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| Location | Dexion House, Empire Way, Wembley, HA9 0EF |
| Description | Demolition of existing building and erection of a building ranging in height from 7 - 15 storeys, consisting of 2,509m ² basement parking and plant, a parking permit-free proposal for 129 residential flats (37 one-bedroom, 73 two-bedroom, 19 three-bedroom), a 5,837m ² 125-bedroom hotel (Use Class C1), 1,983m ² of community swimming-pool and fitness facilities (Use Class D2), and associated landscaping, as amended |

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The applicants have submitted a materials sample board, 3D visuals that show the proposed development, (but do not necessarily show the entire context of the development,) and intend to present a model to Members.

Servicing in event of a fire

The Council's Highway Engineers expressed some concern about the proposed layout for servicing in the event of a fire emergency. The Council's Building Control Service have been consulted and having dealt with similar buildings and issues, are satisfied that this issue can be resolved. A further informative is suggested advising the applicant to consult the Council's Building Control Service in respect of this issue.

Sustainability

Following the initial concerns raised by the GLA, a revised Energy Statement has been submitted. This has been reviewed by both GLA and Council officers.

The main change is the introduction of a 250kW gas powered CHP plant, providing 70% of all the sites heating requirements. The proposed CHP system will be compatible with any future Wembley district-wide heating network. Also the Air Source Heat Pump originally proposed has now been replaced by a photo voltaic array. Whilst the contribution from renewable's is minimal, it is your officer's and the GLA's view that the revised energy mix is now in compliance with the London Plan hierarchy.

The GLA have informally commented that they are satisfied with the revised approach. The wording of clause (e) in the agreed Heads of Terms of the s106 has been altered to reflect the revised approach.

Additional third party comments

1 letter of support received from Wembley Dolphins Swimming Club, stating that they require more pool time for their activities

Wembley National Stadium Limited raises the following additional concerns:

- The Travel Plan should incorporate measures to deal with Stadium event days. *After careful consideration, the Council's Principal Highway Engineer does not consider this necessary.*
- The report should confirm that none of the protected views of the Stadium are affected by the proposal. *Officers can confirm that site is located outside the strategic viewing corridors defined in Brent's UDP.*
- The suggested noise condition for event days does not go far enough, it should be modelled on the noise conditions imposed on Quintain's Stage I Master Plan. *While*

the application site is further from the Stadium than the Quintain Development, officer's do concede that condition 22 should be amended as a precaution. The condition will refer to a recorded noise level generated by a particular event at the stadium and will require any submitted noise mitigation scheme to take account of this recorded noise level.

Applicants' comments on committee report

- S106 term (s) - Notify all future occupiers of the residential element of the scheme, prior to their purchasing or renting of a property of the sites location within the Wembley Master Plan Area and that their outlook may be affected by the future development of adjoining sites. *The applicants have submitted a study that shows a masterplan compliant scheme could be built on the adjoining site that would maintain BRE minimum daylight levels to their development. However given that these minimum levels are advisory and not an absolute requirement the Council in pursuing its regeneration aims may wish to allow a scheme on the adjoining site that while still compliant with the Masterplan may have a more significant impact on the daylight and outlook of future residents. Officers therefore consider it appropriate to maintain this clause.*
- The applicants seek confirmation that the £250,000 requested by Highways is part of a standard contribution. *This is the case, and for this application the contributions have been waived in response to the provision of a community accessible swimming pool.*
- The applicants seek alterations to conditions to enable demolition without submission and discharge of additional information for some of the proposed conditions. They request this may be submitted prior to occupation. *The selected conditions all relate to layout or the external appearance of the development. It is therefore considered that this information is required prior to the construction of the development, rather than post construction. Nevertheless the Local Planning Authority does not seek to unnecessarily delay the development. According, the trigger for the submission of information for selected conditions will be amended: 13 (lighting), 15 (wheelchair accessible rooms/ units,) 16 (architectural details,) 17 (car park management plan,) 18 (cycle storage,) 19 (CCTV cameras,) 21 (drainage,) 22 (noise insulation,) 24 (basement ventilation,) and 25 (plant details.) The submission of information associated with these conditions will now be required:
"no works shall commence on the development hereby approved (excluding demolition) unless..."*
- The applicants want it to be made clear that application 06/0642 for an additional 2 floors on the existing building had a resolution by committee to grant planning permission and was withdrawn by the applicant only because they were unable to complete the agreed s106 legal agreement.

Revise s106

(e) Prior to any Occupation, provision for not less than 0.3% onsite renewable generation and a site-wide CHP /with back up gas boiler system covering the residential, pool and hotel, hot water and heating to be provided over the lifetime of the development in accordance with the revised Energy Statement Rev A.

Condition changes

Condition 2, Add: Tree condition report, Noise assessment, Residential Travel Plan;
Alter: Revised Energy Statement received 16/02/10, 1318-G200-P-RF-001 Rev 02 received 19/02/10

Condition 22- insert - The design levels for noise relating to Stadium music events should take account "a design noise level of 63dB(A) or" the maximum possible levels unless...

Conditions 13 (lighting), 15 (wheelchair accessible rooms/ units,) 16 (architectural details,) 17 (car park management plan,) 18 (cycle storage,) 19 (CCTV cameras,) 21

(drainage,) 22 (noise insulation,) 24 (basement ventilation,) and 25 (plant details.) The submission of information associated with these conditions will now be required after demolition but prior to construction:

Alter: "No works shall commence on the development hereby approved (excluding demolition) unless..."

The Council's Legal Advisor has advised that there is no provision under the advertisement regulations to remove someone's deemed consent rights to display advertising, which is the purpose of **Condition 5**. On reflection officers consider this condition to be onerous and that the conditions limiting deemed consent rights within the regulations are sufficient. This condition should therefore be removed.

Condition 10 add- Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Condition 12 - alter - "Such landscape works" to "the approved playspace scheme"

New condition 26

The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirm that lifetime homes standards and a minimum of 10% wheelchair residential accessible units have been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

New informative

The applicant is advised to liaise with Brent's Building Control department regarding fire-fighting access for the Fire Brigade in an emergency. John Flynn of the department may be contacted on 02089375479. he has direct links with the LFEPA Fire Engineers Group at Head Quarters.

Recommendation:

- (a) To resolve to grant Planning Permission, subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement, and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but
- (b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 19th March 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and
- (c) if the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied