

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

24 November, 2021  
03  
21/2989

## SITE INFORMATION

RECEIVED	2 August, 2021
WARD	Tokyngton
PLANNING AREA	Brent Connects Wembley
LOCATION	Euro House, Fulton Road, Wembley, HA9 0TF
PROPOSAL	<p>Demolition and redevelopment of the site to provide erection of five buildings ranging from ground plus 14 to 23 storeys; comprising up to 759 residential units, retail floorspace and workspace / storage floorspace, private and communal amenity space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works</p> <p>APPLICATION SUBJECT TO AN ENVIRONMENTAL STATEMENT</p>
PLAN NO'S	Refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156417">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156417</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "21/2989" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
  - A. Any direction by the London Mayor pursuant to the Mayor of London Order
  - B. Any direction by the Secretary of State pursuant to the Consultation Direction
  - C. The prior completion of a legal agreement to secure the following planning obligations:
    - (a) Payment of legal, planning negotiation and planning monitoring costs associated with preparing and monitoring the Section 106 agreement
    - (b) Notification of commencement 28 days prior to material start
    - (c) Provision of 218 affordable housing units, comprised of:
      - 80 units for affordable rent (at London Affordable Rent levels, in accordance with the Mayor of London's Affordable Housing Programme 2016-2021 Funding Guidance (dated November 2016) and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights on first lets and 75% nomination rights on subsequent lets for the Council)
      - 62 units for affordable rent (at no more than 65% of open market rents, inclusive of service charges, and capped at Local Housing Allowance rates), disposed on a freehold / minimum 125 year leasehold to a Registered Provider and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights for the Council on initial lets and 75% nomination rights for the Council on subsequent lets)
      - 76 units for Shared Ownership (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that target a gross household income of up to £90,000 per annum, where net annual household income should not exceed 70% of gross income, and where total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider
      - In the event that the development does not commence within 24 months, an appropriate early stage review mechanism against the agreed base appraisal, assessing actual residential sales values, to secure an on-site provision of affordable housing that complies more closely with Brent's policy target affordable housing tenure split, with any additional surplus providing additional on-site affordable housing, as per an agreed formula to capture uplift in value (as demonstrated achievable through financial viability assessments).
      - In the event that construction on all 5 blocks does not commence within 25 months of commencement of the development, an appropriate middle stage review mechanism against the agreed base appraisal, assessing actual residential sales values, to secure an on-site provision of affordable housing that complies more closely with Brent's policy target affordable housing tenure split, with any additional surplus providing additional on-site affordable housing, as per an agreed formula to capture uplift in value (as demonstrated achievable through financial viability assessments).
      - An appropriate late stage review mechanism against the agreed base appraisal, assessing actual residential sales values, and securing any additional deferred affordable housing obligations as per an agreed formula to capture uplift in value (as demonstrated through financial viability assessments) within a commuted sum to be paid to the Council towards the provision and enablement of off-site affordable housing.
    - (d) Employment and Training obligations, comprised of:
      - The submission of an 'Employment and Training Plan' (a document setting out how the obligations in section 106 agreement will be met and which includes information about the provision of training, skills and employment initiatives for Local Residents relating to the construction and operational phase of the development) to the Council for its approval prior to the material start of the development;
      - a commitment to meet with Brent Works (the Council's job brokerage agency dedicated to assisting unemployed Residents into sustainable employment), or such relevant equivalent successor body (working with local partners including local colleges, the Job Centre Plus and third sector welfare providers to reduce current levels of unemployment within the borough) to identify the anticipated employment and training opportunities arising during the construction phase;
      - a commitment to deliver the employment targets set out in the attached document;
      - a commitment to attend regular progress meetings with the Council to review progress of the

initiatives;

- specific commitments in respect to employment opportunities in relation to operational phases;
- where it is not possible to achieve employment targets in line with the approved Employment and Training Plan, a commitment to pay the financial contributions which are calculated as follows:
- Shortfall against target numbers of jobs lasting a minimum of 26 weeks for an unemployed Local Resident x £4,400 (the average cost of supporting an unemployed Local Resident into sustained employment)
- Shortfall against target number of apprenticeship starts x £5,000 (approx. cost of creating and supporting a Local Resident to complete a typical construction level 2 Apprenticeship elsewhere in the borough)

(e) S38/S278 highway works under the Highways act 1980 to provide:

- Construction of a footway loading bay within the eastern footway of Fulton Road fronting the site measuring 18m x 3.5m with the construction and adoption of a 2m wide footway to the rear;
- Widening of the public highway in the southwestern corner of the site to increase the width of the footway by up to 1.5m at the junction of Fifth Way and Fulton Road;
- Construction of speed tables across the bellmouth of Fulton Road and across Fulton Road adjacent to the northwestern corner of the site together with the installation of tactile paving;
- Construction of three speed cushions within Fifth Way and within First Way to either side of the junction with Fulton Road;
- Construction of a new site access junction from Fifth Way at the eastern end of the site with kerb radii not exceeding 6m and with tactile paving, incorporating the recommendations from the submitted Stage 1 Road Safety Audit, including enhanced signing to ensure that drivers do not mistake the road through the site for a two-way road and a reduction to the kerb radius of the junction on its western side to no more than 6 metres
- Removal of the existing vehicular access to the site from Fulton Road and reinstatement to footway with full height kerbs;
- Resurfacing of the footways of Fifth Way and Fulton Road adjoining the site;

(f) Designation of a new pedestrian and cycle route alongside the Wealdstone Brook as a permissive path for the use of the general public

(g) Parking permit restriction to be applied to all new residential units

(h) Enhanced travel plan to be submitted, implemented and monitored including:

- A commitment to fund subsidised membership of the Car Club for three years for all new residents
- The provision of a car club vehicle on or close to the site from the first occupation until at least 3 years after final occupation of development

(i) Financial contribution towards improving local bus capacity, paid to TfL (£408,167)

(j) Financial contribution towards a year-round local Controlled Parking Zone (£50,000)

(k) Financial contribution towards the provision of a bus shelter along Fifth Way, paid to TfL (£TBC)

(l) Commitment to net zero carbon with a minimum of 35% carbon reduction on site for both residential and commercial, with any shortfall to be secured via a financial contribution towards carbon offsetting.

(m) Commitment to 'Be Seen' monitoring in respect of carbon emissions

(n) Detailed submission of Television and Radio Reception Impact and underwriting of all mitigation required in addressing any interference

(o) Indexation of contributions in line with inflation

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

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

## *Compliance*

1. Time Limit for commencement (3 years)
2. Approved drawings/documents
3. Number of residential units secured
4. Non-residential use classes restriction (2,704sqm @ E(g)(ii), E(g)(iii) & B8 / 391sqm @ E(a), E(b) & E(c))
5. Wheelchair Accessible Units to be secured
6. A communal satellite/aerial to be provided so as to prevent multiple satellite dishes
7. Removal of C4 permitted development rights for the flats
8. Water consumption to be limited in line with policy
9. Non-road Mobile Machinery to be restricted
10. Blue badge parking spaces, cycle stores, visitor cycle stands and bin stores laid out prior to occupation
11. Cycle stores and refuse stores to be laid out prior to occupation of each phase
12. Obscure glazing for certain windows to be secured
13. Electric Vehicle Charging Points to be secured
14. Drawing showing future connection to District Heating Network to be secured
15. Tree protection measures to be secured
16. Flood Risk Assessment and Drainage strategy measures to be secured
17. Ecological mitigation measures to be secured
18. Noise and Vibration impact assessment mitigation measures to be secured
19. Car park management plan to be secured

## *Submission (Pre-commencement)*

20. Phasing plan and CIL chargeable development phasing plan to be submitted
21. Archaeological recording details to be submitted
22. Construction Environmental Method statement to be submitted
23. Construction Ecological Management Plan to be submitted
24. Revised construction logistics plan to be submitted

## *Submission (Post-commencement)*

25. Land contamination and remediation report to be submitted
26. Piling method statement to be submitted
27. Detailed designs of treatments to the doors and vents to the bin stores serving clock E to be submitted
28. All external materials (including samples) to be submitted
29. Management plan for the 'Goods Yard' space to be submitted, outlining measures to ensure no conflict between vehicle servicing and use of the space for public gathering
30. Safety and security measures to ensure an inviting, safe and secure route alongside the brook after hours to be submitted
31. Plan showing microclimate mitigation measures to be submitted, including details of specific communal roof terraces screening

32. Public Safety measures as recommended by the Metropolitan Police to be submitted
33. Full details of landscaping strategy (including green roofs, play spaces, biodiversity enhancements and tree species)
34. Waste management plan or revised plans of bin stores serving blocks A, B and C to achieve suitable circulation space to be submitted
35. Lighting plan, including luminance levels and ecological sensitivity measures, to be submitted

*Submission (Pre-occupation)*

36. Confirmation of final extent of roof plant
37. Delivery and Servicing Management and associated long term maintenance plan to be submitted
38. Plant noise levels to be submitted before installation

*Submission (Post-occupation)*

39. Confirmation via BREEAM Post-Assessment that 'Excellent' rating is secured for non-residential parts of the scheme.

Informatives

1.      CIL liability
2. Party wall information
3. Building near boundary information
4. Affinity Water guidance note
5. Environment Agency guidance note
6. Thames Water guidance note
7. London Living Wage
8. Fire safety advisory note
9. Any other informative(s) considered necessary by the Head of Planning

3. 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

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

**SITE MAP**

	<p><b>Planning Committee Map</b></p>
	<p>Site address: Euro House, Fulton Road, Wembley, HA9 0TF</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>



## PROPOSAL IN DETAIL

The application proposes the mixed use re-development of the site, demolishing the existing two-storey industrial building and replacing it with five new blocks (A-E), ranging from 12 storeys to 24 storeys in height. The five blocks would be physically connected by a podium level which would create a continuous frontage around the edges of the site. Two of the blocks (C & D) would be connected at upper floor levels and would appear as a single building on the skyline, whilst the other three blocks (A, B & E) are connected through the podium layer only and would appear as three separate buildings on the skyline.

A breakdown of existing and proposed floorspace (GIA) across the scheme is provided in the table below:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Residential (Class C3)	0	59,153	+59,153
Storage and Distribution (B8)	5,396	0	-5,396
Retail / Café / Restaurant / Financial and Professional Services (E(a)-(c))	0	391	+391
Workspace / Light Industrial / Storage (E(g)(ii) / E(g)(iii) / B8)	0	2,704	+2,704
Parking and Plant	0	3,856	+3,856
<b>Total</b>	<b>5,396</b>	<b>67,238</b>	<b>+61,842</b>

By comparison, the previously approved scheme at the site (20/2033) proposed the following uses:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Residential (Class C3)	0	47,912	+47,912
Storage/ distribution (Class B8)	5,396	0	-5,396
Light industrial floorspace (Class E(g)(iii))	0	2,787	+2,787
Retail (Class E(a))	0	98	+98
<b>Total</b>	<b>5,396</b>	<b>50,797</b>	<b>+45,401</b>

A total of 759 residential flats would be provided within all five blocks, with a proposed mix of 134 x studio, 242 x 1-bed, 305 x 2-bed and 78 x 3-bed units. 218 affordable homes would be made available within the scheme, with 80 of those being at a London Affordable rent, and all of these being located within Block E. A further 62 units would be provided at Affordable rents (with rents capped at 65% of the market rent and at Local Housing Allowance rates), also located within Block E. The remaining 76 units would be provided as Shared Ownership homes, located across Blocks D and E. All dwellings would meet internal space standards as set out in policy D6 of the London Plan, and would have access to both private and communal amenity space. The homes to be delivered are summarised in the table below.

	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	134	134 (17.7%)
1-bed	15	13	31	182	241 (31.7%)
2-bed	37	24	45	199	305 (40.2%)
3-bed	28	25	0	26	79 (10.4%)
<b>TOTAL</b>	<b>80 (10.5%)</b>	<b>62 (8.2%)</b>	<b>76 (10.0%)</b>	<b>541 (71.3%)</b>	<b>759 (100%)</b>
<b>29% Affordable</b>	<b>(36.7% of Aff)</b>	<b>(28.4% of Aff)</b>	<b>(34.9% of Aff)</b>		

<b>Total no. of affordable units: 218</b>
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*\* Affordable rents secured with a cap at the lower of (a) 65% of the open market rent and (b) the Local Housing Allowance. This is significantly more affordable than the base definition of the product, which caps rents at up to 80% of the open market rent.*

A total of 2,704sqm of replacement light industrial floorspace (Class E(g)(ii)(iii) and B8), in the form of industrial workspaces, would be provided across two large units, a smaller unit at the base of blocks B and D, and a larger unit at the base of blocks C and E. The remaining commercial floorspace comprises 391sqm of retail units mainly consolidated at the base of block A, on the corner of the new route alongside the Wealdstone Brook and Fulton Road.

The proposals would also involve the provision of cycle and refuse parking, with improved public realm and the enhancement of linkages to Wealdstone Brook to the north of the site. The scheme would involve the creation of a new landscaped podiums between Blocks A, B, C and D, and another between blocks C, D and E, with further communal terraces for residents' use created at the roof level of all the blocks. A total of 25 parking spaces are proposed at ground floor level, exclusively as Blue Badge parking spaces for residential occupiers, predominantly underneath the landscaped podium and accessible from an internal one way service road to be created along the eastern edge of the site.

### **Amendments since submission**

Minor revisions were received in October and November 2021 in response to comments raised by Council officers and the GLA. The revisions were considered minor in nature and not requiring any further public re-consultation. A summary of the revisions are outlined below:

- The addition of a PV array to the roof of the development and the demonstration of a resultant improvement in carbon savings
- Minor alterations to some units (B-0204; E-0211; B-0304 to 1104; and E-0307 to 1107) to achieve better light and outlook to kitchens
- Obscure glazing to some windows between the 2nd and 14th floors of blocks A and B to ensure suitably private relationships between homes

### **EXISTING**

The application site measures approximately 1.29ha site and is located in the Wembley Growth Area, forming part of site allocation W27: Euro Car Parts within the Wembley Area Action Plan (Site allocation BCSA4: Fifth Way/ Euro Car Parts in the emerging Local Plan). It has a roughly rectangular shape and is bound to the north by Wealdstone Brook, to the south by Fifth Way, to the west by Fulton Way, and to the east by adjoining industrial land comprising yard space, car parking and a warehouse. The Site connects to Fourth Way through this industrial land to the east.

The site currently contains a large two-storey, detached warehouse building of approximately 5,396 sqm (GIA), which is in lawful use as Class B8. The building occupies a prominent corner location at the junction of First Way, Fifth Way and Fulton Road in the south and west of the Site. Immediately to the north of the building is a car parking area and in the east of the Site there is a loading/unloading yard, which are ancillary to the warehouse.

Wealdstone Brook forms the site's northern boundary, and is a Grade II designated Site of Importance for Nature Conservation (SINC). There is a level change along Fifth Way to the south roughly equivalent to one storey in height. This results in a circa 2-3m high retaining wall along the southern boundary of the Site. This comprises a narrow, grassed bank which then levels and wraps around the building's western boundary on to Fulton Way.

### **SUMMARY OF KEY ISSUES**

The key planning issues for Members to consider are set out below. Whilst no objections have been received, a number of consultees have commented on the proposal and such matters are discussed within the remarks section. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

**Consultation:** 307 properties were consulted on the proposal. In response, one letter of support was received. A number of consultees also responded, which are addressed within the main remarks section of the report.

**Principle of mixed-use redevelopment of the site:** The re-development of the site accords with its designation within the Wembley Growth Area and both currently adopted and emerging site allocations within the Local Plan. The scheme includes the provision of 759 new homes and the re-provision of 2,704sqm of industrial floorspace, while representing a reduction in employment floorspace on site, is considered acceptable given the site is a non-designated industrial site, rather than being a designated LSIS or SIL, and the high number of good quality and affordable homes being provided on site.

**Affordable Housing and housing mix:** The scheme would provide a total of 218 affordable units (29 % by units and 35% by Habitable room), of which 80 would be low-cost homes provided at a London Affordable Rent. Although this is below both Brent and London Plan threshold targets, it has been demonstrated by a financial viability appraisal to exceed the maximum amount of affordable housing which can viably be provided on site, and therefore is policy compliant. The proposal includes 10.4% of three bedroom units which is below the target of 25% as set out in CP2 and emerging policy BH6. However, this is considered acceptable when weighing the benefit associated with the provision of Affordable homes, given the negative effect on scheme viability associated with the provision of higher proportions of family sized homes.

**Design, layout and height:** The proposed buildings would range from 12 to 24 storeys high, which is considered to be in keeping with the heights of buildings in the surrounding Wembley Park Masterplan area, while ensuring that strategic views of the Wembley Stadium Arch would be preserved. The building utilises good architecture with quality detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development. The proposals would also contribute to the wider enhancement and improved linkages of this part of the Wealdstone Brook, which is a significant benefit of the scheme.

**Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light. The amount of external private/communal space is below standards, but would include high quality external communal terraces which would significantly improve the enjoyment of the site for future occupiers. This is considered acceptable for a high density scheme.

**Neighbouring amenity:** There would be a loss of light to some windows of surrounding buildings, which is a function of a development on this scale. The impact is considered to be acceptable given the urban context of the site. The overall impact of the development is considered acceptable, particularly in view of the wider regenerative benefits of the scheme and the Council's strategic objectives.

**Highways and transportation:** The alterations to the public highway as required in the S106 would be acceptable, considering the needs of pedestrians, cyclists and motorists. The highway works will include: (i) construction of a footway loading bay within the eastern footway of Fulton Road fronting the site measuring 18m x 3.5m with the construction and adoption of a 2m wide footway to the rear; (ii) Widening of the public highway in the southwestern corner of the site to increase the width of the footway by up to 1.5m at the junction of Fifth Way and Fulton Road; (iii) Construction of speed tables across the bellmouth of Fulton Road and across Fulton Road adjacent to the northwestern corner of the site together with the installation of tactile paving; (iv) Construction of three speed cushions within Fifth Way and within First Way to either side of the junction with Fulton Road; (v) Construction of a new site access junction from Fifth Way at the eastern end of the site with kerb radii not exceeding 6m and with tactile paving, incorporating the recommendations from the submitted Stage 1 Road Safety Audit, including enhanced signing to ensure that drivers do not mistake the road through the site for a two-way road and a reduction to the kerb radius of the junction on its western side to no more than 6 metres; (vi) Removal of the existing vehicular access to the site from Fulton Road and reinstatement to footway with full height kerbs; (vii) Resurfacing of the footways of Fifth Way and Fulton Road adjoining the site. A financial contribution of £50,000 will be secured to enable the Council towards extending CPZ's into the area is proposed with the removal of rights for residents within the development to apply for parking permits. To encourage sustainable travel patterns, the scheme will be 'car-free' with the exception of blue badge parking spaces. A financial contribution (£408,167) for bus service enhancements in the area, as required by TfL, will also be secured together with a financial contribution towards the provision of a bus shelter along Fifth Way.

**Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, and subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and

dust from construction, and noise disturbance to future residential occupiers.

## MONITORING

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

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Dwelling houses				63009	63009
Either B1, B2 and / or B8				2704	2704
Shops				391	391
Storage and distribution	5396		5396		

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Affordable Rent Flat )										
EXISTING ( Flats û Intermediate )										
EXISTING ( Flats û Market )										
PROPOSED ( Affordable Rent Flat )	28	61	53							
PROPOSED ( Flats û Intermediate )	31	45	0							
PROPOSED ( Flats û Market )	316	199	26							

## RELEVANT SITE HISTORY

Planning permission was initially granted in June 1985 for the erection of an industrial unit with ancillary offices and provision of parking, currently in place on the site (ref. 85/0575). Planning permission was then granted in May 1992 for the change of use of the building from general industry (B2) to general industry (B2) and storage and distribution (B8), remaining as the lawful use of the property as it currently stands.

In December 2020, the Planning Committee resolved to grant planning permission for the demolition of the industrial unit and the site's redevelopment to provide new buildings ranging between 11 and 21 storeys with basement levels; all for a mix of uses comprising 493 residential units, retail (Use Class A1) and industrial floorspace (Use Class B1(c); provision of private and communal space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works (ref: 20/2033).

The subject planning application (received July 2021) seeks permission for an alternative redevelopment of the site, with a greater number of residential units and additional commercial floorspace compared with the scheme which received a resolution to grant consent by the Planning Committee in 2020.

## CONSULTATIONS

### Public Consultation

A total of 307 addresses were consulted on the application by letter on 17/08/2021.

A Press Notice was published on 19/08/2021.

Site Notices were displayed on 18/10/2021

One letter of support was received on the following grounds:

- the site is in an area where regeneration should be prioritised
- the proposal commits to sustainable design

No further representations were received.

## **Statutory/ External Consultees**

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

The GLA/TfL have commented on a number of strategic issues raised by the scheme, which are summarised as follows:

*Principle of development:* Redevelopment of this brownfield site in the Wembley Opportunity Area to provide residential and intensified industrial uses is acceptable in accordance with London Plan Policies SD1, H1, E2, E4, and E7.

*Housing and Affordable Housing:* The 35% affordable housing offer would not meet the 50% threshold and would therefore need to be considered under the Viability Tested Route. Accordingly, viability information will be scrutinised by GLA officers to ensure the maximum reasonable is provided. The agreed affordable housing provision should be secured in the s106 along with Early and Late Stage Reviews.

*Urban design and Heritage:* The proposal shows signs of over development. The applicant should also confirm design measures proposed to ensure that the residential units would enjoy high levels of residential amenity without compromising industrial functions on site and in the vicinity in line with Policy D13. The proposal would result in no harm and less than substantial harm to heritage assets.

*Transport:* A contribution of £408,167 towards bus service improvements and a separate contribution towards the provision of a bus shelter in Fifth Way are required. Highway improvements should be secured through a Section 278 agreement. Future residents must be prevented from obtaining CPZ permits through the S106 agreement. A Parking Management Plan, EVCPs, Travel Plan, DSP and CLP should all be secured.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

### **Affinity Water**

No objections. Guidance offered to applicant to be communicated by way of informative.

### **Environment Agency**

No objections subject to informative requiring the applicant to obtain a flood risk activity permit if/ where necessary.

