

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 March, 2021  
03  
20/2844

## SITE INFORMATION

RECEIVED	1 September, 2020
WARD	Tokington
PLANNING AREA	
LOCATION	Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet
PROPOSAL	Variation of conditions application (under Section 73 of the Town and Country Planning Act 1990) to vary parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 18/2214 (dated 17 August 2018) which varied parameter plans 04-12 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 17/0328 (dated 26 May 2017) which varied parameter plans 04-13 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 15/5550 (dated 23 December 2016) which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development). This application is accompanied by an Environmental Impact Assessment.
PLAN NO'S	Please see condition 4.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</a></p> <p><b><u>When viewing this as an Hard Copy _</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "20/2844" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the planning committee resolve to grant permission for the proposed amendments through a variation of conditions 4, 5, 15, 16 and 25 of Hybrid Planning Consent reference 18/2214 (dated 17th August 2018) pursuant to Section 73 of the Town and Country Planning Act 1990, as amended.

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

\*As a new planning permission would be issued with the grant of planning permission through Section 73 of the Planning Act (variations of condition), the conditions and informatives from the previous consent have been replicated. The Section 106 legal agreement associated with the previous consent would also be applicable.

### Conditions

1. Outline planning – approval of details
2. Reserved Matters Condition
3. Outline planning – time limit
4. Approved documents / drawings
5. Use Class A5 restriction
6. Food retail store size
7. Student accommodation cap
8. Student accommodation use restriction
9. Southern Boulevard
10. Royal Route works
11. Residential parking E01, E02, E03, E05
12. Residential parking use restriction
13. Storage in open areas
14. Existing crossovers
15. Construction tolerances
16. Parapets
17. Student accommodation demand assessment
18. Student management plan
19. Approval of various details
20. Landscape
21. Parking Management Plan (non-event days)
22. Event day parking management plan
23. School parking within Red Car Park
24. Royal Route Works
25. Cycle Routes
26. Delivery Service Plan
27. Construction Logistics Plan
28. Site Management Plan
29. Play and recreation space
30. Accessible rooms/units
31. CT Measures
32. Plant noise
33. Sound insulation between commercial and residential
34. Residential noise
35. School noise
36. Vibration
37. Construction Method Statement
38. Air Quality Neutral

39. CHP emissions
40. CHP emission testing
41. NOx from boilers
42. Site investigation
43. Verification report
44. Extract ventilation
45. Drainage works
46. Piling Method Statement
47. Surface Water Drainage Scheme
48. Quality of accommodation
49. Phasing plan
50. Details of communal facilities for residents proposed to be provided for residents of plot W06
51. Any [other] condition(s) considered necessary by the Head of Planning

#### Informatives

1. Asbestos
2. Protection against back flow
3. Underpinning and public sewers.
4. Measures to minimise groundwater discharge.
5. Trade effluent consent.
6. Polluted discharge into local watercourses
7. Installation of fat trap.
8. CIL phasing.
9. Superstructure.
10. Supporting Documents
11. RMA for NEL plots containing B1 uses to be subject to condition restricting pd rights
12. Any [other] informative(s) considered necessary by the Head of Planning

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

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

This permission, if granted, would also be bound by the Section 106 legal agreement associated with the Hybrid Consent.

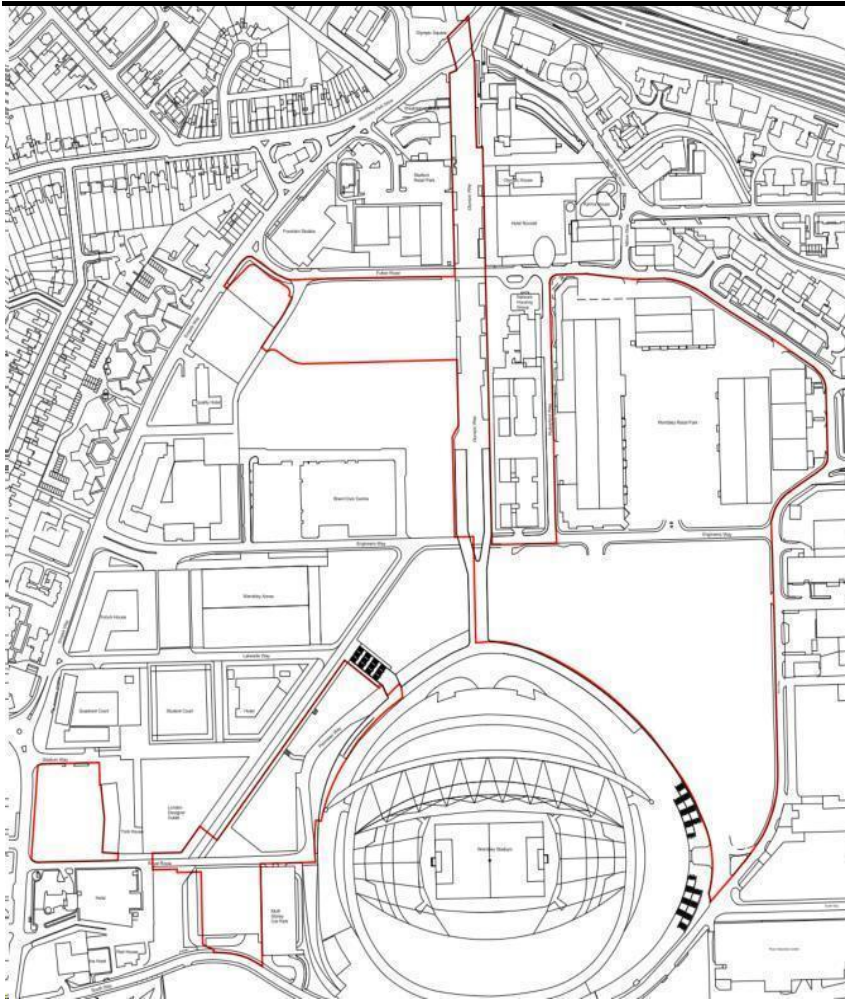
## SITE MAP



### Planning Committee Map

Site address: Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

## PROPOSAL IN DETAIL

This Section 73 planning application seeks approval for revisions to Parameter Plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of planning permission reference 18/2214 (dated 17 August 2018).

18/2214 was a hybrid application (part full, part outline) for the demolition of existing buildings and the redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace, which related to changes to Plot NW09/10/11, and was itself a permission issued under Section 73 as a variation to planning permission ref.17/0328.

17/0328 was a permission issued under Section 73 as a variation to planning permission ref: 15/5550 (dated 23 December 2016) known as the 'Wembley Park Masterplan'. 17/0328 related to changes to Plot W06.

Planning permission was granted under ref: 15/5550 for the development of 15.9 hectares of land surrounding Wembley Stadium. The application was a hybrid scheme submitted part in outline with all matters reserved and part in full detail.

The current application proposes amendments to the parameter plans in relation to Plots NE01, NE02, NE03, NE04 and NE05 and the Northern Park, all of which are located in the North Eastern Lands character area (as originally defined within the outline consent 15/5550). No changes are proposed to any of the other plots covered by the previous planning permission (18/2214), nor is any change proposed to the approved Development Specification, to the description of development, to the overall quantum of development or to any other planning condition, other than those listed above.

Whilst the proposed changes to the consented development are material, it is considered that they do not amount to a fundamental alteration to the previously granted outline planning permission, given the scale of the proposed changes being considered against the overall scale of the outline planning permission. It is therefore considered acceptable to assess the changes through a section 73 planning application. The Council's Legal Officers have examined this matter, having regard to recent relevant case law, and have confirmed that they consider this to be an acceptable approach.

Condition 4 refers to the list of drawings and documents approved through the previous planning permission (18/2214). This application proposes amendments to the parameter plans which show the form of plots NE01 to NE05 and the Northern Park. The amendments are discussed below.

Several parameter plan drawing numbers will change if the minor material amendments are approved and the following conditions are therefore proposed to be amended to reflect the new plan numbers:

- Condition 5 which relates to the non-residential uses specified within parameter plan 08.
- Conditions 15 and 16 relating to heights and parapets which refer to parameter plan 09 (maximum height), and
- Condition 25 which relates to cycle routes and refers to parameter plan 11.

The scheme received by the Council in December 2020, included the following key changes to the previously approved parameter plans:

- Realignment of Plots NE01, NE02 and NE03 approximately 3.5m to the west to sit closer to Rutherford Way and realignment of NE02 and NE03 on a north/south axis
- Realignment of Plot NE01 approximately 11.9m to the north
- Realignment of Plot NE03 to the south
- Changes to the height and massing of Plots NE02, NE03, NE04 and NE05, with the proposed tall building on plot NE03 at +98m AOD and the proposed tall building on plot NE02 at +118m AOD
- Changes to the Northern Park Parameters
- Changes to parking, access and circulation arrangements
- Changes to ground levels within the Northern Park and the ground and podium levels to Plots NE02 and NE03

These changes will be discussed in more detail in the report below.

### *Changes to parameter plans*

This application seeks approval for the following revised Parameter Plans:

Parameter Plan 04: Proposed Ground and Podium Levels

Parameter Plan 05: Proposed Maximum Plot Extent

Parameter Plan 06: Proposed Extent of Parking and Servicing Areas at Ground and above Ground Levels

Parameter Plan 07: Access and Circulation

Parameter Plan 08: Proposed Uses

Parameter Plan 09: Proposed Heights

Parameter Plan 10: Proposed Critical Dimensions

Parameter Plan 11: Proposed Public Realm and Open Space at Ground Level

Parameter Plan 12: Proposed Open Space at Upper Levels

Parameter Plan 13: Tree Removal Plan

It should be noted that the Outline Planning consent was subject to a Section 106 legal agreement which secured a number of contributions and commitments. This Section 106 agreement also applies to any variations of that planning consent. The agreement would be unchanged by the proposed amendments (except for an updated plot plan) and it is not necessary to enter into a new Section 106 agreement.

## EXISTING

The hybrid planning permission (the Wembley Park Masterplan, reference 15/5550), relates to 15.9 hectares of previously developed land surrounding Wembley Stadium. The Wembley Park Masterplan includes 16 plots which are located within seven 'character areas'. One of these is the North East Lands Character Area, comprising Plots NE01 to NE06. Another is the Park comprising the Northern Park to the north of Engineers Way and the South Park to the south of Engineers Way and surrounded by the 'Eastern Lands'.

The site is located within the Wembley Growth Area (Brent Core Strategy) and the Wembley Opportunity Area (London Plan).

Plots NE01 to NE06 are bordered by Fulton Road to the north and north east, First Way to the south east, Engineers Way to the south and Rutherford Way to the west.

The site is currently largely occupied by surface level parking areas, although it also accommodates a number of office buildings, two construction compounds serving nearby plots under development and some light industrial/storage warehouses on the eastern edge.

## SUMMARY OF KEY ISSUES

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

**Representations Received:** In response to both rounds of consultation, representations from the owners/occupiers of 50 properties and from the Archery Court Residents Association and the Marathon House Residents Association were received. These are summarised in the report below.

**Principle of Development:** This has already been established by previous consents. This S73 application proposes to amend the outline consent, as subsequently amended, but is considered to be in material compliance with the principles established under the original outline consent.

**Proposed Uses:** The proposed uses within the scheme do not change as a result of the proposed amendments. The parameter plans for this part of the consent area that is proposed to be amended indicate that uses within classes B1 (Business) (new use class E(g)), D1 (education/healthcare/community) (new use classes E(e-f) and F1) and C3 (Residential) to accommodate residential lobbies/services would

be at ground/first floor level, although no occupied residential accommodation would be at ground floor level. The upper levels would exclusively be in class C3 use, with the exception of plot NE01 which could alternatively be used as Sui Generis class student accommodation at upper levels.

**Scale, Layout and Appearance:** The scale and layout of the proposed scheme is considered to be acceptable within the context of adopted and emerging planning policy and the surrounding area which comprises relatively tall buildings in a dense urban context. It is considered that the layout of the buildings and the site would work successfully in providing a design which responds well to its context and offers public realm benefits. The illustrative images indicate a development which is considered to be acceptable in design terms and in keeping with the surrounding area.

**Neighbouring amenity:** There would be a loss of light to some windows of surrounding buildings compared to the previously consented scheme and compared to the existing situation (of a predominantly low rise or cleared site) as is to be expected from a development of this scale. However, the overall impact of the development is, on balance considered to be acceptable, particularly in view of the wider regenerative benefits including the provision of a significant number of new homes, affordable housing, public open space and community and/or employment uses. Levels of daylight and sunlight enjoyed by neighbouring occupiers would remain at acceptable levels for a dense urban context.

**Highways:** The parking, access and servicing arrangements outlined are considered acceptable. The amendments would enable Plots NE02 and NE03 to be designed as car-free, other than for the provision of on-street inset spaces along Rutherford Way for servicing, pick-up/drop-off and accessible and Essential User parking spaces. Traffic calming measures to Rutherford Way would also be introduced.

**Nature of proposed application:** Whilst amendments to the previously approved outline consent are proposed, these would not result in a change in the range of uses that are consented. The proposal may potentially allow an uplift in floorspace within Plots NE02 to NE05. However, it does not affect the total floorspace that can be delivered under the Wembley Masterplan. The amendments would include an increase in the maximum heights of a number of the buildings across the site. The submission demonstrates that the assessment of impacts evaluated within the Environmental Statement for the original outline consent are not materially affected by the proposed amendments. The proposal is accordingly not considered to fundamentally alter the original outline consent.

**Planning Obligations and Community Infrastructure Levy (CIL):** CIL liability would be calculated at the time at which reserved matters planning permissions are granted. The Section 106 agreement secured for the original Masterplan consent (as amended) would remain in place.

## RELEVANT SITE HISTORY

### 15/5550 'Wembley Masterplan' Granted 23/12/2016

Hybrid planning application, accompanied by an Environmental Impact Assessment, for the redevelopment of the site including:-

Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.

And

Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;
- Commercial (Use Class B1) up to 82,000 sqm;
- Hotel (Use Class C1): up to 25,000 sqm;
- Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;
- Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;
- Assembly and leisure (Use Class D2): 23,000 sqm;
- Student accommodation (Sui Generis): Up to 90,000 sqm.

And associated open space (including a new public park) and landscaping; car and coach parking

(including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended

#### **17/0328 Granted 04/05/2017**

Variation of the following conditions of hybrid planning consent 15/5550:

- revised parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 16 and 25

- reserved matters details for Plot W06 pursuant to condition 1 (layout, scale, appearance, access and landscaping), and the listing of the detailed drawings for Plot W06 under revised conditions 4

AND

Approval of details pursuant to conditions 1 (layout, scale, appearance, access and landscaping), 19(h) (wind), 19(k) (internal layout of buildings), 19(i) (access), 19(m) (daylight), 19(n) (private external space), 38 (air quality) and 49 (indicative phasing) for Plot W06 relating to Hybrid planning application reference 15/5550

#### **18/2214 Granted 17/08/2018**

Minor Material Amendment to vary parameter plans 04-12 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 17/0328 (dated 26 May 2017) which granted minor material amendments to hybrid planning permission reference 15/5550 which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development).

The minor material changes sought comprise an increase in the width of the previously approved north-south route between NW09 and NW10/NW11 and its relocation 30 metres further to the east in between NW09/NW10 and NW11, alterations to the block forms of NW09/NW10 and NW11 with an increase in height of elements of blocks NW09/10 and NW11 as a result of the updated layout, changes to car parking arrangements, introduction of bridge link connecting the landscaped gardens of NW09/10 and NW11 and other associated alterations.

## **CONSULTATIONS**

### **Press Notices:**

First press notice published 01.10.20. Second press notice published 24.12.2020 in relation to subsequent revisions.

### **Site Notices:**

Eight site notices displayed adjacent to the site on 02.10.20. Eight site notices displayed adjacent to the site on 23.12.20 in relation to subsequent revisions.

### **Letters of consultation:**

The owners/occupiers of 927 neighbouring properties were notified of the development on 01/10/2020. Further notifications were sent to neighbouring properties in relation to subsequent revisions on 23.12.2020 (927 by post, 56 by email). Representations from 50 properties and from the Marathon House Residents' Association and the Archery Court Residents' Association have been received in response to both rounds of consultation from neighbouring owners/occupiers. The issues raised in the representations are summarised in the table below:

<b>Objection</b>	<b>Responses</b>
<b>General</b>	
Lack of pre-application consultation.	The applicants note that it is not a mandatory requirement to undertake pre-application



	<p>engagement with the general public and this application is seeking a variation to an approved scheme, which had previously undergone extensive public consultation.</p> <p>However, the applicants did organise a public information evening as a virtual event on 7th January 2021 which a number of local residents participated in.</p>
Proposals should be considered by way of a new planning application rather than an application under S73 of the Town and Country Planning Act 1990 to vary the approved Wembley Park Masterplan scheme.	<p>Officers consider that the changes proposed do not constitute a fundamental alteration to the entirety of the scheme approved by the original permission and therefore it is appropriate to consider the proposed changes under a Section 73 planning application. In coming to this conclusion the Council has noted that the revisions sought only affect 6 out of 18 Masterplan plots, they do not involve any use changes, nor is any increase in the overall number of units to be delivered under the Masterplan proposed. Furthermore the description of development would remain the same. The Council's Legal Officers have confirmed that they consider this approach to be in line with the provisions made by Section 73 of the Town and Country Planning Act and are satisfied that this approach is reasonable.</p> <p>It is also noted that, despite the application being assessed as a Section 73 application, it is still required to undergo a full consultation process, including site notices and press adverts and any comments received from local residents or statutory parties carry the same weight as they would if it were a full planning application.</p>
<b><i>Residential Amenity of neighbouring residents</i></b>	
Positioning of NE03 closer to Marathon House/Archery Court and proposed increase in height of buildings would be overbearing for Marathon House/Archery Court residents.	Please see discussion in 'Neighbouring Amenity' section below.
Positioning of NE03 closer to Marathon House/Archery Court and proposed increase in height of buildings would lead to an unacceptable loss of daylight and sunlight for Marathon House/Archery Court residents. Change in light levels between existing position and proposed scheme should have been assessed.	Please see discussion in 'Neighbouring Amenity' section below.
Positioning of NE03 closer to Marathon House/Archery Court and proposed increase in height of buildings would lead to an unacceptable loss of privacy for Marathon	Please see discussion in 'Neighbouring Amenity' section below.

House/Archery Court residents.

***Negative Impact on Rutherford Way***

Rutherford Way will become cramped and busier for pedestrians.

Whilst the plans originally submitted with this planning application (in September 2020) involved a footpath edge to building façade distance of 4.5m, the revised plans (in December 2020) allow a distance of around 7.5m which would allow generous space for pedestrians along with street trees and other landscaping and inset parking bays to further separate the main pedestrian route from the carriageway.

Rutherford Way will become busier for traffic.

The applicants are currently considering designing the buildings along Rutherford Way as car-free, except for the provision of bays for accessible parking, pick-up and drop-off and servicing. This would significantly reduce the level of traffic along Rutherford Way compared to the consented position which proposed a large parking basement under the Rutherford Way plots. Notwithstanding whether the plots do come forward as car free, this application does not seek any additional parking areas when compared to the consented position. Additional traffic calming measures including two raised tables, are also proposed which would reduce traffic speeds along Rutherford Way and improve pedestrian connectivity.

***Impact on Northern Park***

The quality of the environment of the Northern Park would be unacceptably harmed, including through increased overshadowing and a claustrophobic feel.

