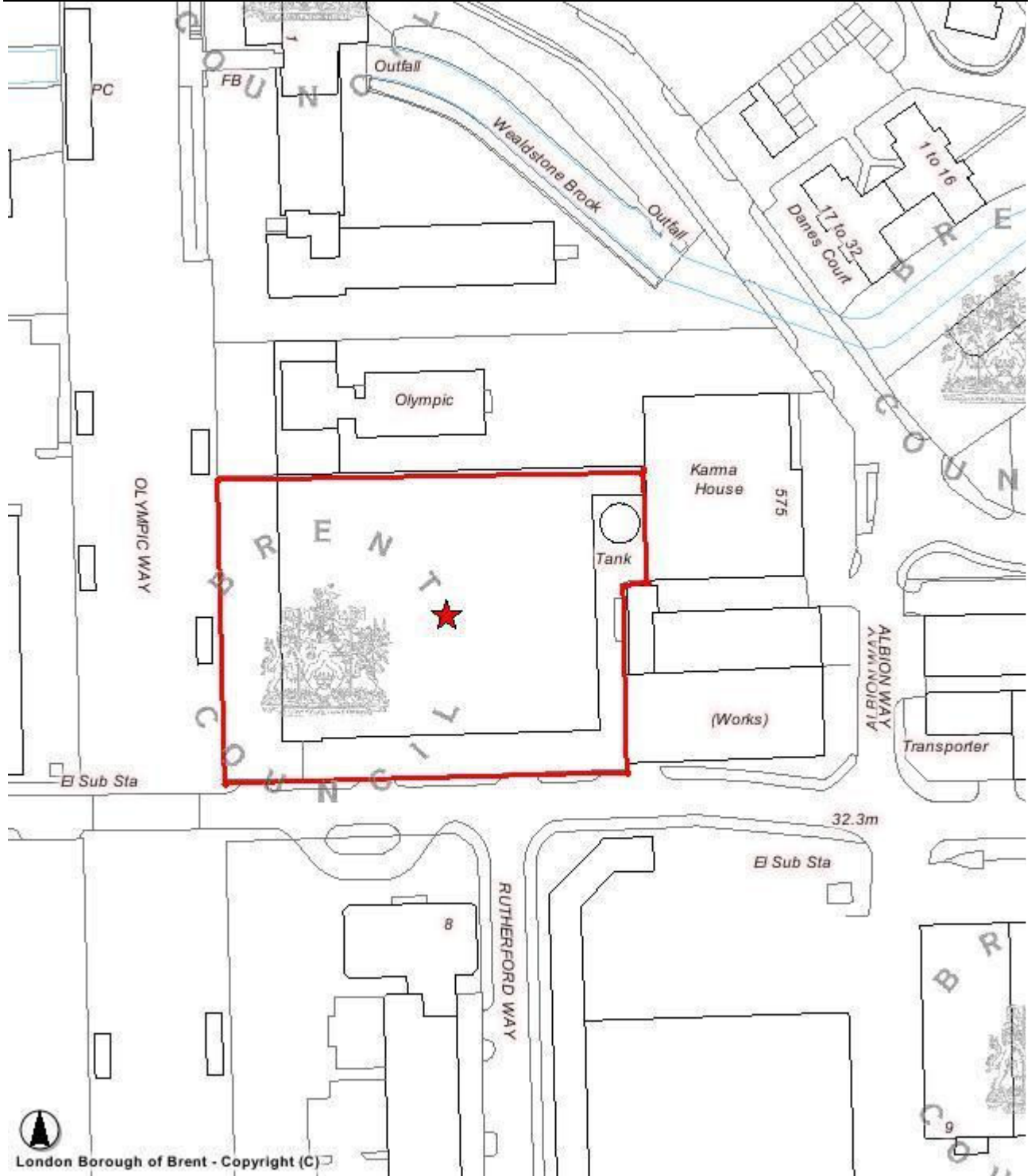
 **Planning Committee Map**
Site address: Land site of Shubette House, 5 Olympic Way, Wembley
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London Borough of Brent - Copyright (C)
This map is indicative only.

RECEIVED: 10 May, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land site of Shubette House, 5 Olympic Way, Wembley

PROPOSAL: Proposed variation of condition 2 (approved drawings and documents) of Planning Permission reference 08/3009, dated 14 February 2011 for emolition of existing buildings and erection of 4-, 7-, 11- and 20-storey building, incorporating 158 self-contained residential units, hotel (225-bedroom and 12 apart-hotel rooms), business (Use Class B1) and food and drink (Use Class A3/A4) uses, conferencing facilities, roof terraces, courtyard, basement parking, cycle storage and associated landscaping (parking-permit-restricted scheme).

The proposed variation of condition would allow the following minor material amendments to the approved scheme:

- Relocation of west wall of basement;
- Alteration to basement parking layout;
- Reduction in the level of basement car parking from 129 to 127 spaces;
- Extension at north-western corner of courtyard;
- Rearrangement of 6 residential units in tower/block D to Fulton Road and associated replacement of 6 3-bedroom units with 6 2-bedroom units;
- Relocation of wheelchair accessible units on upper levels of tower block D so that they are adjacent to the wheelchair accessible units on the lower levels of tower block D;
- Central unit in North East Block E enlarged to include the previously recessed balcony space with balcony space now cantilevered over courtyard;
- Elements of balconies over sailing Fulton Road footway replaced with "winter gardens";
- Floor levels increased at ground and mezzanine levels and a corresponding reduction in floor-to-floor heights for upper levels, revised and reduced parapet detail for the tower and revised roof detail for Hotel Block B;
- Areas of void at 10th floor level replaced with areas of flat roof in "dormer" type of arrangement;
- Stack of Oriel features at south west corner of Block B omitted, with extra windows in angled wall at upper levels;
- Screened external plant compound introduced at roof level of lower Hotel North Block A;
- Vertical feature cladding introduced adjacent to main Hotel Block B;
- Omission of aluminium channel break-up of render finish to Hotel courtyard elevation.

APPLICANT: Don Ban Ltd

CONTACT: HTA Architects Ltd

PLAN NO'S:

Please see condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

The application requires a Section 106 legal agreement in order to secure the following benefits (please note that these have been copied from the Heads of Terms for the original application, reference 08/3009, save for the reference to date from which contributions are index-linked which has been amended to refer to the date of Committee of application reference 08/3009, being 17 June 2009, the reference to works to 3 Olympic Way.

- Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- 20.7% Affordable Housing a measured by Habitable Room to be provided prior to any Occupation, of which a minimum of 12 x 3-bedroom units shall be provided as Social Rented accommodation.
 - 1) Up to a further 14.3% Affordable Housing or provision of £XX for the delivery of AH, to be provide by any Occupation. The level of which to be determined by the submission of an acceptable Toolkit allowing for a return of 15%.
- A contribution of £885,6000, due upon Material Start and index-linked from 17 June 2009, for:
 - 1) £785,600 for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
 - 2) £100,000 payment or value of training and employment schemes associated with the construction of the development and running of the office and hotel for Brent Residents.
- A contribution of £386,200, indexed-linked from 17 June 2009, due on Practical Completion and not required if an acceptable independently inspected financial appraisal showing a return of less than 15%. is submitted to the Council upon PC, for:
 - 1) £136,200 for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
 - 2) £250,000 for off site Open Space and play provision and highways works to North End Road.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Ecohomes rating Excellent / Code for Sustainable Homes Level 3, with compensation should it not be delivered. With reasonable endeavours to achieve Level 4. In addition to adhering to the Demolition Protocol.
- To offset 11.5% of the energy demand from the development through onsite renewables
- The removal of the rights of residents to apply for on-street parking permits
- Join and adhere to the Considerate Constructors scheme
- Prior to occupation secure the provision of 2 Car Club cars in the adjoining or close to the site. The Car Club parking spaces shall be accessible by all members of the car club 24 hours a day, 7 days a week, and should have reasonable mobile phone signal.
- Notwithstanding submitted draft Travel Plan, framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To allow full public access to the areas land within the Olympic Way and Fulton Road frontages of the building 24 hours a day, 7 days a week except when such access should be reasonably restricted for crowd control purposes during Wembley Stadium events.

XX is defined as:

The market value of the units is defined as the higher of:

1. The market value determined as at dd/mm/yyyy independently by a valuer approved by the Council and inflated to the date of practical completion by a housing price index approved by the Council .
2. The market value determined as at the date of practical completion by a valuer approved by the Council

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the London Plan, LDF Core Strategy, Unitary Development Plan or Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The subject site is situated at the junction of Olympic Way and Fulton Road and is within the Wembley Regeneration Area. It is currently occupied by a two-storey building with a gross floor area of 5,200 m² which was last used for warehouse and distribution purposes. The applicants have specified that the previous occupiers, Shubette of London Limited, now occupy a building within Apsley Way, NW2 and therefore remain in the borough.

To the north of the subject site is Olympic House, a 4- to 7-storey office building. Olympic House is bound to the north by One Olympic Way, a 8- to 13-storey office building. The subject site is bound to the east by Karma House and Apex House. Apex House is a 2-storey warehouse/industrial building whilst Karma House is a 3-storey office/warehouse building with a gross floor area of 3,300 m². Outline planning permission was granted for the redevelopment of the Karma House site to provide a 8- to 17-storey building comprising a 120 room hotel and 108 timeshare/apart hotel units. The Planning Committee resolved to grant consent in July 2005 and the decision was issued in April 2008 following the completion of the Section 106 legal agreement.

The site is within or adjoins the sight lines relating to two protected views, namely Short Distance View 2 (Wembley Park Station, UDP Map WEM2) and Long Distance View 1 (Barn Hill, Wembley, UDP Map WEM1) as defined within UDP Policy WEM19.

Approximately 30 % of the site falls within Flood Risk Zone 2 (Medium probability of flooding) with the 1 in 1000 year design event corresponding to a maximum likely depth of flooding of 0.3 m and duration of 6 hours. The remainder of the site falls within Zone 1 (Low probability of flooding).

PROPOSAL

This application proposes that a number of changes to the scheme are treated as minor material amendments to Planning Permission reference 08/3009.

The full list of changes is set out within the remarks section of the report.

HISTORY

99/0956 – Granted 8/11/1999, but not implemented and now expired

Outline planning consent was granted for the demolition of existing buildings and erection of a 210-bedroom hotel with associated facilities. The time period of this consent was extended to 7 February 2005 (ref: 02/2734 dated 7 February 2003) and then to 6 February 2007 (ref: 04/1930 dated 6 February 2004). Siting and access were considered within this application. However, indicative elevations were also proposed. The ground floor of the proposal covered a large proportion of the site. However, the taller element of the building, which reached a maximum height of 12-13 storeys/42 m above ground level within the indicative elevations, was situated within the Fulton Road frontage and had a width of 40 m within this elevation and only 8.6 m within the Olympic Way elevation.