### **Health and Safety Executive**

No objections but comments made in relation to mechanical smoke ventilator system, fire main inlets, fire assembly points and fire hydrants.

### **Historic England**

Raised no objections and did not wish to comment.

### **Thames Water**

No objection subject to a condition requiring a piling method statement to be submitted given the location of the development within 15 metres of a strategic sewer, and informatives relating to measures undertaken to minimise groundwater discharges into the public sewer.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

## **Internal consultation**

### **Environmental Health**

Environmental health supports the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact, and contaminated land.

### **Energy and Sustainability**

Considered that the energy strategy is broadly in line with the latest guidance within the London Plan. Some further points of clarification sought which will be addressed as part of a Stage 2 referral alongside the GLA's concerns.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

### **Statement of Community Involvement**

A Statement of Community Involvement has been submitted with the application, setting out the public consultation and level of engagement undertaken before submission of the proposals, as required through the Localism Act (2011).

The application was publicised by the delivery of 6,490 leaflets to residents and businesses in the local vicinity, as well as personalised letters being sent to Ward councillors, and other key local community stakeholder groups. A dedicated e-mail address and phone line were established to supply further information to interested parties. All of the stakeholders were invited to attend one of three public virtual presentation and Q&A / webinar of the scheme. The webinars took place through online video conferencing software Zoom on the 12<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> May 2021.

A total of 22 local stakeholders attended the webinars, whilst 57 feedback responses were received from the consultation process overall. The key themes that emerged from the feedback included:

- Need for new affordable housing in Wembley
- Clarity over scale and height of proposals
- Delivery of employment opportunities through new ground floor uses
- Need for the environmental and ecological improvement of the Wealdstone Brook
- The importance of an environmentally sustainable design

Feedback received was generally positive as follows:

- 64% of respondents fully supported the proposals, 10% somewhat supported the proposals, 3% had no strong feelings, 10% did not fully support the proposals whilst 13% were fully against supporting the proposals
- 64% of respondents supported the homes and affordable homes proposed, 20% were unsure and 20% did not support this;
- 72% supported the design of the development, 14% were unsure and 14% did not support the design
- 69% supported new retail and employment generating uses, 12% were unsure whilst 19% were against this
- 83% of respondents supported the creation of the new public route alongside the Wealdstone Brook, 11% were unsure and 6% were against this
- When asked where one would like local infrastructure spending prioritised, the most popular answers were as follows (in descending order): Healthcare infrastructure, public transport infrastructure, education funding, public realm improvements, ecological improvements.

These consultation events are considered appropriate to the scale of the development and reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement. The lack of a physical exhibition is understood and accepted given the ongoing covid-19 restrictions that have been in place nationally until relatively recently.

## **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 2021, Brent Core Strategy 2010, Brent Development Management Policies 2016 and the Wembley Area Action Plan 2015.

Key policies include:

### **Regional**

#### **London Plan 2021**

SD1: Opportunity Areas  
D3: Optimising site capacity through the design-led approach  
D4: Delivering good design  
D5: Inclusive Design  
D6: Housing quality and standards  
D7: Accessible Housing  
D8: Public realm  
D9: Tall buildings  
D10: Basement development  
D11: Safety, security and resilience to emergency  
D12: Fire safety  
D13: Agent of Change  
E4: Land for industry, logistics and services to support London's economic function  
E7: Industrial intensification, co-location and substitution  
H1: Increasing housing supply  
H4: Delivering affordable housing  
H5: Threshold approach to applications  
H6: Affordable housing tenure  
H7: Monitoring of affordable housing  
HC1: Heritage conservation and growth  
HC3: Strategic and Local Views  
G1: Green infrastructure  
G4: Open space  
G5: Urban greening  
G6: Biodiversity and access to nature  
S4: Play and informal recreation  
SI1: Improving air quality  
SI2: Minimising greenhouse gas emissions  
SI3: Energy infrastructure  
SI4: Managing heat risk  
SI5: Water infrastructure  
SI7: Reducing waste and supporting the circular economy.  
SI13: Sustainable drainage  
T1: Strategic approach to transport  
T2: Healthy Streets  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T6: Car Parking  
T6.1 Residential parking  
T7: Deliveries, servicing and construction  
T9: Funding transport infrastructure through planning

## **Local**

### **Brent Core Strategy (2010)**

CP 1 - Spatial Development Strategy  
CP 2 - Population and Housing Growth  
CP 7 - Wembley Growth Area  
CP 19 - Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP 21 - A Balanced Housing Stock

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

DMP 1 - General Development Management Policy  
DMP 7 - Brent's Heritage Assets  
DMP 8 - Open Space  
DMP 9 - Waterside Development  
DMP 9a - Managing Flood Risk  
DMP 9b - On Site Water Management and Surface Water Attenuation  
DMP 13 - Movement of Goods and Materials  
DMP 14 - Employment Sites  
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 24 – New Retail Development  
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  
WEM 40 – River Brent and Wealdstone Brook  
Site W 27 – Euro Car Parts

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

### **Emerging Policy**

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which took place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

Relevant policies include:

#### **General:**

DMP1 – Development Management General Policy

#### **Place:**

BP1 – Central  
BCGA1 – Wembley Growth Area  
BCSA4 – Fifth Way/ Euro Car Parts

#### **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  
 BE3 – Local Employment Sites and Work-Live

**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  
 BT3 – Freight and Servicing, Provision and Protection of Freight Facilities  
 BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2021)  
 Mayor of London's Affordable Housing and Viability SPG 2017  
 Mayor of London's Housing SPG 2016  
 Mayor's 'Be Seen' energy monitoring guidance (September 2021)  
 SPD1 Brent Design Guide 2018  
 Basement SPD 2017

**DETAILED CONSIDERATIONS**

## Environmental Impact Assessment

1. The application is accompanied by an Environmental Statement (ES). The Council's Scoping Opinion, issued on 28<sup>th</sup> April 2021, reflected consultation with statutory consultees as identified in the EIA Regulations 2018, and identified the following topics for consideration as part of the ES:

Topic	Addressed in report paragraphs
Air Quality	Paras. 255-257
Archaeology/ Built Heritage	Paras. 80-94
Climate Change	Paras. 267-283 (Sustainability and energy section)
Daylight, Sunlight, Overshadowing	Paras. 101-140
Health; Noise and Vibration	Paras. 258-266
Socio-Economics	Para. 319
Townscape and Visual Impact Assessment	Paras. 42-79
Traffic and Transport	Paras. 207-254
Wind Microclimate	Paras. 297

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2. The previous application (20/2033), in addition to the above, identified 'Ecology and Biodiversity' & 'Water Resources, Flood Risk and Drainage' as topics within EIA scope. These topics were not identified as being within EIA scope for this application and have been addressed by the applicants through separate reports outside of the Environmental Statement.

Principle of development

#### Residential-led redevelopment and loss of industrial floorspace

3. Policy GG2 of the London Plan identifies the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent's Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the current London Plan includes a minimum annual monitoring target for Brent at 2,325 additional homes per year until 2029. Emerging local plan policy BH1 reflects this target.
4. Within local policy, Brent Policy CP8 sets out a target of at least 11,500 new homes being delivered in the Wembley Growth Area between 2010 and 2026, however since the Core Strategy was adopted in 2010, this target has been significantly increased to more than 15,000 homes across the same growth area within the emerging Local Plan (policy BP1). Whilst the development meets the requirements of Core Strategy policy CP2 in principle, the need for housing has increased significantly since the adoption of this policy in 2010 and these increasing targets necessitate a greater delivery of homes within Brent than is anticipated in adopted policy.
5. Policy DMP14 (and BE3 in the emerging Local Plan) provides protection for local employment sites (referred to as Non-Designated Industrial Land within the London Plan), setting out specific criteria for their release, and seeks to limit the loss of industrial land to approximately 11.5ha within the plan period. However, this excess capacity was subsequently met and if all consents / proposals were implemented, the resultant loss of industrial land would exceed the policy target before the end of the plan period and any further loss of industrial floorspace would reduce Brent's industrial land supply and would be inconsistent with Policy DMP14.
6. London Plan Policy E7(c) sets out an approach on non-designated industrial sites to support mixed use or residential development where it has been allocated in an adopted local Development Plan Document for residential or mixed use development.
7. The site is part of a specifically allocated site by the Council for mixed use development in both the adopted 2015 Wembley Area Action Plan (Site W27, with an indicative capacity of 360 residential units) and site allocation BCSA4 in the emerging Local Plan (with an increased indicative capacity of 450 residential units). Brent's emerging site specific allocation suggests an appropriate focus for the site being on the delivery of homes and industrial floor space. The site allocation brief states: "*Given the identified need within the borough, the council will seek the maximum viable re-provision of industrial floorspace*".
8. The scheme proposes a total of 759 homes as part of a residential led mixed use scheme. It is acknowledged that the proposal is in excess of the indicative draft site capacity of the whole site allocation (and it is noted that the application site does not include the whole site allocation). However, it should be noted that the site capacities within policies are only indicative and the scheme would deliver a significant number of homes which would make a significant contribution towards identified housing need for both private and affordable homes. The increase in the number of new homes, above the indicative capacity within the allocation is therefore considered to be a benefit of the scheme and supported in principle subject to the consideration of the remainder of the material planning considerations. The London Plan places emphasis on site capacity being optimised through a design-led approach and this is set out in full in policy D3, through a qualitative approach that seeks to confirm suitable development density through the achievement of a proposal that is demonstrably of a high quality and which is well designed.
9. A key priority of the policy context at both local and London levels is to reverse recent trends towards the loss of industrial floorspace across London, and Brent was previously one of a number of boroughs that was expected under the draft new London Plan to provide new industrial capacity. One of the Secretary of State's Directions informing the adopted version of the London Plan was a removal of the requirement

to ensure no net loss of industrial floorspace capacity in so called 'provide capacity' boroughs. This Direction was carried forward into the final version of the London Plan (adopted in March 2021) and the 'no net loss' requirement which formed relevant policy context for the previous application at this site (20/2033) therefore no longer applies. However, a requirement for boroughs to meet their industrial needs remains, which in Brent's case will be to provide additional capacity.

10. The applicants are proposing a total provision of 2,704sqm of employment floor space within the use Classes E(g)(ii)&(iii) (research and development, light industry) and B8 (storage and distribution) in the form of a 1,825sqm flexible workspace across the ground floors of Blocks C and E and an additional 879sqm unit at the ground floor of Block B. An additional 391sqm of commercial floor space would be provided at the ground floor of Block A for retail uses only (E(a) – (c)). The total industrial floor space provision would be 2,704sqm which represents just over 50% of the existing industrial floorspace on the site. This is a very similar but a slightly smaller re-provision compared to that of the previous application, which included 2,787sqm of industrial use space (a 51% re-provision). However, the current scheme proposes more consolidated and highly flexible workspaces which are considered to be a significant improvement on the previous scheme's re-provision and which provide a better relationship to the site frontages. These use classes would be secured by condition.

11. A breakdown of existing and proposed commercial floorspace (GIA) across the scheme is provided in the table below:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Storage and Distribution (B8)	5,396	0	-5,396
Retail / Café / Restaurant / Financial and Professional Services (E(a)-(c))	0	391	+391
Workspace / Light Industrial / Storage (E(g)(ii) / E(g)(iii) / B8)		2,704	+2,704
Total	5,396	3,095	-2,301

12. By comparison, the previously approved scheme at the site (20/2033) proposed the following commercial uses:

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m.)	Change (sq.m.)
Storage/ distribution (B8)	5,396	0	-5,396
Retail (E(a))	0	98	+98
Workspace / Light industrial (E(g)(iii))	0	2,787	+2,787
Total	5,396	2,885	-2,511

13. It is acknowledged that the overall employment and industrial floorspace re-provision represents a reduction on the previous scheme (20/2033) even though the overall commercial floorspace re-provision would be greater, and this results in this scheme being less aligned with policy DMP14 in terms of quantitative replacement. Nonetheless, the composition of the space is such that it would be far more flexible and usable than that of the previous scheme. The applicant's financial viability assessment concludes that the proposal's gross development value is in a deficit and that the scheme is therefore unviable. This has been independently verified by a Council instructed third party and it can therefore be concluded that (unless affordable housing provision were lessened or overall housing provision increased) the scheme provides more than the maximum viable re-provision of industrial floorspace, as required by emerging policy BE3 and site allocation BCSEA4.

14. On this topic, the GLA note that, although it does not yet form part of the adopted development plan, it is acknowledged that this site is allocated for residential-led mixed-use development in the emerging local plan; and that despite the net loss of industrial capacity on the site, the principle of intensification of employment floorspace and co-location with residential uses can be considered acceptable in line with London Plan Policy E7.

15. Emerging Local Plan policy BE1 requires that Growth Area developments proposing 3,000sqm or more of employment floorspace should allocate at least 10% of their employment floorspace as affordable workspace. Since this development proposes 2,704sqm of employment floorspace, it falls short of this threshold and policy BE1 need not be applied to this scheme.
16. On the above bases, it is considered that the quantum of employment floorspace proposed would be the optimum deliverable by the scheme.

#### Affordable housing and unit mix

#### Adopted affordable housing policy

17. Brent's adopted local policy (CP2 and DMP15) requiring affordable housing requirements for major applications stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing. The policies allow for the reduction in the level of Affordable Housing (below the 50 % target) on economic viability grounds. This is discussed in more detail later in this report.
18. The London Plan policies H4, H5 and H6 establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:
  - 35 % Affordable Housing; or
  - 50 % Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.

*\* other criteria are also applicable.*

*\*\* industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.*

19. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:
  - A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
  - A minimum of 30% intermediate homes;
  - 40% to be determined by the borough based on identified need.
20. When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of Affordable Rent : Intermediate) and Brent's emerging policies (70:30 ratio of Social Rent / London Affordable Rent : Intermediate) provide clarity on the tenure of the third category (40% to be determined by the borough). This means that this element of Affordable housing mix should be provided as Affordable Rented homes.

#### Emerging affordable housing policy

21. Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes delivering at least 35% (or 50% on public sector land / industrial land and that propose a policy compliant tenure split) not viability tested at application stage. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.
22. Very substantial weight can be given to BH5 given the advanced stage that the Council is at in implementing its emerging Local Plan.

#### Affordable housing offer

23. The applicants would provide 35% of the development as affordable housing when measured by habitable room (29% by unit), with a tenure split of 69:31 (affordable rented : shared ownership) by habitable room and 72:28 by unit. The affordable rented homes are split between London Affordable Rented (comprising 39% of the affordable habitable rooms and 37% of the affordable units) and affordable rent capped at 65% of the open market rent and at local housing allowance rates (comprising 31% of the affordable habitable rooms and 28% of the affordable units). The table below sets out a breakdown of these units by type and tenure:

PROPOSED UNITS (21/2989)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	134	134 (17.7%)
1-bed	15	13	31	182	241 (31.7%)
2-bed	37	24	45	199	305 (40.2%)
3-bed	28	25	0	26	79 (10.4%)
TOTAL	80 (10.5%)	62 (8.2%)	76 (10.0%)	541 (71.3%)	759 (100%)
29% Affordable	(36.7% of Aff)	(28.4% of Aff)	(34.9% of Aff)		
Total no. of affordable units: 218					

PREVIOUS UNITS (20/2033)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	0	0 (0.0%)
1-bed	6	0	3	184	193 (39.2%)
2-bed	20	0	12	194	226 (45.8%)
3-bed	54	0	3	17	74 (15.0%)
TOTAL	80 (16.2%)	0 (0%)	18 (3.7%)	395 (80.1%)	493 (100%)
20% Affordable	(81.6% of Aff)	(0% of Aff)	(18.4% of Aff)		
Total no. of affordable units: 98					

\* Affordable rents secured with a cap at the lower of (a) 65% of the open market rent and (b) the Local Housing Allowance. This is significantly more affordable than the base definition of the product, which caps rents at up to 80% of the open market rent.

PROPOSED HAB ROOM (21/2989)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	134	134 (7.3%)
1-bed	30	26	62	364	482 (26.1%)
2-bed	111	72	135	597	915 (49.5%)
3-bed	112	100	0	104	316 (17.1%)
TOTAL	253 (13.7%)	198 (10.7%)	197 (10.6%)	1,199 (65.0%)	1,847 (100%)
35% Affordable	(39.0% of Aff)	(30.6% of Aff)	(30.4% of Aff)		
Total no. of affordable habitable rooms: 648					

PREVIOUS HAB ROOM (20/2033)	London Affordable Rent	Affordable Rent*	Shared Ownership	Market	Total
Studio	0	0	0	0	0 (0%)
1-bed	12	0	6	368	386 (28.4%)
2-bed	60	0	36	582	678 (49.9%)
3-bed	216	0	12	68	296 (21.7%)
TOTAL	288 (21.2%)	0 (0%)	54 (4.0%)	1,018 (74.8%)	1,360 (100%)
25% Affordable	(84.2% of Aff)	(0% of Aff)	(15.8% of Aff)		
Total no. of affordable habitable rooms: 342					

\* Affordable rents secured with a cap at the lower of (a) 65% of the open market rent and (b) the Local Housing Allowance. This is significantly more affordable than the base definition of the product, which caps rents at up to 80% of the open market rent.

24. Block E would provide all of the London Affordable Rent, Affordable Rent and 12 of the Shared

Ownership homes, while the 64 remaining shared ownership homes would be provided within Block D, alongside market homes. The scheme's provision of 35% affordable housing when measured by habitable room, and 29% when measured by unit compares with 25% by habitable room and 20% by unit which formed the proposals of the previous scheme. The number of affordable homes has increased from 98 to 218, with the number of London Affordable Rented homes remaining at 80, and the uplift in affordable homes being achieved by the introduction of 62 affordable rented homes and the addition of 58 intermediate homes.

25. The applicant's supporting financial viability assessment indicated that the scheme is substantially unviable, and that the offer therefore represents more than the reasonable amount of affordable housing.
26. The applicants' FVA has been reviewed independently for the Council by BNP Paribas, and while there is disagreement with some of the assumptions made within the submitted FVA, it has been clearly established that the scheme would deliver a significant deficit (approximately -£13.58m). There are considered to be several important factors as to why such a deficit has been found, most notably the fact that the site is a large industrial site in an area with a high demand for industrial floorspace, therefore reflected in a high Existing Use Value for the site, and higher construction costs reflecting the fact that this would be a high density development with more complex and lengthy construction processes.
27. Officers acknowledge that, while the conclusions of the report demonstrate that the maximum reasonable amount of affordable housing would be met, the above offer would fail to meet some of the key requirements of emerging affordable housing policy, namely; the offer does not achieve 70% London Affordable Rented or Social Rented units, as required by emerging Brent policy BH5.
28. Officers therefore requested further sensitivity analysis to be undertaken to establish whether an alternative, policy compliant split in terms of affordable housing numbers (i.e. 70 London Affordable Rent / Social Rent : 30 intermediate) would make the scheme viable, and in turn provide a greater level of affordable housing. Following these further tests, it was concluded that an affordable housing offer for 65 London Affordable Rent homes and 36 Shared Ownership units (a 70:30 ratio when measured by habitable room) would return a break even position, complying with policy. Given that the applicant's offer includes 80 London Affordable Rent homes (i.e. 15 more than was deemed the maximum reasonable amount when achieving a policy compliant tenure split), it is clear that the current affordable housing offer, whilst not policy compliant in terms of its tenure composition, represents a betterment over what would be the maximum reasonable amount of affordable housing that could be required when achieving the BH5 tenure split. Specifically, the applicant's offer includes 40 Shared Ownership, 15 London Affordable Rented units and 62 Affordable Rented units over and above the policy compliant amount of affordable housing and this 'over-provision' would be a significant benefit of the scheme.
29. The phasing of the development would ensure that most of the affordable units (and all of the affordable rented units) would be the first to be delivered, with the applicant's development programme projecting the completion of Block E in the 37<sup>th</sup> construction month, Blocks A, C and B in the 48<sup>th</sup>, 56<sup>th</sup> and 58<sup>th</sup> construction months respectively and Block D (containing 64 of the shared ownership homes) in the 61<sup>st</sup> construction month.
30. Early, mid and late stage review mechanisms would be secured within the legal agreement to ensure any surplus (although unexpected) could (in the context of an early/mid stage reviews) seek to amend the tenure split to achieve additional London Affordable Rented units, and, if the London Affordable Rented provision exceeds 70% of the affordable housing overall, to provide further affordable housing on the site, or (in the context of a late stage review) to secure the transfer of any surplus to the Council, to be spent on the enablement of offsite affordable housing. A benchmark land value amount will need to be secured within the s106 for the purposes of the review mechanism and this amount is still subject to some negotiation between officers and the applicant, but would fall within a range between £16.88m and £18.64m. The final agreed figure will be secured accordingly.
31. To meet the requirements of 'London Shared Ownership' housing, suitable income caps for eligibility for the Shared Ownership units should be secured in the s106 agreement. Local income caps that have been secured previously are: £56,000 for one bedroom flats, and £74,000 for two bedroom flats (there are no three bedroom flats proposed for this tenure).
32. The GLA's viability team have also reviewed the submitted FVA, as well as the independent review conducted on behalf of the Council. Their comments are as follows:

33. The GLA agree with the Council's financial appraisal on most accounts, including the residential and commercial sales values, construction costs, contingencies on costs, professional fees and marketing costs.
- The GLA disagree with the Council's financial appraisal in relation to the finance rate (they consider a rate of 6% rather than 6.75% is reasonable) and private profit rate (noting that they consider a 17.5% profit rate for market housing excessive).
  - The Council's viability consultants have modelled the financial viability of the scheme when accounting for the GLA's adjusted inputs for illustrative purposes only (including a 6% finance rate and 15% profit rate for market housing). The revised viability scenario results in a reduced deficit of -£6.9m. Whilst this reduces the scheme deficit, the scheme remains unviable and the affordable housing offer therefore continues to represent more than the maximum reasonable amount relative to the policy requirements.
34. The GLA has also carried out a sense check of the residual land value by comparing the residual land value (£3.3m) with actual land sales transactions in nearby parts of London. The GLA consider that the residual land value of £3.3m is far below what the market would expect to pay for this site.
35. Brent would note that RICS guidance recommends that comparable land sales evidence can be used as a 'sense check' to reinforce the accuracy of a residual assessment. However, comparisons of this nature are crude and would not factor in any site specific circumstances. Because of this, the residual assessment should remain the primary and most reliable means of confirming land value of the proposed scheme and this is confirmed within the RICS guidance on viability testing. Furthermore, the GLA's viability response at para 4.2 states that the GLA "consider that the methodology of assessing the scheme land value should be by way of a residual assessment".
36. In addition, having reviewed the six land sales referred to by the GLA, it is noted that two of the sites have not seen planning applications made and of the four that have, only one of the planning applications seeks to co-locate residential uses with employment and industrial floorspace, and this case returned a lower sales price than the other examples.
37. The GLA also recommend an early, mid and late stage review mechanism. The Mayor's Affordable Housing and Viability SPG recommends mid-stage reviews for schemes "which will be built out over several phases spanning a long development programme". Whilst the scheme is large in scale, all blocks will be delivered through a single podium and the construction sequencing is such that the residential blocks would be built out concurrently with there being just a 19 month span between the commencement of the development and commencement on all of the blocks having occurred. It is not considered that a mid-stage review could reasonably be secured if the construction programme is delivered in this short time span, however, were commencement on all of the buildings to exceed this 19 month timeframe to a significant extent, a mid-stage review (requiring a development surplus to be used to deliver additional on-site affordable housing) is considered to be suitable in the context of the size of the scheme and is to be applied through the s106 agreement. In defining this 'significant extent', a 6 month contingency period beyond the 19 month projected build period is felt to represent a reasonable tolerance (resulting in a total timespan for the mid-stage review mechanism of 25 months). Furthermore, as above, an early and late stage review will also be applied to the scheme through the s106 agreement.
38. In conclusion, the affordable housing proposals comply with both GLA and Brent policies and deliver substantially more than the maximum reasonable amount of affordable housing. The affordable housing offer should therefore be accepted, subject to a s106 agreement to secure the provisions and to ensure that the development is bound by early, mid and late stage viability reviews.