Please see discussion in 'Scale' and 'Overshadowing of the Northern Park' sections below.

Northern Park appears to have reduced in size.

The overall size of the Northern Park would marginally increase by 244 sqm from 19,586 sqm (as previously approved) to 19,830 sqm. Furthermore, the useable green space would increase due to the reduction in water features.

NE04 and NE05 podium gardens too large and will reduce area of park.

The NE04 and NE05 podium gardens would remain broadly the same size as originally consented and would remain as raised areas of private amenity space rather than being part of the public park.

***Overdevelopment of area/pressure on services and green open space***

Overdevelopment of the area.

Whilst it is acknowledged that the proposed scheme would result in a denser form of development than previously consented, the

	<p>proposed configuration of the site would enable more homes to be delivered at an earlier stage. The application does not seek to increase the overall number of residential units approved within the Wembley Park Masterplan and no changes are proposed to the overall quantum or description of development as previously approved.</p>
<p>Lack of infrastructure provided in the area, increased pressure on local services such as GPs.</p>	<p>The Wembley Park Masterplan as a whole will deliver key elements of physical and social infrastructure including the provision of a park of around 8 acres, a nursery (in Plot E01/E02 which is under construction), a GP and health centre (in Plot NW09/10 and also under construction), a further community hall (which will come forward in Plot NE02) and various highway and transport improvements. These are secured through the S106 obligations and/or funded through the Community Infrastructure Levy (CIL). To date Quintain have paid £59million in CIL which will be used by the Council to provide local infrastructure to support Wembley Park.</p>
<p>Lack of open space in the area.</p>	<p>With regard to the provision of open green space, the masterplan includes a public park around 8 acres in size which is to be sited either side of Engineers Way. The Southern Park will provide a play park, lawns, water features and a Multi-Use Games Area. The Northern Park will be provided to the north of Engineers Way and the first phase will be provided with the first residential plots to be delivered in the North East Lands.</p> <p>In addition to the Park, Quintain have also delivered various other areas of public open space around Wembley including Elvin Gardens, Arena Square, White Horse Square, Market Square and, in conjunction with Brent Council, the refurbishment of Olympic Way as an area of high quality public realm.</p>
<p>Development would provide minimal additional benefit to the local area above what has already been consented.</p>	<p>By optimising the development potential of the site, more housing is likely to be delivered at an earlier stage of the development of the North East Lands as a whole. In addition, the changes to the park and public realm are considered to provide additional benefits compared to the previously consented scheme.</p>
<p><b>Urban design/Impact on streetscape</b></p>	
<p>The increase in height of the two proposed tall buildings would have an unacceptable impact on the streetscape and diminish the landmark</p>	<p>Please see discussion in 'Scale' section</p>

status of Canada Gardens (plot E03). Do not link into surrounding area well.	below.
Proposed tall towers next to park lack human scale.	Please see discussion in 'Scale' section below.
<b>Other matters</b>	
Construction impacts of development, including dust and noise.	There are various environmental management and mitigation measures that the applicants would implement throughout the demolition and construction works to either eliminate or significantly reduce impacts including dust emissions and noise. These measures are primarily secured through planning conditions requiring the submission of a Construction Management Strategy and a Construction Logistics Plan for approval by the Council prior to the commencement of each phase of development.
The proposed changes would decrease the value of existing properties.	Property value is not a material planning consideration and so cannot be taken into account.
Potential impact of increasing the building heights of NE02/NE03 on the effectiveness of the solar panels on the roof of Marathon House.	An overshadowing assessment of the proposed changes has been undertaken. The snapshot from 21 <sup>st</sup> June 06:00 BST shows that there would be some additional overshadowing on the roof of Marathon House/Archery Court at 06:00 BST. However from 07:00 BST there would be no additional shadowing. The overshadowing assessment also includes snapshots for 21 <sup>st</sup> March and 21 <sup>st</sup> December and these show no additional shadows on the roof. The taller elements of Plots NE02 and NE03 are over 64m away from Marathon House/Archery Court and the impact on the solar panels is shown to be negligible with only a short period of overshadowing taking place in the early morning during the summer months. The proposed development would therefore not have any significant impact on the operational effectiveness of the solar panels.
The new plans should include a new primary school as this is no longer likely to be accommodated on the York House car park site (plot YH1).	Consent has been granted for a primary school at the York House car park site through the original consent (reference 15/5550, as varied through the S73 consents listed within this report). The detailed design was also approved under a reserved matters application (18/0204). The site was sold to the Department for Education for the provision of a school. The York House Car Park site is also allocated for the provision of a primary school within the emerging Local Plan. This

	permission is still in place, and there has been no application to vary this element of the Masterplan, or for an alternative use or development on that element of the Masterplan. The current application does not propose to alter the land use or the quantum of development within the masterplan as a whole. Brent Council regularly updates its School Place Planning Strategy and works to ensure that there is sufficient capacity across the borough to ensure that all children applying for a school place will be able to access a local school. As this consent has already made provision for a new three form entry primary school and this remains the location identified in the local plan, it is not considered necessary, reasonable or appropriate to require the Developer to provide a second site for a primary school through this consent. Should an application be submitted for an alternative use of the York House Car Park, the provision of that alternative use would need to be considered at that stage.
--	--

#### **External Consultees:**

##### **The Greater London Authority (GLA)**

Given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. The Council may, therefore, proceed to determine the application without further reference to the GLA.

##### **Thames Water**

No objections raised.

##### **Environment Agency**

No comments to make.

##### **Wembley National Stadium Limited**

No comments received.

#### **Internal Consultees:**

##### **Environmental Health (Noise)**

No objections raised, having reviewed conditions attached to previous planning approval 18/2214.

##### **Environmental Health (Air quality and site contamination)**

Satisfied with air quality information submitted and future approach outlined.

Satisfied with re-attachment of site contamination planning conditions.

##### **Recycling and Waste**

No objections raised.

#### **Applicants' public consultation exercise on revised proposals**

On Thursday 7<sup>th</sup> January 2021 Quintain hosted a meeting with residents of Marathon House and Archery Court on the revised proposals submitted in December 2020. The event took place virtually and was

attended by a number of residents. The matters discussed included daylight and sunlight impacts and urban design.

## **POLICY CONSIDERATIONS**

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

The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010 and Brent Development Management Policies 2016 and the Wembley Area Action Plan 2015.

Key policies include:

### **Regional**

#### **London Plan 2016**

2.13 Opportunity areas and intensification areas  
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  
3.8 Housing choice  
3.10 Definition of affordable housing  
3.11 Affordable housing targets  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.7 Renewable energy  
5.9 Overheating and cooling  
5.10 Urban greening  
5.13 Sustainable drainage  
5.14 Water quality and wastewater infrastructure  
6.9 Cycling  
6.13 Parking  
7.2 An inclusive environment  
7.4 Local character  
7.7 Location and Design of Tall and Large Buildings  
7.8 Heritage assets and archaeology  
7.14 Improving air quality

### **Local**

#### **Brent Local Development Framework - Core Strategy (2010)**

CP1- Spatial Development Strategy  
CP2- Population and Housing Growth  
CP5- Placemaking  
CP6- Design & Density in Place Shaping  
CP7- Wembley Growth Area  
CP15- Infrastructure to Support Development  
CP19- Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP21- A Balanced Housing Stock  
CP23- Protection of existing and provision of new Community and Cultural Facilities

#### **Brent Development Management Policies (2016)**

DMP 1: General Policy  
DMP 8: Open Space  
DMP 9a: Managing Flood Risk  
DMP 9b: On Site Water Management and Surface Water Attenuation  
DMP 11: Forming an Access on to a Road

DMP 12: Parking  
DMP 15: Affordable Housing  
DMP 18: Dwelling size and residential outbuildings  
DMP 19: Residential Amenity Space

Wembley Area Action Plan (2015)

WEM 1 – Urban Form  
WEM 2 – Gateways to Wembley  
WEM 3 – Public Realm  
WEM 5 – Tall Buildings  
WEM 6 – Protection of Stadium Views  
WEM 8 – Securing Design Quality  
WEM 10 – Low cost Business start-up Space  
WEM 14 – Car Parking Strategy  
WEM 15 – Car Parking Standards  
WEM 16 – Walking and Cycling  
WEM 18 – Housing Mix  
WEM 19 – Family Housing  
WEM 25 – Strategy Cultural Area  
WEM 30 – Decentralised Energy  
WEM 32 – Urban Greening  
WEM 33 – Flood Risk  
WEM 34 – Open Space Provision  
WEM 35 – Open Space Improvements  
WEM 38 – Play Provision  
Site W 18 – Wembley Retail Park

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

In addition, the London Mayor has formally approved a new London Plan, the 'Publication London Plan'. It has been prepared to address the Secretary of State's directions of the 13 March 2020 and 10 December 2020 to the Intend to Publish plan. On the 29<sup>th</sup> January 2021, the Secretary of State confirmed that the Mayor can proceed towards formally publishing the Publication London Plan.

The Mayor will now proceed with the final steps to publish the final London Plan and intends to publish the London Plan on 2 March. At the time of publication of this agenda, the Publication London Plan will carry substantial weight as an emerging document. However, it will represent adopted policy from 2 March.

Key relevant policies include:

**The London Plan – Publication version (2020)**

Chapter 1. Planning London's Future (Good Growth Policies)

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering the homes Londoners need  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience

Chapter 2. Spatial Development Patterns

Policy SD1 Opportunity Areas  
Policy SD10 Strategic and local regeneration

Chapter 3. Design

Policy D1 London's form, character and capacity for growth  
Policy D2 Infrastructure requirements for sustainable densities  
Policy D3 Optimising site capacity through the design-led approach  
Policy D4 Delivering good design  
Policy D5 Inclusive design  
Policy D6 Housing quality and standards  
Policy D7 Accessible housing

Policy D8 Public realm  
Policy D9 Tall buildings  
Policy D10 Basement development  
Policy D11 Safety, security and resilience to emergency  
Policy D12 Fire safety  
Policy D13 Agent of Change  
Policy D14 Noise

#### Chapter 4. Housing

Policy H1 Increasing housing supply  
Policy H4 Delivering affordable housing  
Policy H5 Threshold approach to applications  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy H9 Ensuring the best use of stock  
Policy H10 Housing size mix  
Policy H11 Build to Rent

#### Chapter 5. Social Infrastructure

Policy S1 Developing London's social infrastructure  
Policy S2 Health and social care facilities  
Policy S3 Education and childcare facilities  
Policy S4 Play and informal recreation  
Policy S5 Sports and recreation facilities

#### Chapter 6. Economy

Policy E2 Providing suitable business space  
Policy E10 Visitor infrastructure  
Policy E11 Skills and opportunities for all

#### Chapter 7. Heritage and Culture

Policy HC1 Heritage conservation and growth  
Policy HC3 Strategic and Local Views  
Policy HC5 Supporting London's culture and creative industries

#### Chapter 8. Green Infrastructure and Natural Environment

Policy G1 Green infrastructure  
Policy G4 Open space  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands  
Policy G9 Geodiversity

#### Chapter 9. Sustainable Infrastructure

Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 3 Energy infrastructure  
Policy SI 4 Managing heat risk  
Policy SI 5 Water infrastructure  
Policy SI 6 Digital connectivity infrastructure  
Policy SI 7 Reducing waste and supporting the circular economy  
Policy SI 8 Waste capacity and net waste self-sufficiency  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage

#### Chapter 10. Transport

Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.1 Residential parking



Policy T6.2 Office parking  
Policy T6.5 Non-residential disabled persons parking  
Policy T7 Deliveries, servicing and construction  
Policy T9 Funding transport infrastructure through planning

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Relevant policies include:

**General:**

DMP1 – Development Management General Policy

**Place:**

BP1 – Central  
BCGA1 – Wembley Growth Area  
BCSA8 – Wembley Retail Park

**Design:**

BD1 – Leading the way in good design  
BD2 – Tall buildings in Brent  
BD3 – Basement Development

**Housing:**

BH1 – Increasing Housing Supply  
BH2 – Priority Areas for Additional Housing Provision within Brent  
BH5 – Affordable Housing  
BH6 – Housing Size Mix  
BH13 – Residential Amenity Space

**Economy and Town Centres:**

BE1 – Economic Growth and Employment Opportunities for All  
BE4 – Supporting Strong Centres Diversity of Uses

**Heritage and Culture:**

BHC1 – Brent's Heritage Assets  
BHC2 – National Stadium Wembley

**Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent  
BGI2 – Trees and Woodland

**Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent  
BSUI2 – Air Quality  
BSUI3 – Managing Flood Risk  
BSUI4 – On-site Water Management and Surface Water Attenuation

**Transport:**

BT1 – Sustainable Travel Choice  
BT2 – Parking and Car Free Development  
BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)  
Mayor of London's Affordable Housing and Viability SPG 2017  
Mayor of London's Housing SPG 2016  
SPD1 Brent Design Guide 2018

## DETAILED CONSIDERATIONS

### Amendments since submission

1. The scheme was originally submitted in September 2020 and the key changes to the previously approved parameter plans proposed included:
  - Realignment of Plots NE01, NE02 and NE03 approximately 6.5m to the west to sit closer to Rutherford Way and realignment of NE02 and NE03 on a north/south axis
  - Realignment of Plot NE01 approximately 11.9m to the north
  - Realignment of Plot NE03 to the south
  - Changes to the height and massing of Plots NE02 and NE03, to include two tall buildings both of around +118m AOD
  - Changes to the Northern Park Parameters
  - Changes to parking, access and circulation arrangements
  - Changes to ground levels within the Northern Park and the ground and podium levels to Plots NE02 and NE03
2. Following discussions with officers, and in response to both officers' comments and matters raised within objections received from neighbouring occupiers, significant changes were sought by officers, and subsequently made by the applicants to the proposed scheme. The changes to the scheme originally submitted in September 2020 include:
  - the building line being pushed further back from Rutherford Way by 3 metres
  - a reduction in the height of the proposed tall building on plot NE03 by 20m from +118m to +98m AOD
  - an increase in height of the ends of the 'arms' to Plot NE04 and the north western 'arm' to Plot NE05 of 9m
  - the northern arm of NE05 being pulled back by 3.75m, away from the edge of plot NE02.
3. The amended scheme, received by the Council in December 2020, was again consulted upon, including the publication of a press notice, the erection of site notices and letters sent to neighbouring occupiers. The key changes to the previously approved parameter plans proposed by the scheme submitted in December 2020 will be discussed in more detail in the report below.

### Context

4. Plots NE01 to NE06 and the Northern Park form the North Eastern Lands site, in Wembley Park. To the west of Plots NE01 to NE03 is Rutherford Way, on the other side of which lie the now vacated Olympic Office Centre (for which a replacement predominantly residential scheme, known as the HTA scheme (ref. 17/5097), has a resolution to grant planning permission) at the north, Unite student accommodation within the middle and the residential development of Marathon House/Archery Court at the southern end. To the south of the site, beyond Engineers Way, are the recently completed predominantly residential mixed use buildings known as Plot E01/E02 and Canada Gardens (Plot E03). To the south east and north east of the site lie predominantly commercial buildings, several of which are now being redeveloped for alternative uses, including the Kelaty House site which is currently under construction for student accommodation and an Apart-Hotel, and the Watkin Road Strawberry Star scheme (ref: 20/0587) and Euro House scheme (ref. 20/2033) which the Council has recently resolved to approve for residential development. To the north of plot NE01, on the other side of Fulton Road, lies Pinnacle Tower which is residential and Apex House (known as Scape) which is student accommodation.
5. The site is well served by public transport. The majority of the site falls within an area with a PTAL (Public Transport Access Level) rating of 4 (good), whilst certain sections of the site have a rating of 5 (very good) or 3 (moderate).
6. The site is located within the Wembley Growth Area (Brent Core Strategy) and the Wembley Opportunity Area (London Plan).

## **Policy Considerations**

7. The principle of the land use has already been established through the original planning consent. However, the compliance of the current amendments must be assessed in relation to the Development Plan currently in force comprising Brent LDF Core Strategy, Brent Development Management Policies Document 2016 and the Wembley Area Action Plan 2015 along with the London Plan (Consolidated with Alterations since 2011) March 2016.
8. In addition, regard must be had to current national policy, principally the National Planning Policy Framework (NPPF) 2019, the emerging London Plan (Publication Version) relevant guidance such as the Brent Tall Building Strategy (March 2020) and the Brent Design Guide SPD1 (2018). The proposed amended scheme has been assessed in relation to the relevant planning policies and guidance and it is considered to be in keeping with these policies and guidance and the vision for how development in the Wembley Growth area is to take place.
9. The emerging London Plan maintains Wembley's status as an Opportunity Area and increases the indicative guideline figures for capacity as 14,000 new homes and 13,500 new jobs. Policy SD1 sets out the actions the Mayor will undertake to ensure that Opportunity Areas fully realise their growth and regeneration potential. For the boroughs, the policy advises that decisions should amongst other objectives 'support wider regeneration and ensure that development proposals integrate into their surroundings'. In addition, high standards of accessible and inclusive design are required and development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design by incorporating measure such as high quality landscaping and nature based sustainable drainage. Draft Policy T2 relates to 'Healthy Streets' and advises that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking and cycling.
10. In terms of the emerging Local Plan, the site is located within 'Central Place' which includes parts of Barnhill, Preston and Tokyngton ward areas. Draft Policy BP1 sets out the vision and delivery objectives for development in Central Place and relating to matters of 'Character, Heritage and Design' states 'Tall buildings are appropriate within the Wembley masterplan area, taking care to preserve protected views of the stadium and create a high quality new neighbourhood, integrating well with the suburban character of the surrounding area'. The North Eastern Lands are identified as an allocated site under BC5A8 (Wembley Retail Park) as suitable for mixed use residential development.
11. The following sections of the report assess the proposed development in relation to the local planning policy framework, including the emerging Brent Local Plan, the Wembley Area Action Plan 2015, the Brent Design Guide SPD, Brent's Development Management policies and the Brent Tall Building Strategy 2020.

## **Evolving planning and surrounding context**

12. Since the approval of the outline planning permission (ref. 15/5550), there have been significant changes to both the surrounding environment and the planning policy context. Reserved matters approval has been given for several nearby plots including E01/E02, E03 and the Southern Park. In addition, separate permissions have been granted for a number of other major schemes nearby including plots E05 and W03. These schemes are all either under construction, nearing completion or occupied, and will deliver over 2,700 new homes. Within close proximity to the application, a number of large scale buildings have been recently constructed including Apex House (29 storeys/116m AOD); Parkwood House (Barnard Point) (17 storeys / 81m AOD) and Felda House (18 storeys/89m AOD). Additionally, the Barratt Watkin Road building on Fulton Road (21 storeys/ 107m AOD) is under construction.
13. The evolving planning context for Wembley includes the following key aspects:
  - Wembley Park is the principal site within the wider Wembley Growth Area – the Council are seeking to continue to deliver transformational change reflecting the area's designation as an Opportunity Area in the emerging London Plan.
  - The capacity of Wembley as a Growth Area is to increase further with the emerging London Plan

(Publication version, December 2020) setting indicative guidelines for 14,000 new homes and 13,500 new jobs in Wembley.

- The emerging Brent Local Plan states that residential led mixed-use development within the Wembley Growth Area will be supported delivering a total of over 15,000 new homes, principally within the Wembley Park development.
- Two-way working of road networks around the stadium and upgrades to bus services will improve connectivity, transport links, road safety and the public realm.
- The changing character of the east side of Wembley Park since 2015 through new planning consents granted for higher density residential and student developments.
- The development capacity of the plots taking into account the surrounding context and matters such as townscape, sunlight/daylight and other environmental considerations.

## **Land Use**

14. The outline planning permission 15/5550 (as amended by 17/0328 and 18/2214) sets out maximum levels of floorspace in square metres which may be used for a specified range of uses. The range of land uses proposed for the current scheme is the same as those originally consented, comprising uses within classes B1 (Business) (new use class E(g)), D1 (education/healthcare/community) (new use classes E(e-f) and F1), C3 (Residential) and Sui Generis class student accommodation (only within plot NE01).
15. The site is designated as Site BCSA8 – Wembley Retail Park within the emerging Brent Local Plan with an indicative capacity of 2,180 residential units. The emerging Local Plan states that the site falls just outside the Wembley Town Centre boundary however it does sit within the wider Wembley Growth Area, making it suitable for residential development. The emerging Local Plan continues that given Brent's status as a provide capacity borough, should the parameters of the existing outline need to be reviewed or a full application is received the council will seek to ensure no net loss of the remaining employment floorspace and encourage maximisation of additional provision. It is noted that there is currently a small number of industrial warehouse units to the east and temporary office facilities within the site.
16. Whilst the current planning application seeks to alter the approved parameters in terms of the building form, positioning and heights of certain buildings within the site, it does not seek to make any changes to the range of uses permitted by the Masterplan consent or the range of uses permitted within the North East Lands site, or to the quantum of uses permitted by the Masterplan consent. It is acknowledged that there is an extant planning permission relating to this plot which is a material planning consideration. This extant planning permission could be implemented and allows for ground floor uses including D1 (community use) and B1 uses including offices (B1(a)), Research and development (B1(b)) and Industrial processes (B1(c)) which are defined as uses which can be carried out in a residential area without detriment to its amenity. In this instance, considerable weight must be given to the current approved plans.
17. Notwithstanding the above, it is acknowledged that when the Masterplan consent was approved in December 2016, the permitted development rights which applied at that time were different to those currently in place. Until September 2020, a planning application (or in certain instances a prior approval application) would have been needed to change from a B1 use to another use. From September 2020, the B1 use class has been revoked and effectively replaced with the new Class E(g) and premises could change to other uses within use class E, including retail and food and drink, without requiring planning permission.
18. In line with the Council's approach to a number of other schemes in the Borough, it is likely that, should a reserved matters application be submitted which includes plots which could be used for B1 uses, a condition would be attached to control future uses, by removing permitted development rights to change to other class E uses. An informative is recommended to cover this matter. This would mean that, at

the lower levels of plots NE04 and NE05, once introduced, uses which correspond to the former use class B1(a), (b) and (c) would be protected. These uses would fall under the following new use classes:

19. **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
  - **E(g)(i)** Offices to carry out any operational or administrative functions,
  - **E(g)(ii)** Research and development of products or processes
  - **E(g)(iii)** Industrial processes
20. This would ensure that once occupied by uses falling within (former) use class B1 (new use class E(g)), any change to an alternative use in the future would require the submission of a planning application so that proposed changes could be assessed against the current planning policies in place. This would help retain employment floorspace to meet future need for provision within the Borough. Officers do not consider it appropriate to attach a condition to the Masterplan consent because this consent also covers plots which are already built out and occupied and it is not considered reasonable to apply this stipulation retrospectively to built out plots.
21. With regard to the heights and densities envisaged, whilst the WAAP is still the adopted local policy and the site allocation suggested lower heights (4-6 storeys, with taller elements at 8-12 storeys on corner plots on key junctions), permission 15/5550 approved the principle of greater heights and densities on this site. The emerging changes to policy as observed within BD2 of the emerging Local Plan are to be acknowledged and reflect the substantial increase in housing targets that have been introduced since the adoption of the WAAP in 2015. The emerging Local Plan policy can now be afforded substantial weight. Similarly emerging London Plan policy such as Policy D3 'Optimising site capacity through the design-led approach' requires development to make the best use of land by optimising the capacity of sites through a design-led approach. In addition, the Brent Tall Building Strategy (March 2020) forms part of the evidence base for the Draft Brent Local Plan. It includes Plots NE01, NE02, NE03, NE04 and NE05 within an area of "Sites Appropriate for Tall Buildings" at Wembley Park and identifies a height range of 1-34 storeys at Wembley Park. It identifies protected views of the Wembley Arch and sets out more general design criteria for tall developments.
22. Given the emerging planning policy context along with the heights and density of the emerging local urban landscape, including recently approved buildings within the immediate area, the suitability of this location for denser forms of development is acknowledged.

#### **Key proposed amendments to parameter plans**

##### ***Realignment of Plots NE01, NE02 and NE03 approximately 3.5m to the west to sit closer to Rutherford Way and realignment of NE02 and NE03 on a north/south axis***

23. A key change from the approved massing is the realignment of Plots NE01, NE02 and NE03 approximately 3.5m to the west so that they would sit closer to Rutherford Way. The area of public realm which would be provided along the eastern side of Rutherford Way would ensure the provision of a generous footpath, approximately 3m wide, on street inset parking and street tree planting. It is noted that the main building line of NE03 would still be set further away from the centre line of Rutherford Way than Marathon House. Marathon House is set around 10.9m from the road centreline, whilst NE03 would be set around 14.6m from the road centreline.
24. NE02 and NE03 would also be realigned on a north/south axis to provide a stronger connection with Olympic Way between the Barratt and Unite buildings. This takes into account the gas governor structure located next to the Unite building which compromises the original alignment of this important connection.

##### ***Realignment of Plot NE01 approximately 11.9m to the north***

25. Plot NE01 would be moved around 11.9m northwards to align its northern edge with the building line of Plots NW09/10 and NW11 on the other side of Olympic Way. The new position of the building would be

separated by around 15.5m from the buildings on the other side of Fulton Road at upper levels. Whilst this would be a tight relationship, it is noted that the Pinnacle and Apex House developments are built right up to the back edge of the Fulton Road footpath and therefore this inherently limits the separation distance that can be reasonably achieved.

26. Whilst Plot NE01 would be sited 5.5m from the kerb edge and 9.2m from the centre line of the road, Apex House, whose upper floors project forwards by around a metre, is built 3.7m from the back edge of the footpath at ground floor level and 2.7m at upper floor level. This leaves a distance of around 6.4m to the centre line of the road for the upper floors. Whilst the space between the buildings would narrow at this point, this reflects the relationship already established through Apex House and it is not considered to be harmful to the streetscene.

#### ***Realignment of Plot NE03 to the south***

27. The southern edge of Plot NE03 would be aligned with the adjacent southern building line of Marathon House. This would improve internal layouts and the efficiency of the blocks and also allow for the potential use of modern methods of construction, which could help to improve sustainability and construction efficiency whilst reducing on-site disruption.

#### ***Changes to the height and massing of Plots NE02, NE03, NE04 and NE05***

28. The applicants state that the reconfiguration of massing to Plots NE02, NE03, NE04 and NE05 is a response to the evolving context of the wider Wembley area. In reassessing the scheme, they considered that Plots NE02 and NE03 were of a low scale within this context and did not maximise the capacity and opportunity offered by the site. An increase in scale would allow the delivery of a greater number of homes, both private and affordable, within the first two phases of the North Eastern Lands, although no change is proposed to the overall number of dwellings consented by the Masterplan consent.
29. The changes would include an increase of mass on the eastern side of Plots NE02 and NE03 and the introduction of two taller elements, on either side of Allom Lane which would sit adjacent to the northern park. The tallest element of NE03 would increase from a maximum height of +58.4m AOD to a maximum height of +98.0m AOD, which represents the addition of 39.6m or an increase of around 12 storeys. The tallest element of NE02 would increase from a maximum height of +58.3m AOD to a maximum height of +117.9m AOD, which represents the addition of 59.6m or an increase of around 18 storeys. The resulting tallest buildings would be around 19 storeys tall (NE03) and 26 storeys tall (NE02).
30. The new height of NE03 is proposed at +98.0m AOD with NE02 stepping up to +117.9m AOD. These tall elements, which would be around 27m apart, would help to form a pedestrian gateway into the Northern Park at the end of Allom Lane. They would also work together to create a series of steps in height from south to north, with 20 metre gains in height between NE03 and NE02 and then NE02 and NE06 which would remain at its previously consented height of +136m AOD.
31. The western ends of the blocks to NE05 and the western end of the Northern block to NE04 would also increase in height by 9 metres each which would align them with the height of the central portions of those Plots. It would also lead to a more balanced relationship with the taller elements of Plots NE02 and NE03 opposite and assist in defining views into the park for those entering via Fulton Road.
32. Some changes are also proposed to the heights of the western blocks of NE02 and NE03 (adjacent to Rutherford Way). For the western block of NE03, the previously proposed step in this block would be omitted, but the proposed height of +67.2m AOD would be very similar to its consented height. For the western block of NE02 (opposite the student accommodation) the southern end would be lowered by around 10m, whilst the northern end would be raised by around 10m in order to help achieve good daylight and sunlight conditions to the block. However, the linear character of the building line along the length of Rutherford Way established under the approved masterplan would be maintained.
33. In addition, the massing of Plots NE02 and NE03 would be simplified by omitting angled façades which

would improve internal layouts and the efficiency of the blocks. It would also allow for the potential use of modern methods of construction, which could help to improve sustainability and construction efficiency whilst reducing on-site disruption.

34. Other more minor changes would include an increase in the podium level height of NE02 and NE03 to 8.1m to allow for the inclusion of double height spaces at ground level to accommodate a wider variety of potential configurations and uses. Floor to floor heights would also be increased to 3.225m to allow for the potential use of modern methods of construction.
35. Key townscape views have been assessed in the light of the proposed increases in the height of the tallest elements of NE02, NE03, NE04 and NE05. On balance, it is considered that the proposed increases in heights would not compromise the protected views of Wembley Stadium or materially harm the surrounding townscape. The protected views of Wembley Stadium are discussed in greater detail in the 'Views, including protected views' of this report.

#### ***Increase in width of Allom Lane***

36. The width of the route between Plots NE02 and NE03 known as 'Allom Lane' would be increased from around 14.5m to over 26m which is intended to enhance the experience of the public realm along this important route and arrival point into the Northern Park.

#### ***Increased set back of the western end of the North-Western block to NE05***

37. The western end of the north western block to NE05 would be pushed back by around 3.75m to maintain a separation of approximately 25m with Plot NE02 which would open up views into the park from the north and ensure that a generous spacing between blocks would be maintained.

#### ***Changes to the Northern Park and public realm***

38. The Northern Park would remain the focal point of the North Eastern Lands and the overall size of the Northern Park would marginally increase by 244 sqm from 19,586 sqm (as previously approved) to 19,830 sqm as a result of the proposed changes. The revisions to the Northern Park parameters would enhance the biodiversity, capacity and usability of the space, whilst retaining the continuity between the Southern Park and the Northern Park with an emphasis on providing key pedestrian connections. The network of primary pedestrian and cycle routes has been revised to reflect the revised alignment of Plots NE01, NE02, NE03, NE04 and NE05 whilst enhancing permeability throughout the park. Two raised tables are also proposed on Engineers Way and Rutherford Way to reduce traffic speeds and provide safe locations for pedestrians to cross.
39. There would also be some changes to the extent of public realm and of private and communal residential open space at ground floor level around Plots NE02 and NE03 in response to the revised park design and its relationship with these plots.
40. Indicative drawings showing the layout of the park have been provided. The full detail would be approved at a later date within a reserved matters application. The indicative layout of the park includes:

#### ***Water features***

41. A single body of open water is now indicated in the south eastern corner of the Northern Park. This pond would provide an attractive focus which would visually link this water feature to the existing water in the Southern Park via a water rill (narrow channel). The open water would be part of a water system combined with swales (linear planted areas which assist in channelling surface water), rain gardens (planted landscape features with sloped or gently stepped edges) and water retention areas to provide sustainable drainage. In turn these also create a range of landscape conditions that would add to the variety and richness of the planting proposals.

### ***The Meadows***

42. To the south west of the pond would be the Meadows which makes up the main central space in the Park. The Meadows are designed to relate to the Lawns of the Southern Park but are larger, have more open space and as such are able to accommodate larger events and gatherings whilst respecting social distancing measures if required. The large lawns proposed would help re-establish the natural topography of the land and incorporate the level changes within gentle gradients creating a park more accessible to all.

### ***Network of pathways***

43. The proposed routes through the park have been informed by a Spatial Accessibility Analysis. The network of pathways within Northern Park have been reconfigured to maximise permeability and to allow for the key connections across the park. The layout of the Park would present opportunities for movement through as well as quiet zones for rest and relaxation.

### ***Planting***

44. The spaces within the Northern Park would be framed by semi-mature tree planting and areas of herbaceous planting which would enhance the biodiversity of the park as a whole.

### ***Changes to parking, access and circulation arrangements***

45. Amendments are proposed to Parameter Plan 7 to allow flexibility for an alternative parking strategy for Plots NE01, NE02 and NE03. This would enable Plots NE02 and NE03 to be designed as car-free, other than for the provision of on-street inset spaces along Rutherford Way adjacent to Plots NE01-NE03 for parking bays to provide:
- accessible parking
  - pick-up / drop off
  - off carriageway service bays, and
  - flexibility for at least one space to be available to Essential User permit holders such as healthcare workers
46. The locations for the inset parking and off carriageway service bays have been identified with regard to the residential schemes on the western side of Rutherford Way and the retention of the bus stops. The lengths proposed for each inset servicing area are equivalent to three to four accessible parking spaces, allowing for ease of future conversion to accessible parking subject to relative demands. The applicants state that no on-street inset servicing space would be converted to accessible parking without it having been demonstrated that the corresponding facility has been regularly under-utilised for the intended purpose and that the remaining inset servicing spaces would continue to have sufficient capacity to accommodate any displaced demand. The quantum of parking and servicing facilities would be based on the latest policy and guidance provided by TfL. A condition would be attached requiring the submission and approval of a Parking Management Plan to enable the Council to fully assess the proposed allocation of parking spaces.
47. Service and vehicle access routes would be retained between Plots NE01 and NE02 and between NE02 and NE03 and a pedestrian zone with emergency vehicle access would be provided between the plots and around the Northern Park. This network would continue to be shared with pedestrian access, in line with the approved parameters.
48. In addition, raised table traffic calming measures to Rutherford Way would be introduced at key pedestrian crossing points, including one that aligns with Allom Lane.

### ***Ground levels***

49. Parameter Plan 04 is also proposed to be amended to allow minor revisions to proposed ground levels



within the Northern Park and ground and podium levels to Plots NE02 and NE03.

## **Layout and Uses, Landscaping and Trees, Scale and Appearance**

### **Layout of the site**

50. The key design principles for the North Eastern Lands defined in the outline planning application and which remain as important considerations in this S73 application include:
- The Northern Park is the focal point at the centre of the development plots within the North Eastern Lands.
  - The design of the park should reinforce the links and connectivity of the Northern and Southern Parks into a single open space.
  - Clear physical and visual routes are provided between each plot and will be prioritised for pedestrian access.
  - Plot NE06, designed as the tallest element within the North Eastern Lands, remains as originally approved, acting as a signpost into the Northern Park from Albion Way to the North, and the northern end of Olympic Way from the West.
  - The massing of the plots is designed to step up to NE06 from both the west and eastern edges of the Eastern Lands.
  - The western façades of Plots NE01, NE02 and NE03 form a strong urban edge along the length of Rutherford Way.
  - Residents' courtyards would be provided at podium level and are defined by the blocks of each plot, which open onto them for access. They are designed to incorporate open edges to allow views from one to another and across the park.
  - The plots would incorporate active edges to all sides with communal uses anticipated at lower levels.
  - Parking areas would be accessed from Rutherford Way and Fulton Road.

### ***Routes through Wembley Park***

51. Recent public realm improvements to the space between the Unite Student building and Marathon House along with the installation of plant enclosures between the Unite building and the proposed residential scheme on the former Olympic Office Centre block mean the southern-most of these two links is likely to become an important pedestrian access route from Olympic Way through to the Northern Park and the North Eastern Lands, away from the traffic of Fulton Road and Engineers Way. Owing to an existing gas governor which interrupts the northern edge of this linking route, the scheme proposes to move the centre-line of the through-route to the south. The width of this route known as 'Allom Lane' would be increased to over 26 metres to reflect its importance as a key pedestrian route. This change is supported as it would assist easy pedestrian access and lines of sight from Olympic Way through to the Northern Park and with careful design it is considered that an attractive and valued area of public realm could be created that helps foster a sense of place as a welcoming route into the main body of the park.

### ***Rutherford Way***

52. Rutherford Way primarily provides access to residents and visitors to the plots located either side of the road and is secondary in nature given that the primary north/south links through Wembley Park are provided via Olympic Way and the Northern Park. The consented width between the buildings either side of Rutherford Way is approximately 30 metres, which is a very generous width for a road of this type, in terms of urban and highway design. A degree of narrowing of this road, which would still maintain a façade to façade distance across Rutherford Way of around 25 – 26m, is considered appropriate in order to ensure an effective use of urban land, subject to achieving key planning objectives including ensuring a high quality street environment can be achieved and that the impact on neighbouring residents is within reasonable limits.
53. Officers consider that the Rutherford Way streetscape has the potential to be an engaging and characterful area of public realm. Through careful design it could demonstrate successful adherence to

'Healthy Streets' principles, by providing an environment where people feel safe and relaxed and which is pedestrian and cycle friendly. The planting of street trees along its length would contribute greatly to the creation of an attractive streetscape which would serve as a welcoming environment for future residents and park users.

### ***Moving of outer edges of building lines further north and further south***

54. Whilst moving the northern flank wall of NE01 further north would bring it closer to the Pinnacle Tower residential development and the Scape student accommodation on the northern side of Fulton Road, this relationship between buildings on either side of the road (a separation of around 15.5m at its closest point) is not unusual in the immediate area. Furthermore, it is noted that the flank wall of NE01 would only be around 18m wide, resulting in a tall yet slender building, and angled views to openness either side of it would be possible from the windows or balconies of the units opposite. In this instance, the proposed change in building line is considered acceptable in layout terms.
55. It is noted that the edge of NE01 would still retain around 5.5m between the building and the edge of the footpath with the carriageway and around 9.2m to the centre of the carriageway. It would therefore have a greater degree of set back than Pinnacle Tower which is built to within around 2.7m of the footpath edge above its recessed ground level.
56. Altering the southern edge of the NE03 plot to square it off to line up with the edge of Marathon House is also considered an acceptable change to the layout of this part of the site which would present a strong, angular corner which is considered acceptable in urban design terms.
57. The proposed amendments to the layout of the site are considered to be acceptable in urban design terms and in terms of ensuring that the site is easily accessible to pedestrians and visually permeable in views from the surrounding area whilst allowing an increase in the built form to make effective use of the land for residential-led development.

