Life Carbon Assessment
41. Circular Economy
42. Delivery and Servicing Plan
43. Internal Noise levels
44. Vibration levels
45. Post-development CCTV survey of the culvert
46. Ecological enhancement report for River Brent
47. Development and Instructure Plan - Foul Water
48. Plant noise

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: Wembley Point, Wem Tower, 1 Harrow Road and 5-15 Harrow Road, Wembley, HA9

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This map is indicative only.

## **PROPOSAL IN DETAIL**

The site is broadly rectangular with the existing 21 storey Wembley Point Tower centrally located to the south of the site (noting the building is excluded from the site location plan red line). The site also includes a car park with trees lining parts of the car parking areas. The River Brent is located on site in culvert across the site, yet it is an open channel for part of the site to the south and south east of the Wembley Point Tower building.

The proposal is for 3 new buildings varying in height and mass set within a significant amount of new public realm comprising hard and soft landscaping, play equipment and new walking routes. The scheme would deliver 515 residential homes and commercial floorspace within each of the buildings as summarised below:

**Building A:** A 32 storey primarily residential building situated between the 21 storey Wembley Point building and the consented 26 storey tall Argenta House development on the adjoining site. It would contain 266 homes comprising 84 no. one bedroom homes, 178 no. two bedroom homes and 4 no three bedroom homes. All of the homes would be private. A small commercial unit would be situated on the ground floor, measuring 79.6sqm GIA.

**Building B:** A low-rise 3-storey block fronting Point Place at the end of Tokyngton Avenue. It is proposed to contain an gym, measuring 887sqm GIA, which the applicant advises is currently intended for use by Stonebridge Boxing Club.

**Building C:** a part 16, part 20- storey building (with lower shoulder and podium) situated between the Wembley Point tower and Harrow Road (Block C). It is a "C" shaped building with a podium garden situated towards its northern side. Commercial units would be situated on the ground floor to reinforce and provide activity on each corner (with a total GIA of 812.9sqm). Residential entrances would face Harrow Road and the new square, whilst blue badge car parking would be situated within the basement of this building, accessed from Point Place. Building C would contain a mixture of private and affordable homes, accounting for a total of 249 homes with an overall mix of 16 no. 1 bedroom homes, 58 no. 2 bedroom homes and 75 no. 3 bedroom homes

Significant landscaping is proposed throughout the site which is publicly accessible and would also contain areas for play. The landscaped areas have also been designed to form a part of the surface water strategy given that the site is in a flood risk area.

The proposal would be "car free" with the exception of blue badge parking which is sufficient for both the existing flats within Wem Tower and the proposed flats. Cycle parking has been proposed to meet London Plan standards. The highway works in Point Place will result in the provision of servicing and disabled parking provision together with the re-provision of the contra-flow cycle lane as far as Tokyngton Avenue, whilst a new cycle lane is proposed along the southern site boundary.

### **Amendments since submission**

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

A financial viability assessment in support of the revised affordable housing offer as detailed within this report

Landscaping;

- Full revision of landscape: areas of soft and hard landscaping, materials, planting, tree strategy, UGF and topographical levels. All masterplan and landscape drawings updated.

#### Building A;

- Re-arrangement of ground floor to suit new landscape design and improve activation. Mezzanine floors amended and split cycle store. Introduction of second stair to serve mezzanine floor ancillary accommodation. Building A ground floor and mezzanine drawings and elevations updated.
- Re-design of typical floor to centre balcony in façade. Building A plans (level 1 to roof) and elevations updated.
- Re-design of façade articulation including: centred balcony to achieve symmetry, split frame to improve façade articulation and verticality, change of metal bronze colours and terracotta green colour. Building A elevations updated to reflect changes.

#### Building B;

- Introduction of signage, all elevations updated as a result
- Introduction of undercroft

#### Building C;

- Re-arrangement of ground floor to: include a fourth commercial unit on the corner of Harrow Road to improve activations, relocation of the entrance lobby to C1 to improve square activation, marking of residential entrances with chamfers and canopies to improve legibility.
- Re-design of facades to improve building articulation and include tops. Window sizes and positions have not changed.
- Introduction of second stair to serve mezzanine floor ancillary accommodation and basement.
- Introduction of additional stair lift per core to serve basement.

## EXISTING

The site, approximately 0.95 hectares in size, sits at a prominent road junction within the borough with the North Circular Road and its slip road located to the south of the site and Harrow Road (A404) to the north east of the site. To the north of the site is Point Place beyond which are the rear gardens of the two storey dwellings on Derek Avenue. To the immediate east is the Argenta House site which fronts Argenta Way, beyond which is Stonebridge Park Station and the associated railway. Consent has been given on the Argenta House site for redevelopment to establish a 24 storey residential building (ref: 18/4847) across from the station which is under construction. A later variation application (ref: 21/4642) approved two additional storeys to the previous consent at Argenta House.

An existing 21 storey building known as 'Wem Tower' sits in a central exclave (excluded from the application site's red line boundary). 'Wem Tower' has been converted into 439 studio flats through permitted development rights. The site also includes a car park with trees lining parts of the car parking areas, including a group with a TPO (Tree Preservation Order). The River Brent is located on site in culvert across the site, yet it is an open channel for part of the site to the south and south east of the Wem Tower building.

The site forms part of the Local Plan Site Allocation BSSA6 (Argenta House & Wembley Point). The site allocation primarily promotes residential uses on site, but also encourages employment floorspace as well as noting that the site can potentially accommodate small scale retail, community and cultural uses and affordable workspace (to complement to the current retail/cultural offer at the Monks Park retail parade). The Site Allocation prescribes an indicative capacity for 569 additional homes.

The site allocation seeks to establish better connections to Stonebridge Park Station at the western edge of the allocation and highlights the poor quality of the public realm around the site, setting out a need for redevelopment to improve this. The site allocation is shared with the smaller Argenta House site, which separates Wembley Point and its car park from Stonebridge Park

Station.

The site is located in close proximity of the river Brent (to which a development buffer must be maintained), the site is affected by Flood Zone 3 (High Risk) of fluvial flooding and to the North Circular Road, where noise and air quality constraints will need to be carefully accounted for.

The site is within a tall buildings zone (where buildings taller than 10 storeys / 30 metres are considered to be suitable) within the Local Plan and the allocation sets out a requirement for the proposal's height and massing to appropriately step down to the low rise residential districts across from the site allocation to the north.

The hydrological modelling has identified that none of the site sits within 'functional flood plain' (flood zone 3b), much of the site sits within a non-functional high flood risk zone (flood zone 3a). Raised floor levels and non-sensitive uses will need to be utilised at ground floor, with these and other flood prevention measures to be agreed through close working with the Environment Agency.

The presence of the River Brent, Wembley Brook and the railway line to the west also results in wildlife corridor and nature conservation (SINC) policy designations at and adjacent to the site. The site allocation set out that there are opportunities to help reinforce wildlife and biodiversity through soft landscaping and urban greening.

## SUMMARY OF KEY ISSUES

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

**Representations received:** 733 properties were consulted on this proposal in the most recent round of consultation. Prior to this there had been two earlier rounds of consultation. In response, objections have been received from 35 individual addresses (some submitting multiple objections during the course of the application), raising a wide range of issues / grounds of objection. These are summarised in detail below in the 'Consultation' section. One support comment was also received. A number of consultees (internal and external) have provided comments, as set out within the 'Consultation' section also.

**Principle of mixed-use redevelopment of the site:** Proposed uses are supported in principle and considered to be in accordance with key strategic and local policies (including policy BSSA6) relating to housing, retail and community use provision. The principle of tall buildings is supported in this location as it is identified as a Tall Building Zone.

**Affordable Housing and housing mix:** The scheme would provide a total of 116 affordable units (22.5% by units and 24.8% by habitable room) on a 70:30 split of London Affordable Rent to London Shared Ownership. It has been demonstrated through the submission of a financial viability appraisal that the proposal will deliver the maximum amount of affordable housing that can viably be provided on site, and the proposal therefore is policy compliant. The proposal includes 15.3% three bedroom homes, which is acknowledged to be below the BH6 policy target of 1 in 4 homes. On balance, and noting the negative impacts there would be on scheme viability with an increased provision of family homes, the impacts associated with the lower (15.3%) provision of family homes are considered to be outweighed by the benefits associated with the delivery of affordable housing in excess of the maximum viable amount, as well as the proportion of family accommodation being proposed in excess of BH6 requirements within the affordable tenure.

**Design, layout and height:** The range of building heights proposed, with a maximum of 32 storeys, is considered to be appropriate for the site context within the Tall Building Zone (TBZ),

which displays a number of tall buildings including the existing WEM Tower and the emerging Argenta House development. The heights and scale proposed would not appear out of context with the location despite being sited closer to existing suburban low rise housing, where further tall buildings are expected to come forward within the wider tall building zone. The heights proposed do not impinge unacceptably on the protected views of the stadium arch, the impacts on the views of the Stadium Arch are less when compared to other recently consented development. Whilst there is less than substantial harm to a number of designated and non-designated heritage assets, the substantial benefits of the proposal significantly outweigh any harm. Each of the buildings are considered to be of good design quality, relate well to their context and would enhance the character and appearance of the surrounding area. Ground floor uses and public realm enhancements will help to further activate and enhance the public realm.

**Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light and the blocks within the site achieved good levels of separation distances between them. The amount of external private/communal space does not fully meet Brent's requirements as set out within policy BH13 (20sqm per home), as set in more detail below, however, the provision of amenity on site has been reasonably maximised for a location such as this and is of sufficient quality and provides a variety of external communal spaces (including new publicly accessible open space) and on-site play, for future occupiers. In addition, an off-site contribution is being sought towards enhancements to existing open spaces within the vicinity of the site.

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

**Highways and transportation:** The proposal would be "car free" with the exception of blue badge parking which is sufficient for both the existing flats within Wem Tower and the proposed flats. There currently is no CPZ in the nearby streets (aside from the Event Day Parking Zone). However, contributions have already been secured through the Wem Towers prior approval and the Argenta House consent which are sufficient for the implementation of a CPZ. Cycle parking has been proposed to meet London Plan standards. The highway works in Point Place will result in the provision of servicing and disabled parking provision together with the re-provision of the contra-flow cycle lane as far as Tokyngton Avenue, whilst a new cycle lane is proposed along the southern site boundary. Servicing provision within Point Place is considered to be sufficient to meet projected demand, whilst the initial construction management plan and construction logistics plans are considered to be acceptable in principle. Contributions are also sought by TfL towards station improvements, cycle routes and bus services. The proposal is considered to be acceptable in relation to the potential transportation impacts subject to the conditions and obligations set out within the recommendation section of this report.

**Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, further clarification of some matters is sought by the GLA ahead of a Stage 2 referral. Subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to existing/future residential occupiers.

**Landscape, ecology, biodiversity and flooding/drainage:** The proposal would retain three

existing category B trees within the site. There would be a net increase of 58 trees on site (59 if the tree in G2 has since been removed). The site is not within any designated ecological assets but there are SNIC sites in proximity to the site. It is not likely to form habitat for any protected species, given its extensive hard-surfacing and limited green components. Net gain in biodiversity is to be achieved as a result of development, as well as a significant improvement to the Urban Greening Factor score. Flood risk has been assessed, and no objections are raised by the Environment Agency on these grounds. A range of SuDS measures are proposed to address surface water management, with further details of the drainage strategy to be secured by condition(s).

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

## RELEVANT SITE HISTORY

### Relevant planning history

#### **21/4001 - Approved, 20/01/2022**

Temporary pop-up café application.

#### **21/3737 – Approved, 17/12/2021**

Ground floor infill extensions and alterations to existing plant enclosure and refuse storage.

#### **21/3402 - Approved 05/10/2021**

Non-material amendment (layout of disabled car parking) of Prior Approval - Office to Residential reference 18/3125 dated December 2018, for Prior approval for change of use from office (Class B1) to residential (Class C3) to create 439 residential units, along with 46 car parking spaces and secure cycle storage.

#### **21/3003 – Approved, 01/09/2021**

Non-material amendment:

- " Re-alignment of the walls separating unit 01.11 and units 01.10 and 01.12 to increase the size of unit 01.11 and reduce the size of units 01.10 and 01.12.
- " Replacement of residential storage area in the building's core with an admin office.

of Full Planning Permission reference 19/4224 dated 24 January, 2020, for Installation of new modernised facade to three elevations of the building with associated external alterations, new roof top plant and the addition of new infill floor space for flexible residential (Use Class C3) and office (Use Class B1) use.

#### **21/3010 – Approved, 29/09/2021**

Variation of Condition 2 (development carried out in accordance with approved drawings) to allow

- " reduction in height of parapet wall
- " installation of horizontal panel above final habitable floor
- " reinstatement of double height volume perception and street level
- " update panel specifications to match lower floor levels

of Full Planning Permission reference 19/4224 dated 24 January, 2020.

#### **21/2828 –Approved, 19/07/2021**

Installation of new lift overrun at roof level.

**21/1126 – Approved, 28/05/2021**

Non-material amendment (first floor internal layout) of Prior Approval - Office to Residential reference 18/3125 dated 19 December, 2018.

**19/4224 – Approved, 24/01/2020**

Installation of new modernised façade to three elevations of the building with associated external alterations, new roof top plant and the addition of new infill floor space for flexible residential (Use Class C3) and office (Use Class B1) use.

**19/0480- Granted, 07/03/2019**

Non-material amendment (internal floor layouts) of Prior Approval - Office to Residential reference 18/3125 dated 19 December, 2018.

**18/3838 – Approved, 30/11/2018**

Erection of a cycle storage structure.

**18/3125 - Prior Approval Required and Approved, 19/12/2018**

Change of use of the building from office (Class B1) to residential (Class C3) to create 439 residential units, along with 46 car parking spaces and secure cycle storage.

Tree Preservation Order

**TPO/07/00030** - Trees in the carpark and grounds of Wembley Point, Harrow Road

**CONSULTATIONS****Public consultation**

715 nearby properties were notified of this proposal by letter on 23rd March 2022. A further consultation letter was sent 715 properties on 14th October 2022. A final round of consultation was carried out on 4th August 2023 to a total of 733 properties and individuals who previously commented on the application. The final consultation highlighted that consultation had been carried out due to revised plans and supporting documents have been uploaded to the public access website. The Affordable Housing provision has also been amended and Financial Viability Documents have been submitted.

In addition, the application was advertised in the form of site notices on site and within the local press. The latest site notice was displayed on 3rd August 2023 and the latest date that the application was advertised in the local press was on 10th October 2023.

In response to the above consultation, comments have been received from 36 residents (35 of which are objecting and 1 is supporting the proposal).

A summary of the objection comments are set out below:

| <b>Nature of objection</b>   | <b>Officer response</b>   |
|--|---|
| <b>Neighbouring amenity and other considerations in relation to existing residential occupants</b> |   |
| Impact on the health and well being of residents within WEM tower                                  | See paragraphs 116 to 176 for impact on surrounding properties            |
| Disruption to local residents including those within WEM tower during construction works           | Please see paragraphs 181 to 183  |
| Lack of engagement with local community in relation to the planning                                | Please see consultation section. Consultation has been undertaken in line |

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| application   | with statutory requirements.  |
| Construction works could impact on tenancy agreements with residents within WEM tower   | See paragraphs 181 to 183   |
| Loss of view from existing flats in WEM Tower   | Private views are not protected by planning policy or guidance, but outlook is considered. Please see paragraphs 172-176.   |
| Tenancy agreements do not allow for breakage, and residents could therefore not terminate their contracts when construction works take place  | This cannot be considered by the Council when evaluating this planning application.   |
| Residents misguided by management company as they were told that there would be improvements to outdoor space but no information provided that this would involve significant development | The Local Planning Authority can't consider what the owner informed the tenants of the flats in Wembley Point, but it should be noted that this site is designated for development and within a tall building zone, and therefore development is anticipated within this site.  |
| Loss of privacy to neighbouring gardens   | See paragraphs 172-175  |
| Loss of daylight and sunlight to neighbouring properties  | See paragraphs 116-170  |
| Tall buildings could impact on nearby properties satellite dishes   | See paragraphs 325-330  |
| Impact on the ability of neighbouring properties to install solar panels on their properties in the future  | The site is within a designated tall building zone, and the redevelopment of this site may affect the amount of sunlight and daylight received by the roofs of properties in the local area. This potential impact is acknowledged. However, the need to provide homes will result in the construction of tall buildings near to smaller buildings in some areas (such as this) and the strategic benefit of providing new homes to meet identified needs is considered to outweigh the harm associated with this potential impact. |
| Windows be in kept open for ventilation purposes any noise from construction works would be audible   | It is acknowledged that noise from construction can result in some unavoidable noise impact. The hours of construction are controlled through Environmental Health legislation to mitigate the impact as far as possible.   |
| Existing residents of WEM tower promised car parking and outdoor space  | The proposal will result in significantly more usable outdoor space that will be accessible for existing and new residents together with the public. Blue badge parking will be provided in line with policy, but standard parking spaces will not.   |

### **Flood Risk**

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| The local area is prone to flooding                                       | See paragraphs 190 - 221  |
| Construction works have blocked the brook resulting in flooding to nearby | This was a significant but isolated incident and the construction of this |

|   |   |
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| properties  | development (if approved) is not expected to result in flooding during construction.  |
| <b>Infrastructure considerations</b>  |   |
| Existing drainage and sewerage infrastructure is not suitable to accommodate the proposed development | Thames water have reviewed the proposal and consider it to be acceptable subject to conditions.   |
| Lack of capacity on existing trains and buses to accommodate additional homes                         | Transport for London have reviewed this proposal and consider it to be acceptable subject to contributions towards bus capacity and station improvements. |
| <b>Highway considerations</b>   |   |
| Additional traffic on North Circular Road   | See paragraphs 244 to 296   |
| Lack of parking   | See paragraphs 244 to 296   |
| <b>Other considerations</b>   |   |
| Monks Park would not be able to accommodate additional people   | The proposal would help to meet an identified need for homes in the borough and is situated within a site allocated for development.                      |
| Impact on wildlife and environmental balance of the River Brent                                       | See paragraphs 222 to 233   |
| Site notice removed   | Site notices were erected for periods beyond statutory requirements   |
| Proposal could impact on structural ability of the existing building                                  | Structural issues are dealt with through different regimes, including the building regulations and party wall act.  |
| Proposal of 32 storeys too tall for the local context   | See paragraphs 35-43  |
| Increase in carbon emissions and air pollutants   | See paragraphs 297-305 and 177-180  |
| Blocks of flats promote isolation and do not provide a feeling of community                           | The scheme has been designed to include landscaping and spaces that are open to the surrounding community, and a community gym.                           |
| Brent Council fails to maintain the local area  | The Council can only consider the proposal within the application, and cannot consider views of other parts of the surrounding area.                      |

A summary of the support comments are set out below:

| <b>Nature of support comment</b>  | <b>Officer response</b> |
|---|-------------------------|
| Opportunity to develop on disused car park  | Comments acknowledged.  |
| Agree that the development should be car free   | Comments acknowledged.  |
| Positive impact on local area as the scheme would create jobs within the construction and hospitality sectors, the improvements to the Rover Brent and landscaped areas surrounding WEM towers would be able to be used by existing residents within WEM towers too | Comments acknowledged.  |

### **Statutory / External Consultees**

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

The GLA/TfL have commented on a number of strategic issues raised by the scheme within their initial (Stage 1) response, dated 13 June 2022, which are summarised as follows:

*Land use principles:* The residential-led redevelopment of this brownfield site which forms part of a site allocation in the local plan is strongly supported in line with London Plan Policy H1 and Good Growth Objective GG2.

*Affordable Housing:* 35% affordable housing with a tenure mix of 70% social rent and 30% London shared ownership would qualify for the Fast Track Route, subject to the Council's acceptance of the tenure mix and the applicant demonstrating engagement with a registered provider and consideration of grant funding. An early stage review must be secured.

(it should be noted that the level of affordable housing within the development was revised after the Stage 1 Report was published to below 35%. This has been supported by a financial viability assessment and reviewed by the Local Planning Authority, through an independent consultant, and by the GLA viability team). Further discussion on affordable housing provision is discussed within the remarks section below).

*Urban design:* The site is within an area identified for tall buildings in the local plan, though visual and environmental impacts should be addressed; less than substantial harm would be caused to the Grade II Brent Viaduct but this could be outweighed by the public benefits; and compliance with London Plan Policy D9 will be determined once the outstanding matters relating to impacts have been satisfactorily addressed.

*Sustainable development and Environmental issues:* Post-construction monitoring/assessment and carbon off-set contribution are to be appropriately secured.

*Transport:* Contributions toward bus capacity enhancements, Stonebridge Park station feasibility and infrastructure, and consultation and implementation of a CPZ are sought. Appropriate legal agreements comprising a permit-free agreement, Section 278 agreement, Parking Design Management Plan, cycle parking, EVCPs, Travel Plan, DSP and CLP should be secured.

## Health and Safety Executive (Gateway 1 – Fire Safety)

In response to the most recent consultation following the submission of revised plans incorporating a second means of escape staircase to Buildings A and C, the HSE responded in March 2023. In this most recent response it has been confirmed that they are content with the scheme's fire safety design, to the extent that it affects land use planning.

## Thames Water

A piling method statement condition should be secured from the developer by condition, prior to the undertaking of piling operations. A condition is also recommended in relation to foul water network infrastructure capacity.

## Environment Agency

No objections raised following submission of updated information, although a number of conditions and informatives is recommended.

## Internal consultation

## Environmental Health

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

#### Local Lead Flood Authority - Brent

No objection in relation to the flood risk assessment (including the evacuation plan) and drainage strategy.

#### Ecology

Advised that the Preliminary Ecological Appraisal and the associated reports appear to cover the significant aspects. Biodiversity Net Gain estimations appear reasonable. However, note that the landscaped site will receive considerable use and that the biodiversity and the net gain will need maintaining into the future. The recommendations on arboriculture and the need for a 30 year plus management plan should be implemented.

#### **Statement of Community Involvement**

The application has been accompanied by a Statement of Community Involvement (SCI). It highlights that virtual consultation events were held in the format of an interactive webinar via MS Teams.

Session One was held for local stakeholders and political representatives and Session Two was held for local residents and members of the public. The two sessions took place in the afternoon and evening of Thursday 20th January 2022.

The local stakeholder session invited 16 councillors (including those from the Tokyngton and Stonebridge wards), of which two attended the session.

The public consultation for the general public took place in the evening between 18:00 and 19:00. The event was publicised by means of a newspaper article in addition to an invitation letter posted via a leaflet drop service on 13th September 2022. The catchment area comprised a radius of 500m of the proposed development Site. In total, c.1,500 letters to neighbours, resident and businesses were sent out. There was a total of 16 consultees registered for the public consultation event, along with several questions received in advance of the meeting.

Some of the points that were raised within the consultation events are summarised below:

##### *Session one - stakeholders*

- how was the councillor selection proposed
- query on the heights of the existing building on site
- how much community space and public realm is proposed and whether this would comply with policy
- who will the community facilities be use by and do they cater for disabled users
- Why the site would be attractive for people to use
- what the transport strategy is along Point Place
- How would the public spaces be managed especially on Wembley Stadium event days
- Impact of development upon overshadowing the site and surrounding area
- Does Stonebridge Park Station has capacity to deal with increased demand
- What the car parking provision would be
- Are any heat pumps proposed
- timescales for the works

##### *Session two - public consultation*

- Impact of the development upon public transport
- Fire safety measures
- Whether the businesses within the commercial units would be open to the public
- Impacts on TVB/Radio signals
- What the commercial uses will be used for
- Parking queries
- Is there any link between this development and Unisys Building
- impact of the development upon wind conditions
- impact on sunlight/daylight to existing properties
- Will the proposal result in gentrification and what is being done for local people

Following the consultation events, members of the public were sent details of how they could provide further feedback via an online feedback form. In total, only one resident completed the form, which objected to the proposal.

## **POLICY CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of:

London Plan (2021)

Local Plan (2019 – 2041)

Key policies include:

### London Plan 2021

D3: Optimising site capacity through the design-led approach

D4: Delivering good design

D5: Inclusive design

D6: Housing quality and standards

D7: Accessible housing

D8: Public realm

D9: Tall buildings

D12: Fire safety

D14: Noise

H1: Increasing housing supply

H4: Delivering affordable housing

H5: Threshold approach to applications

H6: Affordable housing tenure

H7: Monitoring of affordable housing

S4: Play and informal recreation

HC1: Heritage, conservation and growth

G5: Urban greening

G6: Biodiversity and access to nature

G7: Trees and woodlands

SI1: Improving air quality

SI2: Minimising greenhouse gas emissions

SI4: Managing heat risk

SI5: Water infrastructure

SI6: Digital connectivity infrastructure

SI7: Reducing waste and supporting the circular economy

SI12: Flood risk management  
SI13: Sustainable drainage  
T2: Healthy streets  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T6: Car parking  
T6.1: Residential parking  
T6.3: Retail parking  
T7: Deliveries, servicing and construction  
T9: Funding transport infrastructure through planning

### Local Plan

DMP1: Development management general policy  
BP5: South  
BSSA6: Argenta House & Wembley Point  
BD1: Leading the way in good urban design  
BD2: Tall buildings in Brent  
BD3: Basement Development  
BH1: Increasing housing supply in Brent  
BH2: Priority Areas for Additional Housing Provision within Brent  
BH5: Affordable housing  
BH6: Housing size mix  
BH13: Residential amenity space  
BSI1: Social Infrastructure & Community Facilities  
BE1: Economic growth and employment opportunities for all  
BHC1: Brent's heritage assets  
BHC2: National Stadium Wembley  
BG11: Green and blue infrastructure in Brent  
BG12: Trees and woodlands  
BSUI1: Creating a resilient and efficient Brent  
BSUI2: Air quality  
BSUI3: Managing flood risk  
BSUI4: On-site water management and surface water attenuation  
BT1: Sustainable travel choice  
BT2: Parking and car free development  
BT3: Freight and servicing  
BT4: Forming an access on to a road

The following are also relevant material considerations:

The National Planning Policy Framework 2021  
Planning Practice Guidance

Mayor of London's Affordable Housing and Viability SPG 2017  
Mayor of London's Character and Context SPG 2014  
Mayor of London's Housing SPG 2016  
Mayor of London's Play and Informal Recreation SPG 2012  
Mayor of London's Sustainable Design and Construction SPG 2014  
Mayor of London's draft Fire Safety LPG  
Mayor of London's draft Housing Design Standards LPG  
Mayor of London's Circular Economy Statement LPG  
Mayor of London's Whole Life-Cycle Carbon Assessments LPG  
Mayor of London's 'Be Seen' Energy Monitoring Guidance LPG  
Mayor of London's Urban Greening Factor draft LPG  
Mayor of London's Sustainable Transport, Walking and Cycling draft LPG  
Mayor of London's Control of dust and emissions during construction and demolition SPG

Mayor of London's Air Quality Neutral draft LPG  
Mayor of London's Air Quality Positive draft LPG;

SPD1 Brent Design Guide 2018  
Brent's External Amenity Space SPD 2023  
Brent's Environment and Sustainability SPD 2023  
Brent's Planning Obligations SPD (2022)

## **DETAILED CONSIDERATIONS**

### **Principle of use and development**

#### Non-residential uses

1. The site is not within a town centre or neighbourhood parade, but is situated opposite the Monks Park Parade. The site allocation (policy BSSA6) sets out that "small scale retail uses may be appropriate providing they support the vitality and viability of the existing nearby parade at Harrow Road. Given the scale of development community and cultural uses will be needed to serve the new community and promote social interaction".
2. The proposal includes approximately 1,505 sqm of non-residential space which is proposed to fall within Use Class E. The non-residential floorspace is distributed through a number of small units with the exception of building B. The units in buildings A and C range in size from 77 sqm through to 137 sqm, but are double height spaces which could facilitate the insertion of a mezzanine floor in the future. Given the size of these spaces, they are likely to serve a local need and are considered to accord with the site allocation.
3. Building C is entirely non-residential (with the exception of cycle parking) and is proposed to contain approximately 878 sqm over three floors. The submission sets out that this is intended to be a community gym, and it is understood that Stonebridge Boxing Club are currently intended to occupy the space. The provision of a gym of this size is considered to be acceptable as it is not likely to detract from the vitality or viability of nearby town centres. Furthermore, the provision of this gym as a "community gym" is considered to be an appropriate response to the requirement within the allocation to provide community facilities. However, gyms fall within Use Class E and it is considered necessary to attach a condition to limit the use of this unit to "indoor sports, recreation and fitness" to ensure that the use remains appropriate for this location. Furthermore, further details of how the unit will be provided as a community facility are also recommended to be secured through condition.
4. It is also specified within the Site Allocation that "the site until recently was predominantly in employment use, and the provision of employment floorspace including affordable workspace will be encouraged on site. The small commercial units are proposed to be within Use Class E which includes light industrial, research and development and office uses alongside other town centre uses such as retail. However, an open Use Class E use is sought for these rather than a use within a specific part of the Use Class. It is noted that the proposal will not result in the loss of any employment uses, and that the policy "encourages" but does not require the provision of employment uses. The proposed approach which enables but does not guarantee the provision of workspace is considered to be appropriate and acceptable.
5. In summary, the proposed non-residential uses within the site are considered to be appropriate and acceptable subject to conditions restricting the use of the unit within building B and a condition requiring details of how this unit will be provided as a community facility.

#### Housing Mix and Affordable Housing

6. 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. Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations.
  7. The site forms part of the BSSA6 site allocation within the Brent Local Plan (2019-2041). The site allocation promotes residential uses on site, with potential for affordable workspace, supporting community and cultural uses and small scale retail. The Site Allocation prescribes an indicative capacity for 569 additional homes. The proposal is located within the South Area and Policy BP5. Amongst other things states that proposals within this area should plan positively to deliver the place vision by contributing and where appropriate delivering a number of outcomes. It states that a minimum of 4900 additional homes in should be delivered in the period to 2041.
  8. The site allocation seeks to establish better connections to Stonebridge Park Station at the western edge of the allocation and highlights the poor quality of the public realm around the site, setting out a need for redevelopment to improve this. The site allocation is shared with the smaller Argenta House site, which separates Wembley Point and its car park from Stonebridge Park Station.
  9. The site allocation includes Argenta House, located adjacent to the south east, which is not included within this planning application. Argenta House has an approval (reference: 18/4847) for the 'demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building containing residential dwellings with associated car and cycle parking, provision for bin stores, landscaping, and ancillary works'. This was later varied by planning reference 21/4642 which approved 11 additional homes through the provision of two additional storeys and other internal and external amendments. Wembley Point, also more recently referred to as 'WEM Tower' is a 21 storey building that has been converted into 439 studio flats through permitted development rights.
  10. The London Plan policies H4, H5 and H6 establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:
    - 35 % Affordable Housing; or
    - 50 % Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.
- \* other criteria are also applicable.
- \*\* industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.
11. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:
    - A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
    - A minimum of 30% intermediate homes;
    - 40% to be determined by the borough based on identified need.
  12. Policy BH5 of the Brent Local Plan relates to affordable housing, it assets that in Brent the strategic affordable housing target that will apply is 50% of new homes. It further states that the London Plan Policy H5 Threshold Approach to applications will be applied. It states that the affordable housing tenure split required to comply with London Plan Policy H5 for major developments is:
    - 70% Social Rent/ London Affordable Rent and;
    - 30% intermediate products which meet the definition of the genuinely affordable housing including London Living Rent, affordable rent within Local Housing Allowance limits and London Shared ownership. These must be for households within the most up to date income caps identified in the London Housing Strategy or London Plan Annual Monitoring Report

13. Brent Local Plan Policy BH5 relates to housing mix, it states that the schemes should normally deliver 1 in 4 new homes as family sized homes (3 bedrooms of more).

14. The application as initially submitted included 35 % Affordable Housing (when measured by habitable room) and initially complied with the threshold approach whereby the application was not required to be supported by a financial viability to demonstrate that the mix of Affordable Housing would represent the maximum reasonable amount. However, following the submission of the application, a number of factors changed which affected development viability, including changes to the construction costs and finance rates together with the need to incorporate second staircores for buildings with floors 18 m in height (or greater). As such, the applicant re-examined the housing layout and mix within the scheme to ensure that it would meet new fire safety guidelines and to ensure that the scheme would remain viable (and therefore be deliverable).

15. The mix as initially proposed was as follows:

| Homes            | 1 bed       | 2 bed       | 3 bed      | Total       |
|------------------|-------------|-------------|------------|-------------|
| Private          | 119         | 195         | 25         | 339 (65.8%) |
| Shared Ownership | 32          | 13          | 12         | 57 (11.1%)  |
| Affordable Rent  | 49          | 28          | 42         | 119 (23.1%) |
| Total            | 200 (38.8%) | 236 (45.8%) | 79 (15.4%) | 515         |

| Habitable Rooms  | 1 bed       | 2 bed       | 3 bed       | Total       |
|------------------|-------------|-------------|-------------|-------------|
| Private          | 238         | 585         | 100         | 923 (64.8%) |
| Shared Ownership | 64          | 39          | 48          | 151 (10.6%) |
| Affordable Rent  | 98          | 84          | 168         | 350 (24.6%) |
| Total            | 400 (28.1%) | 708 (49.7%) | 316 (22.2%) | 1,424       |

16. The housing mix as revised

| Homes                  | 1 person    | 1 bedroom    | 2 bedroom    | 3 bedroom   | Total       |
|------------------------|-------------|--------------|--------------|-------------|-------------|
| Private                | 59          | 93           | 207          | 40          | 399 (77.5%) |
| Shared Ownership       |             | 28           | 15           | 0           | 43 (8.3 %)  |
| London Affordable Rent | 0           | 21           | 13           | 39          | 73 (14.2 %) |
| Total                  | 59 (11.5 %) | 142 (27.6 %) | 235 (45.6 %) | 79 (15.3 %) | 515         |

| Habitable Rooms        | 1 person | 1 bedroom | 2 bedroom | 3 bedroom | Total         |
|------------------------|----------|-----------|-----------|-----------|---------------|
| Private                | 59       | 186       | 621       | 160       | 1026 (75.2 %) |
| Shared Ownership       |          | 56        | 45        | 0         | 101 (7.4 %)   |
| London Affordable Rent | 0        | 42        | 39        | 156       | 237 (17.4 %)  |

|       |            |              |              |              |      |
|-------|------------|--------------|--------------|--------------|------|
| Total | 59 (4.3 %) | 284 (20.8 %) | 705 (51.7 %) | 316 (23.2 %) | 1364 |
|-------|------------|--------------|--------------|--------------|------|

17. The proposal would now deliver 24.8 % Affordable Housing by Habitable Room (22.5 % by unit) with 15.3 % of the homes with 3-bedrooms. The number of 3-bedroom homes that would be required to meet the policy target is 128 whereas the scheme would deliver 79. However, 39 of the London Affordable Rented homes (49.3 %) would have three bedrooms. The applicant advises that the provision of further family sized homes would affect scheme viability and result in a lower proportion of Affordable Housing being viable on the site.
18. Following the change to the scheme, the applicant submitted a Financial Viability Appraisal to demonstrate that the proposal would deliver the maximum viable amount of Affordable Housing in line with policy. This was evaluated by industry expert consultants acting on behalf of the Council. The applicant considered that the scheme would result in a deficit of £6.47 million. The Council's consultants did not agree with a number of the parameters, but found that the scheme would be in deficit, albeit by a smaller amount.
19. To evaluate the current value of the site, the applicant examined an "existing use value" of the site as a car park, and attributed a Benchmark Site Value of £3.81 million. This approach to evaluating land value is commonly supported through the planning process. However, the Council did not agree with some of the assumptions and following further analysis, is of the view that the Benchmark Site Value is £1.587 million. The Council's consultants queried a number of other matters including the Affordable housing revenue, finance rates and commercial yields. The applicant's appraisal showed the scheme to result in a deficit of £6.47 million. However, following the appraisal by the Council's consultants, officers consider the deficit to be approximately £1.17 million. While the deficit is smaller, it is a deficit nonetheless and the Affordable Housing that is proposed is considered to represent the maximum reasonable amount and in line with policy.
20. Officers agree that the level of Affordable Housing that is viable is likely to be lower if the number of family sized private homes increases (noting that the proportion of family sized Affordable homes exceeds the target) and when balancing the benefit of providing additional affordable homes with the harm associated with the under provision of total family sized homes, officers consider that the proposed housing mix is acceptable on balance.

## **Design**

### Policy background

21. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use, while Policy D5 seeks inclusive design without disabling barriers. 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.
22. 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.

### Layout

23. The site is broadly rectangular with the existing 21 storey Wembley Point Tower centrally located to the south of the site (noting the building is excluded from the site location plan red line). The site also includes a car park with trees lining parts of the car parking areas. The

River Brent is located on site in culvert across the site, yet it is an open channel for part of the site to the south and south east of the Wembley Point Tower building.

24. The proposal is for 3 new buildings varying in height and mass set within a significant amount of new public realm comprising hard and soft landscaping, play equipment and new walking routes. The buildings vary significantly in height.
25. Building A: A 32 storey primarily residential building situated between the 21 storey Wembley Point building and the consented 26 storey tall Argenta House development on the adjoining site. A small commercial unit would be situated on the ground floor.
26. Building B B: A low-rise 3-storey block fronting Point Place at the end of Tokyngton Avenue. It is proposed to contain a gym, which the applicant advises is currently intended for use by Stonebridge Boxing Club.
27. Building C: a part 16, part 20- storey building (with lower shoulder and podium) situated between the Wembley Point tower and Harrow Road. It is a "C" shaped building with a podium garden situated towards its northern side. Commercial units would be situated on the ground floor to reinforce and provide activity on each corner. Residential entrances would face Harrow Road and the new square, whilst blue badge car parking would be situated within the basement of this building, accessed from Point Place.
28. Significant landscaping is proposed throughout the site which is publicly accessible and would also contain areas for play. The landscaped areas have also been designed to form a part of the surface water strategy given that the site is in a flood risk area.
29. At present the site many parts of the site and the surrounding footpaths are poorly overlooked, with the existing block situated centrally within the site. The proposal has been designed to significantly improve natural surveillance of the public spaces both within and outside of the site. The proposal includes some undercroft areas which aside from providing design features, are required in order to ensure that building footprints are sized to mitigate potential flooding impacts. However, these typically have significant clearance allowing natural surveillance of the spaces beneath them. The undercroft for Building B has a lower level of clearance, but this area is viewable from a number of points and will still have a reasonable level of natural surveillance. Lighting will be important to ensure that the public areas remain safe and secure, with details of lighting recommended to be secured through condition. CCTV will also help to act as a deterrent, and details of CCTV are also recommended to be secured through condition. Some objectors have questioned how the areas within the site will be managed on Wembley Stadium Event Days. It is not proposed to close off the areas within the site. While there may be additional footfall during stadium events, this is not anticipated to be to the levels that are experienced closer to the stadium and it is not considered necessary to secure additional measures through a planning consent.

### Public Realm

30. At present the site is cut off from the surrounding area, with fences surrounding the site and preventing access and thoroughfare. The proposal looks to open up the site to both the residents of the scheme and members of the public, with all of the areas outside of the buildings proposed to be publicly accessible. A number of desire lines and routes have been identified and are proposed within the scheme.
31. A new public "square" is proposed adjacent to Point Place, and incidental spaces to dwell or play are proposed throughout the site. A comprehensive soft landscaping scheme has been developed for the proposal which will result in significant improvements to the number of trees, amount of soft landscaping, visual interest and ecological value of the site. Undulations in the hard and soft landscaping will help to create interest while providing a degree of separation from the routes through the site, encouraging people to dwell and play.

- 32. Formal and informal play equipment has been incorporated throughout the public realm while ensuring that primary routes (both through the site and to the building entrances) remain legible and pleasant. High quality materials are indicated for the public realm and landscaping, with final details recommended to be secured through condition.
- 33. Given the level of flood risk associated with this site (also discussed in the flooding section of the report), the landscaping (including levels and features) and building footprints has been carefully designed to ensure that surface water is appropriately dealt with.
- 34. The proposed approach to public realm and landscaping is considered to be of very high quality and in addition to provide important access and amenity to future residents and occupiers, will result in significant benefits for the local community.

Height, massing and the approach to tall buildings

- 35. The site sits within a designated tall building zone which includes both this site together with the adjacent Argenta House site and the Bridge Park and Unisys sites, located on the opposite side of the North Circular Road. The local plan policies map gives an indicative height of up to 78 m (above ground level), which is approximately 26-storeys (for typical residential floors).
- 36. The proposal has been accompanied by an assessment of the scheme against the criteria set out within the London Plan Tall Buildings Policy (D9) together with a full Townscape and Visual Impact Assessment (TVIA) and heritage statement.
- 37. The policy D9 assessment looks at the range of criteria that are referred to within this policy, including views from different distances, the spatial hierarchy, architectural quality and the potential for visual impact on heritage assets. Functional and environmental factors are also assessed together with potential cumulative impacts. The potential townscape impacts of the scheme (both positive and negative) from a number of viewpoints are assessed and discussed within the submitted TVIA.
- 38. The submitted documents discuss the composition of the buildings with the existing Wembley Point building and the proposed Argenta House building. The undulating heights of the buildings are noted, with Building A intended to form a natural apex of the group. The assessment sets out that the combination of existing, proposed and approved buildings will form a family of individual buildings within a cluster, with each building articulated through the differences in height and form. Within this submission, they are described as "a family of individuals where the value of the whole is more than the sum of its parts".
- 39. The submission highlights that materials have been chosen according to the position and role of each building, with the landscaping defining character areas between them. The choice of materials and arrangement of those materials is discussed, with the format and colour of panels on Building A (the taller block) chosen to accentuate the slenderness of the building and express its form, whilst the horizontal expression of the lower building (building B) selected to address the domestic scale buildings to the north. The materiality of building C is intended to relate to the Harrow Road and Monks Park, with different shades of brick chosen for these facades.
- 40. Within the TVIA, a total of 17 viewpoints were evaluated from a range of locations surrounding the development, with the assessment making the following findings:

| View | Location                          | Sensitivity | Magnitude | Effect | Nature     |
|------|-----------------------------------|-------------|-----------|--------|------------|
| 1    | Harrow Road by Oakington Manor Dr | low         | low       | minor  | beneficial |
| 2    | Outside 152 Harrow Road           | low         | medium    | minor  | beneficial |

|    |                                   |        |        |          |            |
|----|-----------------------------------|--------|--------|----------|------------|
| 3  | Outside 94 Harrow Road            | low    | high   | moderate | beneficial |
| 4  | Outside 84 Harrow Road            | low    | high   | moderate | beneficial |
| 5  | Outside 46a Harrow Road           | low    | high   | major    | beneficial |
| 6  | Outside 83 Chalfont Avenue        | low    | medium | minor    | beneficial |
| 7  | Monks Park/Vivian Avenue          | low    | medium | minor    | beneficial |
| 8  | Brent River Park / Tokyington Rec | medium | low    | minor    | beneficial |
| 9  | Brent River Park / Tokyington Rec | medium | low    | minor    | beneficial |
| 10 | Brent River Park / Tokyington Rec | medium | medium | moderate | beneficial |
| 11 | Outside 44 North Circular Road    | low    | high   | moderate | beneficial |
| 12 | Outside 21 Albert Terrace         | low    | medium | minor    | beneficial |
| 13 | Wyborne Way                       | medium | medium | moderate | beneficial |
| 14 | Brentfield                        | low    | high   | moderate | beneficial |
| 15 | Abbey Road / A406                 | low    | medium | minor    | beneficial |
| 16 | Heather Park                      | low    | medium | minor    | beneficial |
| 17 | Outside 120 Tokyington Avenue     | medium | high   | major    | beneficial |

41. The level of sensitivity to change varies due to the location of the viewpoint, with views from open spaces and some closer views denoted as having higher levels of sensitivity. All are reported as resulting in beneficial change, with a number of factors highlighted (which again vary between views) including role that the cluster of buildings will have in landmarking and signalling the location of the station, the composition of the buildings (both proposed and cumulative) including the variation in height, the differing materiality, the differing orientation and the resulting textural composition and visual richness, which the assessment also notes will help to ensure that "coalescence" does not occur. The extent of the effect also varies depending on the location of the viewpoint and the degree to which the change will be visible.
42. The range of viewpoints that have been selected are considered to be appropriate, providing a robust analysis of the degree and nature of change and potential impact of the scheme in isolation and cumulatively with consented schemes (Argenta House). While the site is allocated for a significant quantum of development and within a tall building zone, it currently only contains one tall building (Wembley Point) and the magnitude of change is expected to be high from a number of locations as a result of these policy designations. It is noted that the one of the proposed buildings (building A) is considerably taller than the indicative height set out in the tall building zone designation (113 m compared to an indicative height of 76 m within the tall building policy map). However, a high magnitude of change would be expected even if the buildings were within the specified heights and this in itself is not considered to be harmful.
43. The scheme is considered to be well composed, with the approach to the layout, form, height, massing, materiality and architecture successful in its attempt to ensure that the buildings will appear as a cohesive cluster, whilst avoiding the potential for coalescence of built forms. The buildings will appear tall in relation to the nearby suburban buildings to the north-west and north-east, but this is not considered harmful and does help to establish the cumulative cluster of buildings as a marker for the station. As discussed above, the height of building A is considerably greater than that specified in the tall building zone allocation. This does provide variation and contrast to the consented Argenta House scheme (which is approximately 22 m lower), which enhances the richness in the composition of buildings. It is also likely that a lower height would negatively affect scheme viability and may result in a lower proportion of Affordable housing within the scheme.

#### Architecture and materiality

44. A range of different materials and architectural approaches have been applied for the different buildings in the site to ensure that they read as distinct buildings and do not result in the coalescence of built forms. A strong approach to materiality has been set out in the Design and Access Statement, with a language of glazed terracotta tiles carried through all buildings. Whilst Buildings A and B combine this language with elements of metal cladding and detailing, Building C uses this language as an accent alongside a palette of brickwork in varying tones to relate more closely to the prevailing character of the surrounding context.
45. Partially recessed balconies are used both centrally within each façade of building A and also on the corners in order to establish and reinforce a strong verticality within the facades of this building. Profiled terracotta tiles are proposed to create depth and visual within the façade, with metal cladding used to create horizontal bands every other floor to further break up the visual mass of the building. The lower floors are recessed to create a strong base to the building whilst the set-in at the upper floors help to define the top of the building whilst giving the skyline a more sculptural form.
46. Building B has a different scale and character to respond to the height and setting of the nearby suburban properties while the use of terrace glazed panels ensure that the building also responds to building A. Glazing helps to break up the facades together with the use of metal brise soleil which also helps to mitigate potential overheating.
47. Three different primary bricks are proposed to be used for building C, articulating the building into three distinct connected blocks. The approach looks to respond to the buildings of Monks Park and Tokyngton in selecting bricks as the primary material. The base of the building is expressed through the use of the same architectural language for all three "blocks". The facades are broken up with a structured grid of brickwork, with windows and projecting balconies used to establish verticality and rhythm in the facades. Windows are grouped vertically to provide further articulation and visual interest in the facades.
48. Detailed bay studies are included within the application drawings, and indicative technical sections are provided illustrating how specific elements of the façade may be constructed, including typical windows, parapets, balconies and soffits; this gives confidence the scheme will deliver high quality and robust buildings.
49. Overall, the proposal is considered to exhibit a high level of architectural quality supported a well chosen palette of materials and an appropriate level of architectural detailing. To ensure that the quality of the proposal is carried through in the delivery of the scheme, the approval of final materials and key construction details is recommended to be secured through condition.