08/3009 – Granted 14 February 2011. This development has commenced.

Demolition of existing buildings and erection of 4-, 7-, 11- and 20-storey building, incorporating 158 self-contained residential units, hotel (225-bedroom and 12 apart-hotel rooms), business (Use Class B1) and food and drink (Use Class A3/A4) uses, conferencing facilities, roof terraces, courtyard, basement parking, cycle storage and associated landscaping (parking-permit-restricted scheme) and subject to a Deed of Agreement dated 14 February 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

11/0574 – Currently being considered

Details pursuant to condition 10 (Landscaping), 11 (cycle storage), 12 (access road margins and kerb radii), 15 (Air Quality Assessment), 16 (Construction Management Scheme), 17 (Noise insulation), 18 (Training & Employment Initiative), 19 (Site Investigation), 21 (Drainage Strategy), 24 (Privacy Screens for balconies), 25 (layout of Wheelchair Accessible unit), 27 (Construction and Maintenance Strategy), 29 (Pigeon roosting/landing measures) of full application reference 08/3009 dated 14 February 2008.

**POLICY CONSIDERATIONS
NATIONAL**

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing (2006)

This document was published in November of 2006 but will not come into effect for development control purposes until the 1st of April 2007. Its objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 6 – Planning for Town Centres (2005)

PPS6 sets out the Government's policies and principles relating to town centre uses, promoting the vitality and viability of town centres. The key objectives are to plan for the growth and development of existing centres and to promote and enhance existing centres by focusing development in these centres, encouraging a wide range of services in a good environment and accessible to all.

Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Planning Policy Statement 25 – Development and Flood Risk (2006)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

REGIONAL

NATIONAL

Draft National Planning Policy Framework
Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 12 – Local Spatial Planning
Planning Policy Guidance 13 – Transport
Planning Policy Guidance 24 – Planning and Noise
Planning Policy Statement 25 – Planning and Flood Risk

REGIONAL

The Mayor of London
The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 2.15 Town Centres
- 2.16 Strategic Outer London Development Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affording Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a Diverse Retail Sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.4 Retrofitting
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality

- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.21 Trees and Woodlands

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)
Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

Supplementary Planning Guidance – Housing (2005)

Supplementary Planning Guidance – Providing for Children and Young People's Play and Informal Recreation (2008)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP5 Placemaking
- CP 7 Wembley Growth Area
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP 16 Town Centres and the Sequential Approach to Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR5 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road), STR12 (Air Quality), STR14 (Quality of urban environment), STR15 (Public Realm), and STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

Policies

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- BE13 Areas of Low Townscape Quality
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- EP12 Flood protection
- EP15 Infrastructure

H12 Residential Quality – Layout Considerations
H13 Residential Density
H14 Minimum Residential Density
H22 Protection of Residential Amenity
TRN2 Public transport integration
TRN3 Environmental Impact of Traffic
TRN4 Measures to make transport impact acceptable
TRN9 Bus Priority
TRN10 Walkable environments
TRN11 The London Cycle Network
TRN12 Road safety and traffic management
TRN15 Forming an access to a road
TRN22 Parking Standards – non-residential developments
TRN23 Parking Standards – Residential Developments
TRN31 Design and Land Take of Car Parks
TRN34 Servicing in new developments
TRN35 Transport access for disabled people & others with mobility difficulties
Appendix TRN2 Parking and Servicing Standards
SH2 Major Town Centres
SH19 Rear servicing
WEM2 Pedestrian Route/Promenade
WEM4 Residential Development within the Wembley Regeneration Area
WEM5 Relocation of existing businesses
WEM7 Access to development – the National Stadium Policy Area
WEM11 On-street parking controls for Wembley
WEM12 Short stay car parking in the Wembley Regeneration Area
WEM16 Urban design quality – Wembley Regeneration Area
WEM17 The public realm – Wembley Regeneration Area
WEM18 The design of buildings along Olympic Way
WEM19 Views of the Stadium

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road
SPG12 Access for disabled people
SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control
SPD Section 106 Planning Obligations

Wembley Masterplan 2009

The Council adopted a revised version of the Wembley Masterplan in 2009, which superseded the 2004 Masterplan. The subject site falls within the “North East” district. The character and nature of the area, following a comprehensive process of regeneration, is described as follows:

Whilst the North West area features civic and town centre functions, by contrast the North East District should be more local and domestic in character. This district provides the vital link between the bustling new mixed use districts in the North West and around Olympic Way, and the currently isolated residential properties at Danes and Empire Courts.

Key principles that are set out in the Masterplan include:

- *The creation of a new park of at least 1.2 hectares.*
- *A new ‘local’ square with a more intimate character and setting;*
- *The enhancement of the Wealdstone Brook and creation of a publicly accessible natural environment;*
- *A transition in scale, creating a measured and gradual change from more intense commercial and leisure developments around Olympic Way to an open and green character further east;*
- *The re-connection of North End Road as a strategic vehicular route, vital to the lasting*

success and continued accessibility of the district.

Other Council Publications

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

These two non-planning related documents set out the Council's Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent's Wembley.

SUSTAINABILITY ASSESSMENT

The sustainability proposals were approved within application 08/3009.

CONSULTATION

Consultation letters sent: 19 May 2011

Site Notice erected: 16 May 2011

Press notice dated: 25 May 2011

Letters were sent to 15 adjoining or nearby owners or occupiers.

No responses have been received.

Internal Consultees

Transportation

Transportation initially objected to the revisions to the proposal on the basis that the revisions to the ramp and adjoining (shared surface) servicing / coach parking area would not be acceptable. However, further clarification was provided by the applicant and Transportation withdrew their objection.

Ward Councillors

Consultation letters were sent to ward Councillors. No comments were received.

External Consultees

Greater London Authority (the GLA)

The GLA have concluded that the proposal for the variation of condition 2 to allow minor material amendments to the approved scheme does not raise any new strategic planning issues.

Therefore, under article 5(2) of the Town and Country Planning (Mayor of London) Order 2008, the Mayor does not need to be consulted further on this application. The Council may, therefore, proceed to determine the application without further reference to the GLA.

Thames Water

Thames Water have commented that the proposed variation of condition 2 does not affect Thames Water and as such, they have no further observations to make.

Environment Agency

A letter has been received from the Environment Agency specifying that they have no comments to make.

Wembley National Stadium Limited

No comments have been received from WNSL in relation to this application.

REMARKS

This application proposes a large number of changes to the scheme that was considered by the Planning Committee and the Mayor of London in 2009, and for which works commenced on site earlier this year.

The majority of the changes, if considered individually, are likely to be non-material in their nature. However, the proposal as a whole is considered to be material given the number of individual non-material changes and the inclusion of some amendments that are more significant and therefore material.

This report sets out the key amendments that have been proposed, but does not discuss the issues that are not proposed to change materially (such as the proportion of Affordable Housing or the general principles of the uses). Key sections of the officer's reports for the previous application (the Sustainability section, Remarks Section and Supplementary Report relating to application reference 08/3009) have therefore been appended to this report. These have been differentiated by the use of italics.

Key amendments have been set out in bullet point form for the sake of brevity.

- Amendments to layout of basement area, including alterations:
 - The extent of the basement;
 - The layout of parking spaces (car and motor cycle) and accesses;
 - The number of parking spaces (reducing from 129 to 127);
 - layout of cycle parking areas;
 - Location of some cores;
 - Size of plant room;
 - Size and gradient of ramp;
- Alterations to the Olympic Way site frontage to incorporate "landscape feature/basement ventilation" to provide planting and seating which incorporates ventilation from the basement;
- Relocation of external cycle storage area;
- Alterations to size and extent of vehicular ramp to basement;
- Alterations to layout of courtyard, affecting the extent of the shared surface drop-off area and space required for fire truck;
- Various internal alterations to the ground floor internal layouts, not affecting the nature of the use;
- Changes to footprint of development (also affecting floors above), including:
 - Northern wall of southern "block" projects further into courtyard;
 - Southern wall of northern "block" projects further into courtyard;
 - Eastern wall of western "block" projects further into courtyard;
- Provision of additional floorspace (corridor) in north-western corner of courtyard (ground floor only),
- Majority of northern wall of northern block moved further from site boundary;
- Small element of northern wall of northern block moved 0.7 m closer to site boundary at ground floor level only, but height of element reduced;
- Revised layout of bin store and substation within north-eastern block;
- Amendments to kerb detail, ramp and courtyard entrance layout, location, size and design of gates and accesses to highway for vehicular access to Fulton Road, including the narrowing of the vehicular gate to the Courtyard and inclusion of a pedestrian gate and footway;
- Location of refuse storage and cycle storage area within ground floor of taller block swapped;
- Amendments to the number, size and locations of windows in northern elevation of the northern block;
- Room previously denoted as "community room" for residents now denoted as "residents gym";
- Minor changes to general layout of most residential units;
- Location and layout of wheelchair units amended;
- Some recessed balconies within southern facade of northern residential block replaced with projecting balconies;
- Amendments to location and size of some recessed balconies within southern facade of

- northern residential block;
- Amendments to size and layout of some flats, and amendments to schedule of accommodation (see below for further information);
- Projecting balconies within taller element (previously projecting over highway) replaced with projecting enclosed “winter gardens”
- Removal of brise soleil on southern facade of taller element of building;
- Introduction of roof-top plant area on roof of lower element of hotel;
- Reduction in width of usable area of south facing roof terrace for 6th floor residential units with southern block due to increased thickness of parapet wall;
- Amendments to core and layout of roof-top residential external amenity space at 7th floor level;
- Enclosure of part of access to south-eastern roof terrace and inclusion of ramps to roof terrace;
- Hotel room replaced and floorspace used for provision of “Gym” at 8th floor level;
- Depth of recess at 8th floor level within Olympic Way frontage reduced from 6.9 m to 6.1 m;
- Change to design of mono-pitched elements of main hotel roof facing Olympic Way and Courtyard involving the incorporation of “dormer”-like roof features to improve headroom and outlook from rooms;
- Amendments to “shop front” design and layout for commercial units, including amendments to location of doors;
- Reduction in the width of the access way from Olympic Way to Courtyard;
- Amendments to design and location of some windows, including changes to projecting nature of some windows within courtyard elevation of hotel and removal of some projections at south-western corner of hotel within Western elevation;
- Amendments to some indicative materials specified;
- Amendments to heights of floors within building;
- No change to maximum height of Western block (fronting Olympic Way) or to taller element of proposal;
- Increase in height of some parapets (e.g. southern Affordable block increasing from 20.6 to 21.025 and from 23.4 to 23.85, parapet near to northern boundary increasing from 15.65 to 16, southern parapet of northern block increased to 16.93 m);
- Change to the levels within the basement;
- Ground level of adjoining site (3 Olympic Way) now denoted as 0.2 m lower than subject site rather than level;
- Introduction of a balustrade for some roof terraces;
- Signage zones detailed (note: signage is likely to be subject to Advertisement consent due to size and height of signage zones);
- Changes to the design of the recessed balcony elements within the southern facade of the northern residential block;
- Increase in height of lift-overrun for northern block

Principle of use

The proposal does not significantly change the mix of uses within the site. However, the schedule of accommodation is affected by this amendment.