### **Uses within the buildings**

58. As discussed above, uses are not proposed to change within the scheme from those approved within the existing consent. The range of authorised uses for the ground/first floors of the plots within the development are:
  - Plot NE01 and NE03 – D1 (education/healthcare/community uses)
  - Plot NE02 - D1 (education/healthcare/community uses) and C3 (residential)
  - Plots NE04 and NE05 - B1 (business), D1 (education/healthcare/community uses) and C3 (residential).
  - The upper floors exclusively have residential (class C3) as their permitted use, with the exception of plot NE01 which could be used for C3 (residential) use or Sui Generis student accommodation. This is the same range of uses as previously consented under the original parameter plans.
59. Officers consider that the D1 (education/healthcare/community uses) and B1 (commercial) secured at ground floor level in accordance with the Masterplan consent have the potential to ensure the provision of workable, active frontages wrapping around building façades and offering high levels of animation and natural surveillance, and this would be examined further at detailed design stage.
60. Whilst the current application only seeks consent for parameter plan changes and does not include detailed proposals, the applicants have indicated that the north east corner of Plot NE02 is intended to be a double height space which would accommodate the second community hall to be delivered within Wembley Park, referred to as "The Green" due to its relationship with the park and outdoor space.
61. The design of the community hall and its usage would ensure this corner has a strong connection with the adjacent park. It is proposed that the community hall would have a terrace area immediately adjacent to the building but would also allow for uses and activities to 'spill out' into the adjacent park area to the east. A second 'MUGA' (Multi use games area) may be provided in this area, although the

intention would be that this facility would be provided as a less formal playable space rather than a formal MUGA as seen adjacent to Plot E01/02.

### **Relationship to Wembley Masterplan hybrid consent**

62. Taking into account the new footprint of the proposed development, the overall building heights and typical floor to ceiling heights, the proposed parameter plans would allow for an increase in useable floorspace within Plots NE02 to NE05 compared to the development which could take place in line with the originally approved parameter plans. However, the overall floorspace that can be provided within the Wembley Masterplan site as a whole would not increase as a result of the proposal, as the original consent sets out specific limits to overall floorspace levels. The detailed design of the scheme would be fully assessed through Reserved Matters applications, and the compliance of the scheme with the Masterplan floorspace limits would also be fully assessed at that stage. It is considered that a detailed scheme could be designed which would have an acceptable impact on the environment, the local area and the amenities of neighbouring residents, in accordance with the proposed amendments to the parameter plans.

### **Landscaping and Trees**

63. Details of landscaping and amenity areas within the plots are only indicative at this stage owing to the proposals still being in outline form. However, no in principle objection is raised to the overall concept of facing blocks separated by a podium amenity space with extensive areas of public realm at ground level forming attractive and spacious routes into the park.
64. Trees are proposed all along the Rutherford Way frontage which would help soften the appearance of the new buildings within street level views.
65. Details of the park have also only been presented in outline form, but the design put forward at this stage indicates that an attractive, readily usable space could be provided, offering distinct areas with different characters and principal functions alongside biodiversity and water management benefits.

### **Scale**

66. The Application Site is within the area defined as being 'appropriate' for tall buildings on Map 4.4 within the Wembley Area Action Plan 2015. Chapter 4 of the Wembley Area Action Plan states that the Stadium is the most significant building in Wembley and that views of the Stadium contribute a significant amount to the perception of Wembley as a whole, performing a range of functions that add a layer of depth to the visual experience of the area. The council will therefore protect a range of short, middle and long distance views of the National Stadium. As discussed in the 'Views, including protected views' section below, a views assessment has been submitted with the current application which shows the impact of the proposals on Wembley Stadium and its arch, in conjunction with previously consented schemes.
67. The Design and Access Statement submitted with the application describes the design process that has led to the proposed changes and the evolving planning context which has been taken into account. This includes reference to the Brent Tall Building Strategy which also identifies plots NE01, NE02 and NE03 as being within an area of "Sites Appropriate for Tall Buildings" and identifies a height range of 1-34 storeys at Wembley Park. It identifies protected views of the Wembley Arch and sets out more general design criteria for tall developments. Furthermore, consideration is made of the evolving context with recent buildings in close proximity having increased the scale of development in the locality of Plots NE01, NE02 and NE03.
68. Whilst of considerable height, it is considered that the two taller buildings proposed on Plots NE02 and NE03 would be well-spaced on the skyline and, if carefully designed, would read as a balanced pair of attractive buildings heralding a key entrance point to this urban park. With the NE03 tall element at around 20m lower than the NE02 tall element, they would complement one another and read collectively as a well composed pair. They would step down from the tallest building, Plot NE06, at the northern

entrance to the park and would also be of a lower height than the completed Canada Gardens on the Eastern Lands. They would therefore fit appropriately into the hierarchy of tall buildings without being unduly dominant in views from the surrounding area.

69. When approaching the park from the west, the taller buildings on NE02 and NE03 would be visible beyond the linear blocks on Rutherford Way, creating a layered composition and marking the park beyond. When viewed from the east side of the park, the proposed buildings have the potential through high quality detailed design to address the edge of the park appropriately with their ground level features softening the transition between the more solid built form and the more organic park edge.
70. The buildings would be of a comparable scale and height to newly completed and consented buildings within Wembley Park. Overall, it is considered that the proposed changes to the height and massing of the North East Land plots would continue to promote the high quality design principles of the Wembley Park Masterplan and relate appropriately to the recently constructed and consented buildings in the vicinity.

### **Impact of changes on the Northern Park**

71. It is crucial that the scale of the tallest buildings does not unduly harm the character and environmental quality of the park which is proposed to be delivered through this consent, through an imposing presence or overshadowing.
72. At detailed design stage, officers would expect the design to demonstrate how the tall elements would relate well to their surroundings at ground level and above, with the massing at lower levels appropriately softened to create a built form that responds well to the more modest and personal scale of the adjacent park. Whilst the southernmost tall building within NE03 would be around 63.7m above ground level, a distance of around 100m would separate it from the buildings of NE04 on the other side of the park and there would be a good degree of openness to its south stretching across Engineers Way and into the Southern Park. It is therefore not considered that this tall building would have an oppressive or overbearing presence in this more open part of park, given the generous distances from other built development to its east and south.
73. The tall building within NE02 would be positioned in a part of the site where the built form is becoming denser, but there would still be a separation of over 50m from the centre of its eastern façade to the closest corner of NE05 to its immediate east. It would be read as a part of a hierarchy of taller buildings, progressively leading up to NE06 as the tallest building within this development at the northern entrance point to the park. Provided it is of exemplary design, it is considered that this tall building would be capable of relating well at ground level as an intrinsic part of the built forms surrounding the edges of the park, whilst its height would be compatible with the loftier built forms which would border the northern parts of the Northern Park.
74. Overshadowing in the Northern Park is discussed in more detail below but it is noted that the BRE guidelines state that at least 50% of an amenity area should receive two hours or more of direct sun on 21<sup>st</sup> March. In a comparison with the Consented Development position, which would see 99.6% of the total area seeing at least two hours of sun, the Proposed changes scenario would still see 91.5% of the total area seeing at least two hours of direct sunlight. Whilst this represents a reduction of 8.1%, overall, officers consider, based on the submitted overshadowing assessments, that the park would continue to receive adequate levels of sunlight and would still provide a pleasant and enjoyable environment to spend time in at different times of the day and throughout the year.

### **Appearance**

75. Illustrative views have been submitted with the application, showing how the proposed buildings, park and public realm would relate to surroundings. However, full details of the appearance of the buildings, park and public realm areas would need to be submitted for approval at Reserved Matters stage and the materials proposed would need to be approved through condition discharge planning applications.

76. The height and length of the proposed buildings would be comparable to that of other developments in the vicinity, so it is not considered that the development would appear unduly bulky or incongruous in views from the surrounding area. Trees and other planting would help soften the impact of the development in street level views. This would include trees that would be planted along the length of Rutherford Way.

### **Views, including protected views**

77. Policy WEM 5 of the Wembley Area Action Plan (WAAP) 2015 states that tall buildings will be acceptable where they can demonstrate the highest architectural quality, and that where they are proposed, the submission of a key views assessment will need to accompany planning applications. Map 4.4 identifies areas as appropriate for and 'sensitive to tall buildings. The Application Site is within the area defined as being appropriate for tall buildings. Policy WEM 6 defines protected views of the Stadium, relevant for the consideration of tall building proposals.
78. A series of images has been submitted with the application which indicate the impact on views to the Stadium from the protected and other viewpoints.

### **Assessment of protected WAAP views**

79. The proposed changes would not be seen from Barn Hill (view 1) nor from the processional route moving south from Wembley Park station along Olympic Way (views 6 and 8).
80. In the views from Elmwood Park (view 2), Welsh Harp (view 5) and Neasden Station (view 11), the upper part of the tall building proposed on Plot NE02 would be visible on the skyline, stepping up towards NE06 to the north. The tall building on NE03 would be set lower and would be largely hidden in these distant views. Both tall elements would be set away from the Stadium arch, appearing between the taller buildings on Plot E03 (built) and Plot NE06 (consented). A varied skyline composition would be maintained as would the landmark character of the Stadium arch.
81. At One Tree Hill (view 4), the tall buildings proposed on Plots NE02 and NE03 would appear closer together at the base of the Stadium arch. The tall building on NE03 would be barely detectable, directly beyond the arch and largely hidden by foreground buildings. The taller element on NE02 would appear left of the arch. Both buildings would be read alongside the existing buildings on the South West Lands. The landmark Stadium arch would remain clearly legible and dominant in the view.
82. In Chalkhill Park (view 9), existing views towards the Stadium arch are partly obscured by trees and existing and consented tall buildings. At the position assessed in the 2018 ES, the tip of the tall building proposed on Plot NE02 would conceal part of the Stadium arch, however a new tree now obscures much of that view. Moving right of that position to avoid the tree (view 9a), the Stadium arch is seen more clearly, though still partially obscured on either side by trees at the edge of the park. The proposed tall building on Plot NE03 would be set lower than NE02 and would allow the Stadium arch to be read fully above it. The taller element on NE02 would appear to the right of the arch and would be largely obscured by the trees at the edge of the park. The tall building outlined in green within the centre of the arch is the tallest part of NE05 (which is unchanged from the consented scheme in this application). The curved profile of the arch would remain clearly legible, and would dominate the view to the distance beyond the trees and tall buildings. It is considered that the visibility and distinctive character of the Stadium arch would be preserved.
83. A second cumulative scenario has been provided for the Chalkhill Park view (view 9a) which includes two schemes which have a resolution to grant consent (Euro House planning application ref: 20/2033 and Watkin Road (Strawberry Star) planning application ref: 20/0587). The Euro House scheme would appear to the left of the arch. The Watkin Road (Strawberry Star) scheme towards the centre and right of the arch would almost fully obscure Plots NE02 and NE03. The part of NE02 not obscured by the Strawberry Star scheme would be set well to the right of the Stadium arch and would be almost entirely hidden by trees. The profile of the Stadium arch would still be legible on the skyline and the top of the arch would not be impacted by either the proposed scheme or the Strawberry Star scheme.

## **Assessment of undesignated mid-distant and local views**

84. From Barn Way (view 13), within the Barn Hill Conservation Area, the tip of the tall building proposed on Plot NE02 would clip the Stadium arch to the left of the consented taller building on NE06. The green wireline further left outlines one of the taller elements on NE05 (the height of which is unchanged from the consent in this application). However, the Stadium arch would remain clearly visible rising beyond the proposed and consented buildings.
85. In the local verified views within the Wembley Park Masterplan, the tall buildings proposed on Plots NE02 and NE03 would not be visible when looking east past the Civic Centre (view 26). Plots NE02 and NE03 would also not be seen when looking south along Albion Way (view 29). When looking east along Fulton Road from Olympic Way (view 28), the north end of the proposed Plot NE01 would be seen, with the taller consented Plot NE06 building beyond, marking the northern entrance to the park. Looking north along Rutherford Way (view 36), the western blocks proposed on Plots NE02 and NE03 would maintain the linear character of that route and balance the existing blocks on the west side of the road.
86. Sketched views submitted illustrate key views from the west edge of the park, south of Plot NE03 on Engineers Way; from beside Plot E03 at the east end of the park; and from the south end of the park. These views show that the two taller buildings proposed on Plots NE02 and NE03 would be well spaced on the skyline and would be stepped in height, gesturing up to the taller building, at Plot NE06, consented at the northern entrance to the park. When approaching the park from the west, the taller buildings would be visible beyond the linear blocks on Rutherford Way, creating a layered composition and marking the park beyond. When viewed from the east side of the park, the proposed tall buildings would be prominent, new buildings fronting the park. Their visual relationship with the park, including ground level detailing would be further examined at the detailed design stage, should the current amendments be approved.
87. Whilst development of this scale would inevitably be visible from a wide area, it is considered that the landmark presence of the Stadium arch would be preserved in the views designated in the WAAP. Where visible, the taller building on NE02 would often be seen stepping up towards the landmark point of NE06, at the northern entrance to the park, and away from the Stadium. In distant views, NE02 and NE03 where visible would contribute to a varied and interesting skyline composition but the Stadium arch itself would remain dominant.
88. In local views, the tall buildings proposed within plots NE02 and NE03 would have an impact upon the local skyline, seen from various points within the Wembley area. However, they would be set below the greater height of the tall buildings on Plots E03 and NE06, at the eastern and northern entrances to the park. In a similar way to the more distant views, the tall elements of NE02 and NE03 would have a stepped composition in height, rising up to the north and reinforcing the landmark role of NE06. Despite the significant height of the two newly proposed tall buildings, it is considered that the Stadium arch would maintain an acceptable level of prominence for the National Stadium in local views.

## **Neighbouring Amenity**

### **Privacy and adequacy of separation distances**

89. In order to retain acceptable privacy levels to properties, SPD1 states that proposed habitable room windows should achieve an 18m of separation from the rear facing habitable room windows of other properties. However, this standard does not apply to street facing windows. SPD1 specifies that for sites within an existing street scene, the distance between front elevations should normally be determined by the character of the road widths or set-backs from roads in the area.
90. The separation distance between Plot NE01 and the buildings on the north side of Fulton Road is 15.5m at its closest. However, as noted above, the Pinnacle and Apex House developments are built right up to the back edge of the Fulton Road footpath which limits the separation distance that can be reasonably achieved. As there is an existing street between the buildings, and the width of the flank wall of Plot NE01 is relatively modest at 18m, this separation distance is considered to provide an adequate separation between the façades, appropriate to this urban context.

91. Furthermore it is noted that overlooking/privacy issues would be considered as part of any subsequent reserved matters application, at which stage a number of design responses may be used, which could include restricting habitable room windows or balconies within the NE01 flank façade or the use of east/west facing oriel windows.
92. On its western façade, Plot NE01 would be separated from the consented mixed use residential scheme by around 26m, which is considered adequate to ensure acceptable privacy conditions.
93. With regard to the Unite student accommodation, a separation distance of around 26.3m from Plot NE02 would be maintained which similarly is considered adequate to ensure acceptable privacy conditions.
94. With regard to Plot NE03, a separation distance from Marathon House and Archery Court of around 25.5m to the nearest building and over 64m to the taller building next to the park would be maintained. A separation distance of over 35m (at an angle) from Plots E01/E02 to the south would be maintained. These are considered adequate distances to ensure acceptable privacy conditions.
95. Overall, the level of privacy that would be afforded to existing and future occupiers is considered to be acceptable.
96. In view of the above separation distances it is also considered that the form of the proposed development would not prove to be unduly overbearing for the occupiers of existing residential properties. Whilst it is acknowledged that the tallest buildings proposed within Plots NE02 and NE03 would be significantly taller than the buildings previously consented on the eastern side of those plots, as they would be over 64m away from the existing façades, it is not considered that they would have an unacceptably imposing presence.

### **Daylight and Sunlight Considerations**

97. Daylight, sunlight and overshadowing effects of the proposed development have been assessed, including the effects of the development on the surrounding area and the amenity of surrounding residential properties. A full daylight and sunlight report has been submitted and undertaken in accordance with BRE guidelines.
98. The impact on windows has been considered in terms of both vertical sky component (VSC) and no sky line (NSL) measures to consider daylight, and annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) to consider sunlight.
99. There would be some change from both the existing situation and the consented situation, with some habitable rooms of neighbouring properties adversely affected as a result of the building lines of the proposed scheme moving closer towards existing properties and increases in proposed building heights. However, overall acceptable levels of daylight and sunlight would be retained to surrounding neighbouring properties, and the proposed development would broadly comply with BRE guidelines.
100. In considering the acceptability of a degree of light loss to neighbouring properties, it is important to consider the following:
  - The application site has been identified in Brent policies for many years as a site for redevelopment and as a key site forming part of the extensive Wembley Park regeneration project.
  - The site is part of the wider Wembley Masterplan scheme, granted consent in 2016.
  - The application site is within the Wembley Growth Area which is designated within the London Plan as an area within which significant housing provision is anticipated.
  - Many of the losses of light experienced by neighbouring properties are due to the positioning of

windows below balconies or within recessed parts of the building. Balconies usually adversely affect the light reaching nearby windows but this is a necessary compromise given the amenity benefits of balconies. Likewise, building façades often include recesses as these enhance the visual attractiveness of the building and reflect the internal configuration of the building.

- The observed obstructions to daylight availability inherent in the building design due to the setback elevations and the presence of protruding balconies affects several adjacent buildings including Marathon House and Archery Court, Pinnacle Tower and Apex House, particularly at the lower levels. Therefore, when assessed against the consented position under planning permission ref: 18/2214, a number of these units receive relatively low VSC levels, and even a small reduction in *actual* VSC levels (which is unlikely to be noticeable to the occupiers of the apartments) would appear as a high *percentage* reduction. For example, if an apartment would receive a VSC value of 5% under the consented scheme and this would be reduced to a value of 3% under the proposed scheme, this would be a 40% reduction. Whilst this sounds like a major reduction, it is only an absolute reduction in VSC value of 2% and such a small reduction is unlikely to be noticeable by the occupants of the apartment.
- A high number of the rooms experiencing light losses are bedrooms. These are considered by BRE guidelines to be less sensitive to daylight losses than main living and kitchen areas. Further, within Marathon House and Archery Court, where living rooms are affected, they are also served by a second window which reduces the overall daylight impact.
- Officers place some weight on the fact that Apex House (Scape) and the Unite building house student accommodation, which is more transient in its nature, rather than permanent living spaces. While a reasonable expectation of daylight and sunlight is required in such accommodation, there is acknowledgement from the BRE that it is of lower sensitivity in comparison with the expected levels of occupiers of permanent homes.

101. Major regeneration projects will inevitably have an impact on surrounding developments and in many cases will lead to a degree of light loss. Notwithstanding this, proposed developments should be designed to keep any adverse impacts within reasonable limits. In terms of the design of the proposed development in relation to the surrounding developments, it is important to note the following:

- The proposed development would be set within an existing densely developed urban environment in which neighbouring developments are tall and built close to the edge of the footpath and the centre line of the adjacent road. This relationship manifestly reduces the amount of light these properties will receive when the surrounding area is developed.
- In December 2020, the applicant made a number of significant changes from the originally submitted plans (September 2020) which have had beneficial impacts on daylight and sunlight of neighbouring properties. These included moving buildings further away from neighbouring properties and reducing the height of some buildings.
- The buildings proposed along Rutherford Way would almost all be lower in height than those opposite. For example, Marathon House is 49.21m above ground level (82.5m AOD) whereas the proposed NE03 building directly opposite would be 33.72m above ground level (67.2m AOD).
- The buildings proposed along Rutherford Way be set back a greater distance from the centre point of the road than those on the opposite side of the road. For example, the main façade of Marathon House is around 10.9m from the road centreline, whereas the NE03 building directly opposite would be 14.6m from the road centreline.
- The building of NE01 would be set back a greater distance from the centre point of the Fulton Road than those on the opposite side of the road.
- 'Mirror massing' is a recognised BRE assessment approach whereby the impact of a proposed scheme is compared to the impact that would be experienced if a 'mirror image' of the existing development were to be constructed. If the existing Rutherford Way buildings were replicated as a mirror image on the opposite side of the road, the impact on neighbouring daylight and sunlight would



be worse than the impact of the proposed scheme.

102. Whilst it is important to ensure that acceptable daylight and sunlight conditions are achieved for surrounding properties, full compliance with BRE guidelines is rarely achieved in dense urban locations such as this. Indeed, the BRE guidance itself notes that it should be taken as guidance rather than a rigid set of rules and the guidance was formulated to be most appropriately applied to lower density suburban environments rather than dense urban environments. The BRE guidance acknowledges (paragraph 1.6) that 'In special circumstances, the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.'

### **Assessment Methodology**

103. The surrounding properties considered sensitive to daylight and sunlight have been identified as:

- Marathon House/Archery Court (completed residential development);
- Unite (completed student accommodation);
- Olympic Office / HTA; (application 17/5097 for residential development which has a resolution to grant permission);
- Pinnacle Tower (completed residential development);
- Apex House (completed student accommodation);
- Wembley Park Masterplan Plots E01, E02 and E03 (completed residential development);
- NE06 within the application site itself.

104. The applicants have compared the impact of the proposed changes to the already consented scheme rather than the existing situations. The BRE guidance acknowledges that this is a legitimate approach. The guidance states at Appendix F, paragraph F2 that:

- *"Sometimes there may be an extant planning permission for a site but the developer wants to change the design. In assessing the loss of light to existing windows nearby, a local authority may allow the vertical sky component (VSC) and annual probable sunlight hours (APSH) for the permitted scheme to be used as alternative benchmarks."*

105. In this instance, the report adopts the 20% reduction in light as initial guidance in relation to a potentially 'noticeable' change in light compared to the consented scheme and not to determine whether the loss incurred is compliant with the guidance.

106. The application site is generally open or currently occupied by low rise buildings and therefore the existing properties on the western side of Rutherford Way generally benefit from atypically good baseline levels of daylight owing to the phased implementation of the wider masterplan. In this situation, the impact from this position will necessarily be greater once surrounding plots are redeveloped for denser schemes, which are to be expected in a regeneration and growth area. In this instance, an assessment comparing a consented scheme to a proposed scheme is considered reasonable because whilst the site has been largely cleared, it could just as easily have contained buildings of the scale that were originally consented, and be put forward for redevelopment on a denser scale.

107. Officers consider that in these circumstances, a range of assessments to measure the overall impact are valuable. The applicants' approach of comparing the consented scheme to the proposed scheme is considered valuable and appropriate as one part of the assessment. However, it is important to note that the conclusions of 'negligible impact' and 'minor adverse impact' are based on the difference between the *consented* and *proposed* scheme and not between the existing situation and the proposed scheme and that if the difference between the existing situation and the proposed scheme were assessed, the results would be likely to be considerably worse for some windows. However, it is a realistic expectation that a site will be developed in a way that reflects the height and proportions of existing buildings close by, and it is therefore reasonable to use a 'consented scheme to proposed

scheme' comparative assessment in combination with other approaches recognised by the BRE to assess the daylight and sunlight impact of the proposed development on neighbouring properties. These include a 'Mirror massing assessment' and a 'No balconies assessment' which are discussed in more detail below.

108. With regard to measures of daylight, vertical sky component (VSC) and no-sky line (NSL) are used. VSC is a 'spot' measure of the skylight reaching the mid-point of a window from an overcast sky and is a measure of the distribution of diffuse daylight within a room. NSL is a measure of how much of the 'working plane' in a room (the horizontal plane 0.85m high) can receive direct skylight.
109. With regard to measures of sunlight, annual probable sunlight hours (APSH) and Winter probable sunlight hours (WPSH) are used. APSH is a measure of sunlight that a given window may expect over a year period whilst WPSH is a measure of sunlight that a given window may expect during the winter months (Sept 21<sup>st</sup> – March 21<sup>st</sup>). The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation.
110. With regard to daylight, sunlight and overshadowing for the proposed dwellings themselves, an Internal Daylight, Sunlight and Overshadowing Report has been submitted which assesses the daylight Vertical sky component (VSC) and sunlight (APSH and WPSH) potential upon the façades of each plot. The No-sky line (NSL) was also measured for the most affected rooms.

### ***Mirror Massing Assessment***

111. A daylight and sunlight assessment within a mirror massing scenario, depicting a 'mirror image' of the existing buildings on the other side of Rutherford Way mirrored onto the site of plots NE01-03, has been undertaken. Paragraph F3 of the BRE Guidelines states that this approach be adopted in cases "where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light." It continues, "To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these windows could be set to those for a 'mirror-image' building of the same height and size, an equal distance away on the other side of the boundary."
112. Whilst this is a theoretical position, it highlights that reductions in daylight and sunlight are inevitable with any meaningful development within the site which matches the height and proportions of neighbouring buildings. The following buildings were considered in a mirror massing scenario:
  - Marathon House/Archery Court;
  - Unite Student Accommodation; and
  - Olympic Office / HTA Residential Scheme

### ***No Balconies Assessment***

113. This daylight and sunlight assessment is based on a no balconies scenario, whereby protruding balconies, which inherently obstruct daylight and sunlight availability, are removed from the surrounding residential properties. This allows for an accurate assessment of the impact due to the proposed development's massing, as opposed to where a reduction in daylight and sunlight is a result of the design of the existing building itself. The relevant buildings where a no balconies assessment has been undertaken are:
  - Marathon House/Archery Court

### ***Overshadowing***

114. The sunlight condition (sun hours on ground) of the amenity areas between each plot has also been assessed. The surrounding public and private amenity areas considered sensitive to overshadowing from the proposed changes are:

- Northern Park.

115. The overshadowing levels within the proposed amenity areas within the site have also been considered. The relevant areas assessed are:

- Podium terraces and roof terraces of Plots NE01, NE02, NE03, NE04 and NE05.

### **Daylight and Sunlight Results on Neighbouring Buildings – Executive Summary**

116. Following review of the findings of the Daylight and Sunlight reports submitted with this application, officers consider that the revised scheme based on the amended parameter plans would have an acceptable impact overall on the amenity of existing and future residents of nearby residential properties in terms of daylight and sunlight measures. Although some rooms would fall below the targets set out within BRE guidelines, this shortfall is considered acceptable in this densely developed urban context undergoing extensive regeneration.

117. Officers note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser urban locations.

118. Furthermore, at paragraph 123 of the National Planning Policy Framework (NPPF), it is stated that “when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.

119. The Growth area location and site allocation, which envisions significant housing growth on this site and surrounding sites, are given significant weight. The expectation for significant housing provision within this site, as set out in policy, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance. As discussed in earlier paragraphs of the report, the consented scheme involves an unusually generous set back of the building line on the east side of Rutherford Way which therefore establishes a rather generous baseline scenario which would naturally result in a certain degree of change in the context of any development proposal designed to optimise the potential of the site for housing delivery. Having regard to the impacts of the proposal and the benefits of the scheme as outlined in this report, the benefits are considered to outweigh the harm as identified above.

### **Daylight Results**

120. When assessed against the BRE guidance, the following impacts were concluded on neighbouring buildings when assessing the change from the consented development to the proposed development:

• Marathon House/Archery Court	Negligible (not significant)
• Unite Student Accommodation	Negligible (not significant)
• Olympic Office / HTA Residential Scheme	Negligible (not significant)
• Pinnacle Tower	Minor Adverse (not significant)
• Apex House	Minor Adverse (not significant)
• NE06, E01/02 and E03	Negligible (not significant)

121. As explained above, given there is an existing consent in place and the high-density urban nature of this setting, it is considered appropriate and in line with BRE guidance to use the consented development / proposed development comparison rather than a comparison to the existing baseline which would be unrealistic in view of the density of development that is characteristic of this area.

122. A more detailed summary assessment of the above findings is set out below:

### **Marathon House/Archery Court**

123. This building comprises 14 storeys and is located west of the Site, directly opposite block NE03. A total

of 530 windows serving 288 rooms were assessed for daylight within this building. For VSC, 428 of the 530 windows assessed (80.8%) would see alterations below 20% and are therefore considered to experience a Negligible effect. 34 windows would see improvements in VSC compared with the approved position.

#### *Vertical Sky Component (VSC)*

124. Of the 102 more affected windows, 63 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 20 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 19 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
125. Of the 102 more affected windows, a total of 43 affected windows serve bedrooms, which are less sensitive to daylight alterations as per BRE Guidelines. The remaining 59 are windows serving Lounge-kitchen-diners (LKDs) and living rooms which have a second window which reduces the overall impact experienced in the room. Owing to the setback elevations and presence of balconies, obstructions to daylight are inherent in the building design itself and therefore the reductions are largely a function of the presence of balconies. The absolute change in VSC ranges from around 0-6% at each of the windows serving the affected LKDs and living rooms. Those windows located on the 8th storey upwards would retain mid teen VSC levels which would be considered commensurate within an area undergoing regeneration.

#### *No sky line (NSL)*

126. For NSL, 229 of the 288 (79.5%) rooms assessed would see alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 59 more affected rooms, 24 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 21 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 14 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
127. The impacts to NSL occur on the first to seventh storeys, at rooms located beneath protruding balconies or on setback elevations, inherently obstructing daylight distribution within these rooms. Of the 59 more affected rooms, 40 are bedrooms, which are less sensitive to daylight alterations as per BRE Guidelines.

#### *No-balconies assessment*

128. The limitations to daylight availability as a result of balconies is presented in a supplementary no-balconies assessment undertaken in relation to the Consented Development. The VSC results of the no balconies assessment indicate that 518 windows (97.7%) would experience a Negligible effect or no effect, with alterations below 20% from the Consented Development levels, were it not for their own balconies. This assessment highlights that the Moderate to Major Adverse reductions are primarily a result of the presence of balconies, rather than of the proposed changes to the consented massing.

#### *Mirror Massing assessment*

129. Within a Mirror Massing assessment, a theoretical mirrored permutation of Marathon House/Archery Court is mirrored onto the application site. The daylight results for Marathon House/Archery Court based on the theoretical mirrored scheme being in place are then compared to the daylight results for Marathon House/Archery Court based on the proposed scheme being in place. Under this comparison, there would be a 99.7% compliance rate for both VSC and NSL, with improvements in daylight within a large portion of windows and rooms. The reductions in VSC from the mirrored permutation is an isolated occurrence at one bedroom window, with overall beneficial alterations or comparable results. The Mirror Massing assessment highlights that the proposed scheme would represent an overall improvement from the theoretical mirrored permutation. This suggests that the proposed levels are in line with those dictated by the local urban grain and are therefore acceptable within this context.

## *Conclusion*

130. Overall, a large portion of affected rooms are bedrooms, whilst all affected LKDs are served by additional windows. The no balconies assessment shows that the significant percentage changes are a function of the balconies themselves, which inherently obstruct daylight availability. Additionally, the Mirror Massing assessment highlights an overall improvement from the theoretical mirrored permutation. It is also noted that changes in daylight and sunlight are predominantly driven by the shift of NE02 and NE03 closer to Rutherford Way, rather than by the presence of the taller elements proposed on the eastern side of these two plots. These taller elements would be located almost 64 metres from Marathon House/Archery Court and are relatively narrow blocks by virtue of their design. As a result, the sky would remain visible around them, limiting any effect as any obstruction would only be to a relatively small portion of the sky.
131. Therefore, taking these factors into consideration, the change in daylight effect at Marathon House/Archery Court when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

## **Unite Student Accommodation**

132. This student accommodation comprising 18 storeys is located west of the Site, directly opposite Plot NE02. Owing to the transient nature of occupancy at student accommodation, BRE recognise that this building is of somewhat lower sensitivity than buildings of permanent occupancy. A total of 685 windows serving 471 rooms were assessed for daylight within this building.

## *Vertical Sky Component (VSC)*

133. For VSC, 518 of the 685 (75.6%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 167 more affected windows, 92 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 66 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining nine windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
134. Of the 167 more affected windows, 151 serve bedrooms, which are considered less sensitive in relation to daylight alterations as per BRE Guidelines. The remaining 16 serve LKDs, each of which are dual aspect and therefore are likely to experience good daylight levels overall.

## *No sky line (NSL)*

135. For NSL, 300 of the 471 (63.7%) rooms assessed would meet BRE's criteria and are therefore considered to experience a Negligible effect or no effect. Of the 171 more affected rooms, 52 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 44 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 75 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
136. In terms of NSL for the 171 more affected rooms, 166 impacts occur to bedrooms located on the set back elevations of the building thereby inherently obstruction daylight distribution within the rooms. The remaining five effects occur at LKDs, which are not unduly affected in relation to VSC.

## *Mirror Massing assessment*

137. The percentage changes of the Proposed changes when compared to the Consented Development position are supported by the Mirror Massing assessment of this building. With a theoretical mirrored permutation of Unite Student Accommodation mirrored onto the Site, there would be a 96.6% compliance rate for both VSC and NSL, with improvements in daylight within a large portion of windows and rooms. The reductions in VSC from the mirrored permutation are isolated occurrences at two

windows serving bedrooms, with overall beneficial alterations or comparable results.

### *Conclusion*

138. Overall, taking into account the Mirror Massing scenario and the recognised lower sensitivity of student accommodation, and given that the majority of affected rooms are bedrooms and that any affected LKDs are dual aspect, the overall change in effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

### **Olympic Office / HTA Residential Scheme**

139. This future residential building has a resolution to grant planning permission and is therefore considered a sensitive receptor even though permission is yet to be issued and the building is yet to be constructed. The development site for this building is located west of the Site, directly opposite Plot NE01. A total of 476 windows serving 330 rooms were assessed for daylight within this building.

### *Vertical Sky Component (VSC)*

140. For VSC, 320 of the 476 (67.2%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 156 more affected windows, 42 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 21 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 93 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect.
141. Seventy-eight of these windows serve bedrooms, which are less sensitive to daylight alterations as per BRE Guidelines. The remaining 78 windows serve LKDs, each of which are obstructed in the Consented Development position as they are located beneath recessed balconies and therefore have low existing levels of daylight. The reductions range from circa. 0-2% absolute VSC which is unlikely to be perceptible. Therefore, the percentage alteration is disproportionate to what is considered a noticeable change.

### *No sky line (NSL)*

142. For NSL, 205 of the 330 (62.1%) rooms assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 125 more affected rooms, 30 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 29 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 66 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
143. The changes in impact to sky visibility within the rooms when comparing the Proposed changes to the Consented Development occur mainly at 99 bedrooms which are less sensitive to daylight alterations as per BRE Guidelines.

### *Mirror Massing assessment*

144. The percentage changes from the Consented Development are further supported by the Mirror Massing assessment of this building. With a theoretical permutation of the HTA Residential Scheme mirrored onto the Site, there would be an 82.4% compliance for VSC and 76.4% for NSL. However, the VSC reductions which are not compliant in percentage terms (i.e. alterations above 20%) would be at windows whereby the levels in the mirrored permutation are low, for example in recesses or below balconies. The percentage reductions highlighted are disproportionate to what is considered to be a noticeable change in daylight, as most rooms would see an absolute VSC loss of up to 1%. Additionally, there are instances of improvements in VSC occurring as a result of the Proposed changes (up to 4.4% VSC) when compared against the mirrored scenario. For NSL noticeable reductions would occur mainly to bedrooms, which are less sensitive, and are balanced by beneficial alterations in other rooms within

the same building. As such, the changes in daylight occurring as a result of the Proposed changes and Mirrored permutation are not considered significantly different.

### *Conclusion*

145. The Olympic Office / HTA Residential Scheme, which has a resolution to grant, was submitted with prior knowledge of the consented Wembley Park Masterplan in the surrounding contextual environment. Given that the absolute changes in daylight are very low and therefore generally unlikely to be perceptible, with Moderate to Major Adverse effects primarily occurring at bedrooms and alterations in daylight to LKDs a function of the recessed balcony design itself, the overall change in daylight effect when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

### **Pinnacle Tower**

146. This residential building is located north west of the Site, comprising 20 storeys. A total of 298 windows serving 260 rooms were assessed for daylight within this building.

### *Vertical Sky Component (VSC)*

147. For VSC, 260 of the 298 (87.2%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 38 more affected windows, 17 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 9 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 12 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
148. Of the 38 more affected windows, 23 serve bedrooms which are less sensitive to daylight alterations as per BRE Guidelines. The remaining 15 windows serve LKDs located beneath recessed balconies or are obstructed by architectural features of the building itself, as shown by the daylight levels in the Consented Position. With the Proposed changes in situ, the absolute LKD windows changes from the Consented Development scenario range from around 0-5% VSC, and therefore in the majority of cases would be unlikely to be readily noticeable.

### *No sky line (NSL)*

149. For NSL, 178 of the 193 (92.2%) rooms assessed would see alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 15 affected rooms, four would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and six would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining five rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
150. The rooms affected in terms of NSL are located on the first to seventh storeys, with the effects occurring at rooms where daylight distribution is limited by architectural features of the building, such as windows situated beneath recessed balconies and protruding design features of the building itself.

### *Conclusion*

151. Overall, owing to the number of affected rooms that are bedrooms, which are less sensitive to daylight alterations, as well as obstructions to daylight availability resulting from the design features of the building itself, the overall change in effect to this building when comparing the Proposed changes against the Consented Development position is considered **Minor Adverse (not significant)**.

### **Apex House**

152. This building is located to the north of the Site, comprising student accommodation. Owing to the

transient nature of occupancy, this building is considered to be of somewhat lower sensitivity than permanent residential accommodation. A total of 666 windows serving 403 rooms were assessed for daylight within this building.

#### *Vertical Sky Component (VSC)*

153. For VSC, 618 of the 666 (92.8%) windows assessed would experience alterations below 20% and are therefore considered to experience a Negligible (Non-significant) effect or no effect. Of the 48 more affected windows, 36 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect (Non-significant) whilst four would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining eight would experience an alteration in VSC beyond 40% which is considered a Major Adverse effect.
154. 29 of the 48 windows serve bedrooms, which paragraph 2.2.8 of the BRE Guidelines notes are less important in relation to daylight alterations.
155. The remaining 19 windows serve six living-kitchen-diners (LKDs) and 13 studios, each of which have VSC levels ranging from around 11-15% in the Consented Development position. These windows are located on the second to seventh storey on the elevation closest to the site boundary where the proposed Plot NE01 is located. Owing to their location closest to the Proposed changes, these localised impacts can be anticipated with any increase in massing. With the absolute change from the Consented Development position being 2-6% VSC, the magnitude of impact (the percentage change) is disproportionate to what would be perceptible to the occupants.

#### *No sky line (NSL)*

156. For NSL, 380 of the 403 (94.3%) rooms assessed would experience alterations below 20% and are therefore considered to experience a Negligible effect or no effect. Of the 23 affected rooms, 14 would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect whilst four would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining five would experience an alteration in VSC beyond 40% which is considered a Major Adverse effect.
157. Five of the rooms are bedrooms, which are less important in relation to daylight alterations as per BRE Guidelines. The remaining rooms affected are six LKDs and 12 studios. All the studios would experience Minor Adverse reductions, with no noticeable impacts to VSC. The six LKDs would experience alterations which may be noticeable, however, daylight distribution is inherently obstructed by the window locations and architectural features of the building.