#### Protected views

50. The proposed development will be near to but not within the viewing cone for the protected view from Abbey Road / Grand Union Canal. The proposal is not considered to result in harm to this protected view to Wembley Stadium. It is likely to appear in the background within the protected view from Barn Hill. However, while it is near to the edge of the arch, it will not conflict with the arch from this view and will not result in harm to this view.

#### Impact to Heritage Assets - Policy Background

51. 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.

52. The first step is for the decision-maker to consider each of the designated heritage assets, which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.
53. The assessment of the nature and extent of harm to a designated heritage asset is a matter for the planning judgement of the decision-maker, looking at the facts of a particular case and taking into account the importance of the asset in question. Proposals that are in themselves minor could conceivably cause substantial harm, depending on the specific context, or when viewed against the cumulative backdrop of earlier changes affecting the asset or its setting. Even minimal harm to the value of a designated heritage asset should be placed within the category of less than substantial harm.
54. The NPPF (paragraph 200) states that any harm to, or loss of, the significance of a designated heritage asset requires "clear and convincing justification". The NPPF expands on this by providing (paragraph 201) that planning permission should be refused where substantial harm or total loss of a designated heritage asset would occur, unless this is necessary to achieve substantial public benefits that outweigh that harm or loss, or unless all the four tests set out in paragraph 201 are satisfied in a case where the nature of the asset prevents all reasonable uses of the site. Where less than substantial harm arises, paragraph 202 of the NPPF directs the decision-maker to weigh this against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
55. In terms of what constitutes a public benefit, this can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system according to the NPPF. The Planning Practice Guidance advises that "public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit". The degree of weight to attach to any particular public benefit is a matter for the decision-maker, having regard to factors such as the nature and extent of the benefit and the likelihood of the benefit being enjoyed. Different benefits may attract different amounts of weight.
56. The decision-maker is directed therefore by the NPPF to balance any harm to the significance of a designated heritage asset against the public benefits that flow from the proposal by considering in the case of less than substantial harm whether this harm is outweighed by the public benefits of the proposal, or in the case of substantial harm whether the tests in paragraph 201 of the NPPF are met. Importantly, these balancing exercises are not simple unweighted exercises in which the decision-maker is free to give the harm whatever degree of weight they wish.
57. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to have "special regard" to the desirability of preserving a listed building or its setting. In Barnwell Manor the Court of Appeal identified that the decision-maker needed to give "considerable importance and weight" to any finding of likely harm to a listed building or its setting in order properly to perform the section 66 duty. In the case of conservation areas, the parallel duty under section 72 of the same Act is to pay "special attention" to the desirability of preserving or enhancing the character or appearance of the conservation area. The courts have held that 'preserving' in this context means 'doing no harm'.
58. The NPPF at paragraph 199 provides that "great weight" should be given to the "conservation" of a designated heritage asset, and that "the more important the asset, the greater the weight should be".
59. The High Court in Field Forge explained that "it does not mean that the weight the authority

should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering". In *Bramshill*, the Court of Appeal (endorsing the Court's earlier decision in *Palmer*) observed that "the imperative of giving "considerable weight" to harm to the setting of a listed building does not mean that the weight to be given to the desirability of preserving it or its setting is "uniform". That would depend on the "extent of the assessed harm and the heritage value of the asset in question". These are questions for the decision-maker, heeding the basic principles in the case law."

60. It is important also to note that as the Court of Appeal stated in *Bramshill* (which concerned a listed building) "one must not forget that the balancing exercise under the policies in [...] the NPPF is not the whole decision-making process on an application for planning permission, only part of it. The whole process must be carried out within the parameters set by the statutory scheme, including those under section 38(6) of the Planning and Compulsory Purchase Act 2004 [...] and section 70(2) of the 1990 Act, as well as the duty under section 66(1) of the Listed Buildings Act. In that broader balancing exercise, every element of harm and benefit must be given due weight by the decision-maker as material considerations, and the decision made in accordance with the development plan unless material considerations indicate otherwise...".
61. Where the significance of more than one designated heritage asset would be harmed by the proposed development, the decision-maker needs to account for the individual harms and to consider the level of harm arising when the assets are considered cumulatively.
62. As regards non-designated heritage assets, these are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. For the most part, non-designated heritage assets will have been included on the Council's Local List, but it is not necessary for an asset to be included on the Local List in order for it to be treated as a non-designated heritage asset.
63. If there is harm to the significance of a non-designated heritage asset, paragraph 203 of the NPPF requires the decision-maker to arrive at a balanced judgement, having regard to the scale of any harm or loss and the significance of the asset.
64. What follows is an officer assessment of the extent of harm which would result from the proposed development to any designated and non-designated heritage assets that have been identified as potentially affected by the proposed development.

#### Impact to Heritage Assets - consideration

65. There are no designated or undesignated heritage assets within the site. However, the Grade II listed Brent Viaduct is situated to the south of the site. The heritage statement elaborates on the formal listing (which in itself is relatively brief) and sets out the following information:

*Robert Stephenson engineered this 1838 structure. It is the original and hardly altered viaduct serving the London and Birmingham Railway (L&BR) and carrying the main line from Euston. L&BR was an early railway company that existed between 1833 to 1846 until it became part of the L&NWR, the London and North-Western Railway. The line was 112 miles long and the first intercity line to be constructed. It is of stock brick and has a large central arch that passes over the*

*North Circular Road; formerly, the viaduct passed over the River Brent. The arch is framed by brick pilasters displaying modillioned capitals; these support a continuous parapet cornice. There are smaller side arches. The viaduct has been widened on the east side, with the east face obscured by the adjoining bridge.*

66. The Heritage Assessment also includes an analysis of other nearby heritage assets including the Grade II listed Stonebridge School and the Grade II listed Stonebridge Park Public House, situated slightly further east of the School along Hillside. It goes on to analyse statutorily listed parks and gardens in the wider area including the Willesden Jewish Cemetery (Grade II), Roundwood Park (Grade II) together with several non-designated heritage assets.
67. In assessing the potential impact to the Brent Viaduct, it is set out in the heritage statement that the urban setting of the viaduct has altered over the course of the last 100 years, and noting the alterations to the urban vista and changing landscape around the bridge over the course of history. It is contended that the contribution of its setting to this heritage asset is that of an urban environment that the railway line serves. It is noted in the heritage assessment that the city scape has evolved as it has done so it has not lessened the importance of the viaduct. It is set out that the only important view is that of the west face, where the arches are visible as one drives towards them (noting that the east face is hidden by other bridges). The assessment notes that the development will be visible in the background when viewing this heritage assets, but also noting that the existing Wembley Point building is also within that view. The heritage assessment sets out that while there would be some visual intrusion into the extended setting of the viaduct, that this is considered to cause a low, minor level of harm which would be "less than substantial" to the setting and significance of this heritage asset.
68. Officers agree that the degree of change and harm would be limited, and consider that this would be "less than substantial". It is considered that this harm is significantly outweighed by the benefits of the scheme which include the provision of homes (including Affordable Homes), new publicly accessible space and routes and significant improvements to the local streetscape and environment. It is also noted the Greater London Authority note within their Stage 1 response that the proposal would cause "less than substantial" harm to this heritage asset, and that this could be outweighed by the benefits of the scheme.
69. The heritage assessment concludes that there would be no harm to any of the other designated heritage assets, which officers concur with. In relation to non-designated heritage assets, the assessment concludes that there would be a negligible/neutral level impact to the Stonebridge Education Centre, less than substantial harm to Canal Cottage and less than substantial harm to the Willesden New Cemetery. Officers the substantial benefits of the proposal significantly outweigh this harm.
70. The site is not within an Archaeological Priority Area of Site of Archaeological Importance, but nevertheless, the application has been supported by an Archaeological Desk Based Assessment. The study concludes that the site is considered to have a low to moderate archaeological potential for the prehistoric periods due to the favourable topographical and geological location but generally a low archaeological potential for other periods. It is noted that past post depositional impacts are considered likely to have been severe as a result of previous and existing development.
71. Officers agree with the findings of the assessment and in line with the recommendations of the survey, have recommended that a condition is attached to the planning consent.

### **Quality of proposed residential accommodation**

72. To improve the quality of new housing, new development must meet with or exceed the minimum internal space standards contained within the London Plan policy D6. It goes onto say that all new homes should be provided with adequate levels of outlook, daylight and natural ventilation, which is supported by Council's Design guide SPD 1 (2018).

## Internal layout

### *Building A*

73. Building A would contain 266 residential homes, all of which would be private. The mix of units comprise 84 no. 1 bedroom homes, 178 no. 2 bedroom homes and 4 no. 3 bedroom homes. The dwellings are arranged around a central access and service core. There would be nine homes per floor on levels 1 to 28, six homes on level 29 and four homes on levels 30 and 31. Whilst the lower floors would exceed the recommended 8 homes per core as set out within the Housing Standards LPG the homes are clustered around a central core, and thus would still provide an acceptable form of accommodation. Each of the homes would exceed the minimum space standards set in policy D6, with bedroom sizes meeting or exceeding the minimum 7.5 sqm for a single bedroom and 11.5 sqm for a double bedroom. The homes would all achieve a minimum ceiling height of 2.5 m for at least 75% of the gross internal area of each dwelling.
74. All of the two and three bedroom homes would be dual aspect, with the one bedroom homes being single aspect, accounting for 65 % of the homes within Building A being dual aspect. The London Plan highlights that where single aspect dwellings are proposed, they should be restricted to homes with one or two bedspaces; should not face north; and must demonstrate that the units will: have adequate passive ventilation, daylight and privacy; and not overheat (particularly relevant for south or west-facing single aspect units). The single aspect homes in Building A would face in an easterly, south westerly and north westerly direction. The layout of the single aspect homes in relation to noise and air quality together with overheating has been made, and discussed within the relevant parts of this report.

### *Building C*

75. Building C would contain 249 residential homes, which are mix of private, intermediate and affordable tenures. The mix of units within the building as a whole would be 116 no. 1 bedroom homes, 58 no. 2 bedroom homes and 75 no. 3 bedroom homes. The dwellings are accessed via two cores, one located from Harrow Road frontage (known as Building C.2 serving the affordable and intermediate homes) and one located from within the public square along the south western side of the building (known as Building C.1 serving the private and intermediate homes). The entrances have been designed to be tenure blind. Within Building C.1 on levels 1 to 2 there be 10 homes on each floor level, on level 3 to 10 there would be 11 homes on each floor level, and on levels 11 to 19 six homes on each level. Whilst this would exceed the recommended 8 homes per core as set out within the Housing Design LPG there are homes on both sides of the corridor and intermediate doors have been provided to allow smaller cluster of homes that are less than eight per cluster. The width of the corridor would be at 1.5 m wide. Overall, these homes would still provide an acceptable form of accommodation, despite not fully comply with the guidance. Within Building C.2 on levels 1 to 2 there would be seven homes per floor and on the upper floor (levels 3 to 19) there would be six homes per floor, thus within the eight homes per core guidance.
76. Each of the homes would exceed the minimum space standards set in policy D6, with bedroom sizes meeting or exceeding the minimum 7.5 sqm for a single bedroom and 11.5 sqm for a double bedroom. The homes would all achieve a minimum ceiling height of 2.5 m for at least 75% of the gross internal area of each dwelling.
77. Within Building C.1 on level 1 to 9, seven of the homes on each level would be single aspect (predominantly one bedroom homes but with a three bedroom home on each floor) with the remainder as dual aspect, and on levels 10 to 15 two of the homes on each level would be single aspect (both one bedroom homes) with the remainder as dual aspect. Within Building C.2, on levels 1 to 9 three of the homes on each of these levels would be single aspect (one and two bedroom homes) with the remainder as dual aspect, and on level 10 to 19 two of the

homes on each level would be single aspect (both one bedroom homes) with the remainder as dual aspect. The London Plan highlights that where single aspect dwellings are proposed, they should be restricted to homes with one or two bedspaces; should not face north; and must demonstrate that the units will: have adequate passive ventilation, daylight and privacy; and not overheat (particularly relevant for south or west-facing single aspect units). The single aspect homes in Building C would face in a easterly, north easterly, westerly or south westerly direction. Consideration of noise and air quality together with overheating has been made, and discussed within the relevant parts of this report. Whilst it is noted that there are a number of three bedroom single aspect units, these face in a south westerly directly and exceed minimum space standards. Overall, the scheme provide a good quality of accommodation, and the design concerns set out within the London Plan in relation to the inclusion of a small number of three bedroom single aspect homes is outweighed by the planning benefits of the scheme.

### Accessible homes

78. Policy D7 sets out that 10% of homes within new developments should be designed to comply with M4(3) requirements and the remainder would all be designed to M4(2) requirements. For this scheme with 515 homes, this would account for 52 homes to be provided to M4(3) requirements. The proposal does not include any M4(3) homes within Building A but homes within this building have been designed to comply with M4(2) requirements. Within Building C, 50 of the homes have been designed to M4(3) requirements. This includes 41 private homes and 9 affordable homes.

79. The scheme as a whole falls short by 2 homes in relation to M4(3) homes, but this could be addressed by a condition requiring further details of accessible homes within the site to provide a minimum of 52 M4(3) homes with the remainder as M4(2) homes.

### Privacy between homes

80. Separation distances between the buildings within the development and Argenta House typically range from 18 m (between building C and the existing Wembley Point building) and 20 m (between building A and the Wembley Point building). The exception to this is the separation between building B (community gym) and building A which is 12 m which has been designed to create a mews-like relationship given the lower height of building B. The ground and mezzanine floors of building A do not contain any dwellings. The first floor of building A is at a comparable level to the second floor of the community gym and there will be some direct views between these floors. However, this is not considered to be significantly harmful to the privacy of residents of the associated flats within building A, and helps to provide good natural surveillance of the adjoining publicly accessible spaces.

81. A number of the homes face into the communal courtyard within Building C. The habitable room windows within these homes and balconies have been designed to not directly overlook one another due to the angles between the courtyard facing facades. There will be some overlooking between balconies when looking out the side of those balconies. However, this is not unusual in a high density scheme and is not considered to be harmful. In some instances (particularly near to the internal corners of the building), the views from some balconies are towards windows which are less than 18 m away. However, the angles to those windows are such that views into any flats are limited and again, this is not considered to be significantly harmful..

### External Amenity Space

82. Policy BH13 in Brent's Local Plan states the following:

*"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50 sqm per home for family housing (3 bedrooms or more) situated at ground level and 20 sqm for all other*

*housing."*

83. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20 sqm per home and 50 sqm for family housing situated at ground level, that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 6.2.98) which provides that:
84. "New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".
85. Furthermore, more recently the Council has recently adopted a Residential Amenity Space and Place Quality SPD (this document was adopted after this application was submitted). For major developments the SPD sets out a qualitative framework and toolkit, to assess the quality of communal amenity spaces, where a scheme is showing a shortfall in provision on site against policy BH13.
86. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan compliant balcony/terrace. Within dense residential developments in a town centre setting there is an expectation that a shortfall in private amenity space provision can acceptably be made up through communal garden space as much as is reasonably possible, which would be a secondary form of amenity space beyond the flats' private balconies/terrace.
87. The overall amenity space requirement for 515 dwellings (based on minimum 20 sqm per dwelling) is 10,300 sqm.
88. Each of the homes in Building A would benefit from a private balcony. These range from 5.3 sqm to 7.3 sqm on levels 1 to 28 and between 16.9 sqm to 32.8 sqm on levels 29 to 31. All balconies would have a minimum width of 1.5m and are directly accessible from the living room of the homes. Based on the requirements of policy BH13, Building A would be required to have 5,320 sqm of external amenity space. The scheme would fall short by 3,368.4 sqm of private external amenity space.
89. Each of the homes within Building C.1 would benefit from a private balcony. These vary from 5.5 sqm to 12.3 sqm. All balconies would have a minimum width of 1.5 m and are directly accessible from the living room of the homes. Each of the homes within Building C.2 would benefit from a private balcony. These vary from 6 sqm to 10.3 sqm. All balconies would have a minimum width of 1.5m and are directly accessible from the living room of the homes. Based on the requirements of policy BH13, Building C as a whole, would be required to have 4,980 sqm of external amenity space. The scheme would fall short by 3,184.3 sqm of private external amenity space.
90. Building C has been provided with two communal amenity spaces in the form of a podium garden at level 01 (measuring 339.5 sqm) and a roof garden at level 10 (measuring 401.1 sqm) . This would account for a total of 740.6 sqm of communal external communal amenity space, which would be accessible by all homes within Building C.1 and C.2. The resulting shortfall in external amenity space for Building C taking to account the private balconies and communal amenity space would be 2,443.7 sqm
91. As noted above, there is a total shortfall of 5, 812.1 sqm in external amenity space across the development based on the requirements of policy BH13. The Residential Amenity Space and Place Quality SPD does recognise that privately owned public spaces may be used to support the justification for a lower provision of communal amenity space. Whilst it is not solely accessible to residents within the development, it does however help support the integration of

developments into their physical and human context. As such, it also has potential benefits for quality of life, community and green infrastructure.

92. In this case, the development proposes a number of areas within the site as publicly accessible open space. Whilst the applicant has noted this figure to be 5,763 sqm, officers have omitted areas such as Point Place and Brent River Walk as this would remain predominantly as pedestrian, cycle or vehicle routes despite the improvements to the quality of the public realm along Point Place and Brent River Walk. The areas that have been considered to be included as publicly accessible open space include:
- Stonebridge Square - this new Square is positioned within the site. It has been designed to be a flexible space that could be used for the wider community in the form of markets, events and gatherings.
  - WEM Green - this landscaped area is located between Monks Park and Stonebridge Station. It is proposed to be designed with play facilities and seating.
  - Stonebridge Place - This is a space between Building A and Wem Tower. It has been designed to include play facilities including the green mounds, and seating areas.
  - Wembley Brook Gardens - This space is located between Building A and Argenta House. It also include informal play spaces, including the wooden logs and boulders, and seating areas.
93. The submission indicates that 73.2% of the main public amenity areas would receive at least 2 hours of sun on 21st March (exceeding 50% requirement set out within BRE guidance) and on 21st June, all key amenity spaces would receive natural light with 85.5% of the main public amenity spaces receiving at least 2 hours of sun on 21st March (exceeding 50% requirement set out within BRE guidance).
94. The overall amount of useable publicly accessible open space within the site is around 5,160sqm. It is therefore considered that the publicly accessible space does assist to mitigate the shortfall in the requirements set out within policy BH13 and it is recommended that such spaces are required to be publicly accessible within the Section 106 Agreement.

### Playspace

95. London Plan Policy S4 requires development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. Further detail is provided in the Mayor's 'Shaping Neighbourhoods: Play and Information Recreation' Supplementary Planning Guidance (SPG), which sets a benchmark of 10sqm of usable child place space to be provided per child and makes clear that playspace must not be segregated by tenure.
96. The child yield of the development is projected as a total of 195.9 children requiring the need for a total of 1958.6sqm of playspace. It is further broken down as follows:
- 88.3 children aged 0-4 (883sqm of playspace needed)
  - 65.7 children aged 5-11 (657sqm of playspace needed)
  - 41.9 children aged 12+ (419sqm of playspace needed)
97. The applicants propose a play space strategy which provides on-site play spaces amounting to 1,543sqm on site to accommodate the requirements for children within 0-4 and 5-11 age categories. Such play spaces would be provided within the podium garden of Building C and at ground floor level within the landscape character areas known as WEM Green, Stonebridge Place and Wembley Brook Gardens. The play equipment is proposed to include natural play tree trunks and boulders, podium courtyard play equipment, natural play equipment, grass mounds, interactive foundation and woodland play logs. Further details of the on site play for these age categories would be conditioned to any forthcoming consent.
98. The scheme does not propose any on site play for the age 12-17 category. This is due to the limited capacity of the site to fully accommodate all play space. However, it is noted that there are a number of parks within 5-10 minute walk of the development. To offset the shortfall in

both the shortfall in external amenity space within the development and older children playspace, a contribution of £125,000 is to be secured within the section 106 agreement in relation to improvements to nearby open spaces which may include improvements to the open spaces themselves, the play facilities within these open spaces and/or improvements to the routes to these spaces from the application site. On the above basis, it is considered that the play space provision of the scheme is acceptable, despite not fully providing all play space on site in line with policy S4.

### **Mirco-climate**

99. Policy D8 requires amongst other considerations that development proposals should ensure that appropriate shade, shelter, seating and, where possible, areas of direct sunlight are provided, with other microclimatic considerations, including temperature and wind, taken into account in order to encourage people to spend time in a place. It goes onto say within policy D9 that wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building.
100. To support the above requirements, the Environmental Statement has included a chapter (chapter 12) relating to wind and micro-climate, and makes an assessment of the likely significant effects arising from the proposed development upon wind microclimate. The wind assessment considers the effect of the surrounding context and pays particular attention to wind effects in open amenity spaces, building entrances and pedestrian routes to determine the level of adherence to the recommended standards for sitting, standing and leisure walking. The extent of the study area covered a 500m radius from the centre of the site in line with best practice guidance.
101. The assessment of the wind microclimate impact comprised four scenarios:
- Baseline Scenario: Assessment of the existing condition of the site within the existing surrounding context.
  - Proposed Scenario: Assessment of the proposed development on the site within the existing surrounding context.
  - Cumulative Effects: Assessment of the proposed development on the site within the existing surrounding context and cumulative schemes.
  - Proposed Scenario with Preliminary Mitigation: Assessment of the proposed development including preliminary mitigation measures on the site within the existing surrounding context.
102. The methodology adopted for the study uses Computational Fluid Dynamics (CFD) modelling to predict air flows and wind velocities around the proposed development.
103. The results of the assessments identified several localised areas where the recommended guidelines for comfort and/or safety were exceeded both at street and elevated levels taking into account the introduction of the development proposal. The need for mitigation measures was identified to limit the adverse effects of the proposed development and achieve the required wind conditions for the designated uses. As a starting point, the landscape design was adapted to resolve all pedestrian safety critical issues and largely address all issues around pedestrian comfort. The preliminary mitigation at street level comprised of a number of trees and ten porous screens, while at elevated levels balustrades and perimeter screening were considered.
104. Overall, following the introduction of the preliminary mitigation, the results showed a significant improvement of the wind conditions within and in the proximity of the site compared to the wind conditions without any mitigation. There was a small number of areas where the recommended guidelines of comfort and/or safety were still not met, however, it is expected that with final mitigation measures in place, which will be developed with the design team as part of the detailed design development, there would be no remaining adverse significant effects requiring mitigation. It is therefore recommended that details of mitigation measures

are conditioned to any forthcoming consent.

## Internal light analysis

105. The submission has been supported by a technical assessment of the light that is expected to be received by the habitable rooms of the flats within the scheme. This was initially undertaken in accordance with the 2011 version of the BRE Guidance, but was subsequently updated to reflect the changes that were published within the 2022 version of that guidance which uses Climate Based Daylight Modelling (CBDM). The assessment has been undertaken with the consented Argenta House scheme in place. The changes to the guidance affect the way in which daylight and sunlight within new development is assessed.
106. In terms of internal daylight, the annual daylight method is now used, and this involves using climatic data for the location of the site (via the use of an appropriate, typical or average year, weather file) to calculate the illuminance from daylight at each point on an assessment grid on the reference plane at an at least hourly interval for a typical year.
107. A target illuminance (ET) is the illuminance from daylight that should be achieved for at least half of annual daylight hours across a specified fraction of the reference plane in a daylight space. Daylight Autonomy (DA) is the percentage of occupied hours that each sensor receives more than the illuminance threshold, and Spatial Daylight Autonomy (sDA) is an annual daylighting metric that quantifies the fraction of the area within a space for which the daylight autonomy exceeds a specified value.
108. The UK National Annex gives specific minimum recommendations for habitable rooms in dwellings in the United Kingdom. These are intended for 'hard to light' dwellings, for example in basements or with significant external obstructions or with tall trees outside, or for existing buildings being refurbished or converted into dwellings. The National Annex, therefore, provides the UK guidance on minimum daylight provision in all UK dwellings.
109. The UK National Annex gives illuminance recommendations of:
- 100 lux in bedrooms,
  - 150 lux in living rooms and
  - 200 lux in kitchens.
- These are the median illuminances, to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours.
110. The submitted report also includes information on Average Daylight Factor to serve as a benchmark which was a key part of the assessment under the 2011 version of the guidance but has now been superseded. They set out that this shows the levels that were considered to be "acceptable" for just over a decade, with target levels of 1.0 % for bedrooms, 1.5 % for living rooms, 2.0 % for kitchens and for Living-kitchen-dining spaces, 1.5 % was typically accepted.
111. The assessment shows that 135 of the 214 rooms that were tested meet or exceed the minimum Climate Based Daylight Modelling (CBDM) values for the relevant classification. It is highlighted within the technical assessment that the majority of the affected rooms are served by balconies which reduce the view of the sky to the rooms underneath them. This is commonly the case for high density schemes, where the provision of private external space that is accessed directly from a living space is a critical requirement in order to ensure that flats have an appropriate quality and quantity of external space. It is considered that the benefits of the provision of this external space for each flat outweighs the harm associated with the reduction in daylight that typically does result from this provision. The provision of a range of external spaces, including private and communal amenity / public open space is critical to the successful provision of high quality homes.

112. The assessment also considers the levels of sunlight received by amenity spaces through the Sun Hours on Ground assessment. Of the 12 spaces assessed, 8 of those spaces meet or exceed targets. During the summer months (June 21 test date), all amenity spaces meet the targets.
113. The assessment notes that the Building C podium courtyard is challenging in relation to the amount of sunlight received due to its orientation (with the open side to the north). Whenever possible, southern elements of buildings are designed to be lower to maximise the amount of sunlight reaching spaces to the north of those blocks. In this instance, a number of factors are highlighted in the design evolution of the scheme which resulted in the proposed arrangement. This included the desire to reduce the noise exposure to habitable rooms and internal spaces, to reduce the number of north facing units and to reduce the massing of the building near to the existing homes (and their gardens) in Derek Avenue and Sylvia Court. Officers also note that the proposed layout has also been designed to achieve an appropriate relationship between Building C and the existing Wembley Point tower. Officers consider that the design approach to this block is appropriate, despite the impact that this has on the sunlight received by this podium amenity space, and consider that the benefits associated with this layout outweigh the harm to the sunlight received within this amenity space.
114. The submitted assessment also shows that 80 % of the habitable rooms within the development achieved the previous BRE guidance levels for Average Daylight Factor (ADF), and notes that this is a high level of compliance for a dense urban scheme. Officers concur that the levels of compliance are good for a scheme of this density, but note that this guidance has now been superseded and assessment under the 2022 version of the guidance therefore takes precedent.
115. The levels of daylight and sunlight received by the new homes and amenity spaces within the development are considered to be appropriate for a scheme of this density, and that the provision of private external amenity space (in the form of balconies) outweighs the associated reduction in daylight received by rooms. The lower levels of daylight to some amenity spaces, such as the podium garden of building C, are considered to result from a strong rationale to the design approach for the site, and the quality of the spaces is still considered to be good despite the lower levels of sunlight. It is also noted that residents will be able to access a variety of amenity spaces throughout the site, with the majority of these meeting BRE guidance levels for sunlight. The proposal is considered to be acceptable in relation to the levels of internal daylight and sunlight.

## **Impact on surrounding properties**

### Daylight, sunlight and overshadowing

116. The Environmental Statement assesses daylight, sunlight and overshadowing, including the effects of the development on the surrounding area and the amenity of surrounding residential properties. A full daylight and sunlight report has been submitted and undertaken in accordance with BRE guidelines.
117. The assessment indicates that there are 474 windows to 297 residential rooms around the site that are relevant for assessment. These were considered in terms of both vertical sky component (VSC) and no sky line (NSL) measures to consider daylight, and annual probable sunlight hours (APSH) to consider sunlight. Additionally, it has been noted that the existing Wembley Point Tower would be highly sensitive to changes brought by the proposed development, given its proximity to new buildings. Therefore, an assessment of Average Daylight Factor (ADF) has been used here where more detailed information of internal layouts and subdivisions within the building are known. This approach is supported by the BRE guidelines.
118. This assessment highlights that the design of the development ensures that the impact

on the surrounding area has minimised the potential impact on daylight/sunlight where possible. It is noted that there are significantly high levels of light availability experienced by surrounding properties currently given the existing context, and these are considered to be uncharacteristic for an urban setting. Therefore, the report suggests that there has to be an expectation of any high density development in this location resulting in more significant BRE losses below former values (i.e. of 20% or more).

## Daylight

119. The report concludes that generally good levels of daylight would be retained to surrounding neighbouring properties, and the proposed development would broadly comply with BRE guidelines for the detailed part of the application. The VSC method of assessment indicates that 65% of windows tested (306 of 474 windows) would retain levels of daylight which would meet BRE guidelines. Furthermore, the NSL method of assessment indicates that 94% of rooms (278 of 297 rooms) tested would retain daylight levels in accordance with BRE requirements.
120. With regard to residential properties within the existing Wembley Point building, an ADF assessment of a select number of rooms across various floors (some more sensitive to daylight changes than others) indicates full BRE compliance, with 100% of rooms (209 of 209) retaining acceptable levels of daylight.
121. The report goes on to outline that there are a number of adjoining residential properties which would retain fully BRE compliant alterations to respective windows and rooms, and therefore the report concludes that there would be negligible permanent impacts to these properties in terms of daylight. These properties include:
- 19-21 Monks Park Gardens;
  - 2-4 North Circular Road;
  - 25-27 Durand Way;
  - 1-5 Conduit Way;
  - 30-32 Brentfield;
  - 53-55 and 58-62 Tokyngton Avenue;
  - 4 Derek Avenue.
122. There are a number of other adjoining properties which experience some minor losses in daylight, which would not necessarily be readily discernible, or where individual rooms or windows do not meet BRE guidelines in terms of VSC, but would comply in terms of the NSL assessment. These properties are considered to experience permanent, minor adverse impacts, and include the following:
- Sylvia Court
  - 22-24 Monks Park Gardens
  - 52-54 Tokyngton Avenue
  - 57 Tokyngton Avenue
  - 6-8 Derek Avenue
  - 14 Derek Avenue
123. However the assessment outlines that that there would be a total of 29 properties which would be more significantly affected in terms of daylight losses resulting from the proposed development. The applicants ES sets out further details of these properties:
124. **2-16 Harrow Road** - These residential properties are to the immediate north-east of the proposed development site, and consist of eight first and second floor maisonettes above ground floor shops. The VSC results indicate that although only 1 of 25 windows are strictly in accordance with BRE guidelines, the vast majority (21 out of 24) would retain daylight levels in excess of 20%, which is considered very good within an urban location. The remaining three windows that do not meet BRE guidelines still retain VSC values in excess of 19%, which is considered good for an urban location.

125. With regard to NSL values, the assessment shows that 12 out of 17 rooms (71%) would comply with BRE guidelines. Of the remaining 5 rooms, all of them would retain NSL values in excess of 95% of their former value which is considered to be a very high level within an urban location. Therefore while the assessment concludes that there would be a major adverse impact to these properties, there are mitigating factors (including the extremely good baseline conditions for these properties) which mean that on balance, these losses would be acceptable.

126. **56 Tokyngton Avenue** - This is a two-storey semi-detached dwelling to the immediate north-west of the site. The VSC assessment concludes that 9 out of 11 windows (82%) would fully comply with BRE guidelines. The remaining two windows (not known which rooms these would serve) would retain VSC levels of 19.8% and 21.13% respectively, which are considered to be good given the urban location. In terms of NSL values, 6 out of 7 rooms (86%) would fully comply with BRE guidelines. The non-compliant room with regard to NSL would experience a 31% loss, meaning the majority of the room would still retain good levels of daylight. On balance, although the property would experience a permanent moderate adverse impact, daylight losses are considered acceptable.

127. **51 Tokyngton Avenue** - this is also a two-storey semi-detached dwelling situated on the opposite side of Tokyngton Avenue, and located to the north of the site. The VSC assessment concludes that 3 of the 6 windows tested (50%) would fully comply with BRE guideline. 1 of the remaining 3 windows retains a VSC value in excess of 23%, which is considered good in this urban location. The remaining 2 windows would experience losses in excess of 70% VSC from their former value, and therefore would be significantly impacted. In terms of NSL values, the results conclude that 3 out of 5 rooms (60%) would fully comply with BRE guidelines, with the remaining two rooms experiencing significant losses. This property is in close proximity to the site and to the immediate north, and therefore significant losses are to be expected given the proposed height and massing of the buildings. However it is still anticipated that the majority of the property would continue to receive good levels of daylight, and therefore these losses are considered acceptable on balance.

128. **24 Derek Avenue** - this is a two-storey semi-detached dwelling to the north/ north-west of the site, on the northern side of Derek Avenue. The VSC assessment concludes that 0 out of 8 windows would fully comply with BRE guidelines, with 6 of the windows retaining VSC values above 15%. The 2 windows experiencing greater losses both have relatively limited levels of existing daylight, both slightly less than 20%. However with regard to NSL assessment, the report concludes that all four rooms tested would retain good levels of NSL and accord with BRE guidelines, with only one of the rooms experiencing any discernible loss of daylight (more than 1 sqm). Given this situation, it is considered that daylight levels to this dwelling would be acceptable.

129. **22 Derek Avenue** - this is a two-storey semi-detached dwelling forming the pair with No. 24. Similarly to No. 24, 0 out of 7 windows tested would fully comply with BRE guidelines. 5 of these 7 windows record a retained VSC value of greater than 15%, which is considered acceptable for an urban location. However with regard to NSL assessment, the report concludes that all four rooms tested would all experience either no loss, or practically no loss (0.4 of a sqm) of daylight. Given this situation, it is considered that daylight levels to this dwelling would also remain acceptable.

130. **20 Derek Avenue** - this is also a two-storey semi-detached dwelling located to the northern side of Derek Avenue. The VSC assessment concludes that 1 out of 8 windows (13%) would fully comply with BRE guidelines. 5 of the remaining 7 windows would retain VSC values of more than 15% which is considered acceptable in this urban context. The remaining 2 windows do experience more significant VSC losses, however in both cases existing levels of daylight (11.7% and 7.12%) are evident. At the same time, all rooms in the dwelling pass the

NSL assessment, with 2 of the 4 rooms experiencing no loss at all and the other two rooms only slight losses (2.5 and 0.4 sqm respectively). Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.

131. **18 Derek Avenue** - this is also a two-storey semi-detached dwelling forming the pair with No. 20 Derek Avenue. The VSC assessment concludes that 0 out of 7 windows fully comply with BRE guidelines. 5 of the remaining 7 windows would retain VSC values of more than 17% which is considered acceptable in this urban context. The remaining 2 windows do experience more significant VSC losses, however in both cases lower existing levels of daylight (12.79% and 14.16%) are evident and overall percentage losses are still less than 35%. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with 1 of those rooms experiencing no loss at all and the other two rooms only slight losses (1.4 and 4.8 sqm respectively). Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
132. **16 Derek Avenue** - this is also a two-storey semi-detached dwelling on the northern side of Derek Avenue. The VSC assessment concludes that 2 out of 8 windows (25%) fully comply with BRE guidelines. 4 of the remaining 6 windows would retain VSC values of more than 15% which is considered acceptable in this urban context. The remaining 2 windows do experience more significant VSC losses, however in both cases lower existing levels of daylight (16.61% and 19.54%) are evident. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with all rooms experiencing very minor losses of less than 0.5%. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
133. **10 Derek Avenue** - this is also a two-storey semi-detached dwelling on the northern side of Derek Avenue. The VSC assessment concludes that 1 out of 7 windows (17%) fully comply with BRE guidelines. 5 of the remaining 6 windows would retain VSC values of more than 16% which is considered acceptable in this urban context. The remaining window (serving a bedroom) does experience more significant VSC losses of more than 40%, however in this case lower existing levels of daylight (17.52%) are evident. At the same time, all three rooms tested in the dwelling pass the NSL assessment. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
134. **12 Derek Avenue** - this is also a two-storey semi-detached dwelling on the northern side of Derek Avenue, forming a pair with No. 10. The VSC assessment concludes that 1 out of 7 windows (17%) fully comply with BRE guidelines. 4 of the remaining 6 windows would retain VSC values of more than 16% which is considered acceptable in this urban context. The remaining two windows experience more significant VSC losses of more than 30%, however would both retain more than 13% VSC levels. At the same time, all three rooms tested in the dwelling pass the NSL assessment. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
135. **23 Derek Avenue** - this is a two-storey end of terrace dwelling on the southern side of Derek Avenue, to the immediate north and north-west of the proposed development, with rear facing windows and gardens facing towards the development. The VSC assessment concludes that 0 out of 3 windows fully comply with BRE guidelines. 2 of the 3 windows would retain VSC values of more than 16% which is considered acceptable in this urban context. All three windows experience significant VSC losses of more than 40%, however would both retain more than 13% VSC levels. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with very minor losses of less than 1.5% for all rooms. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
136. **21 Derek Avenue** - this is a two-storey mid-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 4 windows fully comply with BRE guidelines. 3 of the 4 windows would retain VSC values of more than 18% which is considered

acceptable in this urban context. All four windows experience significant VSC losses of more than 40%, however would both retain more than 13% VSC levels. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with very minor losses of less than 1% for all rooms. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.

137. **19 Derek Avenue** - this is a two-storey mid-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 6 windows fully comply with BRE guidelines. 5 of the 6 windows would retain VSC values of more than 18% which is considered acceptable in this urban context. All six windows experience significant VSC losses of more than 40%, however would all retain more than 13% VSC levels. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with very minor losses of less than 1% for all rooms. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
138. **17 Derek Avenue** - this is a two-storey end of terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 5 windows fully comply with BRE guidelines. 4 of the 5 windows would retain VSC values of more than 17% which is considered acceptable in this urban context. All five windows experience significant VSC losses of more than 40%, however would all retain more than 14% VSC levels. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with very minor losses of less than 2.5% for all rooms. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
139. **15 Derek Avenue** - this is a two-storey end-of-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 5 windows fully comply with BRE guidelines. 4 of the 5 windows would retain VSC values of more than 17% which is considered acceptable in this urban context. All five windows experience significant VSC losses of more than 40%, however would all retain more than 14% VSC levels. At the same time, all three rooms tested in the dwelling pass the NSL assessment, with very minor losses of less than 2.5% for all rooms. Therefore on balance, it is considered that daylight levels to the dwelling would remain acceptable.
140. **13 Derek Avenue** - this is a two-storey mid-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 4 windows fully comply with BRE guidelines. All four windows experience significant VSC losses of more than 30%, however at the same time, all three rooms tested in the dwelling pass the NSL assessment, with a maximum of 19% loss to the kitchen of this property. Therefore on balance, while having a major adverse impact, it is considered that daylight levels to the dwelling would remain acceptable.
141. **11 Derek Avenue** - this is a two-storey mid-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 3 windows fully comply with BRE guidelines. All four windows experience significant VSC losses of more than 40%. 1 of the 2 rooms tested in the dwelling (the kitchen/ dining room) passes the NSL assessment. A rear facing bedroom in this property would experience a more significant loss of just over 40% NSL when compared with the existing value, however BRE guidance does outline that less importance should be placed on daylight levels reaching a bedroom than the main living room and kitchen areas, which would be relatively unaffected. Therefore on balance, while having a major adverse impact, it is considered that overall daylight levels to the dwelling would remain acceptable.
142. **9 Derek Avenue** - this is a two-storey end-of-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 3 windows fully comply with BRE guidelines. All three windows experience significant VSC losses of more than 40%, and none of the 3 rooms would pass the NSL assessment, with more than 25% losses experienced to all

rooms. However all three rooms would still retain NSL values of at least 56%. Therefore on balance, while having a major adverse impact, it is considered that daylight levels to the dwelling would remain acceptable.

143. **7 Derek Avenue** - this is a two-storey end-of-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 1 out of 4 windows (25%) fully comply with BRE guidelines. The remaining three windows experience significant VSC losses of more than 40%, although the most significant loss occurs to the rear facing bedroom of this property (57.8%), while both the living and kitchen windows retaining at least 15% VSC. 1 of the 3 rooms tested would pass the NSL assessment, however the living room and bedroom still have respective unaffected areas of at least 50%. Therefore on balance, while having a major adverse impact, it is considered that daylight levels to the dwelling would remain acceptable.
144. **5 Derek Avenue** - this is a two-storey mid-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 4 windows fully comply with BRE guidelines, and all four of the windows experience significant VSC losses of more than 40%, although the living and kitchen windows would retain at least 15% VSC. 1 of the 3 rooms tested would pass the NSL assessment, however the living room and bedroom still have respective unaffected areas of at least 60%. Therefore on balance, while having a major adverse impact, it is considered that daylight levels to the dwelling would remain acceptable.
145. **3 Derek Avenue** - this is a two-storey mid-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 1 out of 6 windows (16%) fully comply with BRE guidelines. 4 of the remaining 5 windows would retain VSC levels of more than 16%, with the other window experiencing a relatively low existing VSC value of less than 20%. 1 of the 2 rooms tested (living room) would pass the NSL assessment, however the bedroom would still have respective unaffected areas of at least 60%. Therefore on balance, while having a major adverse impact, it is considered that daylight levels to the dwelling would remain acceptable.
146. **1 Derek Avenue** - this is a two-storey end-of-terrace dwelling on the southern side of Derek Avenue. The VSC assessment concludes that 0 out of 3 windows fully comply with BRE guidelines, with all three of the windows experience significant VSC losses of more than 40%. However, all windows would retain at least 15% VSC. 1 of the 3 rooms tested (the living room, which is considered most important) would pass the NSL assessment, while the bedroom and kitchen would still retain good NSL levels of more than 70% their former value. Therefore on balance, while having a major adverse impact, it is considered that daylight levels to the dwelling would remain acceptable.
147. **Argenta House** - The impacts on the consented Argenta House development were also considered. The submission confirmed that there would be impacts to some rooms beyond the 20 % target within the BRE guidance, but noted that given the more open nature of the majority of the application site at present, greater proportionate levels of impact are expected. The assessment also finds that the retained levels of daylight are good when assessed against alternative target values. Officers note that both the Argenta House consented scheme the development proposed within this application are within an allocated site and tall building zone within which a significant number of new homes are expected. The relationship between buildings is not dissimilar to other similar areas where high density development is expected and the associated impacts are also comparable. While noting that there will be homes within the consented Argenta House development which experience reductions in daylight beyond 20 % (compared to the level that the future home would experience if the Wembley Point development had not been proposed), the levels of reduction are considered to be acceptable having regard for the policy designations and allocations, and they associated harm is considered to be outweighed by the benefits of the proposed development.

## *Summary of daylight results*

148. Overall, officers consider that there would be a good level of compliance with BRE guidance in terms of daylight levels overall given the scale of development proposed and proximity to neighbouring residential properties. As outlined at the start of this section, 65% of all windows would pass VSC assessment, and this increases significantly to 94% when considering the NSL assessment. BRE guidance acknowledges that there is a need to interpret compliance with the guidance more flexibly in denser urban locations such as this.
149. However, as set out above the results show that there will be some unavoidable impacts as a result of development, which in some cases will be a high and the impacts generally as a result of development must be weighed against the regeneration benefits of the scheme, which includes provision of additional housing generally, much needed affordable housing, and family homes, as well as an improved public realm, economic benefits and new retail units with active frontage. National planning policy supports making effective use of the land when proposing development. Paragraph 125 (c) of the National Planning Policy Framework (NPPF), states that that "when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)", applications which fail to make efficient use of the land it says, should be refused.
150. The site allocation designation which applies to this location, and which envisions significant housing growth within the locality of the site is given significant weight. The expectation for significant development within this site allocation which is also designated as a tall building zone, as well as the expected high-density nature of development, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance for new development in this location. As noted above, the undeveloped nature of a large proportion of the site affords some surrounding buildings access to a higher level of existing sunlight and a generous baseline scenario, however this is a location where change is expected to occur and the existing baseline conditions cannot realistically be maintained.
151. Given the scale of the proposed development and the number of windows impacted (in the context of the number assessed), officers consider that the daylight and sunlight impacts to neighbouring buildings and external areas are acceptable when seen in the context of the scheme's wider benefits. It is considered that the impacts on existing windows are commensurate with the high density urban context set out within the site allocation. Officers would note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser town centre locations, such as this. On balance, and taking into consideration the benefits of the proposals, the identified daylight and sunlight impacts are considered acceptable.

## Sunlight

152. With regard to sunlight, the assessment sets out how relevant neighbouring properties would be affected, using likely changes to the number of Annual Probable Sunlight Hours (APSH), which is in line with BRE guidance. An assessment of the baseline figures has been provided (i.e. without any development in place). A total of 397 windows serving 243 residential rooms within relevant adjoining residential properties have been assessed for impact on sunlight amenity.
153. The assessment demonstrates that 88% of rooms (213 out of 243) tested would meet the recommended levels of the BRE Guidelines, which is considered to be a very good level of compliance overall. The Existing Wembley Point Building has been considered using a more detailed APSH methodology, given internal layouts, room uses, and dimensions have been secured. This assessment demonstrates that 50% of southern facing rooms of this building

would meet BRE guidelines in terms of APSH. A more detailed commentary on this is provided below.

154. The report goes on to outline that there are a number of adjoining residential properties which would retain fully BRE compliant alterations to respective windows and rooms, and therefore the report concludes that there would be negligible permanent impacts to these properties in terms of sunlight. These properties include:

- 2-16 and 18-28 Harrow Road;
- 19-24 Monks Park Gardens;
- 2 North Circular Road;
- 25-27 Durand Way;
- 1 Conduit Way;
- 30-32 Brentfield;
- 56, 57 and 60 Tokyngton Avenue;
- 4-8, 12, 13 and 16-18 Derek Avenue.

155. There are a number of other adjoining properties which experience some minor losses in daylight, which would not necessarily be readily discernible, or where individual rooms or windows do not meet BRE guidelines in terms of VSC, but would comply in terms of the NSL assessment. These properties are considered to experience permanent, minor adverse impacts, and include the following:

- Sylvia Court
- 1-5, 10, and 15-23 Derek Avenue

156. However the assessment outlines that that there would be a total of 8 properties (outside of the existing Wembley Point building) which would be more significantly affected in terms of daylight losses resulting from the proposed development. The ES sets out further details of these properties:

157. **52 Tokyngton Avenue** - The APSH assessment indicates that 1 out of 3 rooms (33%) would fully comply with BRE Guidelines, and the other two rooms would experience changes of more than 40% from their former value. Overall, the effect upon the sunlight amenity to this property is considered to be permanent and major adverse and therefore significant.

158. **54 Tokyngton Avenue** - The APSH assessment indicates that 0 out of 2 rooms would fully comply with BRE Guidelines, with both rooms experiencing changes of more than 40% from their former value on both a winter and annual basis. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major adverse and therefore significant.

159. **51 Tokyngton Avenue** - The APSH assessment indicates that 1 out of 3 rooms (33%) would fully comply with BRE Guidelines, with both other rooms experiencing changes of more than 40% from their former value on both a winter and annual basis. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major adverse and therefore significant.

160. **20 Derek Avenue** - The APSH assessment indicates that 3 out of 4 rooms (75%) would fully comply with BRE Guidelines, with the remaining room experiencing changes of more than 40% from their former value. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major adverse and therefore significant.

161. **14 Derek Avenue** - The APSH assessment indicates that 3 out of 4 rooms (75%) would fully comply with BRE Guidelines, with the remaining room experiencing changes of more than 40% from their former value. Importantly the living room of this property experiences the least annual sunlight loss and complies with BRE guidance. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major

adverse and therefore significant.