#### Wider acceptability of tenure mix

39. Brent's core strategy policy CP2 seeks at least 25% of units to be family-sized (3-bedrooms or more). Brent's emerging policy BH6 within the draft Local Plan carries forward this same target, instead denoting a requirement for a 1 in 4 provision of 3 bedroom homes across residential developments, rather than a more average-based percentage approach. At 10.4% across the scheme (79 of the 759 units), the proposal falls short of the 25% and 1 in 4 targets.
40. Whilst acknowledging this shortfall, it must be recognised that the family sized units which are being provided are predominantly offered as London Affordable Rented and Affordable Rented units, with 67% of the 3-bed units (53 out of a total of 79) within these tenures. Furthermore, a total of 37% of the scheme's affordable rented housing units (including London Affordable Rent) is comprised of family-sized homes (this was 68% for the previous scheme). This percentage reduces to 24% across all of the

affordable housing in the scheme (58% for the previous scheme), owing to a lack of family provision for the Shared Ownership tenure, however the focus on providing all of the affordable 3 bedroom housing in the Affordable Rented tenures is welcomed, as family sized units are in much greater demand for Affordable Renting

41. In the context of market driven residential development, officers acknowledge there is a delicate balance to strike between scheme viability and family home provision, with the high number of 3-bedroom homes (on an Affordable Rented basis) being provided within the scheme a significant factor in the high deficit which it is calculated to deliver, as set out in earlier sections of the report. On balance, officers therefore consider the shortfall in family homes is acceptable in this instance, given the significant over-representation of family accommodation within the affordable rented tenures, and in acknowledgement of the scheme's overall viability position.

### Design

42. Brent's DMP1 policy and SPD1 guidance set out the policy objectives and general requirements for good design in the built environment. Overall, officers consider that the proposal responds positively to this policy and guidance context and the specific elements of its design including: general layout, public realm, height and massing and architecture/materiality as discussed in the following sections.
43. Brent's principal urban design officer considers that the proposal could become an exemplar scheme within both the wider Wembley Park masterplan and the Brent context given the level of ambition that has been demonstrated through the design.

### Layout

44. The site, approximately 1.29ha in size, would be laid out with 5 blocks (known as Block A to E) and a one-way service road running along the eastern side of the site, accessed from Fifth Way and egressing to Fourth Way. A level change is present with the site rising up from the west to the east along the length of Fifth Way, although this is not as pronounced at the northern part of the site adjacent to the Wealdstone Brook.
45. Block A is located at the north western part of the site and fronts onto Fulton Road (running north to south) to the west and a newly created pedestrian path alongside the Wealdstone Brook to the north and east. The block predominantly contains retail units at ground floor, fronting both Fulton Road and the Wealdstone Brook path. Block A residential access is provided from one entrance between retail units on Fulton Road and other entrances along the Brook path. The ground floor also contains the block's bin storage whilst the upper floors are all residential. The entrances to the block are legible from the street, and the scheme provides active frontages on both Fulton Road façade and on the new street within the site.
46. Block B is located at the south western part of the site and fronts Fulton Road to the west and Fifth Way to the south. Block B contains a small retail unit fronting Fulton Road and a flexible workspace unit on the corner with one entrance fronting Fulton Road and three entrances fronting Fifth Way. Block B is linked to block A through the main residential entrance building which sits within a prominent forward projection of the building between blocks A and B. Blocks C and D are also accessible from this main entrance and accordingly have access to this main entrance hub at the base of blocks A and B. A large cycle hub occupies the base of block B, providing the bicycle storage needs for blocks A, B, C and D. At first floor, block B contains the development's blue badge parking provision on its first floor, which is reached from a ramped access spurring off the service road through the site. The block's bin storage room is also located at first floor adjacent to the car parking. There is a clearly defined and legible entrance for this block towards the southern end of Fulton Road. The ground floor is activated mainly by the communal flexible workspace/retail units, but also by the smaller frontages of the retail unit and the residential entrance to Fulton Road.
47. Block C is located in the central part of the site and fronts onto the brook path on the north side. It contains workspace studios at ground floor with the upper floors in residential use. The residential entrance is accessed centrally next to the workspace from along the brook path with a strongly defined and legible entrance. Between blocks A and C is a wide external set of steps which provides access to one of the communal podium gardens at first floor level. The block's bin storage is located at the southern end of the core and can be accessed from the service road through the site to the east.

48. Block D is located in the central part of the site and fronts onto Fifth Way to the south and the service road through the site to the east side. The Fifth Way frontage is shared between the residential access and the flexible retail/workspace units which continue uninterrupted from the block B frontage to the west. The eastern frontage to the service road contains the block's plant and bin storage room. Block D is in the part of the site most affected by the increase in ground level that occurs from west to east along Fifth Way. As a result, block D's ground entrance actually gives building users access to the equivalent of the first floor relative to the other blocks in the scheme. The service road which is accessed adjacent to block D also slopes downward as it traverses away from Fifth Way to address this level change.
49. Block E is located at the north eastern part of the site and fronts onto the brook path to the west and north and the service road through the site to the east. The residential lobby fronts onto the northern and western aspect, one of the block's bike stores fronts onto the northern aspect whilst the block's bin store fronts onto the service road at the east side. The workspace studios front onto the access road at ground level to provide natural surveillance and activity at ground level. Whilst there are some back of house elements for the residential units at ground level such as the bin store (and these have been raised as a concern by the GLA), these do not cover excessive sections of the frontage and are broken up with the active frontages for the workspace units on their other side. These sections will also not be encountered before the residential entrance when traveling to the site from the station. Furthermore, the bin stores are in easy collection reach of refuse vehicles. Therefore, subject to conditions being secured to further review the design detailing of the doors/ vents to the bin stores to ensure that the high quality of design is achieved through the scheme, the layout of Block E is considered to be acceptable. Block E is the only block that has a self-contained core and communal podium garden, however there are factors that mitigate the drawbacks of this self-containment and these are discussed in the 'Quality of Accommodation' section of the report.

### Public Realm

50. The development would create four dedicated areas of hard and soft landscaping throughout the ground floor plane, all of which would be for resident and public benefit, which comprise of the Welcome (the western frontage to Fulton Road, including the main residential entrance to Blocks A – D, retail units, workspace units, seating areas, soft landscaping and new tree planting), the Forecourt (a series of stepped forecourt spaces lining the sloping gradient along the southern frontage to Fifth Way with planting and trees to each), The Brook (a pedestrian and cyclist route alongside a new wildlife corridor running along the Wealdstone Brook adjacent to the north frontage) and the Goods Yard (a harder space relating to the large workspace unit and industrial units to the east forming a large multi-functional space that can be opened up for public usage outside of work hours).
51. The 'Welcome' frontage is particularly positive as it acts as the key visual introduction to the scheme as it is approached from the end of Engineers Way and First Way. This frontage incorporates a large set-in in its built form to give visual relief at this point. There would be a distinct character at the 'Forecourt' frontage, with the stepping of terraces along a row of employment/retail space frontages and forecourts providing a frontage of differing visual interest. The GLA has expressed concern about this frontage in respect of it potentially resulting in there being insufficient space for pedestrian movement within the extent of the application site, however these concerns are not shared by officers at Brent. It should be noted that Fifth Way will be widened as part of the works and a generous footway width (partly within the applicant's land and partly within Brent's public highway) is to be provided in front of the yard spaces. There will be no impediment to a generous pedestrian movement corridor. The service road has been designed with a blanker frontage and lower footfall in mind but would employ double height windows to the workspaces that front onto it that would ensure the road remains inviting. The GLA considers that this route is unlikely to be used and should be gated off. The service road is not intended to be a well-used route (aside from the 'Goods Yard' space at particular times) and has been designed accordingly, but the permeability offered by retaining a publicly accessible link around the eastern side of the site and onto Fourth Way is welcomed. The 'Brook' frontage would be a particular strength of the scheme, has been designed as a key active route across the site and will provide an ecological centrepiece for the scheme completely separated from vehicle usage (aside from in emergencies).
52. In terms of providing a good quality external environment for residents and passers-by, active frontages have been maximised at street level. There are series of proposed pedestrian routes and public spaces improving the site's connectivity to the surroundings, in the form of both the brook-side route and the service road, which incorporates the 'Goods Yard' space. The 'Goods Yard' is intended to be a public

space where local people could gather for a activities ancillary to the functions and outputs of the workspace (for example, a taproom connected to a brewery business) outside of hours when deliveries along the service road would not be expected. The space itself is very wide and is positioned in front of the large double-height windows of the workspace units. The service road of which the Goods Yards space would form a part is restricted to the residents' vehicles only and public for all pedestrians to use. The applicants have advised that signage would be used to instruct road users that only residents and couriers should use the service road. A condition would be required to ensure that management arrangements for the safe and unimpeded use of the space for public outdoor usage is achieved and to ensure that the interplay between its service road function and public usage function would not be unsafe or inappropriate.

53. The brook path, with its many trees, plants and play spaces, opens an accessible pedestrian route down to the Brook, achieving the aims of DMP9 which promotes public access and enhancement to the sides of watercourses at relevant development sites. Due to the 10 metre clearance requirement from the Brook, a generous promenade width along the Brook would be created which enables potential future connectivity to the East and West of the site for residents as well as visitors. The width of the brook route is more generous than was the case for the previous scheme, particularly at the start and end of the brook route. The improvements to the brookside are a key benefit of the scheme, having the potential to deliver improved linkages for the public through to surrounding sites in Wembley, as well as having positive implications for local ecology and sustainability. The brookside is also wide enough for fire engine access by design, but would not look or feel like a road through its pedestrian-led design. At the north-western end of the brookside route, the development site interfaces with the cul-de-sac forming the end of Watkin Road. The development has incorporated a connection into Watkin Road through its landscaping strategy, which would result in Watkin Road becoming a through route for pedestrians and cyclists, further improving local connectivity and permeability.
54. Whilst the frontage to the brook path may be almost entirely activated in terms of the layout, it is acknowledged that the levels of passive surveillance that may be experienced along the route have the potential to be limited after hours dependent on the nature of the residential facilities and the workspaces in terms of their hours of use. This concern is shared by the GLA. However, the access route along the brook to block E would be active mostly during the day and the inactive frontages (such as the bin and bike stores) are situated after the entrance to block E when accessing the site from Wembley Park Station. The access route would be overlooked during the day by workspaces and at night by 5 flats per floor on upper levels that overlook the brook. Nonetheless, a robust management strategy will need to be drawn up to confirm how the safety and invitingness of the route will be retained at all hours, with details of aspects such as lighting, surveillance from upper floors and further afield and security measures submitted and approved by the Local Planning Authority. A condition will be applied to this effect. The applicants have confirmed that they will be willing to set out details of facilities management, security patrols out of hours, manned CCTV and alarm systems and a Secure by Design approach to building materials in confirming a safe route for users.
55. Whilst the built form of the development itself is expressed through four separate buildings, these buildings are joined together through a part one and part two storey podium that occupies the whole site up to its key landscaped edges. Atop the podium are a series of communal amenity spaces for residents, play spaces for residents and an ecological roof which separate the upper sections of the buildings. The ecological roof sits between blocks A and B at second floor level and creates a clear visual break and distinction between the two blocks as seen from the Fifth Way frontage and further west. The lower western podium garden sits between blocks A and C and is the only garden at first floor level and which enables direct access to the public realm through outdoor steps (specifically the brook path), which is a welcome design feature added to the scheme through its design review at pre-application stage. The upper western podium garden sits between blocks B and D at second floor level and includes direct stepped access to the lower western podium garden. The eastern podium sits between blocks C and E at second floor level. Roof gardens atop all 5 blocks would provide additional amenity and play spaces for residents.
56. The service road (from Fifth Way) also features new tree planting and a landscaped edge and commercial entrances along a large part of its extent, which would act as a clear legible and inviting means of defining the main access route through the site. The public realm along Fifth Way would largely be formed of active frontages serving the industrial unit spaces. Overall, the inactive frontages for the blocks are minimal as most of the services are positioned in the interior parts of the cores, away from the

frontages. Block E would have the most inactive frontage towards the East, which is to the service road environment where the inactive frontages would be least harmful. The routes to all of the residential core entrances would be lined by mostly active frontage, and this includes the brook route as far as the entrance to block E.

57. The public realm proposals are considered to be highly positive, with active frontages having been reasonably maximised at ground level with interest and strong legibility having been provided with the establishment of four new and distinctly characterised and activated street frontages within Wembley's public realm, incorporating consistent passive surveillance, new landscaping and biodiversity improvements, street play spaces and a new brook-side route which has the potential to perform a key east-west connectivity function in the future, providing a strategic pedestrian and cycling connection to the Quintain Masterplan area from the east, including immediate access to the new 7 acre park to be delivered on the other side of Fulton Road. Despite ground level changes, the active frontages remain well-grounded and do not appear severed from the street scene.

#### The appropriateness of delivering tall buildings

58. Policy WEM5 of the adopted Wembley Area Action Plan (WAAP) (2015) supports the development of tall buildings (defined as being 30 metres (about ten storeys) or greater) on the basis of its site specific tall buildings strategy. This site in the Wembley Area Action Plan is shown as a site which is sensitive for tall buildings under WEM5 criteria, however it is close to existing and emerging tall buildings including Scape Wembley (28 storeys), 10-11 Watkin Road (24 storeys), Quintain plot NE06 (34 storeys) and NE04, to the immediate west (18 storeys).
59. Draft policy BD2 of the emerging Local Plan defines a tall building as one that is more than 30m in height. It directs tall buildings to the locations shown on the policies map in Tall Building Zones. The draft Local Plan Policies identifies the site as situated within the Wembley Park tall building zone.
60. Furthermore, the site allocation brief contained within the draft Local Plan (Policy BCSA4) states that *'the site is appropriate for tall buildings, subject to them achieving an appropriate relationship sensitive to its surroundings and not adversely affecting protected views of the stadium.'*
61. Whilst the WAAP is still the adopted local policy document for consideration, the emerging changes to policy as observed within BD2 of the emerging Local Plan are to be acknowledged and stand testament to the substantial increase in housing targets that have come into relevance since the publishing of the WAAP. Given the local designation for tall buildings, the development can be seen to comply with London Plan policy D9(b) when seen in the context of the emerging Local Plan. The GLA notes that the development would not comply with London Plan policy D9(b) on the basis that the adopted local plan does not zone the site as being suitable for tall buildings, however Brent would consider this to be an overly technical stance and that the degree of weight that can be afforded to the emerging plan (and its zoning of the site as being suitable for tall buildings) would be a suitably pragmatic lens through which to apply policy D9(b).
62. In any case, the previous scheme for this site (20/2033), which received resolution to grant at Planning Committee in 2020, proposed buildings of up to 21 storeys, establishing a clear precedent for tall buildings as being suitable in this location.

#### The approach to height and massing

63. The arrangement of height and massing across the site has evolved significantly relative to the previous scheme which Members resolved to approve (20/2033). The current design has been reached through four internal design review workshops and an external design review panel hosted by the Design Council.
64. Officers and Members have considered the scale of the previous scheme (20/2033), which proposed heights of up to 21 storeys, to be acceptable. This new proposal would increase the maximum height delivered on the site by 3 storeys and the overall massing of the development would be taller on average than the previous development.
65. Aside from the 21 storey height of the central tower, the previous scheme's smaller blocks were supported at consistent heights of 12 storeys, whilst this new proposal would propose a base datum of 15 storeys for the main blocks (with the exception of the central block C). Unlike the previous scheme, each block would have a second shoulder element with a smaller footprint, which would provide additional

visual interest and variation. Blocks A and E (to the north of the site) would have secondary shoulder elements that are three storeys taller than their base block (18 storeys), whilst blocks B and D (to the south of the site) would have secondary shoulder elements that are three storeys lower than their base block (12 storeys). The central block C would be the most prominent visual component of the development and would be formed of a 24 storey base block and a reduced secondary shoulder of 20 storeys. This central tall element would mirror the approach of the previous scheme, which saw the proposal of a central 21 storey building placed in the same part of the site. Whilst this scheme would increase the maximum height previously supported by 3 storeys, the central block for this scheme would appear more slender than that of the previous scheme, especially from the north and south; it would also have a more broken-up massing through its expression of two separate shoulders. The tallest block would also have a light-weight materiality relative to the neighbouring blocks, being clad in a lighter coloured brick and having an open framing to its top storey.

66. Although the development would appear taller than blocks in the immediate surrounding context, it is still considered to strike the right balance between the taller blocks to the west nearer to Wembley Stadium, and the lower industrial buildings to the immediate east. This maximum height would therefore reflect the principles of the WAAP, as well as emerging policy BD2 and the Tall Building Strategy. From afar, the proposed development would be viewed in a context of similarly scaled developments and would deliver improvements in terms of the quality of the townscape and public realm, and this view is shared by the GLA.
67. The heights of the blocks are designed to frame views towards the development from nearby key routes. For example, the view towards the development along Fulton Road (as far as its junction with Albion Way) would be centrally framed by block A, whilst the view towards the development along First Way would be centrally framed by block B. In addition, the tallest block at the centre (block C) provides a coherent visual counterpart to the Canada Gardens development nearby to the west as well as other high point buildings forming part of the Quintain Masterplan to the eastern side of the stadium. This would be seen particularly effectively from Chalkhill Park.
68. The focussing of the most significant height to the centre part of the site ensures that the proposal would uphold the aspiration of the site allocation for massing to transition downwards to the east, adjacent to the Strategic Industrial Land (SIL). Block E would be located at least 12 metres from the boundary with SIL, resulting in a reasonable buffer to the edge of the site allocation.
69. The previous application sought to deliver both north-south oriented blocks (along the east and west edges of the site) and an east-west oriented block (along the south edge of the site). This scheme has instead sought to deliver solely north-south oriented blocks from the south to the Wealdstone Brook which sits along the northern edge of the site. To this end, the block pairings of A/B, C/D as well as block E, establish three distinct north-south elements with separations for clear views into and out of the site from the north and south. The long finger block to the south side of the previous scheme had the effect of limiting light flow to the scheme and appearing as a wall of development from sites to the north (including from Chalkhill Park for example). The GLA has raised concern that the tall elements are not well separated and that the separation to the brook from the blocks is also limited. Officers would disagree with this and would note that the scheme has an increased separation distance with the Brook compared with the previous scheme, particularly on the east side, where Block E's separation from the brook edge has increased from between 9m and 14m in 20/2033 to between 16m and 28m in 21/2989. In further justifying the separations between blocks as being appropriate, the blocks exceed SPD1 guidance for separation in most instances and the internal daylight and sunlight results are positive. These aspects are discussed in detail in the 'Quality of Accommodation' section of the report.
70. Another key difference between the subject application and the previous application is the movement strategy that the massing facilitates. The previous application's movement strategy was based on internal movement within the site and the subject application's strategy is based on movement around the edges of the site. The inclusion of the podium is the key aspect that enables this difference and, unlike the previous scheme, allows the development to reinforce strong active frontages across most of its public facing extent.
71. It is acknowledged that the scheme would be denser than the previous scheme in visual terms, however the highly positive urban design of the development, which facilitates a significant uplift in residential and non-residential provisions (including substantial uplift in affordable housing provision) are significant

benefits of the scheme that officers consider to weigh in favour of the scheme being acceptable.

### Protected views

72. The applicant's views analysis shows that the development would not visually obscure the arch of Wembley Stadium from the protected viewing corridors in Brent's adopted and emerging Local Plan.
73. The applicant has submitted a comprehensive Townscape and Visual Impact Assessment (as part of the Environmental Statement) which sets out a number of images of the proposed development from key local vantage points and designated protected views, including those identified within WAAP Policy WEM6 and Brent's emerging Local Plan Policy BHC2. It has been identified that the proposal would be very noticeable within the designated viewing corridor of the Wembley Stadium Arch from Chalkhill Park (AAP/ Draft Local Plan view 9).
74. The applicant's Townscape and Visual Impact Assessment illustrates the impact the development would have on this view. The images demonstrate that while all blocks would be at least partly visible from Chalkhill Park, views to Wembley Stadium Arch would not be uninterrupted by it, and while prominent, the buildings would not be overly dominant in this view when considering the context of built and consented developments across the skyline.