Residential Units:

The total number of units has not changed (158). However, due to the structural implications of the method of construction, the layout has been revised and the layout of units (including the number of bedrooms in some units) has changed. Where this has occurred, the associated units have typically become “over-sized” (i.e. well above the minimum floorspace guidance set out within SPG17). A small number of Studio units have reduced in size from 33 square metres (i.e. the minimum size set out within SPG17) to 32.5 square metres. However, it is considered that this small deficit will not have a significant impact on the usability or quality of these units.

With regard to unit size, the recently adopted London Plan 2011 now recommends greater

minimum levels of floorspace within each unit. However, as this development has commenced on site, it is considered appropriate to continue to apply the Council's own guidance. It should also be noted that the GLA have not commented on this matter.

The proposed schedule of accommodation is as follows:

	Private	Social Rent	Intermediate	Total
Studio	18	0	0	18
1 bed	50	0	0	50
2 bed	59	4	9	72
3 bed	4	8	6	18
Total	131	12	15	158

Six of the Private 3-bedroom units that were previously approved have now become large 2-bedroom units and one of the private 1-bedroom units has become a Studio unit. Whilst your officers consider that a higher proportion of 3-bedroom private units should normally be sought, the size of the units is such (e.g. 95.9 square metre 2-bedroom unit compared with the minimum of 65 square metres) that it is not considered that the low proportion of 3-bedroom private units warrants the refusal of planning consent.

The proposed number of Affordable Units within the scheme has not changed from that approved. However, the previous consent ensured that all of the Social Rented accommodation was provided as 3-bedroom units. The applicants have agreed in principle to this. However, a revised schedule has not been received. The Section 106 Heads of Terms as detailed within the previous consent and within this report refer to the Social Rented and your officers consider this to be sufficient to secure these units.

Hotel

The nature of the hotel accommodation remains largely unchanged from the previous consent. Proposed amendments to the scheme result in a reduction in the number of rooms by 1 and provision of a small "Gym", and a small increase in floorspace has been incorporated. This increase in floorspace is considered to be minor in relation to the total floorspace, and your officers consider this amendment to be minor and acceptable.

Design and appearance

Your officers consider that the majority of the changes to the design and appearance of the building, if considered individually, would be non-material. The proposed change to the roof of the main hotel block (the western block) changes the appearance materially. However, it is considered that the design and appearance of the proposed building will remain acceptable subject to a high quality of materials and detailing which are to be approved through condition.

Height and siting

The maximum height of the taller 11-storey and 20-storey elements of the building have not increased and your officers consider it unlikely that the proposal will have a significant additional impact on protected views. The courtyard facades of the building are proposed marginally further into the courtyard. However, your officers do not consider this difference to be significant having regard to the floorspace of the proposal, any associated potential impacts or the quality of accommodation.

The height of parapets at "lower" levels (i.e. up to 8th floor) has increased within the proposal, and a plant area has been incorporated on the roof of the lower element of the hotel. Some of these changes are close to the boundary with other properties such as No. 3 Olympic Way. Your officers do not consider that this will result in significant additional harm to the amenities of the adjoining buildings. However, it is considered necessary to seek further detail of the plant areas

and equipment (including screening and noise levels), and details of the flues and extract/plant termination points. The latter has been indicated at higher roof level of hotel (i.e. 11th floor level), with covered flues (i.e. clad for visual amenity purposes) running up the external facade of the hotel.

Transport and associated layout issues

The submitted plans show indicative layouts and locations for the substation and refuse store for the north-eastern block. However, this includes an excessive distance from the bin store to the collection point and further detail is required regarding the location, internal layout and size of this area. It is recommended that this detail is secured through condition.

The proposal includes significant changes to the vehicular ramp and courtyard. Transportation initially objected to the proposal on the basis that the courtyard coach / servicing drop-off would not be sufficiently sized. However, the applicant has confirmed that a larger proportion of this area will be designed to accommodate such vehicles. Given that this proposal only includes limited amounts of external amenity space, it is vital that a high quality of shared surface is provided which allows use by residents when not in use by coaches / servicing vehicles. Such details are to be secured through condition (as per the previous consent).

The proposal amends the details of the access controls (gates etc). Your officers consider it necessary to attached a condition providing further information regarding this matter to ensure that it does not result in vehicles blocking the highway.

Changes are also proposed within the Olympic Way frontage, including changes to the seating areas so that they function as multi-purpose planters, seating and extract vents for the basement (for fire fighting purposes). While the provision of these features is considered acceptable in principle, a revised landscape strategy has not been produced and the landscaping condition should be amended to reflect this. The previous landscaping condition required details of levels and contours and it is recommended that this is adapted to make it clear that such information should also demonstrate the relationship with ground level surrounding the site.

The proposed car parking layout results in a reduction in the number of car parking spaces (2). However, this decrease is considered to be acceptable and the levels of parking area considered to be in accordance with the Council's approach to parking within the Wembley Growth Area.

The proposal details doors at ground floor level that open outwards over the adjoining land. Whilst this is considered acceptable within the Olympic Way frontage due to the depth of this frontage, it is considered that all doors should opening inwards within the Fulton Road frontage and that this should be secured through condition.

Conclusion

It is considered that the proposed changes do not affect the nature of the proposal and are appropriate to be considered as minor material changes to planning permission reference 08/3009. Those changes are considered to be acceptable, subject to the use of further or revised conditions relating to Plant, landscaping and access controls for vehicles.

Text from Committee Report and Supplementary for application 08/3009 (Sustainability, Remarks and Supplementary Report)

Sustainability:

The applicants have submitted a TP6 "Sustainability Checklist" and an Energy Statement.

The applicants scored their own checklist at 57.5 % which correlates to a "Very Positive" rating, being 7.5 % over the minimum level expected of such applications. However, your officers have scored the proposal as 16 % ("Fairly detrimental"). Whilst a small proportion of this decrease is due to inaccuracies in the statements, the majority relate to the absence of information to

demonstrate that the indicated measures will be implemented. Should the application be recommended for approval, such issues can be resolved through the Section 106 process, requiring the submission and approval of a revised TP6 form which achieves a minimum of 50 % together with a sustainability statement which demonstrates how the measures will be achieved within the development. Your offices consider that, with additional information and some relatively minor alterations to the checklist, the 50 % level is achievable.

An energy statement has been submitted in accordance with the requirements of policy 4A.4 of the London Plan, demonstrating how the proposal will comply with the London Plan objectives to using less energy, supplying energy efficiently and using renewable energy as set out within Policies 4A.1 to 7. Further to the energy efficiency measures that have been proposed, all units within the development are to be served by a centralised CHP system which will provide 80 % of the space and water heating for the residential units and 60 % of the space and water heating for the hotel and commercial units. The development will also have the ability to be linked to a community CHP system should this be delivered in the future. With regard to on-site renewable energy sources, the applicants propose the use of Closed Loop Ground Source Heat Pumps (GSHP) to provide 40 % of the hotel/retail heating requirements, domestic water pre-heating and 60 % of the cooling requirements. The applicants specify that on-site renewables will reduce the CO2 demand of the development by 9 %. However, accordingly to their figures, the proposed GSHP system will reduce the CO2 demand by 7.6 %. This is substantially lower than the 20 % target as specified within London Plan Policy 4A.7 and the applicants have not demonstrated that it is not feasible to achieve a higher level through the inclusion of other technologies such as Photovoltaics. Further detail regarding this was required by the Greater London Authority and this will be discussed further within the Supplementary Report.

The applicants have specified that the proposal will achieve BREEAM "Very Good"/Code for Sustainable Homes Level 3. Given the Growth Area Status of the site, the emerging LDF would require level 4/BREEAM "Excellent". Given the status of the LDF and the viability of the scheme as demonstrated within the Three Dragons Toolkit, you officers consider that the proposed level does not warrant the refusal of planning consent in itself providing that "reasonable endeavours" to achieve Level 4/"Excellent" are required within the Section 106 legal agreement (if approved).

Remarks:

Uses – general principles

The Wembley Regeneration Area is designated within regional and local planning policy and guidance as an area that is appropriate for significant housing and employment growth as well as a regional sport, entertainment and leisure (including hotel) destination.

The emerging LDF directs hotel uses primarily towards the Wembley Regeneration Area whilst the London Plan places Wembley as an opportunity area for leisure based regeneration. London Plan Policy 5F.1 specifies that a strategic policy for the West London Sub-region is to "optimise the development of Opportunity Areas as set out in Policy 5F.2, including the realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing", and providing a minimum of 5000 new homes between 2001 and 2026.

Overall, the proposed mix of uses (hotel, residential dwellings, restaurant/bars, office) is in accordance with those specified within the UDP 2004, the 2004 Wembley Masterplan, the 2008/09 proposed revision to the Masterplan and the London Plan.

General layout and massing

The massing of the proposed building is focussed towards the two frontages of the site with the 11-storey element situated within the Olympic Way frontage, reducing the potential for impact of the proposed building on the views to the Stadium along Olympic Way. The tower element has been proposed along the southern site boundary, terminating the northerly view along Rutherford

Way. The submitted documentation demonstrates that the proposal will not have a significant detrimental impact on the protected views to the Stadium from Wembley Park Station and Barn Hill Open Space.

The proposal creates a strong and active frontages to both Olympic Way and Fulton Road. The Olympic Way frontage includes the hotel reception together with a commercial (Use Class A3/A4/B1(a)) unit whilst the second commercial unit, and two residential entrances are situated within the Fulton Road frontage. The vehicles entrances that are situated at the eastern end of the Fulton Road frontage result in an element of dead frontage. However, this is largely unavoidable as vehicle access is required to the site.