162. **11 Derek Avenue** - The APSH assessment indicates that 0 out of 2 rooms would fully comply with BRE Guidelines, with both rooms experiencing changes of more than 40% from their former value. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major adverse and therefore significant.
163. **9 Derek Avenue** - The APSH assessment indicates that 1 out of 3 rooms (33%) would fully comply with BRE Guidelines, with both remaining rooms experiencing changes of more than 40% from their former value. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major adverse and therefore significant.
164. **7 Derek Avenue** - The APSH assessment indicates that 0 out of 3 rooms would fully comply with BRE Guidelines. 2 of these 3 rooms would still record retained values of more than 25% which is considered good in this urban context, with the remaining room having a retained value of 17% on an annual basis. Overall, the effect upon the sunlight amenity to this property is considered to be permanent, direct and major adverse and therefore significant.
165. **Existing Wembley Point building** - The APSH assessment demonstrates that 50% (76 out of 152) rooms would fully comply with BRE guidelines. The technical results show that all but two rooms retain an APSH of at least 15 hours, and demonstrate that those rooms that record low retained sunlight values are isolated to the western elevation of the building, which would sit in close proximity of the proposed Building A (32 storey building). Given the relatively generous baseline conditions for the existing Wembley Point building and scale of development proposed around it (which includes Argenta House to the south-west), officers still consider this to be a reasonable level of compliance with BRE guidelines.

#### *Summary of sunlight results*

166. Overall, officers consider that there would be a good level of compliance with BRE guidance in terms of sunlight levels overall given the scale of development proposed and proximity to neighbouring residential properties, with 88% of relevant surrounding properties in full compliance. Properties most affected are generally to the immediate north on Derek Avenue which has to be expected given the proximity and orientation of these dwellings. Nevertheless, officers consider the most significant sunlight impacts are isolated to individual rooms and properties and, as with daylight impacts, must be expected in this dense urban location and given the objectives of the site allocation. On balance, the proposed sunlight impacts to adjoining properties are considered acceptable.

#### **Overshadowing**

167. With regard to potential overshadowing impacts, the assessment has identified all private gardens and amenity spaces which are sensitive to overshadowing impacts using the sun on ground hours assessment (SHoG). The BRE overshadowing assessment is passed where at least 50% of the garden area/ amenity space would retain exposure to at least 2 hours of direct sunlight on 21st March.
168. The assessment demonstrates that 7 of the 16 areas assessed (44%) would be fully compliant with the BRE criteria. The most significantly impacted amenity spaces would be the rear gardens of Nos 1-5 Derek Avenue. This is by virtue of the vacant outlook over the proposed development site, in combination with the proposed Building C that is within close proximity to these amenity spaces. However none of these properties would experience a complete loss of sunlight to these spaces. In addition, a further assessment of SHoG has been undertaken on June 21st, which some weight can be given to given it is likely to be the time in which amenity spaces are most used. The results of this conclude that all 16 amenity spaces will achieve in excess of 86% surface area that receives at least 2 hours in sunlight, and

therefore be in full compliance with BRE guidance in this respect.

169. A further overshadowing assessment has been carried out using Time in Sun (TiS) methodology. Recognising the SHoG demonstrates a 'cliff-edge' assessment, showing only the area that achieves 2 hours in sunlight, the Time in Sun methodology considers 30 minute intervals across the amenity space, providing a calculation of how much sunlight the area will achieve on March 21st. Using this TiS assessment on March 21st shows that whilst amenity spaces associated with 1-13 Derek Avenue may not achieve 50% of the surface area that receives at least 2 hours in sunlight, the spaces are not completely in shadow during this time. The technical analysis shows that areas of the amenity spaces will benefit from at least 60 minutes ranging to 3 hours. Amenity spaces associated with 15-23 Derek Avenue record areas in excess of 4 hours.
170. Overall given the high density, urban context, the development is considered to achieve a reasonable degree of compliance with regard to overshadowing when assessed against BRE guidance.

## **Amenity Impact**

### Impact on neighbouring residential amenity

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

### Privacy

172. In order to retain acceptable privacy levels to properties, SPD1 states that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18 m, except where the existing character of the area varies from this. A distance of 9 m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.
173. The nearest existing residential properties in relation to Building A are Nos. 51 and Tokyngton Avenue. These are located on the opposite side of Point Place with their flank elevations and sides of the rear gardens facing onto Point Place. Building A would maintain a minimum distance of 33 m to the boundary with No. 51 Tokyngton Avenue and 29 m to the boundary with No. 52 Tokyngton Avenue. This would be well in excess of separation distances set out within SPD1. In relation to Argenta House site Building A would maintain a minimum distance of 14.8 m to the boundary, which would exceed the minimum 9m distance set out within SPD1. A minimum distance of 20 m would also be maintained between directly facing windows within Building A and WEM tower, exceeding 18 m separation distance set out within SPD1.
174. The nearest residential property in relation to Building B is No. 52 Tokyngton Avenue, and is located on the opposite side of Point Place. A distance of 10.8 m would be maintained between Building B and the flank elevation and side of the rear garden of this property, exceeding the guidance set out within SPD1. Building B would contain glazing on its south western elevation facing onto the Argenta House site. A distance of 6.3 m would be maintained to the boundary, which is less than 9 m guidance set out within SPD1. It is however noted that

the development at Argenta House does not contain any residential accommodation until third floor level and the area at ground level forms part of landscape works around the Brook. Therefore, it is not considered that the provision of glazing within the south western elevation of Building B would be harmful to the amenities of occupants within the development of Argenta House, despite not fully comply with the guidance set out within SPD1. In addition a distance of 11.7 m would be maintained between the glazing of Building B on the south eastern elevation to the habitable room window within Building A. However, the windows would overlook a public space where a degree of flexibility can be applied to the guidance. Given that there are only two floors that would be affected and the overlooking onto the public space would provide the benefits of natural surveillance, such a shortfall in the guidance would not be considered harmful to the occupants of Building A.

175. The nearest existing residential properties in relation to Building C are Nos. 1 to 13 Derek Avenue. These are located on the opposite side of Point Place with their rear elevations and rear gardens facing onto Point Place. Building C would maintain a minimum distance of 11.5 m to the boundary with the rear gardens of these properties and a minimum of 33.8 m to the nearest rear habitable room windows of these properties within Derek Avenue. A distance of around 14 m would be maintained to the boundary with 27 to 32 Sylvia Court and over 28 m maintained between directly facing windows between Building C and the residential windows within Nos. 2 to 14 Harrow Road. A minimum distance of around 20 m would be maintained between habitable room windows within Building C and existing habitable room windows in WEM Tower. In all cases, the separation distances for Building C exceed the guidance set out within SPD1.

#### Sense of enclosure

176. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2 m height at the nearest edge of an affected property private amenity space. The proposed buildings should also sit underneath a 30-degree line drawn from a 2 m height at the nearest rear habitable room windows within neighbouring properties that face towards the proposed buildings. In this case, the proposal does not directly any adjoin any private rear gardens (these are separated by Point Place). Whilst the development is likely to breach 45 degree line when measured from the rear habitable room windows within Derek Avenue, the impact on neighbouring windows has been assessed in detail within the daylight and sunlight considerations below.

### **Environmental Health Considerations**

#### Air Quality

177. The site is not located within a Growth Area but is within an Air Quality Management Area. London Plan Policy S11 requires major developments to be supported by an air quality assessment and to demonstrate 'air quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. In addition, policy BSUI2 of Brent's Local Plan 2019-2041 sets out the requirements for Major developments within Growth Areas and Air Quality Focus Areas to be required to be Air Quality Positive and elsewhere Air Quality Neutral. Where on site delivery of these standards cannot be met, off-site mitigation measures will be required.

178. The application is supported by an air quality assessment as required by London Plan Policy S11. This has considered the suitability of the site for introducing new residential occupants. It concludes that pollutant concentrations at the façades of proposed residential receptors are predicted to be within the relevant health-based air quality objectives. On that basis, future occupants of the proposed development are unlikely to be exposed to unacceptable air quality and the site is deemed suitable for its proposed future use in this

respect, without the need for mitigation measures. The report has also considered the impacts during construction including dust generation and plant vehicle emission. It is recommended that conditions are secured within a Construction Management Plan (CMS) to include an Air Quality and Dust Management Plan (AQDMP) and compliance with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards. In relation to the operational impact of the proposed development on the surrounding area, detailed atmospheric dispersion modelling has been undertaken. The proposed development on existing receptors in the local area is predicted to be 'negligible' taking into account the changes in pollutant concentrations and absolute levels.

179. In addition, the application has been accompanied by an Air Quality Neutral Assessment (Appendix 7.4 of the ES). This highlights that in relation to building emissions, as the heat and power demand would be met by electrically powered air source heat pumps and there will be no centralised combustion source, building emissions has been scoped out. In relation to Transport Emissions, for NO X, the Total Development Transport Emissions are below the Total Benchmarked Transport Emissions by 166 kgNO X /annum. For PM 10, the Total Development Transport Emissions are below the Total Benchmarked Transport by 29 kgPM 10 /annum. Therefore no mitigation measures are required.
180. Officers in Environmental Health have reviewed the air quality information and raised no objections subject to conditions relating to a CMS and NRMM.

#### Construction Noise and nuisance

181. As noted above, the development is within an Air Quality Management Area and located close to other residential and commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.
182. It should be noted that in relation to these matters, there is also control through Environmental Health Legislation and planning cannot duplicate any controls that are available under other legislation. However, the council's regulatory services team have recommended a condition requiring a CMS to be submitted for approval before works start. This will need to include management of dust through wheel washing and other mitigation measures such as noise restrictions.
183. A further standard condition is also attached requiring all non-road mobile machinery to meet low emission standards, as set out within the London Plan.

#### Contaminated land

184. Ground conditions has been considered within chapter 10 of the ES. It highlights that the overall contamination risk is considered to be low to moderate, with conditions recommended to safeguard end users. It is therefore recommended that conditions are secured in relation to a site investigation and if any contamination is found a remediation strategy and verification of works carried out.

#### Noise

185. The application has been accompanied by a Noise & Vibration Assessment (chapter 8 within the ES).. This includes details of the assessment methodology; the baseline conditions at the site and surroundings; the likely environmental noise and vibration effects; and the mitigation measures required to reduce and minimise any adverse effects.
186. The report has identified that the proposed development site is in an urban location with the principal noise sources being road and rail traffic. The A406 North Circular Road runs to the south-east of the site, the A404 Harrow Road runs to the north-east of the site and there

is a railway line and Stonebridge Park station to the south-west of the site. The railway line is also a potential source of vibration on site. In response to these noise sources, high specification acoustic glazing and acoustic ventilation opening solutions are likely to be required to achieve the required internal noise levels. The scheme is proposing to use Mechanical Ventilation Heat Recovery (MVHR) throughout the development for the whole dwelling ventilation, so ventilation openings in the facade (i.e. trickle vents) would not be required. In relation to external amenity spaces, the scheme would be exposed to noise levels that exceed guidance. However, this is a typical feature of developments within urban areas, and the benefits of providing access to external amenity space outweigh any harm. Furthermore, it is noted that the site is within walking distance of nearby open spaces that are likely to have some quieter areas within them.

187. In relation to mitigation measures for the construction phase of the development, the report sets out that demolition and construction works would follow Best Practicable Means (BPM) outlined in Section 72 of the Control of Pollution Act 1974 (as amended) to minimise noise and vibration effects. This would be secured within the CMS and CEMP via planning conditions.

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

### Lighting

189. A condition is recommended to be attached requiring that a lighting strategy to any forthcoming scheme that considers lighting levels within the site, details of luminance levels at the nearest residential windows and any overspill lighting onto the nearby River Brent and Wealdstone Brook.

### **Flood Risk**

#### Policy background

190. Paragraph 167 of the NPPF sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan

191. The above position is reinforced within policy BSUI3 of Brent's Local Plan which highlights that proposals that require a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. Proposed development must pass the sequential and exceptions test as required by

national policy. The design and layout of proposals requiring a Flood Risk Assessment must contribute to flood risk management and reduction and:

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

192. The policy goes on to say that proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

### Flood Risk Considerations

193. The majority of the site is within Flood Zone 3a with a small part of the site situated within Flood Zone 2. The site allocation BSSA6 highlights that more vulnerable uses should be restricted to areas of lowest flood risk and on upper floors. Ground floors should be designed to be resistant and resilient to flood risk. Basement dwellings will not be acceptable on the site. Development must be informed by a detailed Flood Risk Assessment and Drainage Strategy, reduce flood risk overall and not increase the risk of flooding on adjoining sites. Development must be consistent with the recommendations of the Brent Strategic Flood Risk Assessment Level 2.

### Flood Risk Assessment

194. The application has been accompanied by a Flood Risk Assessment (FRA). The FRA identifies that the site is high risk from fluvial flooding, medium risk from pluvial flooding (surface water flooding) and low risk from groundwater, sewers and artificial flooding sources.

195. As the majority of the site lies within Flood Zone 3a, only certain types of development are acceptable, as set out within the Flood Risk Vulnerability Classification table set out within the NPPF. Residential uses are classed as 'More Vulnerable' whereby such uses would not be supported in Flood Zone 3a where the sequential and exception test has not been met. In this case, as noted above the site does form part of a site allocation within the Local Plan. As part of the evidence base to support the Local Plan, the site was included as part of the Brent Flood Risk Sequential and Exception Test documentation. The document set out that the Sequential Test had been passed as "It is necessary to identify the site to address longer term housing needs as there are insufficient alternative sites in fluvial zones 1 or 2". The document also set out that the site would pass the exception test concluding the following: "subject to the requirements of the SFRA Level 2, development can be made partially safe throughout its lifetime without increasing flood risk elsewhere and passes the exceptions test in principle. In the case of an application, a site specific flood risk assessment should demonstrate that the development meets the requirements of the SFRA Level 2."

196. In relation to fluvial flood risk mitigation measures, the SFRA requires the development to not increase flood risk offsite. The proposed developments seeks to respond to these recommendation in two ways: setting the ground levels and building positions to promote the overland flow routes through the site and allowing water entry into the majority of the ground level units.

197. To support the FRA a hydraulic modelling process was carried out that identified a significant overland flood flow route across the site. The flood flow route connects the River Brent and Wembley Brook, initially flowing north-westwards, after spilling from the River Brent, towards the Point Place before turning south-westwards and flowing into the Wembley Brook. Flood water can also flow in the opposite direction if there is a significant blockage in Wembley

Brook.

198. The FRA was initially reviewed by the EA who raised concerns with following matters:

- the flood modelling levels provided across the site and the agreed finished floor levels (FFLs) to be designed across the development in response to the modelling levels
- clarification on whether there is any increased risk of flooding outside of the applicant and the extent of such flooding
- Lack of maintenance plan for floodable areas

199. In response to the above concerns updated flood modelling was undertaken to establish the agreed FFLs, and the need for whether flood compensation measures are required on site to prevent any increased risk of flooding off site. A maintenance plan for floodable areas was also provided.

200. The position of the buildings and ground levels/landscape works within the site have been designed to maintain and enhance this existing flood flow route, so that there is no increase in flood risk on site or elsewhere. To ensure that the buildings are resilient to flood water, the Finished Floor Levels (FFLs) of the buildings for developments within the Flood Zone 3a + CC and 1 in 1000 year surface water extent to have finished floor levels of at least 0.3 m above the predicted fluvial and surface water flood level at that point, based on whichever predicted depth is higher. These mitigation requirements must be in line with predicted flood depths with climate change for fluvial and surface water flooding. It has been agreed with the EA that the 1 in 100 year fluvial flood level plus an allowance of 35% for climate change will be used to determine the design flood level.

201. This approach requires that the finished floor level (FFL) of 'less vulnerable' areas will be set at a minimum level of 26.17 m AOD. A sensitivity test was requested by the EA to compare the FFLs with the fluvial flood levels including an allowance of 70% for climate change to help assess how resilient the development is. The peak water level on the site with a 70% climate change allowance is 26.195 m AOD, which is 27 mm above the minimum proposed FFLs.

202. The modelling set out what areas of the buildings have been designed to be floodable and what areas of the buildings (FFLs) need to be set above the extent of the flood level. FFL of 'non-vulnerable' floodable areas will be 25 m AOD (ground floor level) including cycle stores, refuse stores and some plant rooms. FFL of 'less vulnerable' areas will be set at a level of 26.22 m AOD (resilient level), greater than 300 mm above the flood design level and above the peak water level with a 70% climate change allowance set out above, achieved by a raised floor creating a floodable void underneath and will include residential entrances, substations and car lifts. However certain parts of the buildings, typically plant room and areas containing lifts, are required to remain dry and are excluded from the water entry strategy.

203. The second design solution as identified above, is to allow water entry into the majority of the ground level units. This is to minimise water displacement within the site. To allow water entry into the floodable areas of the buildings, the buildings have been designed with minimum 100 mm opening within the guttering system to allow the rate of flow of flood water into the building to match the modelling. A Water Entry Strategy Operation and Maintenance Plan has been provided which provides details of the maintenance required to keep the gutters and louvres operational. The spaces beneath the commercial units are to remain clear and not used for storage or contain internal services. The FRA also included a number of resilience measures to the parts of the buildings that are designed to be floodable in relation to floors, walls, fitting and services.

204. The FRA has also included hydraulic modelling to demonstrate whether there was a need to provide flood compensatory storage on site to prevent any increased floor risk within the site or off site. The modelling was carried out to define the landscaping to minimise the

onsite and off site flooding. The modelling results based on the latest landscape plan shows a general small reduction in flood levels across the site and an increase in flood levels between 0 and 5 mm across the surrounding areas for all but one return period. Under the H1 1 in 100 year flood event scenario, the commercial and residential areas on the opposite bank of the River Brent show an increase in anticipated flood depths of between 5 and 30 mm.

205. The FRA has considered that risk from groundwater flooding and recommended that the basement is proposed to be flood resilient and therefore the wall and floors should be of an impermeable construction material such as concrete and it is recommended that a damp-proof membrane / tanking is included in the basement construction. It is also recommended that provision of a pump and sump should be made to allow the basement to be pumped dry should any water enter the basement by any route.

206. The EA have reviewed the updated FRA and modelling study. They have confirmed that the information submitted is sufficient to overcome their earlier objection in relation to reason 1. They have recommended that conditions are secured in relation to the implementation of the FRA with finished floor levels shall be set no lower than 26.22 metres above Ordnance Datum (m AOD) for 'less vulnerable' uses, and for no structure to be erected or finished landscape levels altered throughout the lifetime of the development, unless agreed in writing by the LPA in consultation with the EA.

#### Flood warning/evacuation plan

207. The EA have advised that ideally, applicants should demonstrate a new development has a safe, dry access/egress route during a 1% annual probability flood event, including an allowance for climate change, or else a route with a 'very low' hazard rating in accordance with FD2320: Flood Risk Assessment Guidance for New Development. In situations where it's not possible to ensure dry access/egress routes, consideration may be given if it can be demonstrated that proposed 'wet' routes still remain safe for site users.

208. The development at Wembley Point does not have a means of dry access/egress during the design flood event. The applicant has submitted a Flood Warning and Evacuation Plan (Pell Frischmann, Ref. 102139-PF-ZZ-ZZ-RP-D-0003, dated 24/04/2023). This highlights that as noted in the SFRA Level 2, under the 1% (1 in 100) AEP plus 35% climate the whole site is submerged. The latest modelling shows that during a 1% AEP flood event plus climate change the depth of flooding across the site is circa 600 mm and the expected velocity is circa 0.98 m/s. The deep, fast flowing water means the post development flood hazard rating for the site is shown to be predominantly "Danger to Most". This means that safe access/egress route cannot be guaranteed during a flood event.

209. The Flood Warning and Evacuation Plan has set out that when it is possible to evacuate the site, the evacuation procedure would be signalled via an alarm system for the shared and public areas, and the Flood Warnings Direct service for those in individual properties. The preferred evacuation procedure all residents, workers and visitors would be to leave the site and seek refuge outside on higher ground. The evacuation route would be to exit the site via the north-western access on Point Place and then head north-eastly towards Harrow Road. Higher ground to the north can then be accessed via Harrow Road.

210. If the site cannot be fully evacuated or in the case of sudden inundation associated with catastrophic failure of the Brent Reservoir, refuge should be provided on site, The site comprises of multi-story floor levels, where the upper floor levels of the building will count as primary areas of refuge. Following this, they should then wait for the flood waters to recede or until emergency services direct otherwise. The development deploys a water entry strategy, allowing water to enter the majority of the ground floor of the proposed buildings, therefore safe refuge must be sought on the upper floors.

211. The proposed evacuation route from the ground floor, through internal stairwells, to the

first floor. Following the instruction to evacuate, there are various locations of refuge that all residents, workers and pedestrians could use in the event of a flood. The site comprises of multi-story floor levels, where the upper floor levels of the building will count as primary areas of refuge, these can be accessed through the internal stairwell. If people are seeking refuge in the upper floors, they should wait for the flood waters to recede or until emergency services direct otherwise.

212. The Local Lead Flood Authority is satisfied with the findings of the report. However, it is recommended that further details of the evacuation procedures are conditioned to any forthcoming consent, which would provide further details on the Flood Warning and Evacuation Plan.

### Proximity to River Brent

213. The EA also raised an initial objection to the potential impact on the culvert. They seek to provide an 8-metre buffer between any development and the culvert. Clarification was sought to demonstrate that the works would not impact upon the structural integrity of the culvert or river channel, that the existing access points to the culvert for maintenance and emergency works will be maintained and that the development will not preclude any future opening up of the culvert.
214. In response to this objection, the applicant provided "River Brent Culvert Report". This set out information on the design principles for Building A and C. It confirmed that piled foundations would be used for building A. The building would be 4 m away from the surveyed inside line of the adjacent enclosed culvert. The width would allow for a potential 1 m thick culvert wall section and a s 3 m wide easement zone. The report advised that the foundation base is anticipated to be shallower than the base of the culver, and therefore, the excavation to formation level would not undermine the culvert. Piling would be installed from existing ground level.
215. Building C would include a single storey basement involving excavation adjacent to the open section of the Rover Brent culvert. Building C would also be 4 m away from the inside wall of the culvert to allow a 3 m easement as set out above in relation to Building A. The report advises that the proposed basement would have a secant piled wall installed from existing site levels to enable the excavation to basement formation level.
216. The EA have reviewed the report and advised that the information is sufficient to overcome their earlier objection. They have recommended a number of conditions in relation to pre-works and post works culvert condition surveys, maintenance and inspection of the river wall, construction methodology, and access for river wall maintenance and repair.

### **Sustainable Drainage Measures**

217. Policy SI13 of London Plan sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy. Policy BSUI4 relates to on site water management and surface water attenuation. It requires major developments to:
- a) use appropriate sustainable drainage measures to control the rate and volume of surface water run-off;
  - b) ensure where feasible separation of surface and foul water systems
  - c) make reasonable provision for the safe storage and passage of flood water in excessive events; and
  - d) demonstrate adequate arrangements for the management and maintenance of the measures used.

218. The application has been accompanied by a drainage strategy. It notes that achieving Greenfield runoff rates for the development could not be achieved due to insufficient space on site to install attenuation systems to the required volume. It has however been agreed with the LLFA to restrict run off rates from the site to 36 l/s. A vortex flow control will be installed to restrict flows to the maximum discharge rate set for the 1 in 100-year storm, plus an allowance of 40% for climate change. This proposal will ensure that the development does not lead to an increase of flood risk elsewhere through a significant reduction in discharge rates compared to the existing scenario. The proposed rate of 36 l/s will apply to all storm events. Despite not meeting Greenfield runoff rates, this betterment is a vast improvement.
219. Attenuation storage will be provided below ground to contain rainfall events up to 1 in 100-year return period (including a climate change allowance of 40%), prior to discharging to the River Brent. There is a need to provide 484 m<sup>2</sup> of attenuation storage. The attenuation storage required is to be provided by the combined use of permeable paving and geo-cellular flood crates. Further superficial attenuation will be provided through green roofs and soft landscaped areas.
220. Confirmation has been provided the surface and foul water would be separated, and that the sustainable drainage measures would managed and maintained for the lifetime of the development by an appropriate managing body. It is considered that the sustainable drainage measures are accept and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent. The LLFA is satisfied with the findings of the drainage report. It is noted that the GLA have requested further information on the drainage strategy to ensure that it achieves run off rates as close to greenfield rates as possible, including information on whether rainwater harvesting and reuse could be applied. This would be addressed ahead of stage 2 referral.
221. Thames Water were consulted during the course of the application and confirmed that they would have no objections in relation to surface water drainage based on the information provided. They have however identified an inability of the existing foul water network infrastructure to accommodate the needs of this development and recommend that further information is conditioned. They also recommended a condition in relation to piling as the development is located within 15 m of a strategic sewer.