### Architecture and Materiality

75. The visual design and architecture of the buildings is of a very high quality and will effectively break up the bulk and massing of blocks. The architecture is led by the use of brick, with the taller shoulder of each block clad in a light red brick and the lower shoulder of each block clad in a buff brick. The exception to this would be the central block C, where the taller component would be expressed through a lighter, white coloured brick and the lower shoulder expressed through the red brick used on the higher sections of the other blocks. The brick cladding would also separate and frame certain groupings of floors, whilst reflective metal panels (of copper, bronze and brass colours) would form a sub-frame between, above and below the windows to each block where brick is not employed. Shadow gaps between metal panels would subtly articulate verticality to the taller red brick blocks and horizontality to the shorter buff brick blocks. The balconies and window frames to dwellings would also be formed of these metal materials to match the panels that form their surrounds.
76. The ground and first floors (which form the podium layer) would be principally expressed through large expanses of crissal style windows which would form the activated parts of the frontages and which evoke an industrial character. As a secondary material, the ground and first floors would also be expressed through brick palette, but with greater variation than on the higher floors, with sections of red, buff and white (as applied at upper floors) as well as black, green, orange and pink to various different elements. The green and orange bricks to the podium would be glazed for a shiny appearance. The green bricked section would emphasise the landscaped sections of the proposal by marking the entrance to the podium garden and sections of the podium directly below the communal gardens. The orange bricks would draw attention to key corners of the development (some of which would be chamfered and colonnaded), whilst the black brick would be used along the other sections of the ground floor frontage to mediate between the other colours. It is proposed that landscaping to the podium would overspill the green brick sections to provide additional greening to the street environments.
77. The colours of the tiles represent coal extraction which is important to the site's history (see Archaeology section below), with the black brick representing coal and the bright colours representing the stones that contrast with the coal, and the brighter, glazed bricks (green, pink, orange) at low levels representing the precious stones extracted through mining.
78. The entrances to all of the cores would have a unified architectural approach and the treatment to all entrances in respect of materiality and design would be equitable.
79. A condition will require samples of the materials to be reviewed and approved by officers, to ensure that a high quality development would be delivered.

### Impact to Heritage Assets

#### *Conservation Areas and Listed Buildings*

80. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively require the decision maker to have “special regard” to the desirability of preserving a listed building or its setting, and pay “special attention” to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The application site is not within a Conservation Area. The closest Conservation Areas are situated more than 500m from the Site; these include Wembley High Street Conservation Area to the west, Barn Hill Conservation Area to the north-west and St Andrew’s Conservation Area to the north-east. The nearest listed buildings are also situated more than 500m away, and include the Wembley Arena (Grade II) to the south-west and Brent Town Hall (Grade II) to the north.
81. The applicants have submitted a detailed Townscape and Visual Impact (TVIA) assessment. The NPPF states that where a proposed development will lead to substantial harm to designated heritage assets, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or in wholly exceptional circumstances identified in paragraph 201 of the NPPF. Where the proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal.
82. Where harm is found to a designated heritage asset (even harm that is deemed to be less than substantial), the decision maker must give that harm considerable importance and weight as a result of the statutory requirements set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. London Plan Policy HC1 of the London Plan, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan all seek to ensure that development affecting heritage assets should conserve their significance, by being sympathetic to the character and setting of those assets.
83. The submitted TVIA is considered to be robust and demonstrates that the proposal would be seen in the context of other tall buildings within the Wembley Opportunity Area, and that there would be no harm to the setting of designated heritage assets. The assets that have the potential to be affected are five local Conservation Areas (CAs) (Wembley High Street, Neasden Village, Barn Hill, Lawns Court and St Andrew’s) and three Listed Buildings (Wembley Arena (formerly the Empire Pool), Lycee de Londres Winston Churchill (formerly Brent Town Hall) and three K6 Telephone Kiosks on Empire Way).
84. Of the CAs, the scheme would only be visible from Lawns Court, Barn Hill and St Andrew’s CAs. The development would only be partly visible in distant views from these CAs and where it is visible, this would be in the context of an established cluster of tall buildings. It is therefore considered that there would be no harm to the character and appearance of these CAs.
85. Of the Listed Buildings, the scheme would only be visible in the setting of the Grade II Listed former Brent Town Hall, which derives its significance from its 1930s municipal, art-deco architecture. The development would be visible directly to the south of the Town Hall, although officers would note that the development would only be seen in the background of the setting of the Town Hall as seen from its side elevations if one were facing south when stood on either Kings Drive or The Paddocks (the secondary roads that front the side edges of the Town Hall site), and would not affect the visible setting of the Town Hall when seen from its principal elevation that fronts Forty Lane. In any case, the development would appear as one of a number of elements that form an established and emerging cluster of development as seen to the south of the asset.. Officers conclude that the development would not harm the significance of the Listed Building on this basis.
86. The GLA has undertaken its own Heritage appraisal and, in its own judgement, has concluded that some less than substantial harm would be incurred to the former Brent Town Hall heritage asset as a result of the proposed development being glimpsed in the Town Hall’s periphery. The GLA notes that “the proposal would not meaningfully compromise the asset’s setting or significance, and therefore would result in less than substantial harm to the asset”.
87. Given that the GLA have identified less than substantial harm to a heritage asset, Historic England have been consulted, and have advised that they do not wish to comment on the application.
88. Whilst Brent officers do not share the GLA’s view, if one were to conclude that the proposal would harm the setting of the asset, this would be very limited, at the low end of less than substantial harm, and the benefits of the development would outweigh this harm, acknowledging the ‘special regard’ that must be had in relation to the desirability of preserving the Listed Building and its setting.
89. Whilst the view of the GLA is acknowledged, Brent officers consider that the development will not harm

nearby heritage assets and therefore the tilted planning balance required by Section 66/72 of the Listed Buildings and Conservation Areas Act and the Historic Environment section of the NPPF is not engaged.

### *Archaeology*

90. Beyond the visual impact considerations that relate to heritage, the site has been assessed for its below ground archaeological potential and the applicants have submitted a report to communicate the findings (contained within the Environmental Statement).
91. The report confirms that no World Heritage Sites, Scheduled Monuments, Historic Battlefields or Historic Wrecks lie within 1km of the site. The site is also not within one of Brent's Archaeological Priority Areas (APA) or locally designated Sites of Archaeological Importance (SAI).
92. The history of the site has largely been as agricultural land until the area became managed parkland forming part of the wider Wembley Park during the late 19th/early 20th Century. In the 1920s, the site formed part of the area for the British Empire Exhibition, and this section of the site was occupied by a life size construction of a coal mine, including a stretch of below ground tunnels, a brick lined access shaft and an air shaft, as well as above ground structures. Although the above ground and immediate sub-surface structures were removed when the site was re-developed for the current industrial use, the report concludes that there is evidence some of the shafts and tunnel structures could still exist. For this reason, the report concludes that further work to identify and record these elements should be undertaken and need GLAAS input if required.
93. As with the 20/2033 consent, an obligation requiring this work to be undertaken and agreed with the heritage officer and Historic England as a pre-commencement condition will be applied.
94. Subject to this, the proposal accords with London Plan Policy HC1, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan and the NPPF.

### Impact on neighbouring residential amenity

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

### Privacy

96. In order to retain acceptable privacy levels to properties, SPD1 states that all primary habitable room windows within a property should be at least 9m from the boundary with the private external amenity space of neighbouring properties or adjoining sites, except where the view on to that property would be to a part of the property which would serve as low value amenity space (e.g. the side access around a house). All secondary habitable room windows and non-habitable room windows should be obscure glazed if they cannot achieve this standard too. Furthermore, proposed habitable room windows should achieve a full 18m of separation from the habitable room windows of other properties (apart from street facing windows). These standards are in the interests of protecting the privacy of neighbouring occupiers.
97. With regard to relationships with surrounding blocks, blocks A and B would maintain a distance of between 18m and 31m to the eastern façade of Plot NE04 (as shown on the agreed parameter plans). Between 19m and 25m would be maintained between the balcony edges to the south façades of blocks B and D and the northern façade of former Kelaty House Block B. The site is bounded to the north by Wealdstone Brook, and to the immediate east of the site are low-rise industrial buildings and warehouses, to which more than 9m distances would be achieved. There are not considered to be any overlooking issues arising to adjoining properties as a result of the development.

### Sense of enclosure

98. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2m height at the nearest edge of an affected property private amenity space. The proposed

buildings should also sit underneath a 30-degree line drawn from a 2m height at the nearest rear habitable room windows within neighbouring properties that face towards the proposed buildings.

99. In this case, the proposal does not directly adjoin any private rear gardens nor are there rear habitable room windows in neighbouring sites that face the application site. Therefore it is not considered appropriate to apply 30 and 45 degree line tests to this site context. Nevertheless, a full test of daylight and sunlight impact on surrounding properties has assisted in understanding and weighing up the harm in the balance of considerations, and this was discussed in earlier sections of the report.

#### Summary on privacy and sense of enclosure

100. It is considered that the relationship of this development to its surroundings complies with relevant guidance in SPD1. Generous separation distances are maintained between the proposed blocks and adjoining sites, and where they are closer, these are close to consented or newly constructed schemes where there must be some expectation of tighter relationships given the urban regeneration context. Officers consider the proposals acceptable in this regard.

#### Daylight and Sunlight Impact

101. The applicant has submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties, utilising the recommendations set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2011)' document. This has been included within the submitted Environmental Statement. Officers are satisfied that the report successfully identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:

- 102. Empire Court
- 103. Former Kelaty House
- 104. University College of Football Business (UCFB) Unite (Previously Cannon Trading Estate)
- 105. Quintain Masterplan Plots NE01-NE06 (yet to commence construction)

- Buildings and consented buildings further afield were considered for potentially being included in the assessment, namely: Parkwood House, Amex House, 10-11 Watkin Road and 1, 2, 3 and 9 Watkin Road. However, the applicants reasonably concluded that, owing to the distance of these schemes from the site, and their positioning behind the massing of the Quintain Masterplan, no effects resulting from the development are considered likely and therefore a daylight and sunlight assessment of these schemes in the context of the proposed development is not considered necessary. Officers would agree with this and consider that the four sites listed in the paragraph above represent those which should reasonably be tested.
- The results of the daylight and sunlight testing of these properties is set out below. The results reported below include a comparison with the daylight and sunlight impact of the previous scheme which received resolution to grant consent (20/2033), and it should be noted that these comparative figures have been taken from application documents associated with that previous scheme, rather than reports submitted in relation to the current scheme. The results reported below also reflect the impact of the proposed development in isolation and it should be noted that some additional impacts would occur in the context of other nearby developments that have been consented being delivered in the future. However, these additional impacts would not be attributable to the scheme itself and because of this, the results below relate to the proposed scheme's massing in isolation.

#### UCFB Unite

- Planning permission was initially granted in June 2018 for the re-development of the industrial estate, to the south of the site and sitting behind the former Kelaty House scheme, for a 7-11 storey building to provide educational use, office use and 678 student rooms. The development has now been fully implemented.
- 136 windows were assessed and all of these will meet the BRE guidelines for the Vertical Sky Component, i.e. retaining a Vertical Sky Component (VSC) factor of at least 27% or seeing a reduction from the existing scenario Vertical Sky Component of no more than 20%. Similar results are borne out in the No Sky Line (NSL) test, which relates to rooms rather than windows, and assesses the proportion of a room from which sky would be visible. In this case, all but one of the 103 rooms assessed would pass the NSL test, meaning nearly all of the rooms would experience less than a 20% reduction in daylight

distribution, which is unlikely to be noticeable to occupants. One of the rooms would experience a moderate adverse reduction in daylight distribution (a 30.6% reduction). This room serves a student bedroom on the top floor of the development, facing northward towards the development site.

106. With regard to sunlight impact, 9 rooms were tested. All 9 rooms fall below the BRE guidance for sunlight in the existing scenario but the impact to these windows would not be worsened as a result of the development. As such, none of the rooms will be materially affected in sunlight terms by the proposal.
107. It is noted that the previous scheme at this site (20/2033) saw all of windows and rooms pass the relevant BRE tests, and the only difference in relation to BRE compliance with this scheme is that one of the rooms does not pass the NSL test where it did previously.

#### Empire Court – North End Road

108. This building is located to the north of the site and comprises four storey flatted development. 88 windows were assessed and all of these windows will meet the BRE guidelines in terms of VSC, while 60 of 64 windows tested for NSL (95%) passed (this was 61 in the context of the previous scheme). Of the four affected rooms, all would retain an NSL of more than 0.7, experiencing minor adverse impacts. In the context of the previous scheme, 61 of 64 windows passed NSL testing, but two of the windows that fell below the pass threshold experienced a more adverse impact, retaining an NSL closer to 0.6, and the impact could therefore be seen to be an improvement in the proposed scenario. The affected rooms serve bedrooms and kitchens. Given the high level of compliance overall and the immaterial level of change (and arguable improvement) in impact compared to the previous scheme, it is considered that the impact to this building from the proposed development would not be significant enough to warrant refusal of the application.
109. With regard to sunlight impact, 64 rooms were assessed and all of the rooms tested meet the criteria for both winter probable sunlight hours (WPSH) and annual probable sunlight hours (APSH).

#### Former Kelaty House Block A

110. Block A of former Kelaty House is situated to the south-west of the site and comprises a 13-storey building used as a hotel/ serviced apartments, granted consent as part of a wider re-development of the site in December 2012 (ref. 12/1293), and has recently completed construction. The position of this block and relationship with the adjoining development ensures that of the 108 windows assessed for VSC, none experienced any losses. Similarly, all 54 relevant windows passed a NSL test, with no breaches in NSL encountered.
111. The orientation of the block and its context with the development, sited south-west of all proposed buildings, means that there would be no material sunlight implications to this block and no further assessment was required.

#### Former Kelaty House Block B

112. Block B of former Kelaty House, part of the re-development outlined above, is between 10 and 11 storeys and comprises student accommodation. A total of 213 windows serving 144 rooms were assessed for daylight within this block. In terms of VSC, a total of 33 of the 213 windows (15.5%) would pass BRE criteria (72 out of 213 passed (33.8%) for the previous scheme). Of the remaining 180 (141 in the previous scenario) affected windows, it is considered that a further 36 (34 in the previous scenario) would experience a 'moderate adverse' impact, in that overall VSC levels would remain above 0.6 of their existing/ consented situation. The remaining 144 windows (107 in the previous scenario), representing two thirds (half in the previous scenario) of the overall number, would experience a VSC loss of more than 40%, which is considered to be more significant.
113. With regard to NSL, 58 of the 144 rooms (40.3%) would pass BRE criteria (49 of the 144 rooms (34%) in the previous scenario). Of the remaining 86 rooms (95 rooms in the previous scenario), 23 (16.0%) (or 14 (9.7%) in the previous scenario) would experience a minor adverse loss of daylight distribution (above 0.7 times the former value), 21 (14.6%) (or 15 (10.4%) in the previous scenario) would experience a moderate adverse loss of daylight distribution (above 0.6 times the former value) and 42 (29.2%) (or 66 (45.8%) in the previous scenario) would experience a significant adverse loss of daylight distribution (less than 0.6 times the former value). It must be acknowledged that this consented block is currently surrounded by low rise industrial properties to the north and east, and therefore benefits from

very good baseline levels of daylight which was always going to be more significantly affected by the increase in height and massing proposed by the re-development of surrounding plots.

114. Officers also acknowledge that a high number of the rooms experiencing more perceptible losses, both in terms of VSC and NSL, are bedrooms. These are considered by BRE guidelines to be less sensitive to daylight losses than main living and kitchen areas. Furthermore, officers place some weight on the fact that these rooms serve student accommodation rather than permanent living spaces. While a reasonable expectation of daylight and sunlight is required in such spaces, there is acknowledgement that they are of lower sensitivity in comparison with the expected levels of occupiers of permanent homes and flats.
115. Whilst the VSC impact to individual windows of this building increases under the proposed scenario compared to the previous, the NSL compliance is materially improved compared with that of the original scheme, assisted by the north-south oriented blocks. The current scheme results in an improved daylight distribution to many rooms at the lower level of former Kelaty House block B on the eastern side of the block relative to the previous scheme, owing to the loss of the east-west oriented block from the previous scheme's massing and its replacement with thinner north-south oriented blocks. Given this context, officers consider that the daylight losses would be acceptable on balance, despite being contrary to BRE guidance.
116. In terms of sunlight testing, 19 rooms were tested. 10 of the 19 rooms fall below the BRE guidance for sunlight in the existing scenario but this would not be worsened as a result of the development, with the remaining 9 rooms continuing to meet the BRE guidelines. It is also confirmed that the impact to the windows that fall below the BRE guidance in the existing scenario would not be worsened as a result of the development. As such, none of the rooms will be materially affected in sunlight terms by the proposal.

#### Former Kelaty House Block C

117. Block C of former Kelaty House is between 8 and 9 storeys, and is for use as student accommodation. A total of 50 windows serving 16 rooms were assessed for daylight impact within this block. In terms of VSC, the assessment demonstrates that 26 of the 50 windows (52%) would comply with BRE criteria. This compares with 29 (58%) in the context of the previous scheme. Of the windows falling short of BRE requirements, a further 7 would retain VSC levels above 0.6 of their former value, and are considered to have a minor or moderate adverse impact, this compares with 10 windows in the context of the previous scheme.
118. The remaining 17 windows (11 windows in the context of the previous scheme) would experience more perceptible daylight impacts. However, testing of NSL alterations demonstrates that 13 of the 16 rooms assessed would retain daylight levels above 0.8 times their former value, and therefore only 3 rooms would experience more perceptible losses. This is the same as the previous scheme. As with the impacts to Block B outlined above, officers give weight to the fact that baseline levels of daylight are high due to the low-rise nature of the existing development, meaning any significant increase in height and massing proposed on this site would have a more significant impact. It should also be noted that all three affected rooms, i.e. experiencing NSL levels below 0.8 times their former value, are dual aspect and served by at least one window which would experience any daylight impacts from the proposed development.
119. Given this context, and also that the block serves as student rather than permanent accommodation, officers consider on balance that the relatively high degree of compliance with BRE guidelines would be acceptable.
120. In terms of sunlight testing, 8 rooms were tested. 1 of the 8 rooms falls below the BRE guidance for sunlight in the existing scenario, but this would not be worsened as a result of the development, within the remaining 7 rooms continuing to meet the BRE guidelines. It is also confirmed that the impact to the window that falls below the BRE guidance in the existing scenario would not be worsened as a result of this development. As such, none of the rooms will be materially affected in sunlight terms by the proposal.

#### Former Kelaty House Block D

121. Block D of former Kelaty House is between 6 and 7 storeys high, and is also a student accommodation block. A total of 104 windows serving 77 rooms were assessed for daylight within the

block. The report demonstrates that all 104 windows would pass the BRE's criteria in terms of VSC, while 70 of 77 rooms (91.0%) assessed (72 out of 77 (93.5%) in the context of the previous scheme) would pass accepted NSL levels. Of the seven affected rooms, four of these would experience daylight alterations of less than 0.6 times their former value (this would be five affected rooms and none experience daylight alterations of less than 0.6 times their former value in the context of the previous scheme).

122. The orientation of the block and its context with the development means that there would be no material sunlight implications to this block and no further assessment was required.

#### Former Kelaty House Block E

123. Block E of former Kelaty House is situated to the far south-west of the site and comprises a 4-5 storey block for use as student accommodation. The position of this block and relationship with the adjoining development ensures that of the 63 windows assessed for VSC, none experienced any losses. Of the 35 relevant rooms, 33 of them (94.3%) passed the NSL test, with the two breaches being at the low end of minor adverse (no more than 0.78 times the former value). In relation to the previous scheme, the VSC and NSL testing was passed in full with no breaches.

124. Similarly, in terms of sunlight testing, the orientation of the block and its context with the development means that there would be no material sunlight implications to this block and no further assessment was required.

#### Summary of Daylight and Sunlight results

125. Of the above blocks which are in situ and were subject to full testing in line with the BRE methodology, the results as described above are summarised in the table below:

Building	Impact Type	Total windows (VSC) or rooms (NSL / AWPSH)	BRE compliant windows / rooms (21/2989)	BRE compliant windows / rooms (20/2033)	Where compliance level changes, is the compliance level as at 20/2033 increased or reduced?
UCFB Unite	Daylight (VSC)	136	136 (100%)	136 (100%)	
	Daylight (NSL)	103	102 (99%)	103 (100%)	Compliance reduced
	Sunlight (AWPSH)	9	0* (0%)	0* (0%)	
Empire Court	Daylight (VSC)	88	88 (100%)	88 (100%)	
	Daylight (NSL)	64	60 (94%)	61 (95%)	Compliance reduced
	Sunlight (AWPSH)	64	64 (100%)	64 (100%)	
Kelaty House A	Daylight (VSC)	108	108 (100%)	108 (100%)	
	Daylight (NSL)	54	54 (100%)	54 (100%)	
	Sunlight (AWPSH)	n/a	n/a	n/a	
Kelaty House B	Daylight	213	33 (15%)	72 (34%)	Compliance reduced

	(VSC)				
	Daylight (NSL)	144	58 (40%)	49 (34%)	Compliance increased
	Sunlight (AWPSH)	19	9** (47%)	9** (47%)	
Kelaty House C	Daylight (VSC)	50	26 (52%)	29 (58%)	Compliance reduced
	Daylight (NSL)	16	13 (81%)	13 (81%)	
	Sunlight (AWPSH)	8	7*** (88%)	7*** (88%)	
Kelaty House D	Daylight (VSC)	104	104 (100%)	104 (100%)	
	Daylight (NSL)	77	70 (91%)	72 (94%)	Compliance reduced
	Sunlight (AWPSH)	n/a	n/a	n/a	
Kelaty House E	Daylight (VSC)	63	63 (100%)	63 (100%)	
	Daylight (NSL)	35	33 (94%)	35 (100%)	Compliance reduced
	Sunlight (AWPSH)	n/a	n/a	n/a	
Total	Daylight (VSC)	762	558 (73.2%)	600 (78.7%)	Compliance reduced
	Daylight (NSL)	493	390 (79.1%)	387 (78.5%)	Compliance increased
	Sunlight (AWPSH)	100	80 (80%)	80 (80%)	

\* See paragraph 106 above

\*\* See paragraph 116 above

\*\*\* See paragraph 120 above

#### Quintain Masterplan – Sites NE01-NE06

126. Annex 5 of the Daylight, Sunlight and Overshadowing chapter of the Environmental Statement submitted with the application provides a detailed analysis of the projected impacts of the proposal on Wembley Park Masterplan sites NE01 – NE06, which are located in the immediate vicinity of the site. The assessment concludes that the cumulative daylight effects of the proposed development are considered to be significant (Major Adverse), with a greater than 40% reduction in VSC over 10 storeys of the eastern elevation of Plot NE04. This is materially the same impact as was the case for the previous scheme, with the only discernible differences in impact being that the current scheme has a slightly greater extent of >40% VSC reduction impact to the tenth storey towards the northern end of the building but a slightly reduced extent of >40% VSC reduction impact to the eleventh and twelfth storeys in the central part of the building.

127. In both the current scheme and the previous scheme, the lowest VSC values are around 7% (at the ground floor), increasing to around 8-9% at the third floor and to 14-15% at the seventh floor. In the

current scheme, the distribution of lowest VSC figures is focussed on the south side of the façade of NE04 facing the development, gradually improving across to the north side of the façade; whereas in the previous scheme, the parts of the façade with the lowest VSC were focussed on two separate sections on the left and right side of the façade, with central and peripheral parts of the façade performing more strongly. Nonetheless, in both the current and previous schemes, VSC improvement is more strongly associated with vertical movement up the façade rather than horizontal movement along it. In summary, the impact to Plot NE04 from both the current and previous schemes is considered to be largely equivalent.

128. It is important to note that, since no detailed submissions have yet been made for the exact massing, internal layouts, window sizes etc to sites NE01 – NE06, the assessment could only test the facades of the indicative massing, rather than any specific windows and rooms as these have not yet been placed within the approved parameters of the building. Nonetheless, a full façade VSC range has been identified for the approved parameter plans for these plots based on the proposed massing.
129. The identified VSC range shows that the lower levels of the approved building envelope for plot NE04's eastern elevation achieve VSC levels of 27% and above because of the undeveloped nature of the application site at present. Such high VSC levels are uncommon in an urban environment and notable reductions from the site's development would be expected in any event. The retained VSC levels on the lower floors of the east elevation, with the Proposed Development in place, would be in line with those seen on the lower floors of the southeast elevation of the same building fronting Kelaty House. Therefore, the daylight levels achieved within the rooms behind this elevation would be expected to be similar to those achieved in other areas of the masterplan, unaffected by the Proposed Development.
130. The eastern elevation of NE04 benefits from uncharacteristically high initial values (i.e. more than 27%) as this indicative façade overlooks the existing low-rise industrial buildings present on the site in the baseline scenario, and therefore any proposed development of the site, which was to be expected given the site allocation, would have a significant impact on daylight levels to adjoining premises.
131. Officers have had careful regard to the proposed impact of the development to future occupiers within this part of NE04. However, this must be seen in context with the emerging urban context of the site and its surroundings, and the high levels of compliance across the rest of sites NE01-NE06, as well as other surrounding developments which have been discussed above. Having weighed up these factors, officers consider the scheme would remain acceptable, despite the perceptible losses experienced within plot NE04.
132. With regard to sunlight impact, sites NE01-06 are all located to the west of the proposed blocks, and the orientation of its facades mean that no elevations facing within 90° of due south would be affected by the proposed development. On this basis, no further analysis of sunlight impacts has been carried out.

#### Overshadowing to outdoor amenity spaces

133. The applicants have considered the impact to nearby outdoor amenity spaces. The relevant amenity spaces which are closest and which would warrant overshadowing testing are the communal gardens to the south of Empire Court, and at Amex House, as well as Wealdstone Brook to the immediate north. The courtyards within the two eastern plots of Masterplan sites NE01-NE06 have also been assessed.
134. The BRE overshadowing assessment is passed where at least 50% of the garden area would retain exposure to at least 2 hours of direct sunlight on 21st March. While some additional overshadowing would occur within the communal areas of both Empire Court and Amex House, this would be minimal and gardens would still retain at least 2 hours of direct sunlight, complying with the BRE guidance.
135. With regard to Wealdstone Brook, there would be more perceptible levels of overshadowing, particularly given the presence of the main 24-storey tower immediately adjacent to it. However, officers acknowledge that there would be no further overshadowing resulting from the proposed development during the morning on 21<sup>st</sup> March, while shadows would be cast by Plots NE01-NE06 of the Masterplan site between 1-2pm. From 3pm onwards, the development would result in further overshadowing of the Brook, and it would be in full shadow from this point. The level of impact is very similar to that of previous scheme. The scheme would not meet the BRE guidance on this basis.
136. However officers consider that these impacts must be weighed against the regeneration benefits of the scheme, which include opening up and activating this part of the Brook to encourage more people to

use this area, as well as much improved landscaping and pedestrian legibility which the development is aiming to achieve. On balance, the proposals are therefore considered acceptable, despite the conflict with BRE guidance.

137. With regard to the eastern plots within NE01-NE06, it was concluded that there would be no percentage change in terms of sunlight hours enjoyed by these courtyards as a result of the proposed development, with both areas achieving 95% (from a baseline of 96%) and 64% (from a baseline of 64%) of sunlight levels respectively. This is the same level of impact as was seen for the previous scheme.

### Summary

138. Overall, officers consider the impacts to neighbouring sites (both completed and consented) are acceptable when seen in the context of the scheme's wider benefits. Officers would note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser town centre locations. Whilst the VSC impacts are increased compared with that of the previous scheme, this is only seen to a material extent relative to the block B of former Kelaty House and the benefits of the scheme are considered to outweigh the modestly increased impacts. Furthermore, when considering the NSL impacts in the context of the previous scheme, it is noted that the compliance would notably increase relative to Block B of former Kelaty House even if it would reduce marginally to some other blocks. It could also reasonably be argued that the proposal improves the NSL impact to rooms at Empire Court, as the severity of impact to affected rooms would be reduced even if one more room overall would fall short of compliance with the BRE guidelines. In terms of Sunlight impact, the BRE compliance would reduce to minor extents for Empire Court and former Kelaty House block B, relative to the previous scheme.

139. Furthermore, at paragraph 125 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)"*.

140. 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 growth 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 existing buildings on site are only 1 storey high and establish a very generous baseline scenario which would naturally result in a significant change in the context of any development proposal to deliver a reasonable number of homes.

### Quality of residential accommodation

141. \_\_\_\_\_ Policy D6 of London Plan together with policy DMP1 in Brent's adopted and emerging Local Plan require developments to achieve high quality standards of internal amenity and quality of accommodation.

### Layout and Internal Design Quality

#### Block A (North West) – Fulton Road and the Brook

142. \_\_\_\_\_ Block A fronts Fulton Road and sits close to the western edge of the site, providing 151 homes (59 x 1B2P, 50 x 2B3P, 16 x 2B4P, 26 x 3B5P). All of the homes meet minimum internal space standards and are within the private tenure

143. At upper floors, there are 9-10 apartments per floor served by single central core which reduces to 4 from level 15. 62 out of 151 homes (41%) would have a single aspect but would have either an easterly or westerly outlook, and would almost entirely serve 1 bedroom units with balconies positioned to the front of the bedrooms. This maximises daylight and sunlight into living rooms. The larger 2 and 3 bedroom homes are consolidated at the corners of the block to take advantage of dual aspect outlook. The remaining 59% of homes would benefit from this dual aspect outlook which is a welcome proportion. It is also welcomed that the dual aspect provision is focused on the larger homes within the block.

144. The main entrance to the residential block (which is shared with other blocks B-D) is located to the west side of the building fronting Fulton Road, but there is a secondary access from the North

alongside the Brook.

145. Residents of block A would have access to the roof gardens atop the 15<sup>th</sup> and 18<sup>th</sup> floors. The lower and upper parts of the western podium can also be accessed via the communal access between blocks A and B, as well as from the external stepped entrance from alongside the brook.

Block B (South West) – Fulton Road and Fifth Way

146. Block B is situated to the South and western corner of the site. The block provides 123 homes (37x Studio, 43 x1B2P, 43 x 2B3P).
147. At upper floors, there are 7 to 10 apartments per floor served by a single central core accessed via the shared lobby from Fulton Road. 51 out of 123 homes (41%) are single aspect homes with easterly or westerly outlook complemented by central balconies. The single aspect units are all 1 bedroom or studio apartments and the majority of homes (59%), including all of the 2 bed roomed larger homes would have dual aspect, being positioned across the four corners of the block. The units would have access to roof gardens on the 12<sup>th</sup> and 15<sup>th</sup> floor via the main core, as well as access to the lower and upper western podium.
148. All of the new homes within this block are for private tenure and would meet the minimum internal space standards. Notwithstanding the above, there are some concerns over some specific layouts which do not appear to provide the same level of quality of accommodation due to the location and arrangement of kitchen spaces and a lack of outlook to them which includes units B-0204, B-0304 to B-1104. However, the applicants have demonstrated that a re-arrangement of the flats to deliver a combined living room and kitchen would lead to other concerns, including a lack of balcony access from the living room and poor light and outlook to the living room. Nonetheless, a suitable design solution has been devised, which establishes 1.2 metre high partitions to the kitchens (rather than full height walls) and which relocates the adjacent bedroom doors, equipping them with glazed fanlights to allow a direct line of sight to the bedroom windows from the kitchen spaces. It is considered that this solution results in the quality of accommodation to these flats becoming acceptable. Updated plans that show these changes have been provided and these layouts would be secured by condition.

Block C (North Central) – The Brook

149. Block C is located at the centre of the brookside route towards the northern edge of the site and is directly connected to Block D to the south. Block C would be formed of a part 20 and part 24 storey massing.
150. 211 homes are located within Block C comprising 62 x Studio, 70 x 1B2P and 79 x 2B3P units. All of the residential homes in this block are for private tenure. All units meet minimum space standards. The block's core would serve 7-10 apartments per floor.
151. 53% (111 out of 211) of the homes within the block are single aspect, facing either west or east. This proportion is considered acceptable as they serve 1 bed or studio units. The 47% remaining (100 out of 211) units are dual aspect corner units serving units with 2 or more bedrooms.
152. Block C can be accessed from the shared access to blocks A and B fronting Fulton Road but would also have a more immediate access point from along the brook route. The lower and upper western podium between Blocks A and C can be accessed via first floor or from directly from the stepped access along the brookside route, and residents would also have access to roof gardens situated on the 20<sup>th</sup> and 24<sup>th</sup> floors.

Block D (South East) – Fifth Way

153. The south-eastern block would contain 120 homes of which 64 would be intermediate homes. The block would be formed of a part 12 and part 15 storey massing. The block would have 35 x studio, 41 x 1B2P and 44 x 2B4P units. There are 7-10 units per core on each floor.
154. Block D would comprise of 46 (38%) dual aspect units which are 2 bed roomed units and the remaining 62% (74 of 120) would comprise of single aspect dwellings, which are 1 bed or studio units towards the east and west axis. Overall, the quality of the proposed residential accommodation is of high quality with all of the homes meeting minimum internal space standards.
155. The residential accommodation is accessed at upper ground floor level (owing to the level

change in this location) from the south of the block on Fifth Way but can also be reached from the upper podium garden, which can be accessed from the newly created access alongside the brook to the north of the site.

156. The block would have immediate access to the upper western podium (but also to the lower western podium beyond it) and to private roof gardens on the 12<sup>th</sup> and 15<sup>th</sup> floors.

#### Block E (North East) – The Goods Yard and the Brook

157. Block E fronts the northern route alongside the brook as well as the eastern edge of the site, at the area designated as the 'Goods Yard' and forming part of the service road through the site. The main residential entrance and lobby is from the north of the site facing The Brook. Block E's core is independent of the other buildings and benefits from a generous podium garden of its own (the eastern podium).

158. The block would be formed of a part 15 and part 18 storey massing, containing 154 homes (28 x 1B2P, 57 x 2B3P, 17 x 2B4P, 52 x 3B5P). The new homes within this block are comprised of 12 intermediate homes, 80 London Affordable Rented and 62 affordable rented units. All units would meet the minimum internal space standards.

159. 27% (41 out of 154) of the homes within the block are single aspect, facing either west or east which are considered acceptable as they mostly serve 1 bedroom units. The 73% remaining (113 out of 154) units are dual aspect at the corners of the block for 2 or more bedrooms.

160. The podium level between block C and E can be accessed via Block E on level 2 with further private rooftop gardens provided on levels 15 and 18.

161. As the only block entirely comprised of affordable homes, it is welcomed that the quality of the homes are equitable to those of the other blocks. Block E has the highest dual aspect percentage of all of the blocks and, whilst the residents of the block would not have access to the combined cores and podium of the other blocks (to ensure the block is self-contained for ease of management and service charging by a registered provider), the provision of a dedicated podium for the sole use of residents of this block is welcomed. In accepting this arrangement, officers would note that the dedicated podium to block E would provide 4.3sqm of amenity space per home, more than twice the 2.02sqm per home offered through the western podium that is shared between blocks A, B, C and D. In addition, the rooftop garden at level 15 is the largest rooftop amenity space in the development by a significant margin, providing 584sqm of amenity space, 38% larger than the next largest garden (424sqm serving block B). The GLA has raised concern with the self-containment of block E and, in particular, the lack of scheme-wide access across the garden spaces. Whilst officers share this concern in principle, the reality of the need for self-containment by many Registered Providers is understood and it is felt that suitable mitigating factors (as discussed above) are present in this instance for the proposal to be acceptable.

#### Summary

162. The overall layout and associated internal quality is considered to be high and the quality is consistent through the scheme, including in relation to the block containing affordable homes. All of the homes would achieve relevant standards for sizing and all would achieve good outlook for all of their habitable rooms.

163. A significant provision of dual aspect units is a strong benefit of the scheme, with 58% of all of the homes having dual aspect. This proportion is 100% for the family units. There are no units within the scheme that have a sole north facing aspect, which is strongly welcomed and accords with guidance in the Mayor's Housing SPG. The previous application at the site proposed 493 units across four blocks, with 266 of those homes (54%) having dual aspect outlook and not all of the family homes having dual aspect. This scheme improves on this previous scenario by proposing a larger proportion of homes with dual aspect outlook and a demonstrated assurance that all of its family units benefit from dual aspect. The GLA has cited the single aspect percentage of the scheme as being of concern, however officers would disagree with this point, with reference to the discussion above.

164. The Mayor's Housing SPG generally advises against the provision of homes with more than 8 flats per floor per core as this can be less beneficial in achieving community cohesion. The proposals generally exceed this amount (as discussed in the previous paragraphs), although not to an excessive extent. However, the consistent use of L shaped cores helps to establish the feel of there being two separate parts to each core and all of the cores will be served by a window to further improve their

experience to residents. As such, the approach of the scheme to proposing more than 8 flats per core is accepted in this instance. The GLA also acknowledge that the unit-per-core ratios are in excess of the preferred 8 in parts, but they also note that the naturally lit/ventilated nature of the cores assists in mitigating this breach of guidance.

165. As discussed in previous sections, the ground floor plane is considered to be highly positive and residential entrances are distributed liberally around the site, breaking down what is a large scheme into sets of familiar components for residents across the blocks.

### Accessibility

166. 10% of the homes which equates to 76 dwellings out of 759 would be adaptable for wheelchair users and are accordingly sized so as to ensure suitable circulation space within each room for this purpose (M4(3) standard within the Building Regulations). Policy D7 of the London Plan requires 10% of new homes to meet the M4(3) fit out and the remainder to meet the M4(2) fit out. This has been achieved in this instance.

167. The applicants' design and access statement demonstrates how the proposed development would meet the above requirements. The document shows how wheelchair users and wheelchair adaptable units have been incorporated into the scheme, with indicative layouts for each type of flat shown.

168. Below is a schedule of proposed apartments complying with M4(3) within each block.

Block Name	Quantity M4(3)
Block A	19 x 2 bed
Block B	13 x 2 bed
Block C	1 x 2 bed
Block D	27 x 2 and 1 bed
Block E	16 x 2 beds

169. Step-free access would be provided to all parts of the site including the landscaped areas along with lifts and proposed paths which have been designed to be legible and appropriately lit. A fire evacuation lift in each core would provide a safe means of escape in the event of an emergency.

### Privacy and outlook

170. In terms of privacy between blocks, the proposal broadly meets the standards set out in Brent's SPD1 (2018). A separation distance of more than 27 metres is maintained between blocks B and D, 17.5 metres between blocks A and C (16 metres from balcony to window), and more than 29 metres is retained between Blocks C and E, thereby complying with the SPD1 design guide. Whilst the distance between Block A and C is slightly less than the 18 metres as set out within SPD1, the windows across this space are largely offset from one another and this forms a limited part of the scheme overall and is therefore accepted in this instance.

171. However, the distance between blocks A and B is just 11.5 metres, which falls significantly short of the 18 metre requirement for such distances as set out in SPD1. Nonetheless, the windows affected by this relationship are largely secondary windows to habitable rooms. Just two of the six windows to each floor of the north elevation to block B and the south elevation to block A are primary habitable room windows. Directly facing secondary windows to the habitable rooms can be alternately obscure glazed to prevent any privacy concerns whilst also retaining a good level of outlook to the habitable rooms. Such obscure glazing is to form a condition of any consent.

172. The shared amenity space podiums would be overlooked by residential homes that face onto the podium at the same level and at levels above the podium. The private terraces serving homes located at and facing on to the podium level are located at the edges of the podiums. The plans include sections of defensible planting to establish a suitable privacy relationship between the podiums and the

adjacent residential units.

### Internal Daylight and Sunlight

173. An internal daylight and sunlight report has been submitted with the application, testing the levels of daylight reaching habitable rooms of the development using the Average Daylight Factor (ADF) criteria and the No Sky Line (NSL) criteria. The ADF gives a more detailed assessment of the daylight within a room than the Vertical Sky Component (VSC) test and takes into account a higher number of factors in establishing a quantitative output. ADF testing is achievable because a lot of information about the rooms being tested is known. This method of assessment takes into account the total glazed area to the room, the transmittance quality of the glazing proposed, the total area of the room surfaces including ceilings and floors, and the internal average reflectance for the room being assessed. The method also takes into account the VSC and the quantum of reflected light off external surfaces. Different benchmarks can be applied based on how much light a room needs, with a 2% benchmark ADF score applied to kitchens, a 1.5% benchmark ADF score applied to living rooms and a 1% benchmark ADF score applied to bedrooms.
174. The No Sky Line (NSL) test can be used in tandem with ADF to confirm the proportion of a room from which sky would be visible and to ensure that a good ADF result is not just concentrated in a small part of the room. A visible sky from more than 50% (NSL of 50%+) of the room can be considered a good result in this context.
175. In relation to sunlight, the probable sunlight hours (APSH/WPSH) testing is applied and sets out that that a room would be reasonably sunlight when at least one main window faces within 90 degrees of due south, and the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March.
176. The report concludes that 1,735 out of 2,004 (87%) rooms assessed would meet or exceed their ADF benchmark score for daylight. This is in considerable excess of the proportion of rooms that met ADF guidelines in the previous scheme (75% - 1,016 out of 1,360). Turning from the light received, to the distribution of that light across the rooms, 1,427 out of 2,004 (71%) would achieve daylight distribution (NSL) to over 50% of their rooms' areas. This is slightly less than the previous scheme's 73% NSL compliance (987 out of 1,360). Generally, the lower levels of the buildings see lower levels of compliance, with dual aspect rooms seeing the best results.
177. Previously, the largest area of concern in terms of daylight availability occurred to the south elevation of the scheme, where an east-west block faced southwards across a space significantly obstructed by the massing of former Kelaty House Block B, thereby restricting the amount of daylight and sunlight available on this façade. The north-south block formations in the current version limit the number of units at the southern end of the site close to former Kelaty House Block B and also result in all of the units at the southern ends of the blocks benefitting from corner dual aspect with the ability to receive light and sunlight from the east or west directions.
178. In terms of sunlighting, 66% of the windows will meet the recommended criteria for winter sunlight and 54% for year round sunlight. This is largely because the south facing windows will directly overlook the taller southern block within the scheme, limiting these windows' access to the sun. The above figures were 66% and 61% in the context of the previous scheme. The sunlight results have reduced slightly compared with the previous scheme, however it should be noted that a factor in this is the north-south orientation of all of the blocks in this scheme, which has increased the instances of east and west facing homes compared with the previous scheme. Such homes can naturally only receive direct sunlight in either the morning or the afternoon. The west and south facades see lower levels of sunlight than the other facades owing to the context of nearby masterplan buildings, although this is not substantially different between the current scheme and the existing scheme.
179. The GLA considers that the scheme's massing results in poor levels of internal daylight and sunlight, however officers would note that the results are very comparable with those of the previous scheme, and would not be unacceptable. In particular, it is highlighted that this scheme performs more strongly than the previous when measured on the basis of the most accurate daylighting test (ADF).
180. Overshadowing assessments to the communal podiums and rooftop gardens have also been undertaken and the results show that all rooftop gardens and all but one of the podiums substantially

exceed the BRE test of at least 50% of the garden receiving 2 hours of sunlight on 21<sup>st</sup> March. The proportion of the amenity spaces achieving the 2 hours of sunlight ranges from 74% to 100% for the roof gardens and between 68% and 83% for the eastern podium (serving block E) and the upper western podium (serving blocks A, B, C and D). The lower western podium (close to the northern edge of the site) would not be well sunlit but all residents would also have access to the upper western podium which performs well in overshadowing terms.

181. The brook route would fall short of the achieving the overshadowing targets, achieving 2 hours of sunlight across about 33% of its extent on the 21<sup>st</sup> March (34% for the previous scheme); however, between the 12<sup>th</sup> April and the 1<sup>st</sup> September the brook route would achieve the 2 hours sunlight across at least 50% of its extent, with that coverage peaking at about 85% in mid-June.

182. Overall, the proposed development is considered to perform well against the recommended guidance. Considering the high density, urban context of the scheme, the internal daylight and sunlight levels are considered acceptable and it is welcomed that, when compared with the previous scheme, whilst increasing the delivery of homes, the current development provides greater levels of daylight to a larger number of habitable rooms.

### Amenity Space

183. Policy DMP19 states the following:

*"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."*

184. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 10.39) which provides that:

*"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".*

185. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.

186. The blocks all benefit from access to two rooftop terraces each as well as access to a lower podium. Blocks B and D both benefit from two rooftop terraces at levels 12 and 15 of their respective blocks as well as access to the upper and lower western landscaped podiums. The upper and lower western landscaped podiums are also shared with the residents of blocks A and C, whose residents further benefit from two rooftop gardens for each block (at levels 15 and 18 for block A and at levels 20 and 24 for block C). Block E has sole access to the eastern landscaped podium and is equipped with the largest of the scheme's roof gardens at levels 15 and 18.

187. As noted above, the dedicated podium to block E would provide 4.3sqm of amenity space per home, more than twice the 2.02sqm per home offered through the western podium that is shared between blocks A, B, C and D. In addition, the rooftop garden at level 15 is the largest rooftop amenity space in the development by a significant margin, providing 584sqm of amenity space, 38% larger than the next largest garden (424sqm serving block B).

188. The 10 rooftop gardens together provide 3,117sqm of amenity space, whilst the western podiums together measure 1,222sqm and the eastern podium measures 660sqm. circa 900sqm of indoor communal facilities are to be provided at the ground floor between cores A and B, overlooking the landscaped areas, as an additional amenity offer to residents, accessible to all residents within blocks A, B, C and D;. Whilst not contributing towards amenity space for the purposes of the amenity space policy

(given that it is not outdoor space), the benefit of this indoor space is acknowledged and would factor into officers' views on the acceptability of the amenity space provisions..

189. The proposals would also deliver new publicly accessible amenity spaces at ground floor (3,370sqm), with the new route alongside the brook at the centre of these proposals. Whilst not private or communal to residents alone, this space is a significant benefit of the scheme and would factor into officers' views on the acceptability of the amenity space provision.

190. Overall, the amenity space provision, and associated shortfalls below DMP19 is as follows (all in sqm):

Block	A	B	C	D	E	Total
Number of 20sqm standard units	125	123	211	120	102	759
Number of 50sqm standard units	26	0	0	0	52	78
Amenity Space standard sqm (DMP19)	3,800	2,460	4,220	2,400	4,640	17,520
Private Amenity space in sqm	786	658	1,173	628	795	4,040
Shortfall in amenity sqm (incl. private)	3,014	1,802	3,047	1,772	3,845	13,480
Total share of communal space roof garden and podium sqm	997	842.4	811.2	832.4	1,516	4,999
Adjusted shortfall sqm (incl. private and communal)	2,017	959.6	2,235.8	939.6	2,329	8,481
Ground floor communal space						3,370
TOTAL shortfall						5,111

191. Whilst the table above breaks down the shortfall in amenity space provision against policy requirements across the different amenity space components by block, the summary position is that:

192. 23% of the required amenity space provision is achieved through the provision of private balconies

193. 52% of the required amenity space provision is achieved through the provision of communal gardens at podium and roof level – this figure increases to 71% when taking into account the landscaped communal spaces around the developments on ground floor.

Whole scheme	Policy Requirement	Private Balcony	Shortfall of policy	Communal Roof Spaces+ podiums	Communal Ground floors	Cumulative Shortfall	% of req
Total units (759)	17,520	4,040	13,480	4,999	3,370	5,111	70.8%

194. However, the above accords with DMP 19 of Brent's DMP 2016. Brent's emerging policy BH13 (which is set to supersede DMP19) carries significant weight and prescribes that it is specifically 3 bedroom+ units on ground level that are to provide 50sqm of amenity space, rather than all 3 bedroom+ units. In this instance there are no ground floor units and the scheme would need to provide 20sqm of private amenity space across for all of its units.

195. When applying the BH13 criteria to the amenity space proposals, the shortfalls below the policy amounts reduce and this is set out in the table below:

Block	A	B	C	D	E	Total
Number of 20sqm standard units	151	123	211	120	154	759
Number of 50sqm standard units	0	0	0	0	0	0
Amenity Space standard sqm (BH13)	3,020	2,460	4,220	2,400	3,080	15,180
Private Amenity space in sqm	786	658	1,173	628	795	4,040
Shortfall in amenity sqm (incl. private)	2,234	1,802	3,047	1,772	2,285	11,140
Total share of communal space roof garden and podium sqm	997	842.4	811.2	832.4	1,516	4,999
Adjusted shortfall sqm (incl. private and communal)	1,237	959.6	2,235.8	939.6	769	6,141
Ground floor communal space						3,370
TOTAL shortfall						2,771

196. Whilst the table above breaks down the shortfall in amenity space provision against policy requirements across the different amenity space components by block, the summary position is that:

197. 27% of the required amenity space provision is achieved through the provision of private balconies

198. 60% of the required amenity space provision is achieved through the provision of private spaces and roof communal spaces – this figure is increased to 82% with taking into account the landscaped communal spaces around the developments on ground floor.

Whole scheme	Policy Requirement	Private Balcony	Shortfall of policy	Communal Roof Spaces+ podiums	Communal Ground floors	Cumulative Shortfall	% of req
Total units (759)	15,180	4,040	11,140	4,999	3,370	2,771	81.7%

199. In summary, the headline amenity space amounts achieved, relative to the previous application, are as follows:

	Adopted DMP19 private & communal	Adopted DMP19 Private & communal + public space	Emerging BH13 Private & communal	Emerging BH13 Private & communal + public space
Current (21/2989) achievement against policy target	9,039sqm / 17,520sqm  (51.6%)	12,409sqm / 17,520sqm  (70.8%)	9,039sqm / 15,180sqm  (59.5%)	12,409sqm / 15,180sqm  (81.7%)
Previous (20/2033) achievement against policy target	6,326sqm / 12,080sqm  (52.4%)	9,720sqm / 12,080sqm  (80.5%)	6,326sqm / 9,860sqm  (64.2%)	9,720sqm / 9,860sqm  (98.6%)

- Despite the shortfall against policy, it is welcomed that amenity space provision has been reasonably maximised across the development, utilising all rooftops where possible and significantly expanding public open space. It should also be noted that the scheme brings wider benefits in terms of opening up Wealdstone Brook and encouraging this to be more actively used, with the potential for a public route along the Brook, with the aim of adjoining sites tying into this. On balance, the proposed amenity space provision is therefore acceptable.

#### Playspace provision

- London Plan Policy S4 requires development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme, which should not be segregated by tenure. Further detail is provided in the Mayor's 'Shaping Neighbourhoods: Play and Information Recreation' Supplementary Planning Guidance (SPG), which sets a benchmark of 10 sq.m of usable child place space to be provided per child and makes clear that playspace must not be segregated by tenure.

200. The applicants have set out a play space strategy which provides on-site play spaces aimed at children aged 0-17 in line with GLA policy S4. The proposal has been calculated to generate a child yield of 298.3 which amounts to 2,983.1sqm of play space of which 142.5sqm should be doorstep play space to be achieved for 759 units.

201. The applicants have incorporated these play spaces within the rooftop gardens as well as the podium, The Brook and The Goods Yard communal spaces which would total 3,192sqm of such space. These figures are calculated based on the GLA's 2019 Population Yield Calculator which determines the sizes of the incoming population generated by the proposal. The proposal is also in the proximity of a number of parks (particularly the Northern Lawns and Southern Terraces being delivered as part of the Masterplan) in providing an off-site offer for residents.

202. The 3,192sqm provision of playspace exceeds the 2,983.1sqm target generated under the standards set by the Mayor's Play and Informal Recreation SPG. The proposal provides playspace for children of all ages, with most of this centred on the well over-looked podiums, roof top gardens and the brook. Informal play areas are also provided in the Yard for older children and close to Fulton Road, multiplying the opportunities for use.

- Detailed plans of the play spaces for all ages and their individual features will be secured through a landscaping condition.

- The previous scheme would provide a total of 2,270sqm of playspace, thereby also exceeding the 2,248sqm target generated under the standards set by the Mayor's Play and Informal Recreation SPG.

### Landscaping provision and Urban Greening

203. The proposals would retain the vast majority of trees on site, although two trees of poor amenity value (Cat C) and two groups of rough scrub vegetation would be removed to the north-west and south-east fringes of the site respectively. However a further 12 trees/ groups of trees would be retained along the north of the site close to the Brook. Although these are largely categorised as C or U value trees, they play a role in the vegetation and natural screening along the Brook and are therefore important to the overall landscaping strategy. These would be enhanced by further planting along the Brookside, as well as across the scheme in general, and the planting of 51 new trees across the development.
204. At the heart of the landscape proposals is opening up the site to Wealdstone Brook and establishing a future public access connection to it, which would be in keeping with the aspirations of WAAP policy WEM40. Further proposals that contribute to this policy aspiration will be provided in the form of biodiversity measures which are discussed later in this report.
205. The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the masterplan. The proposal includes rain gardens which support multi-functionality, in accordance with Policy G1 of the London Plan. The application also demonstrates consideration of access to public open space, notably adjacent to Wealdstone Brook, in accordance with London Plan Policy G4. This area of public open space is also green as per the policy aspiration. The applicant has calculated the Urban Greening Factor of the proposed development as 0.477, and has submitted a plan showing surface cover and detailed calculations. This score exceeds the target set by Policy G5 of the London Plan of 0.4 and is therefore acceptable. The GLA also strongly welcome the landscaping proposals in the development.
206. Again, officers recommend a landscaping condition which secures detailed plans of the landscaping's individual features to be submitted for approval before works on the relevant part of the scheme commence.

### Transport and highways

#### Site background

207. The site is bounded by Fulton Road, Fifth Way and Fourth Way. Fifth Way is a local distributor road that has recently been converted to two-way working. There is a level difference between the site and Fifth Way. Fulton Road is a local commercial access road whose importance is likely to increase once the proposed North End Road to Bridge Road link has been completed. Fourth Way is also a local commercial access road.
208. On-street parking is prohibited at all times around the site. As the adjoining roads are all commercial access roads, none of them have been identified as heavily parked streets overnight, although there is evidence to show that they are heavily parked during the day. The site is within the Wembley Stadium Event Day Parking Zone.

#### Car Parking

209. As the site lies within the Wembley Masterplan area, car parking standards are set out in the Wembley Area Action Plan. With the good PTAL rating, the flats would be allowed up to 0.4 spaces per 1-2-bed flat and 0.6 spaces per 3-bed flat, the employment uses would be allowed one space per 400m<sup>2</sup> and the retail uses one space per 100m<sup>2</sup>. This would give a total allowance of up to 319 residential spaces and 11 commercial spaces.
210. For information, the forthcoming draft Local Plan (which will adopt London Plan parking standards) would allow up to 0.5 spaces per flat (379 spaces), plus ten commercial spaces.
211. The proposed provision of 25 wide, marked disabled spaces is therefore well within the maximum allowance. It does satisfy the London Plan requirement that allocated parking is provided for 3% of units at the outset and if necessary, further disabled spaces could be provided in the northeastern corner of

the site if demand warranted it in future. Blue Badge holders would also be exempt from any 'car-free' agreement that is applied to the site.

212. Of the spaces that are to be provided, at least 20% (five spaces) require electric vehicle charging points at the outset, with all remaining spaces needing to have passive provision. The supporting documents confirm that suitable provision will be made.
213. Consideration also needs to be given to the impact of overspill parking in the area though. To this end, the adjacent streets would need to be included within a year-round CPZ to allow the issue of parking permits to be properly controlled. A sum of £50,000 was agreed for the previously approved development to address this and this sum is to be secured again for this scheme through the s106 Agreement.
214. Otherwise, overspill parking can be controlled on Wembley Stadium event days and a 'car-free' agreement to withdraw the right of future residents to on-street parking permits for both the existing event day CPZ and any future year-round CPZ needs to be secured through the s106 Agreement.
215. A Car Parking Management Plan has been submitted alongside the application, confirming that only disabled Blue Badge holder will be eligible to apply to park within the site. Other residents will be informed of the 'car-free' agreement. Demand for disabled parking and electric vehicle charging points will be continuously monitored and reviewed, with a view to increasing provision as and when necessary. Any vehicles that are parked within the site without a permit or authorisation will be issued with Penalty Charge Notices and/or towed away. The Car Parking Management Plan is acceptable and will be secured for implementation by condition.

#### Cycle Parking

216. In terms of bicycle parking, the development requires a minimum of 1264 long-stay spaces and 19 short-stay spaces for residents, plus 20 long-stay and 10 short-stay spaces for the commercial units. Internal bicycle storage for 1313 bicycles is proposed, largely on two-tier racks, but with over 5% provided on 'Sheffield' stands for non-standard bicycles and tricycles. These are supplemented by 17 external bicycle stands (34 spaces) for visitors, distributed around the site frontage to serve each block.
217. The main internal bicycle store is well located on the ground floor for Blocks A-D, whilst the store for Block E is largely focussed on the first floor, with a suitably sized lift shown for access. All racks are shown with suitable space for access. As long as changing/showering/locker facilities are incorporated into the workspace units, then the proposed bicycle parking provision will meet standards in terms of number and quality.

#### Servicing and Refuse

218. For servicing, a new footway loading bay (18m x 3.5m) is proposed along the Fulton Road frontage to serve the western end of the development, with suitable time limits for loading. This will entail S38/S278 highway works to provide the lay-by and also to adopt a 2m footway along the rear for times when it is occupied by a delivery lorry, which will be secured through the s106 Agreement.
219. The eastern end of the development, including the main commercial unit, will be serviced from within the site, with two delivery bays identified alongside the proposed service road and a suggestion that an internal loading bay will be provided within the commercial unit.
220. The minimum refuse and recycling storage required for the residential development is 146,520l, plus 17,457l for organic waste. Five bin stores have been indicated, with a sufficient number of bins to meet these requirements. However, the bin stores for blocks A and C are shown with bins packed together tightly in large blocks, making many of them inaccessible. This is not workable and the two stores need to be rearranged or enlarged accordingly. The applicants have since advised that management will rearrange the bins as and when required to ensure continued usability by residents. A planning condition will require revised plans of the bin stores serving blocks A, B and C to be submitted for approval, or will require the submission of a site waste management plan that will explain the arrangements for managing the bin store to be submitted for approval.
221. Two of the bin stores (Blocks A and B) also have excessively long drag distances to the proposed loading bays for refuse vehicles (40m and 50m respectively). These kinds of issues would typically be addressed by the site management company taking responsibility for the relocation of the bins as

necessary. However, whilst a Delivery & Servicing Management Plan (DSP) has been submitted, it has not specifically addressed this issue.

222. Otherwise, the DSP has set out procedures for helping to minimise the impact of the anticipated 107 daily deliveries (75 residential and 32 commercial) to the development on the highway network. This includes a delivery booking system for the commercial units, which will help to avoid peak hour deliveries. However, no mention is made of Wembley Stadium event days and the site management company should be proactive in minimising deliveries to the site on Wembley Stadium event days. In addition, HGV's should be directed to arrive at and leave the site via North Circular Road and Great Central Way only, rather than travelling through the Wembley redevelopment area.
223. As such, the submitted DSP still requires further work around waste storage and collection, vehicle routeing and avoiding conflict with Wembley Stadium event days before it can be approved. A revised DSP is to be sought and approved by way of planning condition.

#### New Routes, Public Realm and Highways Improvements

224. Internally, the proposed alignment of the service road includes a number of sharp right-angled turns along its length, but tracking has been provided to demonstrate that delivery vehicles (including articulated lorries) can manoeuvre through the site from Fifth Way to Fourth Way without difficulty. The gradient has also been kept to a maximum of 1:12 (8.3%), which is acceptable for wheelchair access.
225. The service road will require a new junction from Fifth Way for inbound traffic only and this meets standards in terms of junction spacing, visibility and tactile paving.
226. A Road Safety Audit did raise an issue with regard to its width and recommended enhanced signing to ensure that drivers do not mistake it for a two-way road. A reduction to the kerb radius of the junction on its western side to no more than 6m should also be made, as the radius shown is only required for articulated lorries, which should be routed to the site from the east (North Circular Road) only through the DSP, on the rare occasions they are likely to visit the site.
227. The service road will be entirely surfaced in block paving, which is welcomed for use as a shared surface. Areas for pedestrian priority will be delineated through the use of contrasting colours and patterns and the use of balustrade railings.
228. The site will also include a riverside walk along its northern edge, connecting Fulton Road/Watkin Road with the eastern end of the site, with the vehicular access from Fulton Road removed to facilitate safe pedestrian access. This route is very welcome and will also be available for use by cyclists and emergency vehicles (ensuring fire appliance access to the entire site perimeter), with vehicular access from Watkin Road controlled by removable bollards.
229. The only issue is that to connect to the wider highway network at Fourth Way, the route will need to share the relatively narrow vehicular egress to Fourth Way, which doesn't provide sufficient space for a segregated footway to be provided. However, there is enough space for vehicles and pedestrians to safely pass one another along the shared surface with care, until such time as an improved link might be delivered as adjoining sites come forward for redevelopment.
230. Pedestrian access to each of the residential blocks and commercial units will be taken either directly from the highway (Fulton Road and Fifth Way) or, in the case of Block E and the main employment unit, from the footpath along the site's northern edge. As such pedestrian traffic and vehicular traffic are largely segregated, which is welcomed.
231. The internal access road and footpath are not expected to be adopted, but the footpath along the site's northern edge should be designated as a permissive right of way for the general public through the s106 Agreement.
232. The development also proposes a number of improvements around the site to address issues identified in the Healthy Streets Assessment. These include the widening of footways along the Fulton Road and Fifth Way frontages and works to improve bus stop and pedestrian crossing facilities. In particular, the radius kerb at the junction of Fulton Road and Fifth Way is to be enlarged to potentially accommodate a pedestrian refuge at the junction in the future, if some additional highway land can be secured on the opposite side of the junction. This widening will require the adoption of land in the southwestern corner of the site as footway.

233. In the meantime, as a pedestrian island cannot be guaranteed to be delivered in the timeframe of this development, a raised speed table is proposed across the bellmouth of Fulton Road, supplemented by speed cushions on the Fifth Way and First Way approaches to the junction. A further speed table is proposed in Fulton Road in the northwestern corner of the site to assist pedestrians to cross Fulton Road safely. These improvements will need to be included in the proposed S38/S278 Agreement and secured through the s106 Agreement.
234. The improvements to the bus stop include a shelter and seating and TfL have requested that these be funded by the developer through a financial contribution. The indicative costs for this have yet to be confirmed, but the agreed amount will be secured in the s106 Agreement.

### Trip Generation

235. Predicted trip generation has been based upon agreed trip rates for other residential developments in the immediate area and on trip rates held on the TRICS database for non-residential uses, adjusted to reflect the low level of car parking proposed.
236. The total number of person trips by all modes is estimated at 67 arrivals/330 departures in the morning peak hour (8-9am) and 254 arrivals/108 departures in the evening peak hour (5-6pm).
237. However, due to the low level of parking, just 5-6 car movements are anticipated to occur in each peak hour and this is far below the traffic levels generated by the existing use as a car parts sales centre. As such, the development would have a positive impact by reducing traffic flows in the area and thus improving highway safety.
238. The main impact of the trip generation would be on public transport capacity, with 65-71 additional bus trips anticipated in each peak hour. Bus services serving the site directly are limited to just three services, so a substantial financial contribution of £408,167 has been sought by TfL towards bus services enhancements. This will be secured through the s106 agreement.
239. For rail and Underground journeys, the hourly trips are estimated at 246 in the morning peak hour and 224 movements in the evening peak hour. Wembley Park station has been designed to accommodate large crowds for Stadium events, so has residual capacity on non-event days. There are therefore no concerns regarding station capacity.
240. The predicted rail trips have then been assigned to Jubilee and Metropolitan line trains arriving at and departing from Wembley Park station in each peak hour, comparing the additional hourly demand with existing flows on these services. The maximum identified impact was an increase of 0.7% in demand, which is not considered to be significant. TfL have not requested any contribution in relation to rail or underground service capacity.
241. Purely walking and cycling trips are estimated to total 54-59 movements in each peak hour and the proposed S278 works around the site will help to ensure these are catered for safely on the adjoining roads.

### Travel Plan

242. To attempt to influence modal choice at the development, a Framework Travel Plan has been submitted by the applicant. The principal target is to ensure that no less than 80% of trips to and from the site are made by sustainable modes of transport, in line with the London Mayor's Transport Strategy. However, as a car-free development with an estimated modal split of journeys by car drivers of 1.5% (taken from the TA), this target is meaningless in this context and should be revised. Interim targets for three years and five years after completion of the development should also be set out.
243. The management of the Travel Plan and monitoring of its progress will be undertaken by a Travel Plan Co-ordinator. Promotion of the Travel Plan will be through Welcome Packs and noticeboards, highlighting events such as 'Bike Week' or 'Walk to Work Day'. However, the list of proposed measures is very weak, omitting some key measures that would be expected in a Residential or Employment Travel Plan.
244. For instance, mention is made of making residents aware of local Car Clubs, but no mention is made of offering free Car Club membership to residents or of establishing a Car Club on the site. This is a

major omission, given the size of the development. The proposed s106 Agreement will need to include an obligation to enter into partnership with a Car Club operator to serve the site, including potentially locating vehicles within the site or in the vicinity. Car club vehicles will need to be provided from first occupation of the development until at least three years after final occupation of the development. The s106 agreement will also need to secure the funding of resident membership of the car club for 3 years.

245. Another key omission for the employment units is any mention of the Bike 2 Work scheme or of offering interest-free loans for season tickets for staff.
246. In terms of ongoing monitoring, it is confirmed that biannual surveys will be conducted, but it is not confirmed to what standard these will be undertaken. TRICS or i-Trace compatible surveys should be used as the template. The time period of five years mentioned also needs to take into account the three-year build programme of the development, so monitoring should be undertaken from first occupation through to five years after completion.
247. Finally, no mention is made of how the Travel Plan's success will be reviewed once surveys are gathered, or how remedial measures might be introduced if targets are not met.
248. In conclusion, the Framework Travel Plan is not acceptable in its current form and a revised version will be required to be approved prior to occupation of the development. This can be submitted, reviewed, implemented and monitored through the s106 Agreement.

### Construction Logistics Plan

249. Finally, a draft Construction Logistics Plan (CLP) has been submitted with the application, which generally follows TfL's guidance in terms of structure.
250. The works anticipated to extend from July 2022 until February 2025. Deliveries will be pre-booked with at least 24 hours' notice to help with managing the number of vehicles on-site at any one time. Nevertheless, the site is large enough not to be likely to require any highway closures during construction.
251. Although standard working hours (8am-6pm on weekdays and 8am-1pm on Saturdays) are to be followed, it is confirmed that deliveries during network peak hours will be avoided as far as possible, which is welcomed. Deliveries on Wembley Stadium event days (within four hours of an event) also need to be avoided and this should be confirmed in an updated CLP.
252. The proposed routing of construction vehicles from the North Circular is considered acceptable.
253. The predicted peak period of construction vehicle movements is expected to take place from summer to summer 2023, with 47 daily deliveries expected. As long as vehicles adhere to the proposed routing from North Circular Road, this volume of movements would be acceptable.
254. The draft Logistics Plan is therefore welcomed as a good basis for a final CLP, once a main contractor is appointed. A final CLP will need to be submitted and approved by way of condition.

### Environmental Health Considerations

#### Air quality

255. An air quality assessment (including an air quality neutral assessment) considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, and impact of heating plant emissions. This has been reviewed by Brent's regulatory services team.
256. The assessment is sufficiently robust and detailed, considering the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.
257. The assessment confirms that the appropriate air quality positive requirements of the London Plan have been followed, and that the design incorporates a number of air quality impact reducing elements, including: the location of residential units and amenity spaces sufficiently away from major roads to reduce exposure to poor air quality for future residents, the use of air source heat pumps for the principal

heat generation for the building and highly energy efficient building fabric to minimise operational emissions, the minimal provision of car parking (with T6 policy compliant electric vehicle charging points) and a substantial provision and encouragement of cycle parking. Officers are satisfied that the development would have a negligible impact on air quality without any mitigation measures being required.

#### Construction noise and nuisance

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

#### Contaminated land

261. The applicant has submitted an initial site investigation report and this has been reviewed by the Council's Regulatory Services team. The site to be redeveloped and the surrounding area has been identified as previously contaminated. This assessment does indicate remediation works are required in relation to soils and also gas protection measures. The report also advises that further investigative works should be undertaken when the site is vacated. Officers are satisfied that the proposals are acceptable, subject to conditions requiring further site investigation works following demolition of the existing building, and any remediation works arising from this to be completed before first occupation or use.

#### Noise

262. Policy D13 of the London Plan places the responsibility for mitigation impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. The development would sit adjacent to Strategic Industrial Land where this issue is of particular relevance, particularly as the remaining part of the Site Specific Allocation that is not included within the application site, and which immediately borders the south eastern part of the development site, continues to operate with an industrial use (for waste processing)
263. The applicant has submitted a Noise and Vibration Impact Assessment (as part of the Environmental Statement) that considers the potential emissions of noise and vibration from construction and the noise and vibration levels within residential dwellings once completed as a result of external noise levels and the proposed noise mitigation measures within the dwellings. The future residential uses within the Proposed Development will require suitable design of the facades and ventilation system so that appropriate internal noise conditions are achieved. The facade sound insulation performances required to meet the internal noise levels are set out in the applicant's Environmental Statement, with the highest requirements likely to need thick acoustic laminate glazing and wider air gaps, depending on the relative areas of glazing compared to the solid facade elements.
264. The Council's Regulatory Services have reviewed this assessment and deem it suitable and therefore provided the mitigation measures are installed the scheme is acceptable in terms of noise considerations. The Noise Impact Assessment is to be conditioned.
265. To ensure that any plant machinery on the building does not incur unacceptable noise pollution to surrounding properties, a condition limiting plant noise will be applied to the consent.

#### Lighting

266. A condition is to be attached requiring that a lighting strategy inclusive of details of luminance levels at the nearest residential windows are submitted and approved by the Local Planning Authority before

any of the residential units are occupied.

## Sustainability and energy

### Policy background

267. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy CP19, demonstrating at the design stage how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per day. Major commercial floorspace is required to achieve a BREEAM 'Excellent' rating and this also needs to be clearly evidenced. Policy DMP9B of Brent's Local Plan also requires sustainable drainage measures to be adequately implemented.

268. Major residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. For the residential parts of the development, the policy also requires at least 10 percentage points of the minimum 35 percentage point reduction to be attributable to energy efficiency measures (known as 'be lean' measures) and for the commercial parts of the development, the policy requires at least 15 percentage points of the reduction to be attributable to 'be lean' measures. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

### Carbon emissions

269. The energy assessment submitted sets how the London Plan energy hierarchy has been applied, with carbon emissions savings identified from passive energy saving measures including low fabric U-values, lighting controls, pipework insulation, thermal bridging and the implementation of an on-site heat network served by air source heat pumps, which would be used throughout the building and include underfloor heating. The heat pumps would also provide hot water and cooling to the commercial floorspace.

270. For the 'be clean' stage, the applicants explored the potential to connect to a district heat network and are continuing to explore the feasibility of connecting to the Wembley Park Network with Quintain and EoN. In any case, the applicants are proposing to incorporate a connection point to the district heat network, should a future feasible connection be possible. Drawings showing this have been provided and will be secured by condition.

271. For the 'be green' stage, heat pumps are being proposed in the form of a (centralised) hybrid air source heat pump and gas boiler system. A number of other renewable technologies were considered for inclusion, and photovoltaic panels were considered to be feasible for inclusion. Whilst the scheme maximises roof space for amenity provision for future residents, with very little space remaining, which is used for heat pump plant area, space for five small arrays of PV have been identified and proposed, totalling 41 panels, producing 13,735 kWh of energy.

272. The assessment demonstrates that the residential scheme would deliver a 49% reduction in carbon emissions below the 2013 Building Regulations baseline, which is broken down into the following site-wide elements below:

	Regulated emissions CO2 p.a	Saving in regulated emissions CO2 p.a	% reduction
Baseline Building Emissions based on Part L 2013	717.7	n/a	n/a
Building Emissions following 'Be Lean' measures	598.4	119.3	17%
Building Emissions following 'Be Clean' measures	598.4	0	0%
Building Emissions following 'Be	365.4	233.0	32%

Green' measures			
Total		352.3	49%

273. The assessment demonstrates that the commercial scheme would deliver a 57% reduction in carbon emissions below the 2013 Building Regulations baseline, which is broken down into the following site-wide elements below:

	Regulated emissions CO2 p.a	Saving in regulated emissions CO2 p.a	% reduction
Baseline Building Emissions based on Part L 2013	64.7	n/a	n/a
Building Emissions following 'Be Lean' measures	43.3	21.3	33%
Building Emissions following 'Be Clean' measures	43.3	0	0%
Building Emissions following 'Be Green' measures	27.9	15.4	24%
Total		36.7	57%

274. The scheme would have a residual emissions amount of 393 tonnes of CO2 per year and would significantly exceeds the baseline requirements in SI2 for both residential and commercial carbon savings. A carbon offsetting payment of £95 per year for each tonne of emitted regulated carbon is to be secured from the developer in line with London Plan policy. The offsetting payment for this scheme would be secured in the s106 agreement.

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

276. With regard to the commercial element of the scheme, a BREEAM Pre-Assessment has been submitted and this demonstrates that the scheme would achieve an 'Excellent' rating (71% for the retail units and 72% for the industrial units), as required by policy CP19 and emerging Local Plan policy BSU11. The BREEAM assessment notes that there may be scope to improve these scores in certain parts of the design process, while other credits may be at risk. Officers therefore recommend through a planning condition that the submission of a final stage BREEAM assessment to ensure that, as the design stages of the proposed development evolves, an 'Excellent' rating is achieved.

#### Sustainable design

277. The submitted Sustainability Statement outlined a number of sustainable design measures which would be incorporated into both the residential and non-residential elements of the scheme. These include measures (including the use of individual water meters and flow restrictors) to ensure the residential dwellings would be limited to water consumption of less than 105 litres per person per day. Officers recommend a condition to ensure that water consumption is restricted to less than 105 litres per person per day as identified above, as is required by London Plan policy SI5.

278. The sustainability statement proposes that the non-residential components of the development will target a minimum BREEAM rating of 'Excellent'. The BREEAM pre-assessments for these components identifies scores of 6 credits on water measures. This is in accordance with Policy SI.5 of the Intend to Publish London Plan and is strongly supported.

279. With regard to overheating, the applicants have submitted an overheating report setting out a number of measures being used to achieve the requirements of London Plan Policy SI4.

280. A Whole Life Cycle Carbon Assessment has been provided, as required by London Plan policy SI2,

demonstrating whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrating actions taken to reduce life-cycle carbon emissions. The results from the assessment indicate that the development is within the GLA's Aspirational Benchmark for construction stages with emissions totalling 476 kgCO<sub>2</sub>e/m<sup>2</sup> GIA. The results for the operational phases of the building are higher than the GLA's Baseline Benchmark with emissions totalling 596 kgCO<sub>2</sub>e/m<sup>2</sup> GIA and comments raised by the GLA in relation to this are being addressed by the applicants. By undertaking a WLC, and engaging with Circular Economy, Euro House development has demonstrated (subject to further Stage 2 consideration by the GLA) that every option for reducing carbon emissions has been considered and implemented where feasible.

281. A Circular Economy statement has been submitted, as required by London Plan policy S17, demonstrating:
282. How all materials arising from demolition and remediation works will be re-used and /or recycled
283. How the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
284. Opportunities for managing as much waste as possible on site
285. Adequate and easily accessible storage space to support recycling and re-use
286. How much waste the proposal is expected to generate, and how and where the waste will be handled
287. The GLA is reviewing this statement and will provide comments in due course. Any concerns raised by the GLA can be addressed as part of a Stage 2 referral.
288. In relation to carbon emissions and sustainable design, the GLA has sought points of clarification in relation to overheating, the heat network connection, heat pump loss distribution and these are currently being addressed by the applicant ahead of a Stage 2 referral.

#### Flooding and Drainage

289. The site is predominantly in Flood Zone 1 with a small areas of Flood Zone 2 and 3 along the boundary, where building footprints are not proposed. The site abuts the River Wealdstone Brook. A Flood Risk Assessment (FRA) and drainage strategy has been submitted as required under the NPPF.
290. At present the site discharges unrestricted into Wealdstone Brook. The proposed development will also discharge to this same location via the existing outlet. The proposal is to provide attenuation totalling 1000m<sup>3</sup>, designed to a 1:100-year storm event + 40% for climate change, and the discharge into Wealdstone Brook would be restricted to 6 litres per second, similar to greenfield runoff rates. The site has been assessed for sustainability based on the Drainage Hierarchy.
291. The SuDS strategy is as follows:
292. All of the buildings to discharge to a single below ground attenuation crate tank system located to the east of Block E.
- The podium decking above the parking will be planted out with a dense green/blue roof providing further attenuation storage in these zones.
  - All buildings will incorporate rainwater harvesting as much as possible.
  - Wherever possible hard surface areas will be formed using permeable paving and voided aggregate subbase.
  - All tree pits and planting will be directly linked to the voided aggregate subbase to provide irrigation for the planting.
  - The landscaping scheme includes rain gardens/swales along the northern boundary adjacent to the watercourse.
293. The submitted drainage strategy and flood risk assessment will be secured by condition.
294. The Environment Agency (EA) have reviewed the proposal and support the content of the submitted flood risk assessment and drainage strategy, given a 10 metre buffer zone would be maintained between the proposed development and the Brook. The EA have requested that an informative is applied to

ensure relevant Flood Risk Activity Permits are secured before works begin.

295. Thames Water have reviewed the proposal and do not raise any concerns from a construction perspective or an operational perspective in relation to surface water and foul water capacity. However they have requested a condition is attached requiring a piling method statement is submitted for approval before such works take place. Some additional advice for the application in relation to ground water will be communicated to the applicant by way of informative.

296. Affinity Water (who would supply drinking water to the development) have reviewed the proposal and do not raise any objection. They recommend that the applicant contacts Affinity Water as soon as possible following any grant of consent regarding supply matters due to the increased demand for water in the area resulting from the development. An informative will remind the applicant of this.

#### Wind and Microclimate

297. A microclimate assessment has been submitted by the applicant, as part of the Environmental Statement.

- Initial wind tunnel testing was undertaken with the known large landscaping surrounding the site in place. A second wind tunnel testing was undertaken with the consented surrounds in place. Places tested included all thoroughfares, crossing points and the Wealdstone Brook access paths, on street parking bays, bus stops, building entrances and rooftop garden spaces.
- In order to achieve safe and comfortable wind conditions at and around the site, the testing indicated that mitigation measures will be needed in the form of porous railings, raised planters, high hedges and solid screens at various points around the development. The porous railings and solid screens would need to be up to 1.5m in height and, to ensure that such elements would not detract from the quality of the communal amenity spaces they affect, a condition will be applied requiring detailed drawings of these elements to be provided and approved at an early stage of development.
- Furthermore, the condition requiring the submission of a landscaping plan will include a requirement for the raised planters and high hedges to be detailed within the submission. A separate condition will require the submission of plans demonstrating the placement and details of the wider microclimate mitigation measures.

#### Ecology and Biodiversity

- The site is close to a Grade II Site in Nature Conservation (SINC) located alongside the Wealdstone Brook to the north of the site. The existing site is dominated by urban features including buildings and a large area of hardstanding which account for approximately 83% of the total area of the site. There are small patches of scrub, introduced shrub and poor semi-improved grassland within the site which in its current state has a habitat value of 0.72. With enhancements proposed, the biodiversity Metric calculator returned a net gain of 1.86 habitat units or 259%, therefore there will be a gain in biodiversity value. The biodiversity gain is significantly improved compared with the previous scheme, whose biodiversity gains would have achieved a net gain of 1.33 or 187%.
- The applicants have submitted an ecology report and supplementary bat roosting survey which indicate the protected and priority species identified on or likely to be on or near the site.
- The report addresses the likelihood of roosting or foraging animals including bats, terrestrial mammals, amphibians, reptiles, birds, invertebrates, white-clawed crayfish, dormice and polecats. Generally, the development is deemed unlikely to adversely affect these species as the existing site's established habitat is 'negligible' in terms of ecological interest. Nonetheless, a number of mitigation measures have been recommended to ensure any harm is minimised.

298. The report also considers the presence of invasive plant species, such as Japanese Knotweed which have been located alongside the brook corridor to the North of the site.

299. Demolition and construction related effects would include potential sediment run-off to the brook, disturbance effects from construction lighting and noise from machinery, tree removal and vegetation clearance which may contain habitat for reptiles. As such, a construction ecological management plan (CEMP) should be compiled for the site. The aim of the CEMP would be to minimise the potential impact of the construction phase of the development on the existing ecology of the site and off-site receptors,

and to ensure works proceed in accordance with current wildlife legislation. This should be agreed with the local planning authority prior to works commencing.

300. The recommendations and enhancement suggestions are considered to be thorough and robust given the local ecological designations, and it is therefore considered that the scheme, subject to the above measures, would not result in any unduly harmful impact on the biodiversity in the area and may be of benefit to local ecology.
301. A condition will require that the abovementioned recommendations and enhancements are submitted in plan form (in the case of the CEMP and invasive species method statement) for approval. The landscaping condition will also require that the biodiversity enhancement measures are shown within the submitted landscaping plans. An additional condition will require the remainder of the ecology protection and enhancement measures to be adhered to during implementation.

#### Trees and Landscaping

302. The applicant has submitted an arboricultural assessment which identifies 16 trees on site, 1 of which has been assessed as category B (moderate amenity value), 14 of which have been assessed as category C (low amenity value) (largely Sycamore species), with the remaining tree being assessed as category U (dead/dying). Two trees towards the north west of the site (both category C) would need to be removed to accommodate the development. The remaining trees on site would be retained and the protection measures set out in the arboricultural assessment will be secured by condition.
303. There are a large number of new trees proposed (51) to various locations on the site, resulting in a net increase of trees on site by 49. Trees proposed on the Brook complement the existing Sycamores and are well suited for a water side environment, such as Birch, Whitebeam and Crap Apple (*Malus toringo*). Street trees would include a diverse range of species including Maples, Tulips, London Planes, Cherrys, Limes and Elms. Large feature trees, such as Oaks and Pines, would be used more sparingly to add variety. Tree planting would also be featured on the podium gardens, with species appropriate for the setting including Serviceberry and Cherry.
304. A condition will require that final detailed landscaping drawings are submitted, approved and implemented prior to the occupation of the development, which will include full details of type and species of tree planting throughout the site.

#### Fire Safety

305. Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5(B5) of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.
306. A fire statement prepared by a suitably qualified third-party assessor has been submitted in support of the application. This statement addresses the requirements of Policy D12 including the features to reduce the risk to life and of serious injury, features to minimise the risk of fire spread, an evacuation strategy and suitable means of escape for all building users, access and equipment for firefighting personnel. The GLA have confirmed that the fire statement is suitable to meet the requirements of D12.
307. The Health and Safety Executive (HSE) has reviewed the fire statement submitted by the applicant and raises the following concerns:
308. A mechanical smoke ventilator system is proposed to block E. Depending on the outcome of a computational fluid dynamic analysis (CFDA) relating to this system, additional plant, or a redesign of the block may be needed.
309. The location of the assembly points appears to be on the fire service approach routes, these would need relocating to avoid a collision between fire engines and members of the public.
310. The inlets to the fire mains within the stair cores may have implications for the design, appearance

and materials of the building.

311. It is not known if the nearby fire hydrants are usable and if they are not, additional fire hydrants may be required.
312. In relation to the mechanical smoke ventilator system, the size of the plant machinery required to be provided on the roof of block E (which would connect to smoke shafts that would ventilate from the building's communal access corridors) is dependent on the outcome of CFDA. The applicant's fire safety consultants have advised that an allowance for plant associated with the smoke shafts and CFDA has been incorporated at roof level within the submitted plans, and that the worst case scenario for the necessary size of the associated roof plant has been accounted for in the design. If the outcome of the CFDA would necessitate changes to the scheme layout, this would be limited to the core and the roof plant level only (no internal flat layouts would need to change), and such changes would be within the defined parameters of the plant area shown on the plans. On this basis, officers are satisfied that this concern has been appropriately considered and accounted for by the applicants.
313. In relation to the concern relating to fire assembly points, the applicants advise that the assembly points would primarily apply to the commercial units, as a conventional 'stay put' approach would be used to prevent the need for a large scale evacuation of the homes in the event of a fire. The applicant's fire safety consultants have submitted a more detailed indication of where assembly points could be designated when the detailed designs are drawn up at a later stage. The additional plans indicates that there is significant assembly space around the wider site perimeter that does not encroach on any hardstanding that facilitates the designated fire appliance approach routes (which includes the eastern service road and the route alongside the brook). On this basis, officers are satisfied that this concern has also been appropriately considered and accounted for.
314. In relation to the point regarding inlets, the applicant's fire safety consultants have set out that only Block D will require a dry fire main with an inlet, and that this inlet will need to be located within sight and within 18 metres of a fire appliance parking location, sited on the external façade adjacent to the core entry point.
315. In relation to the fire hydrants point, the applicant's fire safety consultants advise that an application to the water board will confirm if existing nearby fire hydrants can be relied on to serve the development or whether additional fire hydrants would be needed. If needed, Building Regulations would require the installation of fire hydrants at a later stage of design, and their installation would have to adhere with relevant British Standards (9991 and 9999) as specified in the Building Regulations. The applicant's consultants note that the installation of additional fire hydrants is a fairly common occurrence within new build developments.
316. Given that the fire matters are addressed fully through separate regulations and would not have a bearing on the planning consent, this further work will not form a part of the planning condition.

#### Television and Radio Reception Impact

317. In line with London Plan SI6, a Television and Radio Reception Impact assessment should be submitted to demonstrate that no issues (or suitable mitigation of issues) arising from obstruction of the reception to local television and radio receivers will be incurred by the development.
318. The development does not include this assessment, and a section 106 obligation will require that this is submitted for the LPA's approval and that mitigation measures required (if relevant) within this assessment are implemented.

#### Training and Employment

319. Core Strategy policy CP1 states the Council will seek training and placement opportunities from developments to place local people in local jobs. Whilst the emerging Local Plan policy BE1 'Economic Growth and Employment Opportunities for All' states an Employment and Training Plan will be required for all major developments, to be prepared in partnership with Brent Works or any successor body.
- A commitment to submit an 'Employment and Training Plan' to the Council for its approval prior to the material start of the development will be secured by way of a section 106 obligation. This obligation is

required of all major development schemes within the borough which comprise of 50 or more dwellings or at least 5,000sqm of floor space.

- The Council is endeavouring to achieve 'London Living Wage' standards, and encourages developers to use their best endeavours to achieve this across all of their development sites in the borough. An informative will advise the applicant of this.

### Socio-Economics

- The Environment Statement includes an analysis of the development's impact on local socio-economic conditions. It is considered that the development will largely have beneficial effects on local socio-economic conditions with respect to areas such as housing targets, multiple deprivation, crime, population and the labour market, increased local expenditure, increased Gross Value Added and increased business rates revenue. Officers would note that employment and training obligations as well as the new employment generating floor space proposed are two parts of the proposal that would have a direct effect in terms of local socio-economic improvements.

### Utilities

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

320. The statutory services report indicates that fibre internet is proposed to be made available to all apartments, which would accord with the aims of London Plan policy S16.

### Equalities

321. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010.

322. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

### Conclusion

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

324. The development would provide a suitable and attractive built addition to the Wembley Park growth area in line with local policy allocation objectives. Whilst the development would incur some limited level of harm to the daylight and sunlight enjoyed at neighbouring properties, a balance has to be struck between different planning objectives. The provision of a significant quantum of replacement employment floorspace and a high number of new homes, with significantly more of those homes being secured as affordable units than the Council would deem viable, is a significant planning benefit that carries significant weight. It is acknowledged that, relative to the previous scheme at this site (20/2033), the development would result in improved daylight distribution to the most severely affected property, even if the overall impacts to neighbouring properties would be modestly more detrimental. In addition, it is noted that the scheme provides significantly more homes (and more affordable homes) towards the borough's stock than was proposed previously and a stronger re-provision of employment and industrial uses relative to the previous scheme. Compared with the previous scheme, this proposal also offers an enhanced public realm landscaping offer, with substantially more biodiversity benefit and a more spacious path alongside the Wealdstone brook.

325. The key differences in provisions between the current and previous schemes are set out below:

	Previous (20/2033)	Current
Block typology	4 separate blocks	5 blocks interlinked by podium

Storey heights	11-21 storeys	12-24 storeys
Residential units	493	759
Affordable units	98	218
Affordable percentages	25% by habitable room (82:18 London Affordable Rent : Shared Ownership)	35% by habitable room (37:28:35 London Affordable Rent : Affordable Rent : Shared Ownership)
Non-residential uses	2,787sqm (E(g)(iii)) & 98sqm (E(a))	2,704sqm (E(g)(ii)&(iii) + B8) & 391sqm (E(a-c))
Wealdstone Brook	Creation of landscaped route	Creation of landscaped route

326. Whilst the scheme does fall short on external amenity space standards set out in Policy DMP19 and draft Policy BH13, the overall quality of accommodation is considered to be positive, and must be considered against the wider benefits of the scheme including affordable housing, and significantly improved public realm, including improvements to the legibility and appearance of this part of Wealdstone Brook. As such, the conflict with adopted and emerging policy is limited and would be outweighed by the wider benefits of the mixed use re-development, including the re-provision of a high quality employment floorspace, and a good level of affordable housing.

327. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions and a Section 106 obligation.

## CIL DETAILS

This application is liable to pay **£20,981,298.11** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 5396 sq. m.

Total amount of floorspace on completion (G): 66104 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Shops	391		359.08	£40.00	£0.00	£21,352.62	£0.00
(Brent) Businesses and light industry	2704		2483.28	£0.00	£0.00	£0.00	£0.00
(Brent) Dwelling houses	63009		57865.64	£200.00	£0.00	£17,204,695.2 2	£0.00
(Mayoral) Shops	391		359.08	£0.00	£60.00	£0.00	£22,212.01
(Mayoral) Businesses and light industry	2704		2483.28	£0.00	£60.00	£0.00	£153,609.41
(Mayoral) Dwelling houses	63009		57865.64	£0.00	£60.00	£0.00	£3,579,428.8 5

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	333	
<b>TOTAL CHARGEABLE AMOUNT</b>	£17,226,047.84	£3,755,250.27

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Application No: 21/2989

To: Miss Nicks  
DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

I refer to your application dated **02/08/2021** proposing the following:

Demolition and redevelopment of the site to provide erection of five buildings ranging from ground plus 14 to 23 storeys; comprising up to 759 residential units, retail floorspace and workspace / storage floorspace, private and communal amenity space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works

**APPLICATION SUBJECT TO AN ENVIRONMENTAL STATEMENT**

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

at **Euro House, Fulton Road, Wembley, HA9 0TF**

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

Date: 16/11/2021

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.

**SUMMARY OF REASONS FOR APPROVAL**

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

**Adopted Policy**

- " The National Planning Policy Framework (2021)
- " The London Plan (2021)
- " Brent's Core Strategy (2010)
- " Brent's Development Management Policies (2016)
- " Brent's Wembley Area Action Plan (2015)

**Emerging Policy**

- " Brent's Local Plan (Reg 19 Version - 2019)

**Supplementary Planning Guidance / Documents**

- " Mayor of London's Affordable Housing and Viability SPG (2017)
- " Mayor of London's Housing SPG (2016)
- " SPD1 Brent Design Guide (2018)

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

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

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

**Existing**

FRW-JTP-AR-DR-MP-XX-0001 Site Location Plan  
FRW-JTP-AR-DR-MP-00-0100 Existing Plan - Ground Floor  
FRW-JTP-AR-DR-MP-01-0101 Existing Plan - Level 01  
FRW-JTP-AR-DR-MP-RF-0102 Existing Plan – Roof

FRW-JTP-AR-DR-MP-ELE-1001 Existing Elevations  
FRW-JTP-AR-DR-MP-ELE-1002 Existing Elevations  
FRW-JTP-AR-DR-MP-ELE-1003 Existing Elevations  
FRW-JTP-AR-DR-MP-ELE-1004 Existing Elevations

**Site wide**

FRW-JTP-AR-DR-MP-XX-0005 Proposed Block Plan - Building Reference Plan  
FRW-JTP-AR-DR-MP-XX-0006 Proposed Ground Floor Masterplan  
FRW-JTP-AR-DR-MP-XX-0007 Proposed Hybrid Ground/ Upper Ground Masterplan

FRW-JTP-AR-DR-MP-00-1100 Proposed Plan - Ground Floor - Rev P1  
FRW-JTP-AR-DR-MP-01-1101 Proposed Plan - Level 01 & Upper Ground - Rev P1  
FRW-JTP-AR-DR-MP-02-1102 Proposed Plan - Level 02 - Rev P2  
FRW-JTP-AR-DR-MP-03-1103 Proposed Plan - Level 03-11 - Rev P2  
FRW-JTP-AR-DR-MP-12-1112 Proposed Plan - Level 12 - Rev P1  
FRW-JTP-AR-DR-MP-13-1113 Proposed Plan - Level 13-14 - Rev P1  
FRW-JTP-AR-DR-MP-15-1115 Proposed Plan - Level 15  
FRW-JTP-AR-DR-MP-16-1116 Proposed Plan - Level 16-17  
FRW-JTP-AR-DR-MP-18-1118 Proposed Plan - Level 18

FRW-JTP-AR-DR-MP-19-1119 Proposed Plan - Level 19  
FRW-JTP-AR-DR-MP-20-1120 Proposed Plan - Level 20  
FRW-JTP-AR-DR-MP-21-1121 Proposed Plan - Level 21-23  
FRW-JTP-AR-DR-MP-24-1124 Proposed Plan - Level 24  
FRW-JTP-AR-DR-MP-RF-1125 Proposed Plan – Roof

FRW-JTP-AR-DR-MP-ELE-1201 Proposed Building Elevations  
FRW-JTP-AR-DR-MP-ELE-1202 Proposed Building Elevations  
FRW-JTP-AR-DR-MP-ELE-1203 Proposed Building Elevations  
FRW-JTP-AR-DR-MP-ELE-1204 Proposed Building Elevations

FRW-JTP-AR-DR-MP-SEC-1301 Proposed Building Sections - AA & BB  
FRW-JTP-AR-DR-MP-SEC-1302 Proposed Building Sections - CC  
FRW-JTP-AR-DR-MP-SEC-1303 Proposed Building Sections - DD  
FRW-JTP-AR-DR-MP-SEC-1304 Proposed Building Sections - EE  
FRW-JTP-AR-DR-MP-SEC-1305 Proposed Building Sections - FF  
FRW-JTP-AR-DR-MP-SEC-1306 Proposed Building Sections - GG  
FRW-JTP-AR-DR-MP-SEC-1307 Proposed Building Sections - HH  
FRW-JTP-AR-DR-MP-SEC-1308 Proposed Building Sections - JJ  
FRW-JTP-AR-DR-MP-SEC-1309 Proposed Building Sections - KK  
FRW-JTP-AR-DR-MP-SEC-1310 Proposed Building Sections - LL  
FRW-JTP-AR-DR-MP-SEC-1311 Proposed Building Sections - MM

### **Landscape and Public Realm**

BMD.21.005.DR.001 Illustrative Landscape Masterplan  
BMD.21.005.DR.002 Overall Landscape Arrangement  
BMD.21.005.DR.101 Ground + Podium General Arrangement (sheet 1)  
BMD.21.005.DR.102 Ground + Podium General Arrangement (sheet 2)  
BMD.21.005.DR.103 Roof General Arrangement (sheet 1)  
BMD.21.005.DR.104 Roof General Arrangement (sheet 2)  
BMD.21.005.DR.401 Site Sections (sheet 1)  
BMD.21.005.DR.402 Site Sections (sheet 2)  
BMD.21.005.DR.403 Site Sections (sheet 3)  
BMD.21.005.DR.404 Site Sections (sheet 4)  
BMD.21.005.DR.405 Site Sections (sheet 5)

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

- 3 The scheme hereby approved shall contain 759 residential units as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The development hereby approved shall contain 391sqm GIA (433sqm GEA) of commercial floor space which shall not be used other than for purposes within Use Classes E(a), E(b) and E(c) and 2,787sqm (2,827sqm GEA) of commercial floor space which shall not be used other than for purposes within Use Classes B8, E(g)(ii) and E(g)(iii), as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning and to ensure the adequate provision of retail floorspace, employment floorspace and industrial capacity within the borough.

- 5 The development hereby approved shall be built so that no fewer than 683 of the residential units achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings' and that no fewer than 76 of the residential units achieve Building Regulations requirement

M4(3) - 'wheelchair user dwellings'.

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

- 6 Prior to occupation a communal television aerial and satellite dish system linking to all residential units within that building, or a single system capable of being extended to serve the development as a whole, shall be provided and retained in perpetuity. No additional television aerial or satellite dishes shall be erected on the premises.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- 7 The residential units hereby approved shall at no time be converted from use class C3 residential to a use class C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent provision in any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

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

Reason: In order to ensure a sustainable development by minimising water consumption.

- 9 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy and London Plan (2021) Policy SI 1.

- 10 Prior to the final occupation of the development, the 25 blue badge parking bays shall be made available for use and shall not be used other than for purposes ancillary to the occupation of the residential units of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that a sufficient number of blue badge parking bays are secured within the development.

- 11 Notwithstanding the requirements of condition 34, the cycle storage facilities and refuse storage within a building shall be installed prior to occupation of that building hereby approved and thereafter retained and maintained for the lifetime of the development. The cycle storage and refuse storage facilities shall not be used other than for purposes ancillary to the occupation of the building hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety and to ensure that the development is fit for purpose.

- 12 Between the second and fourteenth floors of the development (inclusive), the windows to the south facing elevation of block A that serve the kitchen spaces of combined living, kitchen and dining rooms (as shown on the approved plans) and the windows to the north facing elevation of block B that immediately front bedspaces within bedrooms (as shown on the approved plans) shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition from first occupation thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- 13 Prior to occupation of the development hereby approved, electric vehicle charging points shall be provided to at least 20% of the Blue Badge spaces provided, whilst the remaining spaces shall be provided with passive electric vehicle charging facilities.

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

- 14 Prior to first occupation of any residential dwellings within block D of the development, the energy centre within block D shall be implemented in full accordance with the details shown on plan ref 10969-WDA-00-GF-SK-M-6-1100 Rev 01 (which forms part of the addendum to 'Energy Strategy Stage 1 GLA response, dated 21st October 2021') to allow for a future connection to a district heating network.

Reason: To ensure the development is in accordance with the principles of London Plan (2021) Policy SI 3.

- 15 Unless alternative details are first agreed in writing by the Local Planning Authority, the tree protection recommendations set out in the submitted Tree Survey & Arboriculture Impact Assessment (prepared by Tim Moya Associates, dated 28th July 2021 - ref. FR.PA.17) shall be fully implemented following the commencement of the development.

Reason: To ensure the development suitably protects trees that could be damaged by the development.

- 16 Unless alternative details are first agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, the development hereby approved shall be carried out in full accordance with the submitted Flood Risk Assessment (prepared by Terrell - ref. FR.PA.18 Rev 02 - dated 16th July 2021) and Drainage Strategy Report (prepared by Terrell - ref. FR.PA.19 Rev P03 - dated 27th July 2021).

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

- 17 Unless alternative details are first agreed in writing by the Local Planning Authority, the ecology mitigation and enhancement recommendations set out in the submitted Ecological Impact Assessment (prepared by EcologyByDesign, dated March 2021) and Biodiversity Impact Assessment (prepared by EcologyByDesign, dated July 2021), together forming Annexes 1 and 2 of Appendix: Ecology and Biodiversity of Volume 3 of the Environmental Statement (prepared by Trium) shall be fully implemented following the commencement of the development.

Reason: To ensure the development suitably mitigates ecological impact and takes the opportunities to enhance ecology and biodiversity.

- 18 Unless alternative details are first agreed in writing by the Local Planning Authority, the mitigation recommendations set out in the submitted Noise and Vibration report (prepared by Sandy Brown Ltd) forming Chapter 8 of Volume 1 of the Environmental Statement (prepared by Trium) shall be fully implemented following the commencement of the development.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 19 Unless alternative details are first agreed in writing by the Local Planning Authority, the details set out in the submitted Car Park Management Plan (prepared by Icen Projects Limited, dated July 2021) forming Annex 4 of Appendix: Traffic and Transport of Volume 3 of the Environmental Statement (prepared by Trium) shall be fully implemented following the commencement of the development.

Reason: To ensure the development is fit for purpose.

- 20 The development hereby approved shall not be commenced until:

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

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

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

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

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

- 21 Prior to the commencement of the development, further details of archaeological work shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition), in accordance with the recommendations set out within the Archaeological Desk-based Assessment (prepared by Oxford Archaeology, dated 28th July 2021 - ref. 7531 v.4) which forms Annex 1 of Appendix: Archaeology of Volume 3 of the Environmental Statement (prepared by Trium). These measures include (but are not limited to):

- Rotary boreholes are to be drilled at the site following vacancy of the current Tenants on a 10m by 10m grid based system within the anticipated area of the Underground features. Should features be identified the grid may be reduced;
- Once the existing concrete slab is removed, inspection and watching brief of the ground surface will be undertaken by an experienced geotechnical engineer and/or engineering geologist and an archaeologist to delineate the locations of the shafts if present. As a supplement to the drill hole investigation, a geophysical survey may be undertaken to

identify the shaft location.

If evidence of shafts or other historical structures is found, a comprehensive written and photographic record shall be undertaken, and submitted to and approved in writing by the Local Planning Authority, with a copy to be provided to Brent Archives. The development shall thereafter operate in accordance with the recommendations and/ or mitigation measures set out within the document.

Reason: To ensure the development complies with relevant heritage and archaeological planning policies, including London Plan Policy HC1, policy DMP7 of the adopted Development Management Policies and policy BHC1 of the draft Local Plan and the NPPF.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 22 Prior to the commencement of the development, a Construction Environmental Method Statement which incorporates a dust management plan shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition. The Construction Environmental Method Statement shall outline measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

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

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 23 Prior to the commencement of the development a Construction Ecological Management Plan shall be submitted to and approved by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) outlining measures that will be taken to minimise the potential impact of the construction phase of the development on the existing ecology of the site and off-site receptors, and to ensure works proceed in accordance with current wildlife legislation. The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 24 Prior to the commencement of the development, a revised Construction Logistics Plan shall be submitted to and approved by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) outlining measures that will be taken to address issues such as delivery of materials, lorry routeing, staff parking etc., whilst also minimising lorry movements by recycling on site and back loading spoil and aggregates. The plan will need to comply with TfL's guidance on Construction Logistics Plans and in specific relation to this site, will need to carefully consider co-ordination with other development projects in the area. The statement shall also set out delivery arrangements for Wembley Stadium event days, ensuring that no construction vehicle movements to or from the site are arranged to take place within 4 hours of events at Wembley Stadium. The approved statement shall be implemented throughout the duration of demolition and construction.

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

Pre-commencement Reason: The condition relates to details of construction, which need to be

known before commencement of that construction.

- 25 (a) Following the demolition of the building(s) (where relevant) and prior to the commencement of building works within a Phase, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within that Phase. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works within that Phase (in writing through the submission of an application for approval of details reserved by condition) that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil remediation required by the Local Planning Authority shall be carried out in full in accordance with the approved remediation works for any Phase. Prior to the occupation of each Phase, a verification report shall be submitted to and approved in writing by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) stating that remediation has been carried out for the Phase in accordance with the approved remediation scheme and the land within that Phase is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 26 No piling shall take place within a Phase 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 water infrastructure, and the programme for the works within that Phase) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water (through the submission of an application for approval of details reserved by condition). Any piling within a Phase must be undertaken in accordance with the terms of the approved piling method statement for that Phase.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 27 Detailed drawings of the treatment of the doors and vents for bin stores serving block E shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) prior to any works commencing on any relevant Phase, excluding demolition, site clearance and laying of foundations. The work shall be carried out in accordance with the approved details.

Reason: To ensure a high quality design to the public realm delivered by the development.

- 28 Details of all external materials of the development, within a Phase, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) prior to any works commencing on that Phase, excluding demolition, site clearance and laying of foundations. The work shall be carried out in accordance with the approved details.

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

- 29 Prior to the commencement of works (excluding demolition, site clearance and laying of foundations) to any Phase that relates to the delivery of the service road to the east of the site, a management plan setting out the following details shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition):

- Measures to ensure the safe and unimpeded use of the space for public outdoor usage
- Measures to ensure that the interplay between its service road function and public usage function would not be unsafe or inappropriate

The measures in the approved management plan shall be implemented prior to the first occupation within that Phase of the development hereby approved.

Reason: To ensure that the eastern part of the site would function appropriately as both a service road and public gathering space as proposed.

- 30 Prior to the commencement of works (excluding demolition, site clearance and laying of foundations) to any Phase that relates to the delivery of the route alongside the Wealdstone Brook to the north of the site, a management plan setting out the following details shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition):

- Facilities management
- Security patrols out of hours
- Manned CCTV and alarm systems
- A Secured by Design approach to building materials

The measures in the approved management plan shall be implemented prior to the first occupation within that Phase of the development hereby approved.

Reason: To ensure that the route alongside the Wealdstone brook would form a safe and inviting route for building users out of hours.

- 31 Prior to the commencement of works (excluding demolition, site clearance and laying of foundations) to any relevant Phase, the following shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition):

- A plan indicating all of the microclimate mitigation measures recommend for inclusion in the scheme within the Wind Microclimate report (prepared by RWDI) forming Chapter 10 of Volume 1 of the submitted Environmental Statement (prepared by Trium), including porous railings, raised planters, high hedges and solid screens
- Detailed drawings of the porous railings and solid screens recommended for inclusion in the scheme within the Wind Microclimate report (prepared by RWDI) forming Chapter 10 of Volume 1 of the submitted Environmental Statement (prepared by Trium)

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

Reason: To ensure that the development would establish a suitable level of comfort, in respect of wind conditions, for building users and pedestrians in the vicinity of the building, as well as to ensure that railings and screens would have a suitable visual amenity impact.

- 32 Details of required measures to address public safety, security and resilience to emergency shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition), in consultation with the Metropolitan Police, prior to the commencement of development for a relevant Phase (excluding demolition, site clearance and laying of foundations) and the approved details shall be implemented in full prior to completion of that Phase of the development hereby approved.

Reason: To ensure that the development accords with Policy D11 of the London Plan.

- 33 Within six months of commencement of works to a Phase above ground level, a scheme shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) that provides details of all

landscaped areas relating to that Phase. Such approved landscaping works shall be completed prior to first occupation of that Phase hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants and trees, sub-surface treatments (or planters / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries
- b) walls, fencing and any other means of enclosure, including materials, designs and heights
- c) Biodiversity mitigation and enhancement measures
- d) treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials
- e) details of all play spaces, as outlined within the Landscaping Design and Access Statement
- f) a landscaping maintenance strategy, including details of management responsibilities.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- 34 Within six months of commencement of works to any Phase that includes the construction of the refuse storage areas for blocks A, B or C, one of the following shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition):

- A revised plan of the refuse storage area for blocks A, B and C that demonstrates an alternative arrangement that incorporates suitable circulation space so that all of the refuse bins are accessible to residents

Or

- A site waste management plan, outlining management arrangements to ensure that the refuse storage bins will be able to be fully accessible to residents by other means

The approved details shall be implemented accordingly following first occupation of the building within that Phase.

Reason: To ensure that the development is fit for purpose and will establish a suitable living environment for residents.

- 35 Within six months of commencement of works to a Phase, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) prior to the installation of the lighting. This shall include details of the lighting fixtures, luminance levels within and adjoining the site, as well as ecological sensitivity measures that form a part of the lighting strategy. The lighting shall not be installed other than in accordance with the approved details.

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

- 36 Prior to the first occupation within a relevant Phase of the development hereby approved, details

of the finalised proposals in respect of the extent of roof plant to block E that is required in accordance with the findings of computational fluid dynamic analysis shall be submitted to and approved in writing (through the submission of an application for approval of details reserved by condition) by the Local Planning Authority. The development shall be implemented in accordance with those approved details prior to the occupation of block E of the development;

Reason: In the interests of ensuring a suitable character and appearance.

- 37 Prior to the first occupation of the development hereby approved, a final Delivery, Servicing and Long Term Maintenance Management Plan shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition). The submitted plan shall expand on the detail submitted in the Delivery and Servicing Plan (prepared by Icen Projects Limited, dated July 2021 - ref: FR.PA.11) forming Annex 3 of Appendix: Traffic and Transport of Volume 3 of the submitted Environmental Statement (prepared by Trium), to include details of waste storage and collection, vehicle routing and avoiding deliveries being undertaken within 4 hours of events taking place at Wembley Stadium. The development shall thereafter operate in accordance with the approved management plan unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To minimise negative impacts associated with servicing.

- 38 Any plant (inclusive of any plant specified within the details pursuant to condition 36) shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation of such plant (in writing through the submission of an application for approval of details reserved by condition). All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours.

- 39 No later than four months following Practical Completion of the development, a Post Construction Certificate prepared by a BRE approved independent assessor shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition), confirming that an Excellent or higher rating has been achieved under the BREEAM certification process for non-domestic buildings.

Reason: To ensure the development incorporates high standards of sustainable design and construction, in accordance with Brent Core Strategy 2010 Policy CP19.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03702422 549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advise the applicant to consult with them at the earliest opportunity.

- 7 Thames Water advises the applicant of the following:
  - A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWl0\\_lpOq&r=G\\_hzVySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES\\_8DRQ06qKk&m=-u-R\\_Q15Iz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7LtxulFk4\\_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWl0_lpOq&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES_8DRQ06qKk&m=-u-R_Q15Iz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7LtxulFk4_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=). Please refer to the Wholesale; Business customers; Groundwater discharges section.
  - There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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.

8 Affinity Water advises the applicant of the following:

- Any works involving excavations below the groundwater table (for example, piling of the implementation of a geothermal open-closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the aquifer. For further information we refer you to CIRIA Publication C532 “Control of water pollution from construction – guidance for consultants and contractors”.
- Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.
- The area surrounding the application site complex in nature with several new and ongoing developments. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal.
- Due to its location, Affinity Water will supply drinking water to the development in the event that is constructed. Should planning permission be granted, the applicant is also advised to contact Development Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from the development.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903