The northern element of the proposed building is predominantly set 2.8 m from the boundary, with the cores of this block projecting to the boundary. The 4 storey element of the building accordingly is approximately 7 to 10 m from the southern wall of the adjoining building, Olympic House. Within the western frontage, the proposed building projects to the boundary with Olympic House and accordingly will visually adjoin Olympic House which also projects to the joint boundary. There are high level flank wall windows in the top floor of Olympic House that the proposed building will obscure. Your officers have queried the nature of these windows with the planning agents who are acting for the owners of Olympic House but confirmation of this has not been received. It is likely that these windows will be secondary sources of light and ventilation for rooms that have aspects to the east and west. However, your officers cannot confirm this. To protect the light or outlook to these windows would reduce the development potential of Shubette House and your officers consider that the presence of these windows and associated impact on the adjoining building does not warrant the refusal of planning consent.

Design

Hotel facade

The hotel facade is articulated through the use of two storey splayed windows which provide views from the hotel toward the stadium and break down the visual mass of the building. Indicative materials include horizontal ceramic panels in a range of "warm earth" colours on the main facade of the building and standing seam pre-oxidised copper cladding for the projecting windows. The roof of the building is broken down with variation in the height and pitch of the roof.

Fulton Road facade

The horizontal ceramic cladding continues into the Fulton Road facade for which visual articulation is provided through the varied siting and size of fenestration. The tower element "breaks through" the low rise element of the building, with elements of the tower visible to first floor level. The top residential floor within the low rise element is set in from the main front wall.

Tower

Balconies run around the majority of the facade of the tower. Large vertical panels comprising glass, solid materials and mesh are proposed on the outer edge of the balconies, creating a sense of enclosure for the associated balconies and articulating the tower, reducing its visual scale. The coverage that is provided by the panels together with the proportion of glass or mesh panels varies with the height of the tower to increase the daylight and sunlight reaching the lower flats and increasing the level of enclosure for the more exposed high level flats. A series of aluminium composite boards, louvers and Bris Soleil span the height of the building within the northern and southern elevation, providing a visual break and visually elongating the building. The two top storeys of the tower are recessed from the main external wall and are proposed with curtain wall glazing.

Commercial units

The proposed commercial units are glazed to an approximate height of 6 m providing active frontages to the adjoining streets. Signage zones and grills for air conditioning and plant extract are situated above the glazing.

Courtyard facades

The building facades to the courtyard comprise render with varied fenestration size and location, and bay windows clad in standing seam zinc for the hotel.

It should be noted that all materials specified within the application documents are indicative and details of the proposed materials are required through condition.

Residential layout and quality of residential accommodation

Unit layout

The proposal does not include any units that have a sole aspect to the north. Many of the units fronting Fulton Road are dual aspect with some habitable rooms facing into the courtyard.

The proposed Intermediate residential units within the northern block include habitable room windows that are only 2.8 m from the boundary with Olympic House. Such windows would suffer inadequate outlook and privacy and your officers have accordingly requested alterations to the plans to address this issue. The proposed tower includes west facing windows that are 20 m from the opposing windows of the hotel and east facing windows that are 13 m from the boundary with the adjoining site (Apex House) and accordingly are in accordance with the Council's guidance regarding privacy and outlook.

Tenure mix (incl. toolkit)

The proposed percentage of Affordable housing units is 17 % by unit or 22.8 % by Habitable Room. The applicant submitted a Three Dragons toolkit with the original proposal which adequately demonstrated that the proposed Affordable housing provision, whilst well below the target of 50 %, was the maximum that is financially viable. A toolkit has not been submitted with the current revision of the proposal. However, the alterations have reduced the total number of residential units by 35 whilst the proposed percentage of Affordable Housing units has increased and it is accordingly likely that the scheme is no longer financially viable in the current market. This matter is reflected in the Section 106 financial contributions where an overage has been applied to the proposal, whereby a reduced figure is payable upon material start and the remaining developer contributions are payable if the proposal makes a profit of at least 15 %. The proposed ratio of Intermediate to Social Rented units is 33:67.

Size of residential units

Large family units (3+ bedrooms) comprise a total of 18 % of all units and two thirds of Affordable dwellings. One bedroom/studio flats comprise less than 50 % of the total units. Whilst a greater total proportion of large family private units and the inclusion of 4+ bedroom units would be preferable, given the nature of the site and proposal and the high proportion of three bedroom Affordable units, your officers consider that this does not warrant the refusal of planning consent.

	Private	SR	Intermediate	Total units
Studio	12.98	0.00	0.00	10.76
1	38.93	0.00	0.00	32.28
2	40.46	33.33	33.33	39.24
3	7.63	66.67	66.67	17.72
Total	100	100	100	100.00

Percentage of units by size and tenure

External amenity space

The Design and Access Statement specifies that all units have balconies of at least 6 sqm. The depth of the balconies of the tower units (typically between 1 and 1.2 m, but reaching a maximum of 1.4 m for some units) falls below the minimum of 1.5 m recommended by your officers to maximise the usability of the outside space. However, the applicant has specified that, given the height of the building and design approach, it would be difficult to provide balconies of a greater depth. Given the size of the balconies, the nature and design of the tower, your officers consider

that this does not warrant the refusal of planning consent.

The landscaping strategy includes the provision of a publicly accessible landscaped area within the Olympic Way frontage (approximately 770 sqm), an internal courtyard (approximately 1700 sqm including the servicing/coach area and an area for the restaurant) which would be publicly accessible during the day but closed off at night and during stadium events and two roof terraces (approximately 250 and 295 sqm). Whilst the space within this areas totals approximately 3000 sqm, it should be noted that large areas of these spaces would not be considered “usable external amenity space” due to design and practical reasons. For example, large landscaped buffer areas would be required between the seventh floor roof terrace and the adjoining hotel rooms and private flats. The area within the Olympic Way frontage would also be used for external seating and access for the hotel and commercial unit, part of the internal courtyard would be used as external seating for the restaurant and half the fourth floor roof terrace is proposed for use by hotel customers.

The resulting provision of usable external amenity space for future residents is accordingly likely to fall significantly below the SPG17 standards and the applicants have accordingly agreed in principle to make significant contributions toward off-site provision. This will help to deliver the public open spaces that have been highlighted within the Wembley Masterplan, an approach that your officers consider to be acceptable given the size and number of spaces provided within the scheme which maximise the use of roof terraces and ground floor space for amenity purposes. This has been reflected within the Section 106 element of this report.

The applicants have specified that 194 sqm of children’s play space will be provided within the site. When examining the likely total child yield of the scheme, the proposed provision of on-site play space would correspond to the total number of children under the age of 5 years that are likely to live within the development. This is in accordance with the Mayor’s Supplementary Planning Guidance which specifies that under 5’s playspace should be situated within 100 m of the development. Your officers recommend that the siting and detailed design of the play space and equipment is secured through condition. No play space is provided on-site for older children. However, contributions towards off-site provision have been included within the Section 106 Heads of Terms. This also is accordance with the Mayor’s guidance.

	Age	% total	No. children
<i>Private & Int.</i>	0-4	59	10.6
	5-10	27	4.9
	11-15	14	2.5
<i>Social Rented</i>	0-4	28	8.4
	5-10	42	12.6
	11-15	30	9.0
<i>Total</i>	0-4	39	18.7
	5-10	37	17.8
	11-15	24	11.5

Break down of likely child yield by age and tenure

Relationship with servicing area

A number of units have a sole or primary aspect over the proposed coach drop-off and servicing area. It is accordingly considered vital that this area is well designed and provides a good outlook for future residents. The detailed design of this area can be secured through the recommended landscaping condition. Furthermore, the siting of this area is such that the use of it will generate noise which could result in disturbance of future residents. This has been discussed within the submitted noise assessment and your officers also consider that the hours of use of this space by vehicles should also be incorporated into the Servicing and coach management plan, which is

recommended to be secured through condition.

Inclusive design

The application documentation confirms that all residential units will be built to Lifetime Homes standards. The plans confirm that 7 units that are wheelchair accessible/easily adaptable. However, this falls below the 10 % level specified within the London Plan. The applicant has specified that they will submit revised drawings prior to the determination of this application which detail the additional units required to increase the proportion to 10 %.

Landscape Design

As discussed within the Amenity space section of this report, the landscaped spaces include the Olympic Way frontage, the landscaped courtyard and the roof terraces. The Landscaping Masterplan suggests the provision of a landscaped courtyard that would directly link to a courtyard within the adjoining Karma and Apex House sites. Whilst such courtyards have not been proposed within these sites, the indicative approach is likely to provide a good quality area of open space, but would rely heavily on the detailed design and management of the servicing/coach area within the subject site. Notwithstanding this, it is considered that the revised, more open, format of the proposed courtyard alone is sufficient to provide a good quality of space providing the quality of design and detailing of the space is very good. The Design and Access Statement suggests a high quality scheme. However, such details are indicative and your officers recommend that further information is required through condition.

Transportation

The site has good public transport access (PTAL 4) with Wembley Park underground station and seven bus services within 640 m of the site. The provision of the Wembley Park Boulevard (as proposed within the Quintain outline consent, our reference 03/3200) will increase the PTAL from 4 to 5. This application is accompanied by a Transport Assessment. Transportation have not provided full detailed comment on the revised drawings and any further issues will be discussed within the Supplementary Report.

Parking

A total of 141 parking spaces have been detailed within the submitted drawings, of which 19 are for disabled access. The revised documentation did not detail how the spaces will be distributed between uses. The distribution of disabled parking spaces has been supplied, confirming that 12 disabled spaces will be provided for the private units, 3 for the Affordable units and 4 for the Hotel. The number of disabled parking spaces for the private units falls below the UDP standard of 13 and the disabled parking spaces are also excessively remote from the cores that they serve. The applicant has subsequently confirmed that the parking layout will be revised to provide a total of 131 parking spaces, of which 21 will be disabled spaces and 2 car club spaces. The amendments to the parking layout will also include revisions to ensure that the disabled spaces are appropriately proximate to the associated cores and will include lift access from the Social Rented core to the basement.

	Standard spaces	Disabled	Total
Private	72	14	86
Intermediate	5	1	6
Social rented	16	2	18
Hotel	15	4	19
Car club	2	0	2
Total	110	21	131

The UDP parking standards would allow a maximum of 50-55 parking spaces whilst the commercial units would be permitted between 4 and 6 spaces. The parking standards would

allow a maximum of 124 spaces for the residential units, which may be reduced to 110 when applying the reduction for Affordable housing. The proposed uses accordingly would have a (UDP 2004) maximum parking standard of 185 spaces.

With regard to the private housing, the proposal would have a parking ratio of 0.66 spaces per unit whilst the parking ratio for the Intermediate housing would be 0.67 per unit. The proposed levels are comparable with those approved within other residential schemes in the locality, such as the Quintain Stage 1 developments. The parking ratio for the Social Rented units is 1 space per unit.

Your officers considered the level of hotel parking (19 spaces) to be appropriate. Such levels help to ensure that the majority of hotel visitors do not arrive within private cars.

Given the public transport accessibility of the site (good to very good), your officers consider that the proposed level of parking is acceptable and in accordance with the Council's objectives to promote non-car modes of access. Such limitations on parking provision play a significant role in achieving modal shift (away from the use of private motor vehicles) which is essential in area where significant levels of future development are envisaged, such as that envisaged within the Wembley Masterplan. For such measures to be successful, such proposals should be "parking permit restricted" whereby future residents and occupier are ineligible for on-street parking permits, the proposal should be supported by a Travel Plan and two car club spaces should be provided on or near that site. These matters have been included within the Section 106 Heads of Terms.

Two car club spaces have been proposed within the basement. The provision of surface level Car Club spaces is considered preferable to ensure that the spaces are permanently accessible by any Car Club member, even if they do not reside on-site and that the vehicles are able to receive reasonable mobile phone signal. It is considered that details of access and mobile phone reception should be required through condition and, should these details demonstrate that the basement location is not feasible, an alternative location, either on-site or in the immediate vicinity, should be proposed.

Cycle parking has been specified at a rate of 1 space per unit. The proposed cycle storage areas for the Social Rented and Intermediate accommodation meet these standards. Two areas are proposed for the units accessed from the tower core. It is specified that the ground floor space will accommodate 70 cycles. Whilst the capacity of the basement space has not been specified, it is larger than the proposed ground floor area and your officers consider it to be suitably sized to accommodate at least 61 cycles. A total of 20 secure cycle spaces have been proposed for the hotel and shower/changing facilities are proposed for staff. The Transport Assessment specifies that 20 public accessible spaces will be provided at ground floor level. Whilst, the location of these spaces has not been detailed, there is sufficient space within the ground floor layout for their provision. Your officers consider that the location, design and configuration of all cycles storage spaces should be approved through condition.

The applicants have submitted a draft Travel Plan as part of their Transport Assessment. However, it is considered that the submitted Travel Plan falls short of the requirements for a framework or final Travel Plan. Your officers accordingly recommend that the submission of a framework Travel Plan and full Travel Plan is secured through the Section 106 agreement.

Given the proximity of the site to Wembley Stadium, your officers also consider it essential to prohibit "pirate" parking by visitors to the Stadium on Event Days.

Servicing and Coach drop-off/pick up

Servicing and Coach drop-off/pick up is to be provided on-site within the area adjacent to the vehicle access to the basement. This area is sufficiently sized to accommodate service vehicles and coach parking to, including turning so that they can enter and leave the site in a forward direction providing the management of the area is adequately controlled. Your officers accordingly consider that a coach and servicing management plan should be required through

condition. The Transport Assessment suggests that coaches will only access the site to drop off and pick up passengers but not for parking, but that these vehicles will park overnight elsewhere. However, detail of the overnight parking location has not been provided. Such information can accordingly be incorporated into the management plan.

Your officers also consider that a Construction Management Plan should be required through condition prior to the commencement of the development.

Daylight and Sunlight

The applicants submitted a Daylight and Sunlight Report relating to the proposed development. This report provides a BRE based assessment of the previous form of the proposed development (i.e. prior to the amendments submitted in June 2009). The applicant has specified that potential impacts of the development with regard to both Daylight and Sunlight will reduce significantly following the June 2009 revision of the scheme which moved the tower element of the proposal a considerable distance from the potentially affected buildings.

The following summarises the conclusions specified within the report and your officers comments on those conclusions.

Daylight

With regard to the North End Road (Northway Garages site) approved development (reference 07/2772), all of the windows will continue to meet the target values for Vertical Sky Component (VSC).

Within the approved Karma House development, 19 of the tested windows will not meet the VSC target values. However, the Average Daylight Factor (ADF) values for the associated rooms will still meet the target criterion for living rooms.

With regard to Danes Court, windows to 13 rooms would not comply with the target values for VSC and/or ADF. However, the daylight to these windows is already affected by the presence of overhanging balconies on the Danes Court Properties, and had those balconies not been present, only 8 of the rooms would continue to fall below the target. Furthermore, the affected rooms are bedrooms, kitchens and bathrooms whilst the living rooms of all flats remain above BRE target values. The Appeal decision relating to the Northway Garages Student Accommodation proposal (reference 07/2772) is referred to with the report. Whilst the Council did not raise this as a reason for refusal for the Northway Garages application, it was raised by objectors and accordingly discussed by the Inspector. The Inspector noted that the light to these windows was already affected by the presence of overhanging balconies and this was not considered as sufficient to warrant the dismissal of the appeal.

The impact of the development on the daylight received by Olympic House (the adjoining building to the North) was not discussed within the Daylight and Sunlight report. The BRE guidance is intended for non-domestic buildings where they have some expectation of daylight, which would normally include offices. However, the guidance notes that whether an existing building is a good neighbour is an important issue and in particular, whether it stands a reasonable distance from the boundary and takes no more than its fair share of light. The two main south facing flank walls of Olympic House are situated on the boundary with Shubette House and approximately 7 m from that boundary.

In the absence of information to prove otherwise and given the increase in height of development in proximity to the boundary with Olympic House, your officers must assume that the reduction in the levels of daylight to some Olympic House windows will be below the levels specified in the BRE guidance. However, given the aforementioned proximity of Olympic House to the boundary with the subject site, the existing Olympic House building is considered to be a "bad neighbour" and that a greater amount of flexibility should be taken with the levels of daylight reaching the windows of that office building. Your officers accordingly consider that the absence of detailed information

regarding the levels of daylight received by the Olympic House site does not warrant the refusal of planning consent.

Sunlight

The Daylight and Sunlight report concludes that all Karma House windows that were tested complied with the BRE guidance for Sunlight.

Only one window within the approved North End Road Student accommodation will fall marginally below the guideline percentage.

With regard to Danes Court, all of the living rooms will continue to meet BRE guidance levels. Those windows that fall short of the BRE guidance serve small bedrooms or kitchens which the guidance specifies have a lesser requirement for sunlight.

Again, the levels of sunlight received by Olympic House was not analysed within the submitted report. The BRE guidance specifies that "In non-domestic buildings any spaces which are deemed to have a special requirement for sunlight should be checked", but that care needs to be taken when applying guidelines. If existing building stands unusually close to the common boundary, then a greater reduction in sunlight access may be unavoidable.

As with the analysis of daylight, your officers consider that the absence of such detailed analysis with regard to Olympic House does not warrant the refusal of planning consent due to the proximity of the existing Olympic House building.

It should also be noted that the revisions to the proposal increases the distance between the tower element of the building and the most affected buildings or approved developments. In particular, the shadow casting information shows that, at 21 March, the shadow of the tower no longer reaches Danes Court or the approved North End Road student accommodation, confirming that any reduction in sunlight for these buildings will be significantly lower than that detailed within the Daylight and Sunlight report.

The application documents specifies that the central courtyard within the subject site will receive 60 % sunlight at 21 March in accordance with BRE guidance.

Proposed units

The Daylight and Sunlight report discusses the levels likely to be received by units within the proposed scheme. However, the modelling has not been re-run for the revised layout.

The proposal does not include any units with a sole aspect to the north. The Fulton Road frontage block will limit the provision of sunlight to the 1st to 6th floor eastern and western facing units within the tower and your officers consider it likely that some or all of these units may fall below BRE guidance levels for daylight or sunlight. However, the majority of units within the tower that are situated above this level will receive daylight and sunlight to BRE guidance levels. The Daylight and Sunlight report specifies that the levels of sun light to some habitable rooms within the upper floors of the tower will not be in accordance the BRE guidance for sunlight. However, all such habitable rooms receive adequate winter sunlight and the deficit in overall sunlight is due to the shadow effect of the overhanging balconies. Some units within the Fulton Road frontage include north facing habitable room windows. However, all associated units have other habitable room windows which face directly to the south.

Whilst some units within the proposed development will not achieve levels of daylight and sunlight in accordance with BRE guidance, your officers consider that this does not warrant the refusal of planning consent as the layout of the proposal is such that the proportion of such units has been reduced and to ensure that all proposed units met the guidance would significantly limited the development potential of the site.

Air Quality

The subject site is situated within an Air Quality Management Area and the application is accompanied by a Local Air Quality Assessment.

The submitted report concludes that:

- The release of dust and PM10 may occur during site activities;*
- As the site is located within an AQMA, there is the potential for exposure of future residents to pollution concentrations that exceed AQS objectives;*
- The use of the Modular Build Method (MBM), good site practice and the implementation of suitable mitigation measures, the impact of dust and PM10 released will be reduced and excessive release potential during construction;*
- The proposed development will generate less traffic on the local highway network than the existing B1 use and will be beneficial to local air quality.*

With regard to the potential for exposure of future residents, the submitted Assessment estimates the levels of NO_x to be 44.2 (ug/m³) in 2008, reducing to 38.3 in 2012. This is above the National and European targets of 30 (ug/m³). However, these results relate to the protection of vegetation and ecosystems rather than human health and therefore are unlikely to have a significant adverse effect on future residents.

Environmental Health have commented that the Assessment does not provide enough detail to meet the minimum requirements for such assessments and that it does not take into account local or regional reference data.

It is accordingly considered that the submitted Air Quality Assessment is insufficient to demonstrate that the proposal will not result in additional impact within an Air Quality Management Area, or that the existing air quality conditions are not prejudicial to the health of future residents.

However, it should be noted that the site is within an area that has been identified as appropriate for the approved uses within the UDP 2004, the 2004 Masterplan and the proposed 2009 revision to the Masterplan and it is accordingly recommended that a revised Air Quality Assessment is required through condition.

Wind environment

A Wind Environment Assessment has been submitted with this application which examines the impact of the development on the wind environment in the vicinity of the site. The assessment was undertaken with regard to a previous form of the development for which the tower was situated adjacent to the northern site boundary and the long axis of the tower was oriented east-west rather than the north-south orientation that has been proposed within this application. However, the report specifies that the conclusions of the wind impact assessment as submitted within this report remain valid for the revised scheme.

With regard to pedestrian safety, the wind environment assessment examined the wind condition at the highest recorded level occurring at the Heathrow Met Station occurring at least once a year during a 5 year period. The typical wind conditions (occurring at least 5 % of the time) were examined for pedestrian comfort.

The assessment concludes that the proposed development, whilst resulting in wind velocity increases in some areas, maintains an environment that is within the safety criteria for sensitive pedestrians and therefore has a negligible impact from the baseline with regard to pedestrian safety. The assessment also concludes that, with regard to pedestrian comfort, the wind environment remains within the comfort criteria for pedestrians and the development will have a negligible impact on pedestrian comfort.

The report specifies that the maximum wind speed within the courtyard is 5 m/s. However, no detail been provided regarding the wind environment for the roof terraces. The applicants have specified that they consider such detail to be conditioned as any excessive wind speeds could be

controlled through measures such as screening. Your officers consider it appropriate to deal with this through condition should the application be approved.

Noise

The Noise Assessment places the external facades of the building within Noise Category B and the internal elevations within Noise Category A (noise categories as defined within PPG24) and the design noise levels are detailed within table 0903/T8 and 0903/T9 (Internal Ambient Noise Criteria). The noise assessment addresses noise levels from the adjoining roads and footpaths, from road and rail sources and within the building.

The Noise assessment also examined pedestrian and crowd noise along Olympic Way during a Wembley Stadium sporting event and the noise levels that are permissible for music events at the Stadium. The report specifies that the envelope of the Fulton Road housing is to be designed to provide reasonable control of internal ambient noise at 67 dB outside and therefore will be sufficient to protect from the maximum Music Event noise levels of 63 dB (L_{Aeq}, 15 max, 07:00 to 23:00 hours). The report specifies that the design level for the flat will be 55 dB and there may be a need to enhance the envelope to achieve the specified internal noise target during music events, but that confirmation is being sought regarding the expected noise levels at the site location to assess whether such enhancement is necessary.

The event noise levels reported within the supporting documents for the 2006 application relating to Quintain Estates sites W03 and E01 (our reference 06/3632) estimated façade sound levels due to sports and music events at the stadium to be between 56 and 67 dB(A) with higher levels predicted at a height of 107 m AOD. These sites are situated approximately 40 to 140 m from the stadium. Recorded noise levels for a music event (Metallica, 8 July 2007) were reported within the details pursuant application relating to Quintain Site W04 (our reference 07/3442). Noise levels of 63 dB(A) were reported at this site which is situated approximately 210 m from the Stadium.

The subject site is approximately 385 m from the Stadium and therefore, significantly further from the Stadium than the aforementioned sites. Noise levels are accordingly likely to be significantly lower at the subject site than those reported above. However, it should be noted that site W04 is situated to the west of the Stadium whilst the subject site is to the North and one should not assume that noise transfer from the stadium will be identical in this direction.

Your officers consider that a condition should be attached requiring further details regarding sound insulation and the attenuation of noise to ensure that future residents and occupiers are not unduly affected by noise. Such an approach has been used within the Quintain Outline Planning Application (reference 03/3200).

Contamination

This application is supported by a Phase I Environmental Assessment which specifies that the site has a low/medium environmental risk and makes the following recommendations: A number of potential sources of contamination have been identified and a Phase II Environmental Assessment is recommended which shall include an intrusive investigation to target identified potential sources of contamination. The Phase I report envisages that the second report would be secured through planning condition. The report also recommends an asbestos survey, an unexploded ordinance survey and a flood risk assessment.

Environmental Health have commented that the initial assessment is satisfactory, but that conditions should be attached to any approval.

Flood Risk

The site is situated within Flood Risk Zones 2 and 3 as identified within the Environment Agency flood maps and Brent's own Strategic Flood Risk Assessment (SFRA) and as such, must be accompanied by a Flood Risk Assessment which examines the potential of flooding of the

development and from the development.

The Council has applied the Sequential Test to the site. The Test establishes that development is acceptable within this site and but should be directed away from flood risk areas (in particular any residential development) to the fringes and employ mitigation measures to reduce surface water run off.

The SFRA places approximately 30 % of the site within Flood Risk Zone 2. The applicants surveyed elements of the site that are not occupied by the existing building and concluded that the site is significantly higher than the 1 in 1000 year flood level (32.41 m AOD). However, the survey points are outside of the area that would be below this level as detailed within the LiDAR survey undertaken for the SFRA. A LiDAR survey is not as accurate as a full survey and one must also assume that it is an estimation of ground level where a building occupies the area in question.

Nevertheless, the Flood Risk Assessment specifies that the floor levels for all residential properties will be above the design flood levels for the site and that the basement ramp access and stairways will be situated within a permanent lip that is set 600 mm above the 1 in 1000 year flood level.

The Environment Agency has commented that they do not object to the FRA.

The applicant has not directly specified the use of SUDS within the site. However, it is specified that opportunities for the installation of a rainwater harvesting system will be examined at the detailed design stage and some living roofs have been proposed. Policy 4A.14 (Sustainable Drainage) of the London Plan specifies that "Developers should aim to achieve greenfield run off from their site through incorporating rainwater harvesting and sustainable drainage". This is also reflected in the 2008/09 proposed revision to the Wembley Masterplan. The Stage 1 response from the Greater London Authority also specifies that the applicant should seek to provide living roofs on the remainder of the hotel and residential floorspace where appropriate and your officers consider that the potential for the further provision of living roofs and other SUDS measures should be assessed through condition.

Conclusion

After a significant negotiation period and the receipt of significant revisions to the proposal, your officers respectfully recommend that the Planning Committee resolve to grant planning permission for the proposed development subject to a Section 106 agreement and conditions which are detailed within this report. The Committee are reminded that revisions have been sought regarding the configuration of Intermediate residential unit (removing the north facing sole habitable room windows), the layout of the basement to ensure that the disabled parking spaces are appropriately sited and that the Social Rented core includes a lift to the basement, further information regarding on-site renewables and the provision of additional Wheelchair Accessible/Easily Adaptable units. These matters and any additional comments received will also be discussed within the Supplementary Report.

Supplementary Report

Transportation – formal comment received

Formal comment has been received from Transportation regarding the revised drawings received on 4 June 2009.

They have objected to the revised proposal on several grounds. The full discussion is within their comments, but in summary they object to:

- The building oversails the Fulton Road footpath and therefore will endanger public safety and is likely to result in the need to partially close Fulton Road during construction.
- The vehicle access arrangements are considered unacceptable and are likely to result in conditions prejudicial to pedestrian and traffic free-flow and safety, including the combined width of the vehicle accesses, and the fact that the ramps directly adjoin the back-edge of

pavement which is exacerbated by the proximity to Rutherford Way.

- *The proposal, by virtue of the narrowness of the Fulton Road footway and the inclusion of food and drinks uses within this frontage is considered prejudicial to pedestrian safety.*
- *The proposal fails to demonstrate that the servicing/coach area is large enough to accommodate the vehicles likely to access the development.*

Oversailing the footway/road

The oversailing element is a design feature of the tower and provides additional balcony space, but does not include any internal floorspace.

Oversailing the pavement has not often been proposed within Brent though there are examples both in the borough and elsewhere in London. The two primary issues are streetscene and highway/pedestrian flow and safety (in general, during construction and for maintenance purposes).

With regard to highway/pedestrian flow and safety, the applicant has specified that, despite the projection of upper floor elements of the building to the kerb line, there is no need to erect scaffolding over the road itself due to the modular method of construction where elements of the building are constructed off-site and lifted into position using a crane and the balconies of the proposed can then provide the functionality of scaffolding. Whilst such construction is possible, should consent be granted, it is recommended that a method statement is required through condition to demonstrate the method of construction and maintenance of the building to ensure that adequate protection to the public footpath and carriageway is provided.

Whilst the new Wembley Masterplan does not directly address oversailing, your officers are considering whether it should be updated to cover this issue. The Council is also preparing a public realm strategy which may also address this issue. Should the Council's policy with respect to the oversailing issue change before the completion of the s106 agreement this could lead to a requirement for further changes to the scheme.

Proximity of ramps to back-edge of pavement and width of access

This issue has been partly addressed by setting the access ramps to the basement 5 m further back from the back edge of pavement. Further amendments have been requested to reduce the gradient of the ramp and to move the ramp further back to allow cars, service vehicles and coaches to share the same access. The agent has agreed to these further amendments. Your officers accordingly recommend that members delegate authority to determine the application on the basis that such a revision will be made to the proposal.

Width of footway adjoining Food and Drink uses

The applicants have set the building 1 m back at ground floor and mezzanine level, increasing the width of the footway to 3 m. The upper floors oversail this 1 m recess, resulting in the provision of a refuge from rain.

Servicing/Coach access

The applicants have detailed an element of the courtyard that is to be used for servicing and coach parking. Given the scale of the courtyard area, there is sufficient space to provide adequate levels of coach parking and servicing and your officers consider that the detailed layout should be sought through condition.

Other Transportation recommendations

Transportation have also recommended that informatives are attached to any consent advising the applicant of the need to obtain a licence under the Highways Act 1980 to oversail the highway and that the Director of Transport would not be minded to grant such a licence if it resulted in undue disruption to the free flow of traffic and public safety in Fulton Road.

Further discussion of revised drawings

Other alterations associated with the revised drawings are summaries as follows:

Transportation:

The additional amendments described above is likely to result in the number of parking spaces for the private units being reduced to 81. This corresponds to a parking ratio of 0.62 spaces per unit for the private units. This is comparable to other recent schemes in the area, being above the minimum sought for other housing schemes that have been approved in the locality. The provision for the affordable units is unchanged at 24 spaces. The number of disabled parking spaces is also unchanged.

The basement private cycle storage area has been revised to provide 61 spaces. The total number of proposed cycle storage spaces for private units is now 131 (one per private unit).

Public cycle parking spaces (20) have now been detailed. The capacity of the Social Rented cycle store has been reduced to 20 spaces but remains above one space per unit.

Size of commercial units

The above set back of the ground and mezzanine floors results in a reduction in the size of the commercial units of 17.5 and 19 sqm.

Intermediate Residential Units

The north-eastern Affordable (Intermediate) block has been revised. The proposal now includes 2 x 2 bedroom and 1 x 3 bedroom unit on each of the three floors (replacing 1 x 2 bedroom and 2 x 3 bedroom) and the north facing sole habitable room windows have now been removed from the proposal. The revised layout has resulted in changes to the size and siting of windows and doors within this block.

Your officers recommend that an additional condition is attached that requires all north facing windows within the northern element of the building are glazed with obscured glass and fix closed or opening at a high level only. See below for the wording of the condition.

Wheelchair or easily adaptable units

The proposal has now been revised to include one Intermediate wheelchair accessible (2 bedroom unit) and six additional (2 bedroom) wheelchair units. One two bedroom wheelchair unit on the 14th floor has now been changed to a standard unit. The proposal now includes 13 private Wheelchair Accessible unit, two Social Rented and one intermediate and thus corresponds to 10 % of units. The corridor width of one Social Rented Wheelchair unit is insufficient (1.1 m when the minimum is 1.2 m) and, your officers accordingly recommend that a condition is attached required revisions to the internal layout of this unit.

Amenity space:

The revised plans now detail core access to the northern (4th floor) and south-western (7th floor) roof terraces. Access has also been detailed to the south-eastern (7th floor) roof terrace). Privacy screening (1.8 m high) has been detailed around the perimeter of the northern roof terrace and between the southern roof terraces and nearby units.

Children's place space has been indicated on the northern (55 sqm), south-western (85 sqm) and south eastern (60 sqm) roof terraces, with children's play space totalling 200 sqm.

Committee Site Visits

During the site visit, Members asked for clarification on the following points:

- **Confirm how far the amenity space provision is likely to be below SPG17 Guidelines.**

The proposal includes a total of 158 flats which would correspond to a SPG17 external amenity space requirement of 3,160 sqm (20 sqm per flat). The proposed external amenity space totals 3,000 sqm (excluding balconies). However, elements of this amenity space are shared by commercial units (restaurant, hotel, café/bars) or are public spaces and therefore their usefulness by residents is more limited than a separate communal garden. The final layout of the courtyard has not been agreed but is likely to result in a provision of 500 sqm. of external amenity space solely for use by future residents.

- **Confirm that the scheme will meet the Mayor's play space requirement for younger children.**

The Mayor's SPG refers to 10 sqm of play space per child. The applicants have specified a 60 sqm area of children's play space for the Private units, 55 sqm for the Intermediate and 85 sqm for the Social Rented units and the proposed provision is slightly greater than the Mayor's guidance levels relating to under 5's play space.

The Mayor's guidance levels would result in the need for an additional 170 sqm of play space for 5 to 10 year olds and 113 sqm for 11 to 15 year olds.

- **Where in relation to the site will the off-site amenity and play space discussed in the report be provided? Will it be close enough for younger children to use unsupervised.**

The revised Wembley Masterplan specifies the provision of:

- A single large park of at least 1.2 ha in size;
- A minimum of 10m² per child (5-17 years) of 'neighbourhood playable space. With the expected density level, this can be partly accommodated within three district open spaces of at least 0.4 hectares;
- A minimum of 10m² per child (0-5 years) of 'doorstep playable space. This should be provided as an integral part of each development parcel.

The Masterplan provides indicative details regarding the blocks, roads and open spaces within the area. The indicative plans detail the large park approximately 190 m from the subject site. This park is referred to as a "sizeable space" that "should have a significant green, organic and natural character, providing for a range of sporting activities in a contemporary landscape setting".

The provision of a north-east square is also specified within the Masterplan, with the indicative location approximately 90 m from the subject site. The Masterplan specifies that "The North East square will have a much more domestic character, with a local and community focussed landscape setting".

The Mayor's SPG specifies that play and recreational space for 5 to 11 year olds should be situated no more than 400 m from the dwelling and no more than 800 m for 12+ year olds. Both the north-eastern square and the larger park are within this distance of the development as detailed within the indicative Masterplan. Whilst the Masterplan does not secure the exact location of these spaces, it is unlikely that the final location of these spaces is unlikely to be in excess of 400 m from the subject site.

- **Do all the units meet the SPG17 guidelines for internal floors space.**

All of the proposed residential units meet or exceed the SPG17 guidelines for internal floor space.

- **Cllr Powney asked for the affordable split.**

A total of 27 Affordable dwellings are proposed, which corresponds to 17 % Affordable by unit or 22 % by Habitable Room. Of the Affordable dwellings, 18 are Social Rented and 9 are Intermediate, which corresponds to a 67:33 split. There are 6 two-bedroom Social Rented units and 12 with three-bedrooms. There are 6 two-bedroom Intermediate units and 3 with three-bedrooms.

- **Is the hotel parking for staff or patrons?**

The applicants have not specified whether the hotel parking spaces would be for staff or patrons. However, the Transport Assessment specifies that “Staff will be expected to use non-car modes from the outset”. Your officers consider that such matters can be addressed through the Travel Plan and recommended condition No. 6.

Revised Energy Statement

Your officers are currently evaluating the revised energy statement and it is accordingly requested that the authority to determine this application is delegated on the basis that the energy statement complies with Brent Council and London Plan policies and guidance.

Additional comments received

A letter of objection has been received on behalf of Trillium, the owners of Olympic House, 3 Olympic Way which directly adjoins the subject site. This letter raises the following issues:

- No assessment has been made of the impact of the loss of Sunlight and Daylight to 3 Olympic way;*
- The proposal obstructs the south facing windows to 3 Olympic Way and results in maintenance issues;*
- There is insufficient distance between the habitable room windows of the proposed development and 3 Olympic Way;*
- Obscured glazing has not been proposed for the northern façade facing 3 Olympic Way*
- Screening has not been proposed around the roof top amenity space adjacent to 3 Olympic Way.*

The first point has been discussed within the Committee report. The report acknowledged that in its absence of such assessment, it is assumed that there will be an impact on the lower floors of Olympic House but it is highlighted that the BRE guidance specifies that whether an existing building is a good neighbour is an important issue and in particular, whether it stands a reasonable distance from the boundary and takes no more than its fair share of light. Your officers concluded that the likely impact did not warrant the refusal of planning consent due to the proximity of the existing building to the boundary.

With regard to the obstruction of the windows, the proposal will obstruct the two flank wall windows on the fifth floor and six on the sixth floor flank of Olympic House that are situated on the joint boundary. Your officers have viewed the building internally. All of the windows serve rooms that also have large glazed aspects to the east and west. The walls of the building are largely glazed to the east and west with the windows that are to be blocked forming a limited proportion of the glazing within the associated room.

It should be noted that, when Olympic House was constructed, a conscious decision was made to insert windows that wholly relied on the adjoining site to provide light and outlook. Furthermore, to restrict the extent of the building due to the presence of these windows would reduce the development potential of a site situated within the Regeneration Area. Whilst your officers do not consider that this issue warrants the refusal of planning consent, it is considered that the developers should either under the works required to mitigate the highlighted maintenance issues or to pay for such works to be undertaken which is likely to involve blocking up the windows. It is accordingly recommended that this is added to the Section 106 agreement.

Points three, four and five have been addressed through the afore mentioned revisions to the proposal.

An additional letter has also been received from Quintain Estates and Developments which re-iterates their previously expressed view that S106 contributions should be pooled across the entire Wembley Masterplan Area in order to apply consistent principles and evenly distribute costs amongst land owners.

Amended or additional conditions

*Revised Condition 12 (b)
Add "prior to first occupation"*

Additional condition 22 to ensure privacy of future residents:

Development shall not commence unless details of the provision of privacy screens between the balconies of the "tower" shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.

Reason: to ensure the privacy of future residents.

Addition condition 23 regarding glazing of windows:

Any windows in the northern wall of the Intermediate Housing block or the apart hotel block (including the circulation areas of these blocks) shall be glazed with obscured glass and shall be fixed closed or opening at a high level only (at least 1.8 m above floor level) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that does not affect the privacy of the development hereby approved or that of the adjoining site.

Additional condition 24 regarding layout of 1st floor Social Rented Wheelchair Accessible unit Notwithstanding the plans hereby approved, further revised plans detailing amendments to the internal layout of the 1st floor Social Rented Wheelchair Accessible Unit to demonstrate that it will meet the minimum requirements for wheelchair accessible units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure the development is in accordance with the London Plan policies regarding accessibility.

Additional condition 25 regarding accessible balconies over the footway

Notwithstanding the plans hereby approved, further revised drawings which exclude any accessible balcony elements that project over the footway or highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.

Reason: To ensure the safety of pedestrians and traffic on the adjoining highway.

Additional condition 26 regarding Construction and Maintenance Strategy

No development shall occur unless a Construction and Maintenance Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate that the construction and any future maintenance of the building can be undertaken without the need for scaffolding or any other items to project over Fulton Road (to the south of the northern Fulton Road kerb) so as to ensure that the proposal will not result in the need to partially or fully close Fulton Road other than the reasonable closure of the footway required to construct the basement or erect scaffolding above the footway. The approved details shall be fully implemented.

Reason: To ensure the free and safe flow of traffic and pedestrians on Fulton Road.

Additional condition 27 regarding layout of servicing/coach parking.

Notwithstanding the plans hereby approved, further details of the layout of the servicing/coach parking area shall be submitted to and approved in writing prior to the commencement of works and the approved details shall be fully implemented. The submitted details shall include the vehicle tracking, locations of vehicle parking areas and shall allow full independent access together with egress and ingress in a forward direction and may include the siting of the car club spaces should full access and mobile phone signal to the proposed basement spaces not be feasible.

Reason: To ensure a satisfactory development that is not prejudicial to pedestrian and vehicle free-flow and safety.

Additional informative 5 regarding oversailing the highway

The applicant is advised that a licence under the Highways Act 1980 to oversail the highway. The

Director of Transport would not be minded to grant such a licence if it resulted in undue disruption to the free flow of traffic and public safety in Fulton Road.

Additional Section 106 Heads of Terms L

The submission, approval and full implementation of works or financial contributions to block up or otherwise resolve the future maintenance issues relating to the southern flank wall windows of 3 Olympic Way that are situated on the boundary with 5 Olympic Way.

Additional Section 106 Heads of Terms M

To allow full public access to the areas land within the Olympic Way and Fulton Road frontages of the building 24 hours a day, 7 days a week except when such access should be reasonably restricted for crowd control purposes during Wembley Stadium events.

Comments from Legal Service

It is recommended that:

Condition 10 is amended so that the words “to the satisfaction of the Local Planning Authority” are replaced by “completed in accordance with the approved scheme”

Condition 13 requires further clarification.

Your officers recommend that the following text is inserted after “...and the findings of the assessment shall be fully implemented”, replacing the subsequent text:

“The assessment shall specify the method by which any such materials shall be removed and disposed of, which shall be undertaken by a qualified asbestos contractor prior to the commencement of any demolition works. Documentary evidence which demonstrates that all such materials have been removed from the site shall be submitted to and approved in writing prior to the commencement of demolition works.”