## **Ecology and biodiversity**

222. The sites does not lie within a Site of Nature Conservation Importance (SNIC). The nearest ones are located to the south of Argenta Way and Tokyngton Avenue along the railway line (this is designated as the is SNIC (Grade 1) Harlesden to Wembley Centre including Wembley Brook SNIC and a wildlife corridor) to the north of the opposite side of Harrow Road with the SNIC Grade 1 Brent River Park. London Plan policy G6 sets out that SNICs should be protected, and development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This policy position is also reinforced in the Local Plan with policy BGI1 setting out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area.
223. A Preliminary Ecological Appraisal has been submitted, which comprised a desk study, Phase 1 Habitat Survey and an ecological scoping survey. The purpose of the report was to assess the potential of the site to support species of conservation concern or other species which could present a constraint to the development of the site.
224. The report identifies that the site is approximately 1.28 ha in size (including the existing Wembley Tower Building), and contains a large asphalt car park, with some ornamental tree and shrub planting and an area of rank grassland just outside the site boundary. A canalised watercourse (Wembley Brook) flows through the southern part of the site. The site is bounded by roads to the north-east and west, and by a canalised section of the River Brent to the south. The wider area is largely urban with a park and some vegetated railway line embankments.

225. The report sets out that there is low potential for off-site, downstream impacts on the two non-statutory SNIC designated sites as identified above.
226. The report sets out that the site is largely hardstanding of negligible ecological value. All of the vegetated habitats considered as a whole have intrinsic ecological value at the level of the site and its immediate zone of influence. It recommends that replacement planting/habitat creation would be required as mitigation for the loss of existing habitats. This should include the use of native tree and plant species, or exotic species with known value for pollinators and other fauna (e.g. fruit for birds). Replacement planting should also include larger trees and dense scrub to provide bird nesting habitat. A net gain in biodiversity should be delivered across the site in line with policy requirements. The applicant has provided information setting out that the existing biodiversity value of the site is 0.57 biodiversity units, and that the scheme would be increasing this to 1.18 biodiversity units post development, with an increase of 107.79%. The recommendations also include the need for four bird boxes to be included.
227. The report identifies that the site does not contain or is suitable for protected species including bats, reptiles, or water voles. However, the semi-mature trees and scrub on site could provide nesting habitat for common birds. Removal of trees and shrubs would result in nesting bird habitat loss and could disturb or damage active nests. Retention and replacement of trees is outlined in the report to limit disturbance and provide nesting habitat.
228. In terms of invasive species the report highlights that Japanese knotweed is still present adjacent to the western site boundary, although this is outside the application boundary; measures should be taken to ensure it is not spread throughout the construction phase of the development.
229. A Condition is recommended in relation to a Construction Environmental Management Plan (CEMP) detailing all of the environmental and biodiversity protection measures to be implemented during construction including:
- Pollution prevention measures to prevent contamination of off-site habitats including the adjacent stretch of the River Brent;
  - A Method Statement for preventing the spread of Japanese knotweed; and
  - Nesting bird checks and ecological supervision where necessary if trees, shrubs and scrub will be removed during the bird nesting season.

#### *EA objection on ecology grounds*

230. The EA originally raised an objection on the grounds that the development proposal did not adequately assess the risks to nature conservation and ecology of the River Brent. They wanted to see an accurate assessment of the net gain in biodiversity on the site including the river, whether water quality would be affected, how the scheme is designed to re-naturalise the river, and that adequate daylight would be retained to the river.
231. Following discussions with the EA, it has accepted that the physical structure of the river channel alongside Wembley point could not be altered to allow a more naturalised river bank. Alternative opportunities for ecological enhancements to the river that could work with the existing structure have therefore been proposed in the form of floating reedbeds or appropriate plants alongside the banks of the River Brent, which will tie into the wider proposed landscaping of the scheme, particularly that alongside the top of the river bank.
232. An overshadowing assessment was carried out in relation to the river. It sets out that the results show full compliance with BRE guidance. On March 21st (the BRE's test date), the River would exceed the suggested 50% surface area that should receive at least 2 hours in sunlight. During the summer months, being the June 21st test date, the analysis also records full BRE compliance, with each visible part of the river recording at least 91.2% of its surface

area that receives at least 2 hours of direct sunlight. The results of the Time in Sun analysis highlights that the river will receive at direct sunlight intervals equating to at least 60 minutes across its surface area on March 21 st , with some areas achieving direct sunlight achieving up to 8 hours.

233. The EA have confirmed that based on the additional information that this objection has been overcome. They have recommended conditions in relation to an ecological enhancement report, and the provision and management of habitat creation in the form of floating reedbeds.

### **Urban Greening Factor**

234. London Plan Policies G1 and G5 emphasise the importance of urban greening in development. Acceptable urban greening features include street trees, green roofs, rain gardens and hedgerows. Policy G5 recommends that a target Urban Greening Factor (UGF) score of 0.4 and should be achieved on predominantly residential developments. Brent Local Plan Policy BGI1 states that in meeting the urban greening factor major developments should place emphasis on solutions that support biodiversity.

235. The greening strategy proposed for the development includes features such as semi-natural vegetation, intensive green roofs, tree planting and open water, resulting in an urban greening factor (UGF) score of approximately 0.4 and the development is therefore in compliance with London Plan policies G1 and G5, as well as Brent Local Plan policy BGI1.

### **Trees**

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

237. A Tree Survey Report and Arboricultural Impact Assessment and has been submitted identifies 7 individual trees and 6 further groups of trees. The trees on site are subject to Tree Preservation Order Reference No.07/00030. B.

238. Of the 7 individual trees 3 have been assessed as category B (moderate amenity value), 3 have been assessed as category C (low amenity value) and 1 as category U (dead/dying). With the exception of tree T2 (the London Plane Category B tree) and trees T6 (Norway Plane Category B tree) and T7 (Field Maple Category B tree), all other individual trees would need to be removed to accommodate the development.

239. Six groups of trees have been identified accounting for a further 50 trees (49 if one of the group 5 trees has been removed as shown on the Tree Plan). Of the groups identified, 3 (Groups G2, G4 & G5) have been assessed as category B (moderate amenity value), whilst the other 3 have been assessed as category C (low amenity value). All individual trees within these tree groups would be removed to accommodate the development.

240. In summary a total of 57 trees have been identified on site (or 56 if one in G5 has been removed) of which 3 Category B (moderate amenity value) trees would be retained. The report identifies measures to protect the retained tree throughout construction and such protection measures would be secured by condition

241. A large number of trees (112) of varying size are proposed and indicatively shown on the Tree Removal and Protection Plan, which represents a net increase of 58 trees (59 if the tree in G2 has since been removed), when accounting for the 3 retained trees and the loss of 54 trees (53 if one of group 2 has already been lost).

242. The indicative location of the proposed trees is considered to add value both in terms of biodiversity and visual amenity for occupiers within the site as well as the sites overall

appearance. In addition the indicative 23 trees shown along the southern side of the boundary with North Circular Road improving the sites verdant appearance along this boundary.

243. A condition is recommended in relation to tree protection measures for the three trees that would be retained on site together with a condition that requires final detailed landscaping drawings to be submitted and approved by the LPA, which will include full details of type and species of tree planting throughout the site.

## **Transportation considerations**

### Policy background

244. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and maximum parking allowances for residential development are set out in Policy T6.1. Brent's Policy BT2 sets out parking allowances to align with those of the London Plan.
245. Cycle parking spaces must be provided in compliance with London Plan Policy T5 in a secure weatherproof location and in accordance with design guidance set out in the London Cycling Design Standards. Bin storage should allow for collection within a 20 m carrying distance (or 10 m for larger Eurobins), and more detailed guidance on bin storage requirements is given in the Waste Planning Guide.
246. London Plan Policy T2 expects new development proposals to follow a Healthy Streets Approach and include an Active Travel Zone (ATZ) assessment, and Policy T4 requires Transport Assessments to be submitted.

### Existing Provision

247. Point Place is a one-way westbound at western end local access road with contraflow bike lane and a bus stop (routes 112 and 440). On-street parking prohibited at all times along entire site frontage, with bus stop clearway. Harrow Road is a London distributor road with bus route is located to the east of site. To the south of the site is the slip road to the strategic A406 North Circular Road. Argenta Way is a two way local access road which serves Stonebridge Park Station a bus stop on both sides of the road. Parking is generally unrestricted in wider area with exception on Wembley Stadium event days.
248. The site currently includes a 232 space car park (46 disabled spaces and 2 car club spaces) accessed via a 10 m wide cross over with 4 m width dropped kerb from Point Place. A redundant 5.5 m wide access is existing from Point Place as well as a 6 m wide egress to Harrow Road.
249. The Public Transport Accessibility Level (PTAL) is 4/5 (good/very good).

### Parking Provision

250. Parking standards are set out in appendix 4 of the adopted Local Plan and for residential and retail uses, these require London Plan standards to be followed. With the site being located in Outer London, this permits up to 0.5-0.75 spaces for each of the new residential units, totalling 258-386 spaces. The application would be "car free" with the exception of 26 disabled bays proposed within the basement of Building C, accessed via two car lifts from Point Place with an additional 4 disabled bays proposed to be located on the widened Point Place which meets the required 3% blue badge provision across the residential schemes. It is important to note that the total requirement of blue badge spaces has included the provision required for the existing 439 Wem Tower residents as well as the 515 homes within this scheme in the calculation.

251. The Transport Assessment acknowledges that at least 5 spaces (20%) are required to be electric vehicle point at the outset with the remainder having passive provision. This would be secured through condition.
252. Policy BT2 requires that consideration be given to the impact of any overspill parking on traffic flow and road safety. Car ownership data for flats in the area based on 2021 Census data has been used to estimate impact, it has been identified that average car ownership is about 0.61 cars/flat for the local area. This suggests about 614 cars could be owned by residents of these 515 proposed flats. This is in addition to any cars owned by residents of the 439 flats in Wem Tower that could be displaced onto adjoining streets as a result of the redevelopment of the existing surface car park.
253. Although residential streets in the nearby area (Tokyngton Avenue, Derek Avenue, Sylvia Gardens, Aldbury Avenue, Monks Park Gardens etc.) are not listed as being heavily parked at night at present, they do not have sufficient spare kerbside space to accommodate the level of overspill parking forecast. In the absence of measures to mitigate this, the proposal therefore could give rise to potential concern over increased instances of dangerous and obstructive parking on footways, at junctions, across accesses for example.
254. To address this issue, funding of up to £220k (index-linked) has already been secured towards the implementation of a Controlled Parking Zone in the area from the conversion of Wem Tower to flats, with further funding secured from nearby Argenta House re-development.
255. This funding is sufficient to cover streets to the north of North Circular Road for a distance of at least 500 m, giving an area bounded by Tokyngton Avenue, Bovingdon Avenue, Wyld Way, Grittleton Avenue and Monks Park Gardens. No further funding is therefore required from this proposal. In summary, the provision of the CPZ, in conjunction with a legal agreement to secure a 'car-free' agreement removing the right of future residents (except Blue Badge holders) to on-street parking permits, is considered sufficient to mitigate any potential overspill parking as a result of this development.

### Cycle Parking

256. Cycle parking would be required for the proposed flats as well as to replace the 440-space external cycle store which serves the existing flats in Wem Tower which is proposed to be removed. A total of 1,370 long-stay bicycle parking spaces are required for the 515 flats proposed within this scheme together with the 439 flats with the existing Wem Tower, in compliance with London Plan standards.
257. The proposed provision of 1,404 spaces spread across the three buildings therefore exceeds requirements and the mixture of two-tier racks and 'Sheffield' stands, some of which are widely spaced for larger bikes. A minor concern remains with the width of the doors which must be sufficiently wide for cycle access (1.2 m) and a condition will be attached relating to both the layout of the stores and the access to them. The replacement bicycle parking for residents of Wem Tower will be located on the ground floor of Building C. This is close enough to Wem Tower to be reasonably convenient.
258. Nine further long-stay spaces would be required for the commercial floorspace. No details of long-stay bicycle parking for staff have been provided, so further details will be required for each of the various commercial units. The Transport Assessment confirms that details will be finalised at the fit-out stage of the units and a condition requiring the approval of further details of long-term bicycle parking for the commercial units is recommended in the meantime.
259. For short-stay parking, exact requirements will depend upon the exact use of the commercial space. However, taking a food and drink use as the worst case, a total of 52 short-stay spaces would be required (24 residential, 20 commercial and 8 gym). A total of 31

'Sheffield' stands are proposed within the landscaped area which would provide 62 cycle spaces, thereby meeting London Plan requirements.

260. A Car and Bicycle Parking Management Strategy has been submitted as an Appendix to the Transport Assessment and its operation would be secured through a condition.

#### Access, cycle routes and improvements to Point Place

261. The proposal would introduce a number of footpaths across the site (which is currently fenced) and will significantly increase permeability, particularly in an east-west direction, which is welcomed. These routes will be pleasant and well overlooked. They are not expected to be adopted, but public access to them is recommended to be secured through the S106 Legal Agreement.

262. Part of Point Place currently allows two way vehicular traffic which enables access in and out from the current site to Harrow Road. Beyond the existing site access, the road becomes one way east to west and joins up with Argenta Way. There is an existing east-west contraflow system for cycles from Argenta Way providing a connection to Tokyngton Avenue.

263. The proposals include the widening of Point Place, the re-alignment of the kerb, the introduction of blue badge spaces, re-alignment of the bus stop and addition of a loading bay. A contra-flow cycle lane will be re-provided between Argenta Way and Tokyngton Avenue. These changes are acceptable in principle, but the proposed works to Point Place still also require the installation of traffic-calming measures (preferably speed tables at the junction with Harrow Road, at the zebra crossing and at approximately 70m intervals), whilst the southern kerb radius at the junction with Harrow Road also needs to be reduced and the central islands in Harrow Road adjusted to suit the revised layout. These will be secured through the Section 278 agreement.

264. The stated intention is to divert the east-west cycle route onto the footway of North Circular Road between Argenta Way and Harrow Road, with an increased width of 4m shown to allow segregation of pedestrians and cyclists. This will then be set behind an extended landscaping buffer of up to 5m width to separate it from the carriageway of the North Circular Road slip-road. The route would require the adoption of some land in the southwestern corner of the site (notably behind the bus stop/shelter and where the steps to the old footbridge to Wem Tower were formerly located) as public highway to ensure the new cycle route will remain in the public domain.

265. The proposals also show the replacement of the unattractive pedestrian deterrent paving along the northern side of point place with planting, which will improve the appearance of this road.

266. An east-west cycle route is also proposed along a widened 4 m footway on the North Circular Road slip road between Argenta Way and Harrow Road, where it would link with future cycle route CFR23. Initial proposals included a pinch point along the route, which has now been addressed through alterations to the left-turn filter lane from Old North Circular Road into Harrow Road to increase the footway width. A Road Safety Audit has been undertaken to support this change. The proposals for the future cycle route CFR23 along Harrow Road, if implemented, would remove the left-turn filter lane and pinch point in any case.

267. The proposed cycle route is welcomed, and is recommended to be secured through the S278 agreement (in this instance with both Brent and TfL). As the route crosses into the development site, it will also require the adoption of some land in the southwestern corner (notably behind the bus stop/shelter and where the steps to the old footbridge to Wem Tower were formerly located) as public highway through a S38 Agreement to ensure the new cycle route will remain within the adopted highway.

268. This development and proposed Cycle Route CFR23 along Harrow Road have overlapping timeframes, but discussions have been held between the developer and TfL to ensure the two cycle routes link together seamlessly. However, given that it is uncertain which route will be constructed first, some flexibility in the wording of the highways agreement will be required. TfL have also requested a financial contribution of £200,000 towards the delivery of cycle route CFR23.
269. The cycleway would provide a more direct, traffic-free route between the Old North Circular Road cyclepath and the Harrow Road/North Circular Road junction, where it will link up with proposed Cycle Route CFR23 and potential future links onwards towards the St. Raphael's Estate and Brent Park, which would be a welcomed benefit.
270. Given the proposed phasing of the development it is recommended that the works to create the new cycleway are required to be completed prior to occupation of Building A (Phase 1) and that works in Point Place are completed prior to occupation of Building B (Phase 3).
271. The S278 highway works will also need to include the removal of the crossover on Harrow Road and its reinstatement to footway.

### Delivery and Servicing

272. Loading and servicing is generally proposed to take place on-street from Point Place. This will be achieved by widening Point Place by up to one metre in order to accommodate a 3 m wide, 60 m long loading pad and disabled parking bays along the southern side of a 3.7 m wide one-way (westbound) carriageway, with a 2.5 m (minimum) width footway retained behind. The existing 1 m wide highway verge will be retained along its northern side. This arrangement is acceptable in principle.
273. A Delivery and Servicing Plan has been submitted with the application. This estimates that when fully occupied, the development will generate a total of 329 residential deliveries per day, mostly by vans. However, it is considered that the level of daily van and lorry deliveries has been overestimated by a factor of six. It is also noted that the Delivery & Servicing Plan estimates that each residential delivery would take an average of 10 minutes. Using the temporal profiles from the TA and an estimated waiting time of 10 minutes, 97 daily deliveries would result in a peak of two delivery vans at any time during the busiest hour. Commercial deliveries are estimated at no more than two per hour, which is not as significant. The plan is also proposed to be regularly monitored and updated, which is welcomed.
274. With regard to waste collection, bin stores are proposed at ground floor level of the two residential blocks, together with a replacement waste store for Wem Tower within Building C.
275. Building A is some distance from the Point Place loading bays though, so the site management team will relocate bins to a collection day store within Building C, where they can be appropriately located to allow collection in line with the Brent waste planning guidance. Given the distances to the highway and loading bay, the proposals relies upon refuse vehicles (as well as maintenance and emergency vehicles) accessing the central square area from Point Place. Tracking diagrams have been provided demonstrating that such vehicles could manoeuvre within this space. The arrangement is fine in principle, subject to a condition demonstrating how refuse vehicles accessing the space would be managed and how other vehicles would be prevented from entering the space (with the exception of emergency services vehicles).
276. Due to the size of the bin stores, it is also proposed that residential waste is collected twice weekly. This arrangement is already in place for Wem Tower and is considered to be appropriate providing the applicant meets Brent Council's additional costs in providing this enhanced service. The commercial units will be responsible for making their own arrangements for waste collection.

## Transport Impact and Trip Generation

277. Surveys of trips to and from five similar residential development sites in outer London areas with moderate to high PTAL ratings were examined in order to assess likely future trips to and from the development. Applying the resultant trip rates to the 515 proposed flats gave predicted person trips of 38 arrivals/213 departures in the am peak hour (8-9 am) and 133 arrivals/93 departures in the pm peak hour (5-6 pm).
278. Although the proposed gym may attract visitors from slightly further afield, the overall commercial floorspace of any particular unit was not considered large enough to attract trips from any great distance, particularly given the lack of off-street car parking for the commercial uses. Trips for these uses are therefore expected to be largely undertaken on foot or bicycle, which would have a low impact. No assessment of commercial trips was therefore carried out.
279. Census data, with an adjustment to recognise the low car parking provision and resultant low number of car trips to estimate that the development would generate 7-8 car trips in each peak hour, which is not significant enough to have any noticeable impact on the local road network.
280. For public transport, 15 arrivals/82 departures in the morning peak hour and 51 arrivals/36 departures in the evening peak hour are expected to be made by rail and Underground together. Given the proximity of the site to Stonebridge Park station, all trips are assumed to use the London Overground and Bakerloo line services that pass through it. With 80% of journeys predicted to be to and from the south, this would amount to a maximum of about 5 additional passengers per train on southbound trains from the station in the morning peak hour.
281. TfL have reviewed the proposal and potential impacts on bus and rail capacity. While they do not raise in principle objection in relation to these matters, they have highlighted the issues with gate-line capacity Stonebridge Park Station and also the absence of step-free access. They have requested a financial contribution of £546,700 towards measures to mitigate the impact on Stonebridge Park Station in line with London Plan policy T4. With regard to bus capacity, they note that forecasted bus trips equate to 74 and 67 two-way trips in the AM and PM peaks respectively. They highlight that the recent review of the local bus network in Wembley identifies the need for capacity improvements, and have requested a contribution of £481,000 towards bus capacity enhancements in Wembley.

## Active Travel and Pedestrian Permeability

282. For walking and cycling trips, a Healthy Streets Assessment has been undertaken for five key routes in the area; towards Wembley town centre, Brent River Park, Brent Park, Stonebridge schools and Park Royal.
283. The identified improvements along these routes are fairly minimal, largely concerning improved maintenance. However, additional seating and pedestrian crossings are recommended along Harrow Road, which can be considered further as proposals for cycle route CFR23 along Harrow Road are progressed.
284. The proposal would result in a new attractive and legible route to Stonebridge Park station with natural surveillance.

## Travel Plan

285. A Travel Plan has been submitted and outlines strategies for supporting future residents, staff and visitors in travelling to and from the site by non-car modes of transport. To do this, a Travel Plan Co-ordinator is to be appointed to administer the implementation and

future monitoring of the plan.

286. As the development is 'car-free' (once a CPZ has been introduced in the area), opportunities for car travel would be limited. The main objectives of the travel plan revolve around promoting active travel (walking and cycling), with the main target being to increase cycling from 2% of journeys to 5% over the five year period of the Travel Plan. Car journeys would need to remain below 3%.
287. The measures proposed to achieve these targets largely centre around promotional activity, such as the provision of welcome packs, information boards, cycle clubs, home-working, promotion of car sharing and car clubs. It is noted that there is a noticeable absence of any Car Club operators in the vicinity of the site. As a minimum, engagement would need to occur with a future Car Club operator to locate vehicles at the site (with electric vehicle charging points) and to subsidise future membership of the Car Club for initial residents for a minimum of three years. The proposed site layout therefore needs to identify parking space(s) for Car Club vehicles within or close to the site. The setting up of a Car Club would be secured S106 Agreement.
288. Monitoring of the success of the Travel Plan is proposed on a biennial basis for a period of five years through i-TRACE/TRICS compatible surveys, this is considered acceptable. The Travel Plan is also proposed to cover the commercial floorspace, which is welcomed. However, as no parking is to be provided for the retail and leisure units anyway and as they all fall below TfL thresholds for a full Travel Plan, a Travel Plan Statement of intent is considered appropriate. This means there is not a requirements for ingoing monitoring surveys for the commercial units.
289. The submitted Travel Plan needs further development, particularly around Car Club provision. A final Travel Plan would be secured prior to first occupation of the development through the S106 Agreement. In addition the Travel Plan would need to amend bus spider map (figure 3.7) to reflect Stonebridge and include local bus routes such as 224 and 232.

### Construction Traffic

290. The Transport Assessment includes draft construction logistics arrangements and a separate Construction Management Plan has been submitted.
291. The construction programme is currently scheduled for the period 2023-2026, with first occupation in 2025. It has been estimated that the peak construction phase is estimated to require 58 deliveries per day (nine of which would be HGV's). With working hours confirmed as 8 am - 6 pm on weekdays and 8 am - 1 pm on Saturdays, this would result in an average of six arrivals and six departures per hour. Deliveries will be planned on a 'just-in-time' basis to avoid network peak hours and school drop-off/collection times (i.e. only between 9.30 am - 4.30 pm on weekdays) using a booking system, with 24-/48-hours' notice required to book 30-minute delivery slots.
292. All loading would take place within the development site, so there should be limited need for any road closures. It is confirmed that wheel washing facilities will be provided and loose loads will be sheeted to prevent soil being deposited on the public highway, with the surrounding roads also being swept on a daily basis.
293. Wem Tower would continue to need to be accessed by residents throughout the works, including access to bicycle and disabled parking given that the alternative facilities would not be available for use until Building C is complete. The applicant is aware of this and the issue will need to be fully addressed in any final Construction Logistics Plan.
294. No off-street parking will be provided for construction staff, so a Staff Travel Plan is proposed to encourage them not to drive to the site and to use public transport instead.

295. The Construction Logistics Plan and Construction Management Plan are considered acceptable in principle. However, a final detailed document based upon the principles set out in these submissions would be a condition of approval, prior to works commencing on site. Once a final Construction Logistics Plan is approved, a structure is set out for monitoring its impact and updating the plan as necessary.

#### Transportation summary

296. The proposal would be "car free" with the exception of blue badge parking which is sufficient for both the existing flats within Wem Tower and the proposed flats. There currently is no CPZ in the nearby streets (aside from the Event Day Parking Zone). However, contributions have already been secured through the Wem Towers prior approval and the Argenta House consent which are sufficient for the implementation of a CPZ. Cycle parking has been proposed to meet London Plan standards. The highway works in Point Place will result in the provision of servicing and disabled parking provision together with the re-provision of the contra-flow cycle lane as far as Tokyngton Avenue, whilst a new cycle lane is proposed along the southern site boundary. Servicing provision within Point Place is considered to be sufficient to meet projected demand, whilst the initial construction management plan and construction logistics plans are considered to be acceptable in principle. Contributions are also sought by TfL towards station improvements, cycle routes and bus services. The proposal is considered to be acceptable in relation to the potential transportation impacts subject to the conditions and obligations set out within the recommendation section of this report.

### **Sustainability and energy**

#### Policy background

297. Planning applications for major development are required to be supported by proposals for sustainable design that accord with various policies in the Brent Local Plan and the London Plan. This is designed to demonstrate, at the design stage, how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per day (SI 5) and the use of sustainable drainage (BSUI4).

298. Major residential and non-residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. Since the submission of the planning application, the Building Regulations have been updated with 2022 version. Nevertheless, given that the application was submitted prior to the updated regulations coming into effect, and designed in accordance with 2013 regulations, transitional arrangements are applicable and it is considered appropriate to consider the carbon reductions in accordance with the Building Regulations 2013 Target Emission Rates (not those updated and effective from June 2022). Policy SI2 also sets out more detailed requirements, including the 'Be Seen' requirement for energy monitoring and reporting and (for proposals referable to the Mayor) a Whole Life Cycle Carbon Assessment). Policy SI4 requires the energy strategy to include measures to reduce the potential for internal overheating and reliance on air conditioning systems.

299. Any shortfall in achieving the target emissions standards is to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £95, or through off-site measures to be agreed with the Council. Policy BSUI1 also requires any proposal for commercial floorspace of over 1,000 sqm to demonstrate that it achieves BREEAM Excellent standards.

300. For the residential parts of the development, the policy also requires at least 10 percentage points of the minimum 35 percentage point reduction to be attributable to energy

efficiency measures (known as 'be lean' measures) and for the commercial parts of the development, the policy requires at least 15 percentage points of the reduction to be attributable to 'be lean' measures. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

### Carbon emissions

301. The energy assessment submitted sets how the London Plan energy hierarchy has been applied. At the 'be lean' stage of the hierarchy, applicants must achieve carbon emissions savings through passive energy saving measures. For this proposal, the applicants have used high specification fabric (including U-values that meet or exceed Building Regulations, high performance glazing with solar control and to limit solar gain), energy efficient light fittings to minimise energy demand, the use of mechanical ventilation with heat recovery (MVHR) and the use of Low Temperature Hot Water generated by the heat pumps.
302. For the 'be clean' stage, the applicants explored the potential to connect to a district heat network (DHN). There are no nearby communal DHNs. The development should ensure that it is designed to allow future connection to a heat network and the details of a connection point to be incorporated into the development as a futureproofing measure will be secured by condition. Nonetheless, in the absence of a connection to a DHN, the development will not achieve any carbon savings through the 'be clean' stage of the hierarchy.
303. For the 'be green' stage, applicants are required to maximise the use of onsite renewable technologies in further reducing carbon emissions. The applicants propose to incorporate air source heat pumps (ASHP's) to provide space heating, cooling and a proportion of domestic hot water requirements (with the remainder topped up using direct electricity) together with Photovoltaic Panels (PVs).
304. The assessment demonstrates that the scheme would deliver a 44.7% reduction in carbon emissions across the development (44% reduction for the residential element and 47% reduction for the non-residential element) below the 2013 Building Regulations baseline, which is broken down into the following elements below:

#### *Domestic element*

|  | Regulated emissions CO2 p.a | Saving in regulated emissions CO2 p.a | % reduction |
|--|-----------------------------|---------------------------------------|-------------|
| Baseline Building Emissions based on Part L 2013 | 509                         | n/a                                   | n/a         |
| Building Emissions following 'Be Lean' measures  | 451                         | 57                                    | 11%         |
| Building Emissions following 'Be Clean' measures | 451                         | 0                                     | 0%          |
| Building Emissions following 'Be Green' measures | 283                         | 168                                   | 33%         |
| Total  |                             | 226                                   | 44%         |

#### *Non-domestic*

|                             | Regulated emissions CO2 p.a | Saving in regulated emissions CO2 p.a | % reduction |
|-----------------------------|-----------------------------|---------------------------------------|-------------|
| Baseline Building Emissions | 70                          | n/a                                   | n/a         |

|  |    |    |     |
|--|----|----|-----|
| based on Part L 2013                             |    |    |     |
| Building Emissions following 'Be Lean' measures  | 65 | 5  | 8%  |
| Building Emissions following 'Be Clean' measures | 65 | 0  | 0%  |
| Building Emissions following 'Be Green' measures | 37 | 28 | 39% |
| Total  |    | 33 | 47% |

305. The scheme would have a residual emissions amount of 320 tonnes of CO2 per year, down from 579 tonnes of CO2 (a 44.7% overall reduction) which would reflect the residual emissions were this development built to the base specifications of the building regulations. This significantly exceeds the overall energy performance targets in policy SI2 for both residential and non-residential carbon savings. In respect of the 'Be Lean' savings, the non-residential component of the scheme falls short of the 15% minimum savings sought for this element, but given the overall savings significantly exceeding the 35% target, the limited conflict with policy SI2, is accepted on balance. A carbon offsetting payment of £95 per year for 30 years for each tonne of emitted regulated carbon is to be secured from the developer in line with London Plan policy. A detailed energy strategy would be secured within the s106 agreement with the need to pay any contribution should the scheme not achieve zero carbon, which at this stage is anticipated to be around £912,712.

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

307. The GLA have confirmed that the development's energy strategy is in general compliance with the London Plan policies, although to ensure that the projected and (where possible) additional savings are achieved, further information or clarifications relating to the Be Lean target for the non-residential element, overheating, photovoltaics (demonstrate that delivery is being maximised), futureproofing, air source heat pumps and on-site heat network are required. This would be provided ahead of the stage 2 referral.

308. The GLA have also requested a commitment that the development will be designed to enable post construction monitoring and that the information set out in the 'Be Seen' guidance is submitted to the GLA's portal at the appropriate reporting stages is to be secured via the Section 106 agreement, as well as carbon off-set contribution. Connection or future connection to a district heating network should also be appropriately secured.

#### Sustainable design and construction

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

310. None of the individual commercial units (retail or the gym space) would consist of a floorspace of 1000 sqm or greater. As such, there is no requirement to submit a BREEAM assessment. Nevertheless, the application is accompanied by a BREEAM pre-assessment sets out that the applicant is provisionally targeting the achievement of an 'Excellent' rating (75.3%) for the gym use within Building B.

311. With regard to overheating, the applicants have submitted an overheating report setting out a number of measures being used to help eliminate or reduce overheating risk, and achieve the requirements of London Plan Policy SI4. This sets out that the following passive

design measures have been included:

- Recessed balconies with overhangs
- Solar control glass (g-value of 0.35)
- Tilt/turn Juliet balconies for safe daytime and night-time natural ventilation
- Tilt/turn Balcony doors for safe daytime and night-time natural ventilation
- Top hung windows for safe daytime and night-time natural ventilation

312. In order to reduce further the overheating risk additional measures, the following additional measures have been considered to meet the TM59 requirements:

- High-performance internal blinds
- External blinds

313. As a summary, the overheating calculations listed in the appended overheating report are showing that:

- 100% of assessed bedrooms are meeting the TM59 requirements (without the use of blinds)
- 37% of assessed living areas are meeting the TM59 requirements (without the use of blinds)
- 88% of assessed living areas are meeting the TM59 requirements with the use of high-performance internal blinds
- 100% of assessed living areas are meeting the TM59 requirements with the use of external blinds
- 100% of community corridors are meeting the TM59 requirements

314. An additional option has been assessed which includes MVHR with tempered air. This option may be required for the dwellings with limitations to natural ventilation provision due to acoustic constraints. In order to limit the cooling loads this option will require the inclusion in the design of high-performance internal blinds or external blinds.

315. As a summary, the overheating calculations listed in the appended overheating report are showing that:

- 100% of assessed bedrooms are meeting the TM59 requirements when fitted with an MVHR with tempered air and closed windows and internal or external blinds
- 100% of assessed living areas are meeting the TM59 requirements when fitted with an MVHR with tempered air, closed windows and internal or external blinds

#### Whole Life Carbon Cycle and Circular Economy

316. A Whole Life Cycle (WLC) Carbon Assessment has been provided, as required by London Plan policy SI2, demonstrating whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrating actions taken to reduce life-cycle carbon emissions. By undertaking a WLC, the development has demonstrated (subject to further Stage 2 consideration by the GLA) that options for reducing carbon emissions have been considered and implemented where feasible.

317. A Circular Economy (CE) statement has been submitted, as required by London Plan policy SI7. This is to be reviewed by the GLA as part of the stage 2 referral.

318. Suitable planning conditions (where relevant) relating to the WLC and CE Statement will be incorporated following consideration of GLA feedback at the Stage 2 referral stage.

#### Water efficiency

319. London Plan policy SI5 sets out another sustainable design requirement, to ensure the residential dwellings would be limited to water consumption of less than 105 litres per person per day, achievable through the use of individual water meters and flow restrictors. Officers recommend a condition to ensure that water consumption is restricted to less than 105 litres per person per day as identified above, in line with this policy requirement, and in response to the GLA Stage 1 comments.

## **Fire Safety**

320. Policy D12 of the London Plan states that major applications should be accompanied by a Fire Statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
321. Further to the above, Policy D5 (B5) of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.
322. A Fire Statement prepared by Hoare Lea, a suitably qualified third-party assessor has been submitted in support of the application. This statement was updated to reflect recent scheme design changes, including the provision of a second escape staircase to buildings A and C, and addresses the requirements of Policy D12 including the features to reduce the risk to life and of serious injury, features to minimise the risk of fire spread, an evacuation strategy and suitable means of escape for all building users, access and equipment for firefighting personnel.
323. The Health and Safety Executive (HSE) has been consulted throughout on the various scheme iterations and has commented at various stages. In response to the most recent revised plans they have responded (November 2022) to advise that with the incorporation of a second means of escape staircase within buildings A and C, HSE is 'content' with the fire safety design to the extent that it affects land use planning..
324. On the basis of the above, the submitted Fire Statement and fire safety design are suitable to meet the requirements of D12.

## **Television and Radio Reception Impact**

325. In line with London Plan SI6, a Television and Radio Reception Impact Assessment should be submitted to demonstrate that no issues (or suitable mitigation of issues) arising from obstruction of the reception to local television and radio receivers will be incurred by the development.
326. A baseline (pre-construction) signal survey and reception impact assessment has been undertaken to determine the potential effects on the local reception of mobile phone, television and radio services from the proposed development. A report has been provided that has investigated the possibility of electromagnetic interference and to provide the baseline reception data to assist with any further studies if required. Accordingly, impacts to the reception of mobile phone, VHF (FM) radio, digital terrestrial television (also known as Freeview) and digital satellite television services (such as Freesat and Sky) have been assessed. Impacts to the reception of analogue television services have not been assessed in this study because analogue terrestrial television services were switched off in London during 2012.
327. The report highlights that whilst widespread interference to DTT reception is not expected, the development could cause reception degradation to properties adjacent to the site on Derek Avenue and Tokyngton Avenue. Simple and cost-effective antenna betterment should restore all services. It is also likely to cause disruption to the reception of digital satellite television services (such as Freesat and Sky) in areas to the immediate north and northwest of the Site, up to 238 m from the Site (especially Derek Avenue, Point Place, Sylvia Gardens, Tokyngton Avenue and Harrow Road and beyond). Additionally, the use of tower cranes could also obscure satellite dishes' views of the southern skies, resulting in interference. If

interference does occur, the repositioning of the satellite dish to a location without an obscured line-of-sight view to the serving satellites would restore all services. If this is not possible, the use of DTT receiving equipment could offer any affected viewer an alternative source of some digital television broadcasts. Sky Glass may also offer affected Sky viewers an alternative source of broadcasts.

328. The proposal would be unlikely to adversely impact the reception of VHF(FM) radio broadcasts due to the existing good coverage in the survey area and the technology used to encode and decode radio signals.
329. The report also sets out that the development would be unlikely to adversely impact the reception or operation of mobile phone signals and networks around the Site due to the existing good coverage in the survey area and the technology used to enable mobile phone networks.
330. Overall, the Proposed Development may cause interference to digital terrestrial television and digital satellite television reception in localised areas around the application site (predominantly in areas along Derek Avenue, Point Place, Sylvia Gardens, Tokyngton Avenue and Harrow Road), but mitigation solutions exist that can restore the reception of affected television services. Such measures would be secured within the section 106 agreement.

### **Training and Employment**

331. Brent's Local Plan policy BE1 'Economic Growth and Employment Opportunities for All' states an Employment and Training Plan will be required for all major developments, to be prepared in partnership with Brent Works or any successor body.
332. A commitment to submit an 'Employment and Training Plan' to the Council for its approval prior to the material start of the development will be secured by way of a Section 106 obligation. This obligation is required of all major development schemes within the borough which comprise of 50 or more dwellings or at least 5,000 sqm of floor space.
333. As set out in Brent's Planning Obligations SPD (2022), the obligations in this respect require that 1 construction job (for a minimum period of 26 weeks) for an unemployed Brent resident is secured per ten C3 homes delivered and per each 500 sqm of commercial floorspace delivered, and that 50% of those jobs should be secured as apprenticeships for Brent residents, for a minimum period of 52 weeks. It also requires that a minimum of 20% of the operational phase jobs within commercial uses should be secured for Brent residents. The operational job requirements are set out in the Homes and Communities Agency Employment Density Guidance 3rd Edition (2015), requiring 1 operational job per 15-20 sqm of commercial floorspace.
334. When applying these standards to the proposed development, it is projected that 55.5 construction jobs, plus an additional one per each 500sqm of commercial floorspace delivered (9.5 operational jobs), should be secured for unemployed residents, with at least half of these jobs being in the form of apprenticeships for Brent resident's. In addition, reasonable endeavours must be used to secure a minimum of 20% of jobs, one operational, for Brent resident's. Projected construction and operational phase jobs shall be set out in an accompanying Employment and Training Plan, secured via s106 agreement, together with a support fee of £178,750.
335. The SPD also sets out a requirement for financial contributions to deliver support fees for each of the Brent resident's jobs to be secured of £2,750 per job. This would apply to each construction job and each operational phase job created, for a total contribution towards employment and training. The applicant has confirmed they are willing to agree to a partial contribution, the precise amount is to be agreed.

336. If the job targets are not met, an additional payment of £5,000 per the number of jobs below the target is to be secured to help secure other job opportunities for Brent residents. If the applicant fails to meet the job targets but can demonstrate that reasonable endeavours were undertaken to seek to meet the job targets, an increase in the base contributions will not be required. On the other hand, if the number of apprenticeship positions delivered for Brent residents exceeds the apprenticeship target, a reduction in the base contribution of £1,000 per additional apprenticeship would be applied.

## Environmental Impact Assessment

337. The application is accompanied by an Environmental Statement (ES). The Council's Scoping Opinion, issued on 1st July 2019, reflected consultation with statutory consultees as identified in the EIA Regulations 2018, and identified the following topics for consideration as part of the ES:

| Topic                                  | Addressed in report paragraphs |
|--|--------------------------------|
| Air Quality                            | Paras. 177 to 180              |
| Noise and Vibration                    | Paras. 185 to 188              |
| Water Resources and Flood Risk         | Paras. 193 to 221              |
| Ground conditions and contamination    | Para. 184                      |
| Wind Microclimate                      | Paras. 99-104                  |
| Daylight, sunlight and overshadowing   | Para. 105 to 170               |
| Townscape and Visual Impact Assessment | Paras. 35 to 43 and 50 to 69   |
| Socio-economics                        | Para. 338                      |
| Built Environment                      | Paras. 21 to 71                |

## Socio-economics

338. The Environment Statement includes an analysis of the development's impact on local socio-economic conditions. It is considered that the development will largely have beneficial effects on local socio-economic conditions with respect to areas such as housing targets, the labour market, increased local expenditure, increased Gross Value Added and increased business rates revenue. Officers would note that employment and training obligations as well as the new employment generating floor space proposed are two parts of the proposal that would have a direct effect in terms of local socio-economic improvements. A contribution towards off-site open spaces is also to be secured as discussed above. Whilst the report highlights that there is some adverse impact to school places and healthcare provision, the wider improvements to such infrastructure to support the Local Plan are set out within the Infrastructure Delivery Plan. There is no requirement for this scheme to make any specific contributions in respect of school places or health care.

## Utilities

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

340. The statutory services report indicates that fibre internet is proposed to be made available to all apartments, which would accord with the aims of London Plan policy Sl6.

## **Equalities**

341. 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).

## **Conclusions**

342. The proposal will result in the provision of a number of new homes (515 in total), with 116 of those homes being Affordable (24.8 % by habitable room). Of the Affordable homes, 73 would be for London Affordable Rent (LAR) while 43 would be London Shared Ownership. This represents a 63:37 ratio by unit, but would be 70:30 if calculated by habitable room (taking into account the higher number of 3-bedroom LAR homes). A financial viability assessment has been submitted to support the application which found that the scheme is deficit. This was evaluated by consultants commissioned by the Council who concluded that the level of deficit is lower than that set out by the applicant, but nevertheless, it is significantly in deficit. Officers consider that the amount of Affordable Housing proposed is the maximum amount that the scheme could viably deliver. Early and late stage review mechanisms are recommended to ensure that any uplift in viability is captured. In terms of housing size mix, the overall proportion of family sized homes is below council policy targets, with the applicant citing the impact of the delivery of more family sized private homes on development viability and therefore Affordable Housing. The proportion of family sized affordable homes is above targets. In this instance, officers weigh the benefits of providing more Affordable homes above the deficit of private family sized homes in the scheme.

343. Other (non-residential) uses are proposed, including a number of small commercial (Use Class E) units together with a larger community gym. These are considered to be acceptable and in accordance with policy (including the site allocation).

344. The proposal will result in the provision of a high quality public realm, with routes and spaces proposed at ground level which are publicly accessible. These include routes through the site together with a "square" and play spaces, and are considered to represent a significant benefit of the scheme. The architectural quality of the buildings is considered to be high, and the approach to building height, massing and composition is well considered. It is noted that one building is significantly higher than the indicative maximum height set out in the site allocation, but it is considered that this building works well in terms of visual appearance and massing when viewed from a range of locations and the benefits associated with the provision of additional homes is considered to outweigh the potential harm of a taller building in this location. Potential heritage impact has been considered, with "less than substantial" harm identified to one nearby heritage asset, but it is also considered (by both the Council's officers and the Greater London Authority) that the benefits of the development significantly outweigh the harm.

345. The quality of the homes is considered to be good, with homes meeting internal space standards and other quality factors considered and discussed in this report. The use of areas within the site for the provision of external amenity space has been maximised, but there will be a shortfall against the Council's targets for external space and older children's play space. A financial contribution to improvements to nearby open spaces (which may include improvements to the routes to those spaces) is therefore recommended.

346. The proposal will result in some daylight and sunlight impacts, some of which will go

beyond targets within BRE guidance. However, the level of impact is not considered to be excessive given the policy allocations and designations, and the benefits of the scheme are considered to outweigh the harm.

347. The development is car free with the exception of blue badge parking which is considered to be sufficient to serve both the proposed development and the existing Wembley Point building. Improvements will be made to Point Place, including the provision of a large servicing bay, blue badge parking spaces and the re-location of the bus stop. Improvements are also proposed to cycle infrastructure, including the provision of a cycle lane adjacent to the North Circular Road slip road. Transport for London have considered the potential impact on public transport infrastructure, and consider the proposal to be acceptable subject to financial contributions towards bus capacity and towards improvements to Stonebridge Park Station.
348. The proposal is within an area of high risk to flooding, and a significant amount of analysis has been undertaken. Building footprints have been limited whilst landscaping and contours have been designed in order to mitigate the potential impacts of flooding both on the proposed occupants and on the surrounding homes and places. A surface water drainage strategy has also been worked up to ensure that the proposal will result in a significant reduction in surface water runoff from the site.
349. A number of sustainability measures are proposed, and the scheme is predicted to achieve a 44 % reduction in CO<sub>2</sub> beyond Building Regulation targets for domestic and 47 % for non-domestic space. In accordance with policy, a carbon offsetting contribution will be secured in order to achieve net zero.
350. A range of other matters have been considered as discussed above in the report.
351. The proposal is considered to accord with the development plan when read as a whole. There are some divergences from policy (such as the amount of external amenity and play space), and some impacts that go beyond guidance levels (such as the light received by some properties) and the proposal will result in "less than substantial" harm to one designated heritage asset. However, the benefits of the scheme are considered to significantly outweigh the harm. It is recommended that the planning committee resolve to grant permission subject to the stage 2 referral to the Mayor of London, the completion of a legal agreement as set out above and subject to the conditions listed below.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/0784

To: Mr Jorge Nash  
RPS  
20 Farringdon Street  
London  
EC4A 4AB

I refer to your application dated **01/03/2022** proposing the following:

Redevelopment of site including the erection of 3no. buildings up to 32 storeys in height, comprising 515 residential dwellings (Use Class C3), flexible commercial floor space (Use Class E), indoor sports facility (Use Class E) and associated parking, landscaping and enabling works APPLICATION SUBJECT TO AN ENVIRONMENTAL STATEMENT

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

at **Wembley Point, Wem Tower, 1 Harrow Road and 5-15 Harrow 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: 16/10/2023

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

### Notes

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

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

National Planning Policy Framework 2021  
The London Plan 2021  
Brent's Local Plan 2019 - 2041

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

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

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

Site plan - 556-PTA-ZZ-XX-DR-A-0101 Rev PL1  
Site Location Plan - 556-PTA-ZZ-XX-DR-A-0102 Rev PL1

Landscape plan - Ground floor - 556-PTA-LP-00-DR-A-4010 Rev PL3  
Masterplan - Ground floor - 556-PTA-ZZ-00-DR-A-0200 Rev PL4  
Masterplan - Roof plan - 556-PTA-ZZ-XX-DR-A-0240 Rev PL4  
Masterplan Sitewide Elevation - South East - 556-PTA-ZZ-XX-DR-A-2000 Rev PL3  
Masterplan Sitewide Elevation - North West - 556-PTA-ZZ-XX-DR-A-2001 Rev PL3

Building A - Ground floor - 556-PTA-AZ-00-DR-A-1100 Rev PL3  
Building A - Level 01 - 556-PTA-AZ-01-DR-A-1101 Rev PL3  
Building A - Level 02 - 556-PTA-AZ-01-DR-A-1102 Rev PL3  
Building A - Level 03 - 556-PTA-AZ-01-DR-A-1103 Rev PL3  
Building A - Level 04 - 556-PTA-AZ-01-DR-A-1104 Rev PL3  
Building A - Level 05 - 556-PTA-AZ-01-DR-A-1105 Rev PL3  
Building A - Level 06 - 556-PTA-AZ-01-DR-A-1106 Rev PL3  
Building A - Level 07 - 556-PTA-AZ-01-DR-A-1107 Rev PL3  
Building A - Level 08 - 556-PTA-AZ-01-DR-A-1108 Rev PL3  
Building A - Level 09 - 556-PTA-AZ-01-DR-A-1109 Rev PL3  
Building A - Level 10 - 556-PTA-AZ-01-DR-A-1110 Rev PL3  
Building A - Level 11 - 556-PTA-AZ-01-DR-A-1111 Rev PL3  
Building A - Level 12 - 556-PTA-AZ-01-DR-A-1112 Rev PL3  
Building A - Level 13 - 556-PTA-AZ-01-DR-A-1113 Rev PL3  
Building A - Level 14 - 556-PTA-AZ-01-DR-A-1114 Rev PL3  
Building A - Level 15 - 556-PTA-AZ-01-DR-A-1115 Rev PL3  
Building A - Level 16 - 556-PTA-AZ-01-DR-A-1116 Rev PL3  
Building A - Level 17 - 556-PTA-AZ-01-DR-A-1117 Rev PL3  
Building A - Level 18 - 556-PTA-AZ-01-DR-A-1118 Rev PL3  
Building A - Level 19 - 556-PTA-AZ-01-DR-A-1119 Rev PL3  
Building A - Level 20 - 556-PTA-AZ-01-DR-A-1120 Rev PL3  
Building A - Level 20 - 556-PTA-AZ-01-DR-A-1120 Rev PL3  
Building A - Level 21 - 556-PTA-AZ-01-DR-A-1121 Rev PL3  
Building A - Level 22 - 556-PTA-AZ-01-DR-A-1122 Rev PL3  
Building A - Level 23 - 556-PTA-AZ-01-DR-A-1123 Rev PL3  
Building A - Level 24 - 556-PTA-AZ-01-DR-A-1124 Rev PL3  
Building A - Level 25 - 556-PTA-AZ-01-DR-A-1125 Rev PL3  
Building A - Level 26 - 556-PTA-AZ-01-DR-A-1126 Rev PL3  
Building A - Level 27 - 556-PTA-AZ-01-DR-A-1127 Rev PL3  
Building A - Level 28 - 556-PTA-AZ-01-DR-A-1128 Rev PL3  
Building A - Level 29 - 556-PTA-AZ-01-DR-A-1129 Rev PL4

Building A - Level 30 - 556-PTA-AZ-01-DR-A-1130 Rev PL4  
Building A - Level 31 - 556-PTA-AZ-01-DR-A-1131 Rev PL4  
Building A - Roof Level - 556-PTA-AZ-RF-DR-A-1132 Rev PL3  
Building A - Mezzanine - 556-PTA-AZ-M0-DR-A-1100 Rev PL3  
Building A - Mezzanine 2 - 556-PTA-AZ-M1-DR-A-1100 Rev PL3  
Building A - South Elevation - 556-PTA-AZ-ZZ-DR-A-2100 Rev PL3  
Building A - East Elevation - 556-PTA-AZ-ZZ-DR-A-2101 Rev PL3  
Building A - Northwest Elevation - 556-PTA-AZ-ZZ-DR-A-2102 Rev PL3  
Building A - Short Elevation 01 - 556-PTA-AZ-ZZ-DR-A-2103 Rev PL3  
Building A - Short Elevation 02 - 556-PTA-AZ-ZZ-DR-A-2104 Rev PL3  
Building A - Short Elevation 03 - 556-PTA-AZ-ZZ-DR-A-2105 Rev PL3  
Building A - Detailed bay elevation, section and plan - 556-PTA-AZ-ZZ-DR-A-2150 Rev PL1  
Building A - Bay Elevation Detail - 556-PTA-AZ-ZZ-DR-A-2151 Rev PL2  
Building A - Detailed bay elevation, section and plan - 556-PTA-AZ-ZZ-DR-A-2152 Rev PL1  
Building A - Section - 556-PTA-AZ-ZZ-DR-A-2500 Rev PL3

Building B - Ground floor - 556-PTA-BZ-00-DR-A-1100 Rev PL3  
Building B - Level 01 - 556-PTA-BZ-01-DR-A-1101 Rev PL2  
Building B - Level 02 - 556-PTA-BZ-01-DR-A-1102 Rev PL2  
Building B - Roof Level - 556-PTA-BZ-01-DR-A-1103 Rev PL2  
Building B - Bay Elevation Detail - 556-PTA-BZ-ZZ-DR-A-2150 Rev PL3  
Building B - Detailed bay elevation, section and plan - 556-PTA-BZ-ZZ-DR-A-2151 Rev PL2  
Building B - Elevation - 556-PTA-BZ-ZZ-DR-A-2200 Rev PL3  
Building B - Section - 556-PTA-BZ-ZZ-DR-A-2500 Rev PL2

Building C - Ground floor - 556-PTA-CZ-00-DR-A-1100 Rev PL3  
Building C - Level 01 - 556-PTA-CZ-01-DR-A-1101 Rev PL4  
Building C - Level 02 - 556-PTA-CZ-02-DR-A-1102 Rev PL3  
Building C - Level 03 - 556-PTA-CZ-02-DR-A-1103 Rev PL3  
Building C - Level 04 - 556-PTA-CZ-02-DR-A-1104 Rev PL3  
Building C - Level 05 - 556-PTA-CZ-02-DR-A-1105 Rev PL3  
Building C - Level 06 - 556-PTA-CZ-02-DR-A-1106 Rev PL3  
Building C - Level 07 - 556-PTA-CZ-02-DR-A-1107 Rev PL3  
Building C - Level 08 - 556-PTA-CZ-02-DR-A-1108 Rev PL3  
Building C - Level 09 - 556-PTA-CZ-02-DR-A-1109 Rev PL3  
Building C - Level 10 - 556-PTA-CZ-02-DR-A-1110 Rev PL3  
Building C - Level 11 - 556-PTA-CZ-02-DR-A-1111 Rev PL3  
Building C - Level 12 - 556-PTA-CZ-02-DR-A-1112 Rev PL3  
Building C - Level 13 - 556-PTA-CZ-02-DR-A-1113 Rev PL3  
Building C - Level 14 - 556-PTA-CZ-02-DR-A-1114 Rev PL3  
Building C - Level 15 - 556-PTA-CZ-02-DR-A-1115 Rev PL3  
Building C - Level 16 - 556-PTA-CZ-02-DR-A-1116 Rev PL3  
Building C - Level 17 - 556-PTA-CZ-02-DR-A-1117 Rev PL3  
Building C - Level 18 - 556-PTA-CZ-02-DR-A-1118 Rev PL3  
Building C - Level 19 - 556-PTA-CZ-02-DR-A-1119 Rev PL3  
Building C - Basement - 556-PTA-CZ-BS-DR-A-1199 Rev PL2  
Building C - Mezzanine - 556-PTA-CZ-M0-DR-A-1100 Rev PL2  
Building C - Roof Level - 556-PTA-CZ-RF-DR-A-1117 Rev PL2  
Building C - Elevation 01 - 556-PTA-CZ-ZZ-DR-A-2100 Rev PL3  
Building C - Elevation 02 - 556-PTA-CZ-ZZ-DR-A-2101 Rev PL2  
Building C - Elevation 03 - 556-PTA-CZ-ZZ-DR-A-2102 Rev PL3  
Building C - Elevation 04 - 556-PTA-CZ-ZZ-DR-A-2103 Rev PL2  
Building C - Elevation 05 - 556-PTA-CZ-ZZ-DR-A-2104 Rev PL2  
Building C - Elevation 06 - 556-PTA-CZ-ZZ-DR-A-2105 Rev PL2  
Building C - Elevation 07 - 556-PTA-CZ-ZZ-DR-A-2106 Rev PL2  
Building C - Elevation 08 - 556-PTA-CZ-ZZ-DR-A-2107 Rev PL2  
Building C - Elevation 09 - 556-PTA-CZ-ZZ-DR-A-2108 Rev PL2  
Building C - Elevation 10 - 556-PTA-CZ-ZZ-DR-A-2109 Rev PL2  
Building C - Detailed bay elevation, section and plan, inset balconies -  
556-PTA-CZ-ZZ-DR-A-2150 Rev PL1  
Building C - Detailed bay elevation, section and plan, projecting balconies -  
556-PTA-CZ-ZZ-DR-A-2151 Rev PL1  
Building C1a - Bay Elevation Detail - 556-PTA-CZ-ZZ-DR-A-2152 Rev PL2

Building C1b - Bay Elevation Detail - 556-PTA-CZ-ZZ-DR-A-2153 Rev PL2  
Building C2 - Bay Elevation Detail - 556-PTA-CZ-ZZ-DR-A-2154 Rev PL2  
Building C - Detailed bay elevation, section and plan, ground floor entrance -  
556-PTA-CZ-ZZ-DR-A-2155 Rev PL1  
Building C - Section 01 - 556-PTA-CZ-ZZ-DR-A-2500 Rev PL2  
Building C - Section 02 - 556-PTA-CZ-ZZ-DR-A-2501 Rev PL2  
Building C - Section 03 - 556-PTA-CZ-ZZ-DR-A-2502 Rev PL2

#### Supporting Information

Wembley Point Masterplan - Design and Access Statement (DAS) -  
556-PTA-ZZ-ZZ-RP-A-0002 Rev PL5  
Masterplan schedule of areas and accommodation - 556-PTA-ZZ-ZZ-SH-A-0002 Rev PL5

Wembley Point - Biodiversity Net Gain (BNG) Assessment dated 7th February 2022 prepared  
by RPS Group  
Tree Survey Report and Arboricultural Impact Assessment dated 11th August 2022 prepared  
by RPS Group  
Preliminary Ecological Appraisal Rev B dated February 2022 prepared by RPS Group

Flood risk assessment (ref: 102139-PF-ZZ-ZZ-RP-D-0001, Revision P05, dated 04/05/2023,  
compiled by Pell Frischmann  
Flood Modelling Study v3 dated May 2023 prepared by Thomas Mackay;  
Water Entry Strategy Operation and Maintenance Plan (ref: 102139-PF-ZZ-ZZ-RP-D-0004,  
Revision P04, dated 05/05/2023, compiled by Pell Frischmann  
Drainage Strategy (102139-PF-ZZ-ZZ-RP-D-0002) Rev P03 dated 4th May 2023 compiled by  
Pell Frischmann  
Wembley Point Building relationships to River Brent, ref: 556-PTA-ZZ-ZZ-PRE-A-0073\_S2-P01,  
compiled by Patel Taylor,

Circular Economy Statement Rev 02 (dated 8 September 2022) prepared by Hoare Lea  
Whole Life Carbon Assessment Rev 03 (dated 9 August 2022) prepared by Hoare Lea

Environmental Statement: Volume 3 Technical Appendices dated February 2022  
ES Volume II: Townscape and Visual Impact Assessment dated April 2022  
Addendum - ES Volume II: Townscape and Visual Impact Assessment  
Environmental Statement Updated Non-Technical Summary (JCG25755 1.0 dated September  
2022)  
Environmental Statement Addendum (JCG25755 1.0 dated February 2022)  
Environmental Statement Non-Technical Summary (JCG25755 1.0 dated February 2022 dated  
September 2022)  
Environmental Statement: Volume 1 dated February 2022

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

- 3 The non-residential floorspace within Block B shall not be used other than for the purpose of “indoor sports, recreation and fitness” within Use Class E(d) and shall not be used for any other purpose, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instruments revoking and re-enacting those Orders with or without modification.

Reason: To ensure the use remains appropriate for the location and in the interest of highway flow and safety.

- 4 The scheme hereby approved shall contain 515 residential units as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 5 In accordance with the submitted and approved drawings (Wembley Point Building relationships

to River Brent, ref: 556-PTA-ZZ-ZZ-PRE-A-0073\_S2-P01, compiled by Patel Taylor), no aspect of the building below ground will encroach closer than 3 metres to the culvert or river wall. In order to allow for access for maintenance and repair, any overhang in this zone should be no lower than 9 metres above the ground. No overhang is permitted over the channel.

Reason: To ensure the structural integrity of the river wall thereby reducing the risk of flooding.

- 6 The development shall be carried out in full accordance with the submitted flood risk assessment (ref: 102139-PF-ZZ-ZZ-RP-D-0001, Revision P05, dated 04/05/2023, compiled by Pell Frischmann) together with the Water Entry Strategy Operation and Maintenance Plan (ref: 102139-PF-ZZ-ZZ-RP-D-0004, Revision P04, dated 05/05/2023, compiled by Pell Frischmann) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 26.22 metres above Ordnance Datum (mAOD) for 'less vulnerable' uses.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure shall be erected or finished landscape levels altered, within the red line site boundary for the lifetime of the development, unless with written agreement of the Local Planning Authority in consultation with the Environment Agency.

Reason: Based on evidence from the modelling studies carried out in support of this planning application, the flood risk in/around the Wembley Point site has the potential to be influenced significantly by any changes in ground levels or addition of structures on site. Alterations to the site and site levels, regardless of how small, could have an impact on offsite flood risk. Without these restrictions, current/future site owners may inadvertently be responsible for an increase in the risk of flooding to areas surrounding Wembley Point, including an increase in risk to existing residential properties.

- 8 The development hereby approved shall be carried out fully in accordance with the recommendations in the Preliminary Ecological Appraisal Rev B (dated February 2022) prepared by RPS Group and Wembley Point – Biodiversity Net Gain Assessment dated 7th February 2022 prepared by RPS Group unless otherwise agreed in writing by the local planning authority.

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

- 9 The works shall be carried out in full accordance with the recommendations set out within the approved Drainage Strategy (102139-PF-ZZ-ZZ-RP-D-0002) Rev P03 dated 4th May 2023 prepared by Pell Frischmann in relation to the proposed surface and foul water drainage strategy. The measures shall thereafter be maintained in accordance with the sustainable drainage systems management plan throughout the lifetime of the development, unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

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

- 10 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall

be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> ”

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

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

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

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

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

- 13 The Car and Bicycle Management Strategy contained within an appendix to the Transport Assessment hereby approved shall be implemented in full from first occupation for the lifetime of the development unless an alternative strategy is first submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To ensure a sustainable development and in the interest in the free and safe flow of traffic on the local highway network.

- 14 The doors of Block B at ground floor level shall be designed so that they do not open outwards over footway of point place.

Reason: In the interest of the free and safe flow of pedestrians.

- 15 The external communal amenity space located at first floor podium level and at Level 10 within Building C shall be made available and accessible to all residents within that building, regardless of the type and affordability of their accommodation, for the lifetime of the development.

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

- 16 Prior to commencement of the development hereby approved (including site clearance and demolition works), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed fully in accordance with the approved Construction Logistics Plan, unless otherwise agreed in writing by the local planning authority.

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

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

- 17 Prior to the commencement of the development a Construction Method Statement shall be

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

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

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

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

18 The development hereby approved shall not be commenced until:

a) A phasing plan showing the location of all phases, the sequencing for those phases, and indicative timescales for their delivery has been submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The development shall be carried out in accordance with the plan thereby approved.

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

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

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

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

19 The development hereby permitted must not be commenced until such time as a scheme for the maintenance and inspection the river wall has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To ensure the structural integrity of the river wall thereby reducing the risk of flooding.

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

20 The development hereby permitted must not be commenced until such time as a detailed construction methodology, to include but not limited to design calculations and full design

details, for the pile foundations, has been submitted to and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the structural integrity of the river wall thereby reducing the risk of flooding.

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

- 21 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of three retained trees in accordance with BS5837: 2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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

- 22 Prior to development commencing, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction process will be managed so as to protect the existing ecology of the site and off-site receptors, in accordance with the recommendations of the approved Preliminary Ecological Assessment and the approved plan shall be implemented in full throughout the construction of the development. Such details shall include:

- Pollution prevention measures to prevent contamination of off-site habitats including the adjacent stretch of the River Brent;
- A Method Statement for preventing the spread of Japanese knotweed; and
- Nesting bird checks and ecological supervision where necessary if trees, shrubs and scrub will be removed during the bird nesting season.

Reason: In order to ensure that the development results in no net loss to biodiversity and impact upon the nearby sites of Borough Grade I site of importance for nature conservation.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development to protect the existing ecology and nearby SINC's Grade I and therefore needs to be discharged prior to construction.

- 23 The development hereby permitted must not be commenced until such time as a pre-development CCTV survey of the culvert has been submitted to, and approved in writing by the local planning authority. Any defects identified prior to works commencing which are deemed significant and at risk of deterioration if works proceed, shall be rectified prior to work commencing.

The surveys shall be completed in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To ensure the structural integrity of the river wall thereby reducing the risk of flooding.

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

- 24 (a) Prior to the commencement of development (excluding demolition of any existing buildings/structures on site), a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within that Phase. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

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

- 25 Prior to the commencement of works (excluding demolition and site clearance), a programme of archaeological work, the details of which shall have been worked up following engagement with the Greater London Archaeological Advisory Service prior to submission, shall be submitted to and approved in writing by the Local Planning Authority and the programme of work shall be carried out in full accordance with the approved details.

Reason: To ensure that appropriate regard is given to the potential presence of archaeological features and deposits.

- 26 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including

measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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

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

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

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

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

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

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

- 30 Prior to the commencement of works (excluding demolition, site clearance, foundations and any below ground works), detailed drawings of the key construction detailing shall be submitted to and approved in writing by the local planning authority. Such details may include (but not be limited to) the junctions between different materials, fixing and application of cladding, detailing of reveals, soffits, parapets, balustrading, fins, brise soleil and other architectural features of the buildings. The development shall be constructed in accordance with the approved details.

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

- 31 Prior to commencement (excluding demolition, site clearance and the laying of foundation) a plan indicating all of the microclimate mitigation measures together with detailed drawings of railing/screens and other design measures as per the recommendations of chapter 12 (Wind & Microclimate within the Wembley Point Environmental Statement Volume 1 prepared by RPS dated February 2022) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development would establish a suitable level of comfort, in respect

of wind conditions, for building users and pedestrians in the vicinity of the building, as well as to ensure that railings and screens would have a suitable visual amenity impact.

- 32 The development hereby approved shall be built so that no fewer than 10% of the 515 residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings, and the remaining homes shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

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

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

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

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

- 34 No development shall take place (excluding any demolition, site clearance and the laying of foundations), until a scheme for the provision and management of habitat creation in the form of floating reedbeds for mitigation purposes, has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: Development that encroaches on the River Brent may negatively impact its ecological value and water quality. The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. The proposal as submitted would maintain the poor chemical status and prevent the recovery of the Lower Brent Water Body.

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

- Ground modelling showing both existing and proposed contours/levels that are in line with the levels agreed as part of the Flood Modelling Study v3 dated May 2023 prepared by Thomas Mackay;
- Proposed materials for all hard surfaces and the permeable qualities;
- Precise locations of all Sheffield cycle stands to be provided within the public realm;
- Details and sizes of all raised planters, including any trellises;
- Details of all external furniture (including refuse or other storage units) and informal seating/benches;
- Species, locations and densities for all trees, grass and shrubs, which shall include a minimum of x 112 new trees;
- Play spaces including proposed equipment and surfacing;
- Proposed walls, fencing, screening treatment (including to all roof terraces) and gates and any other permanent means of boundary treatment/enclosure, indicating materials, position and heights;
- Details of any signs and signboards within the site;
- Tree pits for all new tree planting;

- Soil depth and composition on roof terraces, and details of plants and shrubs for these areas;
- Details of biodiversity enhancement measures based on measures as set out in the submitted Biodiversity Net Gain Assessment (November 2021);
- Details of the landscaping measures as required for microclimate mitigation as per the recommendations of chapter 12 (Wind & Microclimate within the Wembley Point Environmental Statement Volume 1 prepared by RPS dated February 2022)
- Details of any external CCTV installations
- A landscape management plan including long term design objectives, management responsibilities and five year maintenance programme and schedules for all landscaped areas,

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

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

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

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

- 36 Prior to commencement (excluding demolition, site clearance and the laying of foundation) details shall be submitted to and approved in writing by the local planning demonstrating how servicing refuse vehicles accessing the main square would be managed together with measures to prevent other vehicles from accessing the space (with the exception of emergency vehicles). The approved details shall be implemented in full prior to first occupation of the development and thereafter retained and maintained.

Reason: In the interest of the safety of users of the space and of the quality and usability of that space.

- 37 Prior to commencement (excluding demolition, site clearance and the laying of foundation) submission and approval of the layout and access to cycle stores to provide 1,404 long-stay residential cycle spaces, 9 long stay commercial spaces and 31 short stay "Sheffield" stands, including details of the cycle storage room doors demonstrating that they will have a minimum width of 1.2 m.

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

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

- 38 Prior to the installation of any external lighting, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but is not limited to, details of the lighting fixtures, luminance levels within and adjoining the site, as well as ecological sensitivity measures that form a part of the lighting strategy. The lighting shall not be

installed other than in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

- 39 Prior to the first occupation dwellings within the development, a community use plan shall be submitted to and approved in writing by the local planning authority setting out how the unit with Block B will be occupied and managed unless an alternative timeframe is approved by the Council and the plan is submitted to and approved in writing accordance with that timeframe. The unit shall not be occupied or used other than in accordance with the approved plan.

Reason: To ensure that the scheme includes community and cultural uses that are needed to serve the community and to promote social interaction.

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

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

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

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

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

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

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

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

| Time                              | Area                      | Maximum noise level |
|-----------------------------------|---------------------------|---------------------|
| Daytime Noise<br>07:00 – 23:00    | Living rooms and bedrooms | 35 dB LAeq (16hr)   |
| Night time noise<br>23:00 – 07:00 | Bedrooms                  | 30 dB LAeq (8hr)    |

Prior to first occupation of any of the residential homes hereby approved, a test shall be carried out with the results submitted to and approved in writing to the Local Planning Authority to show that the required internal noise levels have been met.

Reason: To obtain required sound insulation and prevent noise nuisance

43

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

| Place                           | Vibration dose values - Low probability of adverse comment (m/s <sup>1.75</sup> ) |
|---------------------------------|---|
| Residential buildings 16 h day  | 0.2 to 0.4  |
| Residential buildings 8 h night | 0.1 to 0.2  |

Prior to first occupation of any of the residential homes hereby approved, a test shall be carried out with the results submitted to and approved in writing to the Local Planning Authority to show that the required internal noise levels have been met.

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

44

- 45 Post-development CCTV surveys of the culvert will be submitted to, and approved in writing by, the local planning authority following completion of the works. Any additional defects found as a result of the works shall be made good within 90 days of the completion of the works.

The surveys shall be completed in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To ensure the structural integrity of the river wall thereby reducing the risk of flooding.

- 46 Notwithstanding the approved plans, prior to the occupation of any part of the development, an Ecological Enhancement Report for the River Brent including drawings (Sections and plans), product specifications and a maintenance plan shall be submitted to and agreed in writing by the local planning authority. The approved details shall be installed prior to occupation of any part of the development and remain in situ and maintained in accordance with the approved maintenance plan in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: Development that encroaches on the River Brent may negatively impact its ecological value and water quality. The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal as submitted would maintain the poor chemical status and prevent the recovery of this water body.

- 47 The development shall not be occupied until confirmation has been provided that either:  
1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or  
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation 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.

- 48 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing

industrial and commercial sound.’ and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed together with any necessary mitigation measures and maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

## INFORMATIVES

- 1 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the EA advise them to consult with them at the earliest opportunity.

- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 3 (F16) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500