#### *Conclusion*

158. Overall, within the Apex student accommodation development there are only twelve windows serving rooms that experience a Moderate to Major impact, of which half are bedrooms and are therefore less sensitive to daylight alterations. The remaining six are an isolated bank of LKDs which would experience daylight reductions beyond the Consented Development position, which may be noticeable. However, these occur at a localised portion of the building closest to the Site boundary, with features which inherently obstruct daylight. The remaining windows seeing alterations are Minor Adverse in nature and serve 23 bedrooms which are less sensitive to daylight alterations as per BRE Guidelines. Finally, 13 windows serving studios would experience Minor Adverse alterations, which may not be perceptible to the occupants beyond the Consented Development and therefore are considered not significant in the context of an area undergoing regeneration. Therefore, the overall change in daylight effect to the building when comparing the Proposed changes against the Consented Development position in relation to Apex House are considered **Minor Adverse (not significant)**.

#### **VSC Façade Study on Surrounding Wembley Park Masterplan Plots**

159. The façades of Plot NE06 and Plots E01, E02 and E03 have been assessed for VSC:



## NE06

160. With the Proposed changes in place, the assessment illustrates that the majority of Plot NE06 would experience no change from the Consented Development, with a small portion of the south-eastern and south-western ground level corner experiencing alterations of around 20%.

## E01, E02 and E03

161. Five blocks across Plots E01, E02 and E03 have been tested. The majority of windows would experience no alteration beyond 20% at each of the buildings assessed. A small number of isolated windows beneath balconies would experience reductions beyond 20%. However, each of these has very low levels of light in the Consented Development position, owing to their location beneath balconies and therefore the alteration would be disproportionate to the percentage change and unlikely to be noticeable to the occupants.

162. Therefore, the overall change in VSC effects on NE06, E01/02 and E03 from the Consented Development scenario with the Proposed changes in place is considered **Negligible (not significant)**

## Sunlight Results

163. When assessed against the BRE guidance, the following impacts were concluded on neighbouring buildings when assessing the change from the consented development to the proposed development:

• Marathon House/Archery Court	Negligible (not significant)
• Unite Student Accommodation	Negligible (not significant)
• Olympic Office / HTA Residential Scheme	Negligible (not significant)
• Pinnacle Tower	Negligible (not significant)
• Apex House	Negligible (not significant)
• NE06,	Negligible (not significant)

164. As explained above, given there is an existing consent in place and the high-density urban nature of this setting, it is considered appropriate and in line with BRE guidance to use the consented development / proposed development comparison rather than a comparison to the existing baseline which would be unrealistic in view of the density of development that is characteristic of this area.

165. A more detailed assessment of the above findings is set out below:

### Marathon House/Archery Court

166. A total of 56 rooms were assessed for sunlight within this building of which 51 (91.1%) would not experience a noticeable alteration for both Annual and Winter PSH. For Annual PSH, 52 of the 56 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect.

167. All four rooms affected annually would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse impact. Three of the four rooms are LKDs which would retain levels from 15-24% APSH, which would be considered commensurate within an urban location.

168. For Winter PSH, 53 of the 56 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect. Of the three rooms affected in the winter, one would experience an alteration in Winter PSH between 20-29.9% which is considered a Minor Adverse, one would experience an alteration in Winter PSH between 30-39.9% which is considered a Moderate Adverse effect and one would experience an alteration in excess of 40% which is considered a Major Adverse effect.

169. The east facing façade of this building which faces directly towards the Site has been assessed and this

receives limited sunlight availability throughout winter. Therefore, given the levels of WPSH, the percentage alterations are disproportionate to what is likely to be noticeable.

170. Overall, given that alterations to the majority of rooms do not change from the Consented Development position, with the majority of changes occurring at bedrooms which are less sensitive to sunlight alterations, and only very localised changes in effect occurring at a small number of LKDs, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Unite Student Accommodation**

171. A total of 123 rooms were assessed for sunlight within this building of which 120 (97.6%) would not experience a noticeable alteration for both Annual and Winter PSH. For Annual PSH, 120 of the 123 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect.
172. All three rooms affected annually are LKDs and would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse effect. However, each of these rooms would retain 22-24% APSH. No noticeable reductions would occur in relation to Winter PSH.
173. Overall, given that alterations to the majority of rooms would not change from the Consented Development position, with only very localised changes in effect occurring at an isolated bank of LKDs, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Olympic Office / HTA Residential Scheme**

174. A total of 70 rooms were assessed for sunlight within this building of which 66 (94.3%) would not experience a noticeable change for both Annual and Winter PSH.
175. For Annual PSH, 67 of the 70 rooms assessed would not experience a noticeable change and are therefore considered to experience a Negligible effect. All three rooms affected annually would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse effect. Therefore, further assessment is required.
176. The sunlight alterations occurring annually are at three bedrooms, which are considered less sensitive to sunlight alterations as per BRE Guidelines.
177. For Winter PSH, 67 of the 70 rooms assessed would not experience a noticeable change and are therefore considered to experience a Negligible effect. Of the three rooms affected in the winter, two would experience an alteration in Winter PSH between 20-29.9% which is considered a Minor Adverse effect, which are bedrooms and one would experience an alteration in excess of 40% which is considered a Major Adverse effect, but would retain 26% APSH annually.
178. Overall, given that alterations to the majority of rooms do not change from the Consented Development position, with the majority of changes occurring at bedrooms which are less sensitive to sunlight alterations, the change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Pinnacle Tower**

179. A total of 171 rooms were assessed for sunlight within this building of which 152 (88.9%) would not experience a noticeable change for both Annual and Winter PSH. For Annual PSH, 152 of the 171 (88.9%) rooms assessed would not experience a noticeable change and are therefore considered to experience a Negligible effect.
180. Of the 19 rooms affected annually, five would experience an alteration in Annual PSH between

20-29.9% which is considered a Minor Adverse effect and six would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining six rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.

181. Ten of the rooms affected in relation to APSH are bedrooms, which are considered less sensitive to sunlight alterations as per BRE Guidelines. The remaining nine LKDs would retain between 15-23% APSH which is considered commensurate within an area undergoing high density regeneration.
182. For Winter PSH, 160 of the 171 rooms assessed would not experience a noticeable alteration and are therefore considered to experience a Negligible effect or no effect. The remaining 11 would see losses greater than 40% which is considered a Major Adverse effect. Each of the affected rooms are located beside by an obtruding feature of the building itself, inherently shading these windows from the available evening sunlight. Given that there is limited sunlight available throughout winter, the percentage changes are disproportionate to what is likely to be noticeable.
183. Overall, given that alterations to the majority of rooms would not change from the Consented Development position, with the majority of alterations occurring to bedrooms which are less sensitive to sunlight alterations, and with only very localised changes in effect occurring at small number of LKDs, which retain mid-teen to 22% APSH, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

#### **Apex House**

184. A total of 236 rooms were assessed for sunlight within this building of which 179 (75.8%) would meet the BRE's criteria for both Annual and Winter PSH.
185. For Annual PSH, 179 of the 236 rooms assessed would not experience a noticeable change according to BRE guidance and are therefore considered to experience a Negligible effect or no effect. Of the 57 rooms affected annually, 21 would experience an alteration in Annual PSH between 20-29.9% which is considered a Minor Adverse effect and 26 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining ten rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
186. The changes in sunlight impacts occur on the second to seventh storeys at 27 bedrooms (which are considered less sensitive in relation to sunlight as per BRE Guidelines), 24 studios and an isolated bank of six LKDs located at the south-eastern corner closest to the Site boundary. Each of the affected rooms would experience APSH ranging from 12-14% with the Proposed changes in place.
187. For Winter PSH, 211 of the 236 rooms assessed would not experience a noticeable change according to BRE and are therefore considered to experience a Negligible effect or no effect. Of the 25 rooms affected in the winter, five would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect and 20 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. Therefore, further assessment is required.
188. Owing to the lower levels of sunlight available throughout winter, the percentage changes are proportionally greater than what is likely to be noticeable to the occupants. With WPSH levels no greater than 6% in the Consented Development position, the rooms affected throughout winter would retain from 3-5%, with mid-teen levels of APSH experienced annually.
189. Overall, owing to the levels of sunlight available with the Proposed changes in place both annually and throughout winter, and student accommodation being less sensitive than permanent residential accommodation in relation to sunlight, the overall change in sunlight effect to this building when comparing the Proposed changes against the Consented Development position is considered **Negligible (not significant)**.

## **Plot NE06**

190. The façades of Plot NE06 which face within 90 degrees of south have been assessed for APSH. With the Proposed changes in place, the assessment demonstrates that the majority of Plot NE06 would experience no change from the Consented Development, with a small portion of the south-eastern ground level corner experiencing alterations of around 20%. Therefore, the overall change in APSH effects from the Consented Development scenario with the Proposed changes in place is considered **Negligible (not significant)**.

## **Internal daylight, sunlight and overshadowing levels within the Plots NE01, NE02, NE03, NE04 and NE05**

191. In order to ascertain the daylight and sunlight potential of the residential blocks submitted in outline, assessments of daylight potential (Vertical Sky Component or VSC) have been undertaken on all façades and assessments of sunlight potential (Annual Probable Sunlight Hours or APSH) have been carried out on all elevations with an expectation of direct sunlight, i.e. those facing within 90° of due south. All public or communal outdoor spaces have been assessed for Sun Hours on Ground, as recommended by BRE. This includes the amenity areas provided at podium-level, as well as roof terraces.

### **Daylight**

192. The frontages of blocks overlooking the park enjoy a mostly unobstructed outlook and therefore achieve a very good daylight potential. In these areas, a conventional design of the elevations and layouts is likely to lead to acceptable levels of daylight within the rooms.
193. As is typical of any dense scheme, where two parallel façades are in close proximity of one another, such as facing one another over a podium garden, their access to daylight and sunlight is inevitably more restricted. At detailed design stage, care would need to be taken to ensure that the daylight ingress is maximised, especially into living areas. Room depths should be kept to a minimum and the fenestration to living areas may need to be more generous than in less obstructed locations.
194. It should also be noted that balconies restrict the access to daylight and sunlight to the windows below them (if projecting) or behind them (if recessed). With living areas having both a higher daylight requirement than bedrooms and generally a greater expectation of sunlight, a balcony strategy should be devised so as not to cause further obstruction to living areas. This can be achieved through a number of different strategies, for instance by providing living areas with additional windows free of obstructions or by staggering the balconies or internal layouts so that the windows serving living areas are not overhung.
195. There are a few isolated areas on the lowest storeys where the daylight availability is more restricted. The design of internal layouts should respond to these constraints by seeking to locate spaces with no expectation for daylight (such as cores, bathrooms, circulation spaces etc.) in the most obstructed areas, as well as by having dual-aspect units where possible with at least one less-obstructed façade. Bedrooms may be positioned in more constrained areas if they are provided with generous fenestration.

### **Sunlight**

196. The sunlight assessment has shown very good access to sunlight both throughout the year and during the winter months on the majority of the elevations. Lower levels are seen in isolated areas on the lowest storeys, as is typical within any densely built urban environment. At detailed design stage, the strategies described above can be further refined to ensure that the constraints inherent to any scheme of this nature are taken into consideration and good levels of daylight and sunlight are achieved internally.

### **Overshadowing**

197. Good levels of sunlight would be available to the proposed areas of communal amenity. Sun Hours on Ground assessments show that for Plots NE01 (72.4%), NE02 (71.5%), NE03 (100%), NE04 (83.6%) and NE05 (97%) respectively, the open spaces assessed would see at least two hours of direct sunlight on 21st March. As such, they would all offer good levels of sunlight amenity, overall. When looking at each area individually, all but one (the podium level terrace of NE02) would meet this criterion on more than 50% of their area.
198. The scheme would therefore provide good levels of sunlight to the open spaces, overall, and the results are typical of a regeneration scheme of this nature. In conclusion, the Proposed changes have the potential to result in acceptable levels of daylight and sunlight amenity, in line with the conclusions of the 2018 ES.

### **Overshadowing of the Northern Park**

199. The potential overshadowing and sun on ground impacts of the Proposed changes on Northern Park have been assessed against the Consented Development scenario. The Northern Park area has been assessed using the BRE sun hours on ground test on 21st March. The BRE guidelines state that at least 50% of the amenity area should receive two hours or more of direct sun on this day. In a comparison with the Consented Development position, which would see 99.6% of the total area seeing at least two hours of sun, the Proposed changes scenario would experience a 8.1% reduction, with 91.5% of the total area seeing at least two hours of direct sunlight.
200. The reduction in direct sunlight would be most apparent to the north of the park between Plots NE06 and NE01. However, a supplementary sun exposure assessment has been undertaken, showing the total available sunlight hours on March 21st and June 21st. In the Proposed changes scenario, on March 21st, the north element of Northern Park would see up to three hours of direct sunlight, with the rest of the park experiencing at least 6 hours. Overall, reductions can be observed in the northern portion of Northern Park, with the southern and larger portion retaining good levels of sunlight similar to the Consented Development scenario. On June 21st, most of the northern portion of Northern Park would experience approximately 3 to 6 hours of direct sunlight. The southern and larger portion of Northern Park would experience between 6 and 12+ hours of sunlight in the Proposed changes, which is overall similar to that of the Consented Development scenario.
201. Officers note that an increase in height will inevitably lead to a greater degree of overshadowing, which would be most noticeable in the afternoon when the two proposed taller buildings would cast shadows across portions of the park. However, it is considered that overall the Northern Park would still achieve good levels of direct sunlight on average and would provide a pleasant, high quality environment for those using it for leisure purposes or as part of their journey through the area.
202. Therefore, with the Proposed changes in place, the Northern Park would achieve on average very good levels of direct sunlight, with only a limited effect in comparison to the Consented Development. As such, the effect is considered **Negligible (not significant)**.

### **Noise**

203. Regarding the residential suitability of the development buildings themselves, an assessment has been undertaken considering the realignment of Plots NE01, NE02 and NE03 westward and increases of height to Plots NE02, NE03, NE04 and NE05. This has been assessed on the basis that the new dimensions of the buildings within these maximum parameters have the potential for increased exposure to noise from sources including road traffic and events at Wembley Stadium.
204. 3D noise modelling has been used to assess the extent of the sensitivity of the changes to increased noise levels. Using reasonable worst case assumptions, it is predicted that increases to noise affecting the façade of the buildings as a result of the new layout would be less than 1 dB for all assessed plots. This change is considered to be negligible, and it is concluded that the measures recommended in the 2018 ES to ensure residential suitability do not require updating. This applies to scenarios involving noise from events at Wembley Stadium, as well as typical daily noise conditions.

205. The impact of the proposed amended scheme on existing and future neighbouring residents would be assessed at Reserved Matters stage and through the discharge of planning conditions attached to the previous planning consent (18/2214). Conditions relate to noise and vibration effects arising from construction activities, plant noise and sound insulation. The Council's Environmental Health Officer is satisfied with this approach.

### **Air Quality**

206. Air quality impacts most affecting residents during construction works are principally related to dust emissions. Whilst there are a number of buildings which would be demolished, the mitigation measures would be defined within a Construction Method Statement (CMS) the approval of which would be required under Condition 37 to the updated planning permission, if approved. The CMS would include an Air Quality Dust Management Plan (AQDMP) setting out the dust and pollution control measures as defined within the Development Specification, consistent with the Mayor's Supplementary Planning Guidance on the Control of Dust and Emissions During Construction and Demolition.

207. The Proposed changes to the parameters of Plots NE01, NE02, NE03, NE04 and NE05 would enable some of these plots to potentially come forward as 'car-free'. This is likely to reduce the number of vehicle trips generated by the overall development, with a corresponding reduction in emissions and associated impacts from those assumed in the 2018 ES.

208. A detailed modelling study for the Hudson Energy Centre already in operation within plot E03 was recently undertaken with modelling re-run to include receptors taking account of the increased heights at plots NE02 and NE03 in relation to the Energy Centre flues. The updated study concludes that the energy centre and transport related emissions would be at acceptable levels in relation to air quality effects.

209. Notwithstanding the above, should consent be granted a condition would be attached, as per condition 37 of planning consent 18/2214, to require the submission and approval of an Air Quality Neutral Assessment that is in accordance with relevant guidance published by the Greater London Authority (GLA), and which includes mitigation measures should the development be found to not be air quality neutral. The Council's Environmental Health Officer is satisfied with this approach.

### **Wind Microclimate**

210. A boundary layer wind tunnel study was carried out to assess the pedestrian wind environment resulting from the Wembley Park Masterplan and was included in the 2015 ES and was updated through a qualitative assessment in the 2018 ES. The study concluded that not only were conditions within and around the entire masterplan area suitable for pedestrian activities, but that conditions were further suitable for more sedentary activities across the Site. Furthermore, the study showed that ground level conditions in and around Plots NE01, NE02 and NE03 were generally suitable for at least short periods of sitting throughout the site and surrounding area. A further qualitative study has been conducted to assess the changes to wind conditions within and around Plots NE01, NE02, NE03, NE04 and NE05 following the Proposed changes to the parameter design, massing and siting of these plots.

211. The proposed changes that are relevant with respect to wind microclimate are as follows:

212. A wider spacing between the points of height to Plots NE02 and NE03, with the spacing set at approximately 27m.
- Moving of Plot NE01 northwards.
  - An increase in height to the highest points of Plots NE02 and NE03 to around 118m AOD and 98m AOD respectively.
  - NE05 cut back and increases in height to Plots NE04 and NE05 of 9m.
- Following the qualitative review of these proposed changes, the assessment concludes that:

213. The increase in height of Plots NE02 and NE03 is likely to create marginally windier conditions than those in the Consented Development. However, Plots NE02 and NE03 remain largely sheltered from prevailing winds by the wider masterplan and the stadium to the south-southwest and southwest, as well as relatively tall and wide existing buildings to the west, across Rutherford Way. The increase in spacing between the points of height to Plots NE02 and NE03 is expected to marginally improve wind conditions.

- The stepping up of mass in the direction of the prevailing wind (from south-west to north-east) results in each block being somewhat sheltered by the block(s) downwind and would therefore reduce the likelihood of significant downdraughts.
- Wind conditions on Rutherford Way are unlikely to become materially windier than those previously assessed and are likely to remain generally suitable for short periods of sitting.
- The 1.1m reduction in space between Plots NE05 and NE02 and stepping up in height of the southern elements of Plots NE05 and NE04 may marginally increase local wind speeds, but this area is well sheltered from prevailing winds and conditions are likely to remain suitable for pedestrian activities.
- Plot NE06 is well sheltered by Plots NE01 and NE02 and is oriented to limit the potential for downdraughts on the western and southern façades. Moreover, the ability of prevailing winds to travel northwards between Plots NE06 and NE01/NE05 is minimised, due to the shelter afforded by Plots NE01, NE02 and NE03. Conditions in this area are therefore expected to remain suitable for proposed pedestrian use.
- The assessment concludes that there would not be material changes in relation to the wind microclimate which would affect the conclusions of the 2018 ES and conditions would remain suitable, both in terms of pedestrian safety and pedestrian comfort. However, detailed wind tunnel testing would be conducted at reserved matters stage. Details of measures to mitigate the impacts of wind within the development, such as carefully positioned soft landscaping or screening close to seating areas, would need to be submitted pursuant to Planning Condition 19(h) of the Wembley Park outline planning permission.

### **Highways and Transportation**

214. The site has PTAL ranging between 3 and 5, with the majority of the site rated good or very good. The proposed development is highly accessible by a range of public transport modes, with a number of local bus stops on and three railway / London Underground stations (Wembley Stadium, Wembley Central and Wembley Park) easily accessible from the Site.
215. The proposed amendments to the parameter plans for the site do not alter the overall quantum of development in the area, so would not have any materially differing impact on the wider transport networks than the approved hybrid planning permission. Indeed, flexibility is sought to reduce the amount of car parking proposed, which would reduce any negative impact on highway capacity. Whilst this may result in more trips being made by public transport, the area has good access to Wembley Park station and numerous bus services. The Transport Assessment undertaken in 2015 therefore remains valid and the mitigation measures secured through planning permission 15/5550 (as amended by 18/2214) remain suitable.
216. The changes to the siting of the blocks on Plots NE01-NE03 would reduce the distance across Rutherford Way to buildings on the western side of the street, but a suitable setback distance from the existing eastern kerbline of Rutherford Way would be retained and would provide space for landscaping and pedestrian movement.
217. The revised parameter plans also intend to include an option to provide on-street disabled parking bays (in addition to the approved loading bays) in lay-bys along the eastern side of Rutherford Way. These on-street bays are proposed in the event that Plots NE02 and NE03 are developed as 'car-free', to ensure that Blue Badge parking is still provided in close proximity to these buildings.

218. The lay-bys would be accommodated through the widening of the highway to ensure an adopted footway is retained. Sufficient space would be provided for this and it is recommended that a 3m width is provided for the servicing/disabled bays (in line with TfL guidance on kerbside loading). The applicants highlight that there would also be flexibility for at least one space to be available to Essential User permit holders such as healthcare workers. As such, the proposals are acceptable in principle, subject to the agreement of a detailed highway layout plan as each plot comes forward for detailed consideration.
219. The repositioning of the blocks on NE01-NE03 is also intended to enhance the pedestrian link between Olympic Way and the proposed Northern Park across Rutherford Way. To aid this, Parameter Plan 7 also proposes speed tables on Rutherford Way in the vicinity of Plots NE02/NE03 and at the junction with Engineers Way. These would complement similar proposals for the northern stretch of Rutherford Way secured through planning consent 17/5097 and would allow the street to be incorporated into the surrounding 20mph zone, so are very much welcomed.
220. The works to deliver the loading/Blue Badge parking bays and realigned footway would be undertaken through the S38/S278 Agreement secured under Item 6 at the Eighth Schedule of the S106 Agreement secured with the Masterplan prior to the occupation of the adjoining plots.
221. For the speed tables, these are not specifically referenced in the list of Highway Works in the S106 Agreement, but are considered to fall within the scope of “ancillary highway works” as allowed in the general description of the Highway Works and can be treated as such when agreeing the scope of the S278 works.
222. Finally, the revised parameter plan includes more detail on the proposed layout of the routes around the northern park and these are supported, providing good permeability into and around the park.
223. Officers in Transportation therefore raise no objections on transportation grounds to the proposed amendments to the site parameter plans.

### **Flood Risk**

224. The majority of the application site is within ‘Flood Zone 1’ and is therefore at a low risk of flooding from a fluvial or tidal source. A small area along the boundary of the North Eastern Lands has been identified as falling within ‘Flood Zone 2’. There is no change in the flood zone mapping since the 2018 ES. The Brent (Welsh Harp) Reservoir is located on the River Brent and Silk Stream and is approximately 1.6km north-east of the Site. The 2018 ES identified that with regards to areas within the Site, the North Eastern Lands would be at risk from reservoir flooding, and notes that in this unlikely event, basement areas are designed to have an internal staircase to an upper dry level.
225. The existing Site comprises previously developed land, with a mainly impermeable surface throughout. The consented development is designed to accommodate a 1:100 year storm event plus future changes in rainfall as a result of climate change within the contours of the soft and hard landscaped areas and the proposed changes would not result in any changes to this approach.
226. A detailed drainage strategy and detailed surface water drainage scheme for each relevant part of the Proposed Development is required to be submitted under Conditions 45 and 47 of the Planning Permission 18/2214, including details of green and brown roofs and permeable paving and other Sustainable Drainage Systems (SUDS). This approach is considered acceptable. Thames Water have raised no objection to the current application.

### **Environmental Impact Assessment**

227. A Supplementary Environmental Statement has been submitted with this application in which the proposed changes to the Parameter Plans are reviewed and audited against the findings of the original Environmental Statement of 2015 and the Supplementary Environmental Statements of 2017 and 2018 to establish whether further environmental information is required under the EIA Regulations.



228. In respect of construction related effects, the review has concluded that these impacts are not materially affected by the proposed revisions to Plots NE01 to NE05. Moreover, all the measures related to the mitigation of construction impacts remain a suitable and appropriate basis for securing the mitigation measures identified in the 2018 ES.
229. With regard to the impacts of the completed development, the effects related to ground conditions and contamination, water resources, ecology, archaeology and socio-economics are not influenced by detailed design matters of the nature of the proposed changes. Visual effects, wind effects and daylight and sunlight effects are related to massing and form. However, the assessment of the proposed development concludes that the scale of the proposed changes, would not materially affect the assessments carried out or the mitigation measures contained in the 2018 ES.
230. For these reasons, it is concluded that the mitigation measures to be secured by planning conditions and/or S106 obligations remain robust and no changes are required to any of the conditions attached to outline planning permission 15/5550 as amended by 17/0328 and 18/2214, or to the S106 obligations, in order to secure further mitigation measures.

#### **Other matters – planning conditions and S106 obligations**

231. The implications of the proposal in relation to matters such as groundwater, soils and contamination, water resources, archaeology, ecology, acoustics, demolition and construction, safety and security considerations, local employment opportunities and cycle parking would all be assessed at Reserved Matters stage, through the discharge of planning conditions attached to the previous planning consent (18/2214) and by assessment in relation to S106 obligations.
232. With regard to energy and sustainability matters, appropriate measures have already been secured through the s106 legal agreement of the Masterplan consent and at detailed design stage a Sustainability Assessment would be submitted for each plot setting out the calculated reduction in carbon dioxide emissions and sustainable design standards to which the buildings would be constructed. All NEL plots would be connected to the Masterplan district heating and hot water system located in Canada Gardens.

#### **Conclusion**

233. The proposed amendments to the previously approved parameters plans would enable a revised scheme to be delivered which would provide a number of benefits over the previously approved outline plans. The proposed amended scheme is considered to be in keeping with the vision for how development in the Wembley regeneration area is to take place, and would introduce activity and vitality in this area whilst creating a pleasant environment along Rutherford Way and a welcoming link to the Northern Park. Based on the illustrative images, the building designs would deliver an attractive and contemporary scheme, the final quality of which would be secured through the submission of detailed plans at Reserved Matters stage and the approval of appropriate materials through condition.
234. An increase in the density of elements of the scheme through increased heights and moving building lines closer to existing residential properties would inevitably have some impacts in terms of daylight, sunlight and overshadowing levels for existing properties and the Northern Park. However, on balance, and taking into account the wider regenerative benefits of the scheme, it is considered that these impacts would be within reasonable limits and acceptable amenity levels would still be maintained.
235. Taken as a whole, the revised scheme accords with the relevant planning policies and guidance and it is therefore recommended that the proposed amendments set out within this Section 73 planning application are approved.

#### **CIL**

236. This planning application seeks the approval of amendments to plans previously approved under the

Wembley Masterplan application. However, full details have not yet been submitted for approval. Once individual sites benefit from detailed approval, they will become CIL liable.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 20/2844

To: Paula Carney  
CarneySweeney Planning  
77 Farringdon Road  
London  
EC1M 3JU

I refer to your application dated **01/09/2020** proposing the following:

Variation of conditions application (under Section 73 of the Town and Country Planning Act 1990) to vary parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 18/2214 (dated 17 August 2018) which varied parameter plans 04-12 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 17/0328 (dated 26 May 2017) which varied parameter plans 04-13 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 15/5550 (dated 23 December 2016) which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development). This application is accompanied by an Environmental Impact Assessment.

and accompanied by plans or documents listed here:  
Please see condition 4.

**at Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet**

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

Date: 02/03/2021

Signature:

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

### Notes

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

Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

Revised Planning Policy Framework 2019  
 London Plan consolidated with alterations since 2011 (March 2016)  
 Brent Local Plan Development Management Policies 2016  
 Brent Local Development Framework Core Strategy 2010  
 Wembley Area Action Plan 2015

- 1 The relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the relevant part of the proposed development have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall be carried out and completed in all respects in material compliance with the details so approved before the building(s) are occupied. Such details shall include:-

- i) Layout;
- ii) Scale;
- iii) Appearance;
- iv) Access;
- v) Landscaping.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 2 All applications for Reserved Matters pursuant to Condition No. 1 shall be made to the Local Planning Authority, before the expiration of 15 years from the date of the hybrid planning permission reference 15/5550 (23 December 2016).

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and since a period of 15 years is considered to be a reasonable time limit in view of the extent and timescale of the proposal.

- 3 The development to which this permission relates shall begin not later than whichever is the later of the following dates: (a) the expiration of three years from the date of the hybrid planning permission reference 15/5550 (23 December 2016) or (b) the expiration of two years from the date of approval for the final approval of reserved matters, or in the case of different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

**OUTLINE**

A-00-001 Parameter Plan 01: Site Location Plan 1:1250 A0  
 A-00-002 Parameter Plan 02: Extent of Reserved Matters 1:1250 A0  
 A-00-003 Parameter Plan 03: Existing Ground Levels 1:1250 A0  
 A-00-004 Rev 5 Parameter Plan 04: Proposed Ground and Podium Levels\*  
 A-00-005 Rev 5 Parameter Plan 05: Proposed Maximum Plot Extent\*  
 A-00-006 Rev 5 Parameter Plan 06: Proposed Extent of Parking and Servicing Areas at Ground and above Ground Levels\*  
 TPHS/220/PP/007 Rev F Parameter Plan 07: Access and Circulation\*  
 A-00-008 Rev 5 Parameter Plan 08: Proposed Uses\*  
 A-00-009 Rev 6 Parameter Plan 09: Proposed Heights\*  
 A-00-010 Rev 5 Parameter Plan 10: Proposed Critical Dimensions\*

A-00-011 Rev D Parameter Plan 11: Proposed Public Realm and Open Space at Ground Level\*  
A-00-012 Rev D Parameter Plan 12 – Proposed Open Space at Upper Levels\*  
A-00-013 Rev C Parameter Plan 13: Tree Removal Plan  
Development Specification Wembley Park Masterplan dated November 2015  
Wembley Park Masterplan Design and Access Statement dated 30 November 2015

## **RESERVED MATTERS PLANS FOR PLOT W06**

WBL-CPA-W06-RF-DR-A-0101 Site Location Plan 1:1250 A1  
WBL-CPA-W06-RF-DR-A-0102 Site Location Plan showing Plots within Outline Planning Permission 1:1250 A1  
WBL-CPA-W06-ZZ-DR-A-0110 Existing Site Plan 1:250 A1  
WBL-CPA-W06-01-DR-A-0202 First Floor Plan Proposed 1:200 A1  
WBL-CPA-W06A-01-DR-A-0222 First Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-02-DR-A-0223 Second Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-03-DR-A-0224 Third Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-04-DR-A-0225 Fourth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-05-DR-A-0226 Fifth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-06-DR-A-0227 Sixth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-07-DR-A-0228 Seventh Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-08-DR-A-0229 Eighth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-09-DR-A-0230 Roof Plant Plan Proposed 1:100 A1  
WBL-CPA-W06A-GF-DR-A-0220 Ground Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-MZ-DR-A-0221 Mezzanine Floor Plan Proposed 1:100 A1  
WBL-CPA-W06A-RF-DR-A-0231 Roof Plan Proposed 1:100 A1  
WBL-CPA-W06B-01-DR-A-0242 First Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-02-DR-A-0243 Second Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-03-DR-A-0244 Third Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-04-DR-A-0245 Fourth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-05-DR-A-0246 Fifth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-06-DR-A-0247 Sixth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-07-DR-A-0248 Seventh Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-08-DR-A-0249 Eighth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-09-DR-A-0250 Ninth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-10-DR-A-0251 Tenth Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-11-DR-A-0252 Eleventh Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-12-DR-A-0253 Roof Terrace Plan Proposed 1:100 A1  
WBL-CPA-W06B-ZZ-B1-DR-A-0255 Basement Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-GF-DR-A-0240 Ground Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-MZ-DR-A-0241 Mezzanine Floor Plan Proposed 1:100 A1  
WBL-CPA-W06B-RF-DR-A-0254 Roof Plan Proposed 1:100 A1  
WBL-CPA-W06B-ZZ-DR-A-0800 Studio – 1B1P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0801 Studio – 1B1P – A2 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0810 One Bed – 1B2P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0811 One Bed – 1B2P – A2 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0820 Two Bed – 2B4P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0821 Two Bed – 2B4P – B1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0822 Two Bed – 2B4P – B2 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0823 Two Bed – 2B4P – C1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0830 Three Bed – 3B6P – A1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0831 Three Bed – 3B6P – B1 – Flat Plan A3  
WBL-CPA-W06B-ZZ-DR-A-0840 Four Bed – 4B6P – A1 – Flat Plan A3  
WBL-CPA-W06-GF-A-0200 Rev Ground Floor Plan Proposed 1:200 A1  
WBL-CPA-W06-MZ-DR-A-0201 Mezzanine Floor Plan Proposed 1:200 A1  
WBL-CPA-W06-RF-DR-A-0204 Roof Plan Proposed 1:200 A1  
WBL-CPA-W06-ZZ-DR-A-0203 Typical Floor Plan Proposed 1:200 A1  
WBL-CPA-W06A-ZZ-DR-A-0620 Wembley Boulevard Elevation 1:100 A1

WBL-CPA-W06A-ZZ-DR-A-0621 Perimeter Way West Elevation 1:100 A1  
 WBL-CPA-W06A-ZZ-DR-A-0622 Elevation Proposed 1:100 A1  
 WBL-CPA-W06A-ZZ-DR-A-0623 South West Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0640 Wembley Park Boulevard Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0641 Perimeter Way West Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0642 Elevation Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0643 Elevation Proposed 1:100 A1  
 WBL-CPA-W06-ZZ-DR-A-0600 Wembley Park Boulevard Elevation Proposed 1:200 A1  
 WBL-CPA-W06-ZZ-DR-A-0601 Perimeter Way West Elevation Proposed 1:200 A1  
 WBL-CPA-W06A-ZZ-DR-A-0720 Cross Section A Proposed 1:100 A1  
 WBL-CPA-W06A-ZZ-DR-A-0721 Cross Section B Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0740 Cross Section A Proposed 1:100 A1  
 WBL-CPA-W06B-ZZ-DR-A-0741 Cross Section B Proposed 1:100 A1  
 WBL-CPA-W06-ZZ-DR-A-0700 Site Cross Section Proposed 1:200 A1  
 WBL-FBK-W06-01-DR-L-100 REV P1 Level 01 – Roof Terrace Colour Landscape Plan 1:200 A1  
 WBL-FBK-W06-12-DR-L-100 REV P1 Level 12 – Roof Terrace Colour Landscape Plan 1:200 A1  
 WBL-FBK-W06-GF-DR-L-100 REV P1 Ground Floor – Landscape Colour Masterplan 1:200 A1  
 Swept Path Analysis 4740-ATR-005 A 1:250 A3

#### **RESERVED MATTERS PLANS FOR PLOT E05**

3554-01-802 Proposed Site Plan 1:500 A0  
 3554-02-800 PL Ground Floor Plan Coach Parking 1:200 A0  
 3554-02-801 PL Mezz Floor Plan 1:200 A0  
 3554-02-802 PL First Floor Plan Residential Parking 1:200 A0  
 3554-02-803 PL Second Floor Plan Accessible Parking 1:200 A0  
 3554-02-804 PL Third Floor Plan Premium Club 1:200 A0  
 3554-02-805 PL Fourth to Eight Floor Plan Standard Parking 1:200 A0  
 3554-02-810 PL Ninth Floor Plan Standard Parking 1:200 A0  
 3554-02-811 PL Roof Plan Parking 1:200 A0  
 3554-04-800 PL East and West Elevations 1:200 A0  
 3554-04-801 PL North and South Elevations 1:200 A0  
 3554-04-810 PL Sections 1 and 2 1:200 A0  
 4797\_PL\_004 Proposed Landscape Plan 1:200 A0 A  
 4797\_PL\_005 Landscape Site Sections 1:200 A1 A  
 Blue MSCP: Façade Design Parameters

#### **SUPPORTING DOCUMENTS**

Environmental Statement Wembley Park Masterplan dated November 2015  
 Planning Statement Wembley Park Masterplan dated November 2015  
 Wembley Park Masterplan Sustainability Statement Revision 03 Dated 30 November 2015  
 Wembley Park Masterplan Energy Statement Revision 03 Dated 30 November 2015  
 Regeneration Statement - Wembley Park Masterplan  
 Wembley Masterplan Operational Waste Management Strategy Dated 30 November 2015  
 Wembley Masterplan Site Waste Management Plan Revision 01 Dated 26 November 2015  
 Wembley Park Masterplan Statement of Community Involvement  
 Wembley Park Masterplan Utilities Strategy Revision 02 Dated 30 November 2015  
 Tree Constraints Report: Wembley Masterplan dated 6 October 2015

Design and Access Statement Prepared in support of Section 73 application relating to Planning Permission 15/5550 dated 02/07/18  
 Supplementary Environmental Statement dated July 2018

\* these drawings and documents are those which differ from those approved through outline planning consent reference 15/5550 as amended by 17/0328 and 18/2214.

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

- 5 The plots or parts of plots denoted as optional use A1-A5 (use classes E(a), E(b), E(c), public houses, wine bars, or drinking establishments (sui generis class) and hot food takeaways (sui generis class) from September 2020) within drawing A-00-008 Rev 5 shall only be used for purposes within Use Class A1, A2, A3 and A4 (use classes E(a), E(b), E(c) and public houses, wine bars, or drinking establishments (sui generis class) from September 2020).

Reason: In the interest of proper planning, as the description of development did not refer to use class A5 (hot food takeaways (sui generis class) from September 2020).

- 6 No individual retail unit with a floorspace in excess of 2,000 square metres (Gross External Area) within the development hereby approved shall be used for food retailing.

Reason: Sequentially preferable sites are identified in the Wembley Area Action Plan.

- 7 The number of rooms of Student Accommodation that may be delivered pursuant to this consent shall not exceed 361 unless an alternative number of rooms is submitted to and approved in writing by the Local Planning Authority, such amount not to exceed the proportion of student accommodation set out within Policy WEM 23 of the Wembley Area Action Plan 2015 or the maximum floorspace set out within the description of development.

Reason: To ensure a mixed and balanced community and to ensure that the delivery of student housing does not affect the delivery of conventional housing against the Council's housing targets

- 8 The student accommodation hereby approved shall not be occupied for a period of more than 13 weeks in any year other than by Students. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education institution for not less than 80 % of the course time unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 The development within Plot W10 shall not be occupied unless the adjoining element of the "Boulevard", between Royal Route and South Way (as detailed within planning application reference 15/3599 or any subsequent consent which includes the construction of this element of the Boulevard) has been completed in full unless a programme of works has been submitted to and approved in writing by the Local Planning Authority and the works are completed in full accordance with that programme.

Reason: In the interest of the character and appearance of the Boulevard

- 10 The works to Royal Route, its structure and to the ground levels and surface treatments under Royal Route shall be completed in full prior to earlier of first occupation of the development within: Plots W08; W10; or the proposed hotel within the site of application reference 15/3599 (or any subsequent application for the redevelopment of this part of that site) unless a programme of works has been submitted to and approved in writing by the Local Planning Authority and the works are completed in full accordance with that programme.

Reason: In the interest of the streetscene, design and appearance of the area, legibility and permeability for pedestrians and cyclists.



- 11 Residential car parking shall not be provided within Plots E01, E02, E03 or E05 unless details of alternative accesses that do not conflict with stadium vehicular or crowd flows have been submitted to and approved in writing by the Local Planning Authority and those details have been implemented in full.

Reason: In the interest of highway flow and safety, as residential car parking within these plots may result in increases in the egress time during Stadium events for the Blue Car Park hereby approved, and may result in potential conflict between pedestrians and vehicles along Perimeter Way on Stadium Event Days

- 12 The residential car parking spaces shall be used for the parking of vehicles associated with the residential units within this development and shall not be used for any other purpose, such as the provision of Stadium Parking.

Reason: In the interest of highway flow and safety.

- 13 No goods, equipment, waste products, pallets or materials shall be stored 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.

Reason: To ensure a satisfactory environment for future users.

- 14 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 Head of Transportation, or other duly authorised person, prior to the occupation of the relevant part of the development.

Reason: In the interests of traffic and pedestrian safety.

- 15 The construction tolerances referred to within drawing A-00-009 Rev 6 "Parameter Plan 09 – Proposed Heights" shall only relate to the final constructed heights of building and the buildings as proposed within applications for the approval of Reserved Matters shall be designed to comply with the maximum heights as denoted on this drawing, as altered by the additional height specified for lift motor rooms, plant and extract, and the additional height specified for parapet levels.

Reason: In the interest of visual amenity and townscape.

- 16 Parapets that project more than one metre above the relevant maximum height specified with drawing A-00-009 Rev 6 shall be designed to be predominantly open in their visual appearance.

Reason: To ensure a high standard of design and appearance.

- 17 A Student Accommodation Demand Assessment shall be submitted to and approved in writing by the Local Planning Authority in relation to each Reserved Matters Applications within which Student Accommodation (Sui Generis) is proposed.

Reason: In the interest of the provision of a mixed and balanced community

- 18 Prior to first occupation of any plots that include Student Accommodation, a Student Management Plan detailing measures to manage the use of any associated servicing bay(s) during key periods including the periods when students will load and unload possessions at the start and end of the college year, the pre-booking of arrival times and staff resourcing to assist this and having regard to Stadium Event day conditions, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full for the life of the development.

Reason: In the interest of highway and pedestrian safety and flow, and parking saturation in the locality.

- 19 Prior to the commencement of works to the superstructure on relevant part of the development as hereby permitted, details of the following as they relate to that part of the development shall

be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters applications (if specifically referenced within that submission) or under separate cover, with the exception of plots E05 & W06 which shall only be subject to the submission and approval of paragraphs a) to j) below.

- a) Details of materials for all external surfaces, including samples which shall be made available for viewing on site or in another location as agreed;
- b) Details of any plant, including locations, external appearance and any proposed screening;
- c) Highway, footpath and cycle way layout, within the relevant part of the development including connections and traffic management measures, sub-surface details, surfacing materials and street furniture;
- d) Details of cycle storage, including the number of spaces (which shall accord with London Plan standards), structures, layout, equipment, access, security and weather proofing appropriate to the type of cycle storage;
- e) Details of any motorcycle and car parking provision, including layouts, allocation, cumulative (site-wide) parking provision and projected future provision, which shall not exceed 0.4 car parking spaces per residential unit, but shall include disabled parking provision comprising 10 % of allocation for residential parking spaces and 5 % allocation for commercial premises;
- f) Details of electric vehicle charging points, which shall comprise a minimum of:
  - i. 20 % of car parking spaces with active and 20 % with passive charging points for residential development;
  - ii. 20 % active and 10 % passive for office development; and
  - iii. 10 % active and 10 % passive for retail parking spaces.
- g) Details of any CCTV;
- h) Measures incorporated to mitigate the impacts of wind within the development.
- i) Details of the on plot connections to the site wide heat network and relative to the indicative or actual routing of the site wide network.
- j) The location of services, including the grouping of services where feasible;
- k) The internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, any plant room(s), any other internal area and any areas of external space.
- l) Means of access for vehicles, pedestrians and cyclists to and from the relevant part of the development;
- m) Details of the levels of daylight received for Habitable Room windows of any Residential Dwellings within the relevant part of the Development.
- n) Details of the provision of private external amenity space for residential units, including the size, location of private balconies, terraces and gardens and access between the dwellings and their associated space(s).

The approved details shall be implemented in full prior to first occupation or use of the relevant part of the development.

Reason: To ensure a satisfactory development, in the interest of residential amenity, design quality and visual appearance, highway flow and safety and sustainable development.

- 20 Prior to the commencement of works on the superstructure on the relevant part of the development hereby approved, scheme for the landscape works and treatment of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- a) a planting plan, (including species, plant sizes and planting densities);
- b) subsurface treatments, including details of root management systems for all trees;
- c) proposed walls and fences, indicating siting, materials and heights;
- d) any proposed contours and ground levels;
- e) areas of hard landscape works and external furniture, and proposed materials;
- f) the detailing and provision of green/brown roof(s);
- g) measures to enhance the ecological value of the site;
- h) Details of any Sustainable Urban Drainage Systems;
- i) Details of the proposed arrangements for the maintenance of the landscape works.

Any trees or shrubs that are a part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species and in the same positions,

unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and to ensure a satisfactory environment for future residents, occupiers and other users.

- 21 A Parking Management Plan relating to non-event days, setting out the allocation control, operation and charging structures for non-residential parking, and the allocation of non-residential parking spaces shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented in full.

Reason: In the interest of highway flow and safety, and sustainable transport.

- 22 A Stadium Event Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Wembley National Stadium Limited / The FA and Transport for London prior to the commencement of works on plots E01, E02, E03, E04 or E05 or on the park to the south of Engineers Way hereby approved, and the plan shall thereafter be implemented in full for the life of the development. The Plan shall include:

- Details of the Stadium Event Car and Coach Parking Spaces, comprising the location of spaces, the maximum number of car, coach and mini-bus parking spaces within each area;
- Scenarios for the allocation of the parking spaces (should the allocation of spaces be proposed to vary from event to event), including the number of cars and coaches to be parked in each area for each scenario;
- The means by which parking spaces are booked and allocated;
- Access and egress routes and arrangements for vehicles between the Stadium Event Car and Coach Parking Spaces and the wider network;
- Access and egress routes and arrangements for pedestrians travelling between the parking areas and the Stadium, including proposed road closures such as the closure of part of South Way;
- Event day management procedures, including the marshalling of vehicles and pedestrians during stadium access and egress;
- Details demonstrating that the cumulative total number of Stadium Event Car and Coach Parking Spaces for each scenario equals 2,900 cars; or 1200 cars and 458 coaches and 43 minibuses; or combination thereof;
- The location of blue badge parking spaces, the number of spaces within each area and the route between the parking spaces and the Stadium including any management measures to assist disabled visitors;
- The means by which the relevant authorities and bodies will be notified which scenario will be implemented for each event;

On Stadium Event Days, the identified number of spaces within the areas designated for stadium car, coach and/or mini-bus parking for the selected scenario pursuant to the Stadium Event Parking Management Plan shall only be used for the purpose of stadium car, coach and/or mini-bus parking.

Reason: In the interest of highway flow and safety, disabled access, access and egress associated with Stadium Events and the regeneration of the area.

- 23 Prior to the commencement of works on the superstructure of the school, details of the arrangements for the parking of vehicles for the proposed school within the "Red" multi-storey car park 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: In the interest of highway flow and safety.

- 24 Prior to the commencement of works of on the superstructure of the new school on Plot YH1 (York House car park), a scheme of improvement works to the Royal Route footways between Wembley Hill Road and the pedestrian entrance to the Red Car Park shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to first occupation of the school.

Reason: In the interest of highway flow and pedestrian safety.

- 25 Notwithstanding the details provided within Parameter Plan 11 (Drawing A-00-0011 Rev D), further details of the cycle routes accompany all applications for Reserved Matters for parts of the development which include areas within which “primary pedestrian/cycle routes” are located within this parameter plan, detailing the width and nature of cycle routes, surface treatments, signage and how the cycle routes are proposed to be marked out.

Reason: In the interest of sustainable transportation, non-car modes of access and the provision of cycling infrastructure together with the character and recreational value of the park.

- 26 Prior to first occupation of the relevant part of the development, a Delivery and Servicing Plan (DSP) based on the Framework DSP, and which shall also:
- Restrict the maximum length of servicing vehicles using on site access routes other than Harbutt Road, Olympic Way and West Olympic Way to 12 m; and
  - Restrict the hours of on-street servicing to 0630 to 1000 hours and 2000 to 2200 hours Monday to Saturday and 0800 to 1100 hours on Sundays
- shall be submitted to and approved in writing by the Local Planning Authority and the approved DSP shall be implemented for the life of the development.

Reason: In the interest of highway and pedestrian flow and safety.

- 27 Prior to the commencement of works on the relevant part of the development, a Construction Logistics Plan (CLP) based on the Framework CLP shall be submitted to and approved in writing by the Local Planning Authority and the approved CLP shall be implemented for the duration of demolition and construction.

Reason: In the interest of highway and pedestrian flow and safety.

- 28 A site management plan, detailing the maintenance and cleaning regime for the public and communal external spaces within the development, shall be submitted to and approved in writing prior to first use of the public or communal spaces within the development and the approved plan shall be implemented for the life of this development.

Reason: To ensure a good quality of environment is provided.

- 29 Applications for the approval of Reserved Matters for part of the development that include residential floorspace (within Use Class C3) shall be accompanied by details of the provision of play and recreational space and any associated equipment within the communal parts the relevant part of the development that are required to meet the minimum standards for play space as set out within Wembley AAP Policy WEM 38. The approved play and recreational space and any associated equipment situated within the relevant part of the development site shall be implemented in full prior to first occupation of the relevant part of the development. The playspace shall thereafter be retained and maintained in accordance with the manufacturers specifications.

Reason: To ensure that a good quality of accommodation is provided for future residents.

- 30 A minimum of
- 10 % of hotel rooms;
  - 5 % of student accommodation rooms;
  - 10 % of Affordable Rented residential units;
- shall be provided as wheelchair accessible accommodation whilst 10 % of all private and intermediate residential units and 5 % of student accommodation rooms (in addition to the 5 % of student accommodation rooms referred to above) shall be “easily adaptable” for residents who are wheelchair users. Reserved matters applications that include such accommodation shall demonstrate that these minimum targets for accessible and easily adaptable rooms and units will be achieved.

Reason: To ensure that the development is suitably accessible.

- 31 Details of any proposed counter-terrorism measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the MET Police prior to the commencement of works on the superstructure on the relevant part of the development and the approved details shall be implemented in full prior to completion of the relevant part of the

development hereby approved.

Reason: To ensure that the development accords with Policy 7.13 of the London Plan.

- 32 Any plant shall be installed, together with any associated ancillary equipment, so as to minimise the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. Prior to the installation of plant, an assessment of the expected noise levels of any plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in material compliance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and shall include any mitigation measures necessary to achieve the above required noise levels. The plant shall thereafter be installed and maintained in accordance with the approved details.

**Reason:** To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Brent Policy EP2.

- 33 A scheme of sound insulation measures to address potential noise transfer between commercial uses and residential uses within the building shall be submitted to and approved in writing by the Local Authority prior to the commencement of works on the superstructure of buildings that include both commercial and residential uses. The approved measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels in the interest of the amenities of sensitive uses, and in accordance with Brent Policy EP2.

- 34 Prior to the commencement of construction works to the superstructure on the relevant part of the development, details shall be submitted to and approved in writing by the local planning authority demonstrating that residential units, rooms of student accommodation, and hotel rooms (unless the relevant part does not include such uses) will be constructed so as to provide sound insulation against externally generated noise such that:
- For facades identified as being affected by stadium and/or rail noise, the resultant internal noise levels between the hours of 11.00pm and 7.00 am shall not exceed 33 dB LAeq, 15 min and 38 LAeq, 15 min from 7.00am to 11.00pm;
  - For all other facades the resultant internal noise levels between the hours of 11.00pm and 7.00 am shall not exceed 30 dB LAeq, 8hr and 35 LAeq, 16 hr from 7.00am to 11.00pm;
- These criteria apply with windows shut and with an appropriate ventilation system installed. Any mechanical ventilation system shall not give rise to a noise level greater than the above internal noise standards or a sound level in any 1/3 octave band in the range 50Hz to 8kHz that is more than 5 dB above immediate adjacent 1/3 octave bands.
- The development shall be constructed in accordance with the approved details and any noise mitigation measures shall be retained for the life of the development.

Reason: To safeguard the amenities of residents and other occupiers.

- 35 Prior to the commencement of works on the superstructure of any relevant part of the development that within which an educational establishment is proposed, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that sound insulation against externally generated noise has been incorporated such that the resultant internal noise levels during the hours of operation of the school are in compliance with recommended levels within BB93 acoustic design of schools unless otherwise agreed in writing by the Local Planning Authority. The relevant part of the development shall be constructed in accordance with the approved details.

**Reason:** To safeguard the amenities of users of the educational establishment(s).

- 36 Details demonstrating that the relevant part of the development will be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz), as set out below, are not exceeded in relation to residential development (Use Class C3) or Student Accommodation (Sui Generis) shall be submitted to and approved in writing prior to the commencement of works on the superstructure of the relevant part of the development and the relevant part of the development shall be carried out in

accordance with the approve details.

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

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

- 37 Prior to the commencement of the relevant part of the development, a Construction Method Statement (CMS) shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works. The CMS shall confirm that:
- The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise from the site;
  - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
  - Vehicular access to adjoining and opposite premises shall not be impeded;
  - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
  - A barrier shall be constructed around the site, to be erected prior to demolition;
  - A suitable and sufficient means of suppressing dust must be provided and maintained.
  - A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.

The approved plan, or a revised plan as subsequently approved pursuant to this condition, shall be fully implemented throughout the demolition and construction of the proposed development.

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

- 38 An Air Quality Neutral Assessment that is in accordance with relevant guidance published by the Greater London Authority (GLA), and which includes mitigation measures should the development be found to not be air quality neutral, shall be submitted to and approved and writing by the Local Planning Authority prior to the commencement of works to the superstructure on the relevant part of the development. The approved assessment shall be carried out in full in relation to the relevant part of the development.

Reason: To protect local air quality, in accordance with Brent Policy EP3

- 39 Prior to the installation of the Combined Heat and Power (CHP) unit, details demonstrating the emissions standards of the CHP unit, which shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment, shall be submitted to and approved in writing by the Local Planning Authority and the unit shall be installed in full accordance with the approved details and the unit shall be maintained thereafter in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- 40 Prior to the commencement of the use of the CHP unit (other than use required to undertake testing of the unit), details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4.

- 41 Prior to the installation of any boilers within the development (other than the CHP unit), details of the boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NO<sub>x</sub>) do not exceed 40 mg/kWh shall be submitted to and approved in writing by the Local Planning

Authority. The approved details shall be implemented in full and the boilers shall be maintained in accordance with the manufacturers specifications.

Reason: To protect local air quality, in accordance with Brent Policy EP3

- 42 The relevant part of the development hereby approved shall not commence unless a site investigation is carried out and remediation strategy is prepared by an appropriate person to determine the nature and extent of any contamination present. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority prior to the commencement of works, 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. 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;

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

- 43 Prior to first occupation of, or the commencement of the use within the relevant part of the development hereby approved unless a verification report, written by a suitably qualified person, has been submitted to and approved in writing by to the Local Planning Authority stating that remediation has been carried out in accordance with the remediation scheme approved pursuant to condition **42** and the site is safe for end use.

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

- 44 Details of the extract ventilation system and odour control equipment for any commercial kitchens, including all details of external ducting, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. The approved equipment shall be installed prior to the commencement of the relevant use and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of existing and future residential occupiers.

- 45 Prior to the commencement of works on the superstructure on the relevant part of the development, a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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 - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

- 46 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 47 Prior to the commencement of works on the superstructure on the relevant part of the

development, a detailed surface water drainage scheme for the site, based on the 'Wembley Park Masterplan Flood Risk Assessment' reference 033770 Revision 03 dated 30 November 2015 produced by Burohappold Engineering shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Flood Risk Assessment. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 48 Applications for the approval of Reserved Matters relating to plots that include residential floorspace (Use Class C3) shall demonstrate how the following design standards are met for the residential development to ensure that a good standard of residential accommodation is provided (unless details are submitted to and approved in writing demonstrating that a good standard of residential accommodation will be achieved despite not fully complying with the below standards having regard to relevant planning policy and guidance at the time of submission in relation to this condition):
- No more than 8 units provided per core per floor;
  - Floor to ceiling height at a minimum of 2.5 m;
  - No studio units shall have a sole aspect;
  - All habitable have adequate ventilation, privacy and daylight;

Reason: To ensure a satisfactory standard of residential accommodation.

- 49 Prior to the commencement of works on the relevant part of the development hereby approved, details of an indicative phasing plan, including projections for the commencement and completion, as they relate to that part of the development shall be submitted to the Local Planning Authority, either within the Reserved Matters applications (if specifically referenced within that submission) or under separate cover.

Reason: to allow the local planning authority to understand the projected phasing of the development and to define the extent of a CIL phase for the purposes of the CIL Regulations 2010 as amended.

- 50 In relation to Plot W06 only, details of communal facilities to be provided for residents of the residential units within Plot W06 hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential units within Plot W06. Such details shall include the location, type and size of communal facility, hours of access and details of access arrangements including hours of access, which residents will be able to access those facilities and any other restrictions associated with access to the facilities. The facilities shall be provided prior to the first occupation of units or in accordance with a programme of delivery that has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained and made available for the residents of the development as set out in the details approved pursuant to this condition.

Reason: To ensure a satisfactory standard of accommodation for future residents having regard to the Mayor's Housing Supplementary Planning Guidance and the development specification hereby approved.

## INFORMATIVES

- 1 Environmental Health advise that, given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 2 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.



- 3 Thames Water advise that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 4 Thames Water advise that they would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 5 Thames Water advise that a Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
- 6 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 watercourses.
- 7 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and 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.
- 8 This is a phased development for the purposes of the CIL Regulations (2010 as amended). A phase can comprise: site preparation and demolition works, sub-structures, and/or buildings, plots or groups of plots. The extent of the CIL phase will be defined on the relevant phasing plan.
- 9 Superstructure is defined the part of a building or structure above its foundations.
- 10 The applicant is reminded that, should a reserved matters application be submitted which includes plots which could be used for B1 uses, it is likely that a condition would be attached to control future uses, by removing permitted development rights to change to other class E uses, in the interests of proper planning and to ensure the adequate provision of employment floorspace and industrial capacity within the Borough.

- 11 For the avoidance of doubt, the Supporting Documents for this application that are not listed within condition 4 of this consent are:

WBL-HTL-NEL-SK161 Wembley NEL Masterplan Planning Parameters Plot Massing Heights, dated 29.01,21  
Illustrative Layout of the Northern and Southern Park with key dimensions, prepared by Haworth Tompkins

Any person wishing to inspect the above papers should contact Hilary Seaton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1427