Conclusion:

This application was placed on the Planning Committee agenda prior to the full resolution of all issues as the applicants specified an urgent need for determination and the majority of issues highlighted in the committee report have now been resolved. In order to help promote the regeneration of Wembley and, due to the fact that the revisions that are required constitute technical highways issues regarding access and geometry that are likely to be resolvable without the need for alterations that will significant affect on the nature of development, your officers have respectfully requested that the authority to determine the application is delegated to the Chief Planner.

The Planning Committee would therefore be delegating the authority to officers on the basis that the application will be granted subject to the satisfactory resolution of the layout of the vehicle access and the approval of the energy statement on the basis that it shall be in accordance the London Plan, and to delegate authority to agree amendments to the design of the tower should Council policy in respect of the oversailing issue change before the completion of the s106.

This application is also referable to the Mayor of London, who will be notified of the Council’s intention regarding the determination of the application and who has the authority to determine the application himself.

Recommendation:

That the determination of this application is delegated to the Chief Planner to decide the application on the basis that members would grant planning permission subject to the satisfactory resolution of the width of the vehicle access and location of vehicle ramps and the consideration of the revised energy statement.

Revised condition 12(b), additional conditions 22, 23, 24, 25, 26, 27, 28 and 29, additional informative 5, additional Section 106 Heads of Terms L and M.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Plan 2011
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance No. 3, 4, 12, 13, 17, 19, 21
Council's Supplementary Planning Document: S106 Planning Obligations

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the 14 February 2011.

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):

AL13-018	OLY AL 13-034 Rev F
OLY AL 13-021 Rev F	OLY AL 13-036 Rev F
OLY AL 13-022 Rev G	OLY AL 13-037 Rev F
OLY AL 13-023 Rev D	OLY AL (13) 041 Rev F
OLY AL 13-024 Rev S	OLY AL (13) 042 Rev E
OLY AL 13-025 Rev L	OLY AL (13) 045 Rev B
OLY AL 13-026 Rev L	OLY AL (13) 046 Rev A
OLY AL 13-027 Rev K	OLY AL (13) 049 Rev A
OLY AL 13-028 Rev K	OLY AL (13) 051 Rev E
OLY AL 13-029 Rev N	OLY AL 13-055
OLY AL 13-030 Rev N	OLY AL (13) 061 Rev B
OLY AL 13-031 Rev N	OLY AL (13) 062 Rev B
OLY AL 13-032 Rev K	OLY AL (13) 065 Rev A
OLY AL 13-033 Rev K	OLY AL (13) 066 Rev C

Documents approved within the original consent: reference 08/3009
Design and Access Statement dated 11/06/09
Materials & Finishes
Preliminary Daylight and Sunlight Report for the proposed development dated 16/03/09
Phase 1 Environmental Assessment dated April 2007
Transport Assessment dated October 2008
Environmental Noise Investigation Report dated 20/08/08
Energy statement for planning submission revision D dated 16/01/09
Flood Risk Assessment Report dated September 2008
Wind Environment Assessment dated October 2008
Local Air Quality Assessment dated September 2008
Stakeholder engagement report dated October 2008
Planning Statement dated October 2008
Sustainable Development Checklist dated 29/10/08

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

- (3) The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment STATS36234-001 September 2008.

Reason: To reduce the risk of flooding to the proposed development and future occupiers, and to reduce the impacts of flooding from the development.

- (4) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to the occupation of the new development.

Reason: In the interests of traffic and pedestrian safety.

- (5) No antennas or telecommunications equipment may be erected on or within the curtilage of the building subject of this application, notwithstanding the provisions of Parts 24 or 25 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance in light of the location of the site and any potential impact on the character of the area or the views to the National Stadium.

- (6) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site and the loading areas indicated on the approved plans shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials including fuel shall, where practicable, be carried out entirely within the curtilage of the property.

Reason: To ensure that materials or vehicles awaiting or being loaded or unloaded are parked in designated areas and do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area.

- (7) Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 prior to the occupation of the building details of any advertisements to be erected on site associated with the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be installed strictly in accordance with the details so approved. Details to be submitted shall include: colours, materials, method of attachment and illumination and maximum levels of illumination, where applicable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving local amenity and highway safety on a visually prominent site

- (8) Any windows in the northern wall of the Intermediate Housing block or the apart hotel block (including the circulation areas of these blocks) shall be glazed with obscured glass and shall be fixed closed or opening at a high level only (at least 1.8 m above floor level) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that does not affect the privacy of the development hereby approved or that of the adjoining site.

(9)

- (10) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The work shall be carried out in accordance with the approved details.

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

- (11) All areas shown on the plan and such other areas as may be shown on the approved plan, including the Olympic Way frontage, internal courtyard and all roof terraces, shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed in full during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

- (i) A revised landscaping strategy for the site;
- (ii) Proposed walls and fencing, indicating materials and heights.
- (iii) All hard landscaping including materials
- (iv) Levels and contours within the landscaped areas, including how these relate to adjoining land outside of the site
- (v) The provision of green/living roofs within all roof terraces detailed on the submitted drawings
- (vi) The incorporation of SUDS within the proposal
- (vii) Means by which the ecological value of the area is enhanced, including the provision of bird boxes
- (viii) Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian
- (ix) The detailed size, siting, design and layout of the children's play space including all equipment

(x) The detailed design and layout of the servicing/coach area

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.

- (12) Details of the provision of a minimum of 185 secure weatherproof cycle parking spaces and 20 publicly accessible cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. The details shall include the configuration and layout and the external appearance of any such areas. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (13) No development shall commence unless further details of the vehicle accesses to the sites which include a 300 mm margin between the vehicle accesses and adjoining walls and the provision of a 4 m kerb radii onto Fulton Road are submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details.

Reason: To ensure a satisfactory development that ensures the safety of future users and the free and safe flow of traffic and pedestrians on the adjoining highway.

- (14) The development shall not be occupied unless a detailed car park management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the means by which the parking spaces will be allocated, secured and enforced between the various users of the site and the approved plan shall be implemented in full for the life of the development. The car park shall be used only for the purposes set out within the approved plan and shall not be used for any other purposes, such as for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area.

- (15) A Delivery, Servicing and Coach access/parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. The approved plan shall be fully implemented for the life of the development.

Reason: To ensure a satisfactory development that minimises any potential impacts on the road network.

- (16) Notwithstanding the documents submitted with this application, a revised Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the development should be

completed in full accordance with the approved details.

Reason: To ensure that the development provides a satisfactory standard of accommodation for future residents and does not have an adverse impact on local air quality.

- (17) The development, as hereby permitted, shall not commence until details of a proposed Construction Management Scheme in respect of construction have been submitted and approved in writing by the Local Planning Authority. The scheme shall include construction logistics in accordance with the London Freight Plan 2008. The approved scheme shall be implemented in full.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers or the road network.

- (18) No development shall commence unless a scheme providing for the insulation of the proposed building against the transmission of external noise (and vibration) has been submitted to and approved in writing by the Local Planning Authority and those details shall be in accordance with the levels specified within the documents so approved. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the permitted units are occupied. The design levels for noise relating to Stadium music events should take account of the maximum possible levels unless the submitted details demonstrate to the satisfaction of the Local Planning Authority that a lower design level is acceptable.

Reason: To ensure satisfactory noise levels for the proposed use.

- (19) No development shall commence unless a Local Training and Employment initiative has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: To ensure a satisfactory development that maximises the employment opportunities for local residents and businesses.

- (20)
- a) No development shall commence unless a site investigation shall be carried out by an appropriate person to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. No works may commence on site until a remediation strategy has been submitted and approved by the Local Planning Authority. If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority, and
 - b) a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation by a competent person stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6.

- (21) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason; To ensure that sufficient capacity is made available to cope with the new development.

- (22) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

- (23) No development shall commence until details of any CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full. These details shall include the make, model, design and position of any external CCTV cameras

Reason: In the interests of safety, amenity and convenience.

- (24) Development shall not commence unless details of the provision of privacy screens between the balconies of the "tower" shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.

Reason: to ensure the privacy of future residents.

- (25) No development shall occur unless a Construction and Maintenance Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate that the construction and any future maintenance of the building can be undertaken without the need for scaffolding or any other items to project over Fulton Road (to the south of the northern Fulton Road kerb) so as to ensure that the proposal will not result in the need to partially or fully close Fulton Road other than the reasonable closure of the footway required to construct the basement or erect scaffolding above the footway. The approved details shall be fully implemented.

Reason: To ensure the free and safe flow of traffic and pedestrians on Fulton Road.

- (26) Notwithstanding the plans hereby approved, further details of the layout of the servicing/coach parking area shall be submitted to and approved in writing prior to the commencement of works and the approved details shall be fully implemented. The submitted details shall include the vehicle tracking, locations of vehicle parking areas and shall allow full independent access together with egress and ingress in a forward direction and may include the siting of the car club spaces should full access and mobile phone signal to the proposed basement spaces not be feasible.

Reason: To ensure a satisfactory development that is not prejudicial to pedestrian and vehicle free-flow and safety.

- (27) Notwithstanding the drawings hereby approved, measures to ensure that pigeons do not roost or otherwise land within the public or communal undercroft, recessed or otherwise covered areas of the building hereby approved, namely the pedestrian

entrance to the courtyard from the Olympic Way frontage, the undercroft area within the Fulton Road frontage and the vehicle access but excluding the ground itself within these areas, shall be submitted to and approved in writing prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure that these areas are appropriately usable by future residents, occupiers and visitors and to ensure a satisfactory appearance.

- (28) No external plant, ducting or other associated equipment shall be installed (including any plant within the roof-top plant area on the roof of the hotel) unless further details of the plant, including the full specification of the plant, details of noise levels at the nearest sensitive windows both within and outside of the development, details of any screening of the plant and details of any external have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and the plant shall thereafter be maintained in accordance with the Manufacturer's specifications.

Reasons: In the interest of the amenities of adjoining and future occupiers.

- (29) Notwithstanding the plans hereby approved, further details of the vehicular accesses to the site, including the siting, design and operation of any gates and control mechanisms shall be submitted to and approved in writing prior to the commencement of works. The approved details shall be implemented in full and thereafter maintained.

Reason: In the interest of visual amenity and the free and safe flow of traffic and pedestrians on the adjoining highways and on the internal vehicular accesses.

INFORMATIVES:

- (1) Delete this and enter unique informative here
- (2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (3) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building / development work, please contact Thames Water on 0845 850 2777.
- (4) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local waterways.
- (5) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils, Grease, the collection of waste oil by a contractor, particularly

to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

- (6) The applicant is advised that a licence under the Highways Act 1980 to oversail the highway. The Director of Transport would not be minded to grant such a licence if it resulted in undue disruption to the free flow of traffic and public safety in Fulton Road.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344