

Agenda Item 07

Supplementary Information Planning Committee on 13 December, 2017

Case No.

17/3797

Location	Units 1-5 Inc, Cannon Trading Estate, First Way, Wembley, HA9 0JD
Description	Demolition of the existing buildings and erection of a part 7/9/10/11 storey building, comprising educational use (Use Class D1), office use (Use Class B1(a)) and student accommodation (Use Class Sui Generis), with ancillary external landscaping

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1. Further clarification on the applicant's approach to nominations rights of the student accommodation

In relation to paragraphs 20 and 21 within the committee report, further clarification on the applicant's proposed nominations rights is provided below:

- The applicant has indicated that UCFB will have exclusive nomination rights to market 100% of the bedspaces at the new development to its students until 1st March each year. Following this date, any surplus bedspace could be advertised to students from other institutions by the student accommodation operator.
- Embedded within the nomination agreement is a guarantee on UCFB's part to rent a minimum of 60% of the bedspaces every year regardless of whether they fill them with students. However evidence submitted by the applicant suggests the anticipated growth of UCFB and demand for accommodation means that 100% of the bedspaces would be taken by UCFB students every year. The details of the nomination agreement for UCFB will be secured by the s106 agreement. The proposed agreement is in accordance with paragraph 3.9.8 of the London Plan's Housing SPG.

Given the robust case made, in line with London Plan policy, it is considered that the obligation for affordable student housing provision is not necessary.

2. Clarification on the number of wheelchair accessible bedspaces proposed

While the number of wheelchair accessible bedrooms is set out in the committee report, the specific mix is not One wheelchair accessible bedroom is included within each of the 6 and 7 bedroom cluster units. The accommodation mix table from paragraph 40 has therefore been updated to reflect the correct proposal as follows:

Accommodation Type	No. of flats	No. of bed spaces	% of flats	% of bed spaces
Cluster flats with ensuite (5 bed)	46	230	25.4%	33.9%
Cluster flats with ensuite (6 bed) – includes a WA bedroom in each flat	6	36 (6 of which are WA)	3.3%	5.4%
Cluster flats with ensuite (7 bed) – includes a WA bedroom in each flat	31	217 (31 of which are WA)	17.1%	32%
Studios	17	17	9.4%	2.5%
Dudios (two bedrooms – shared facilities)	30	60	16.6%	8.8%
Trudios (three bedrooms – shared	29	87	16.0%	12.8%

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facilities)				
Studios (wheelchair accessible)	13	13	7.2%	1.9%
Dudios (wheelchair accessible)	9	18	5.0%	2.7%
Total	181	678	100%	100%

The proposal therefore includes 22 flats where all the bedspaces are adaptable for wheelchair use and 37 flats where one bedspace is adaptable for wheelchair use. This means that 32.6% of the flats have at least 1 wheelchair adaptable bedroom and 12.2% of the flats have all their bedrooms adaptable for wheelchair use. This also results in 68 of the overall bedspaces being wheelchair adaptable. The updated numbers and percentages of the overall student accommodation that will be wheelchair accessible is as follows:

	Flats	Bedspace
Wheelchair accessible by number	22 out of 181 flats have all their bedrooms WA 59 out of 181 flats have at least one WA bedroom	68 out of 678 bedspaces are WA
Wheelchair accessible by percentage	12.2% of the flats have all their bedrooms WA 32.6% of the flats have at least one WA bedroom	10.0% of the bedspaces are WA

Contrary to the summary of these matters within paragraph 50 of the committee report, it is to be clarified that more than 10% of the overall bedspaces of the development will be wheelchair accessible, which is welcomed.

In relation to this point, it is to be further clarified, in relation to the final sentence of the 'amendments since submission' section, that the overall reduction in sizes to nine of the studio flats to accommodate the changed core size results in the overall number of accessible bedspaces decreasing from 77 (11.4%) to 68 (10.0%).

3. Update in relation to the Controlled Parking Zone (CPZ) contribution

In reference to paragraph 80 of the committee report, the applicant has now agreed to pay the £100,000 contribution towards the expansion of Controlled Parking Zones in the local area. The Head of Term relating to this will therefore remain on the decision notice.

4. Alterations to Conditions

The conditions of the consent are to be amended as follows:

Condition 8: Car free development

- This condition is to be amended to remove the requirement for a notice informing occupants of the parking permit restriction to be displayed within a communal entrance lobby. It is acknowledged that the specific requirement for the sign is not necessary within the student accommodation and that the remainder of the condition sufficiently secures the car free restriction on the development.

Condition 11: Car parking spaces

- This condition is to be amended to clarify that the four car parking spaces provided should not be off-limits to office staff for those who are disabled.

Condition 13: Materials

- The condition is recommended to be amended to require that details of materials are submitted and approved 'prior to the installation of the relevant material'.

Condition 14: Landscaping

- Similar to the above condition, a revision to the wording is recommended to require submission and approval of details 'prior to implementation of the relevant landscaping element' rather than 'prior to piling of foundations on site'.

Condition 17: External Lighting

- The current wording of the condition requires co-ordination between two different sites (Cannon Trading Estate and Kelaty House). The applicant considers that requiring co-ordination and co-operation between development sites can incur unreasonable levels of uncertainty on deliverability and also identifies that such a requirement was not present within the planning approval for the Kelaty House development, which is acknowledged by the Local Planning Authority. The condition wording is to be altered to require that details of co-ordination between the sites' external lighting arrangements are only to be included within the submission if such details are available when the condition is submitted. Furthermore, the timeframe for implementation of the approved details is to be amended from 'prior to occupation of the building' to 'prior to the erection and use of external lighting', which increases development flexibility whilst retain suitable planning control.

Condition 22: Air Quality Assessment

- A small change to this condition will see 'details' within the air quality report rephrased to 'mitigation measures', for increased clarity. This assumes that the details of the air quality report will be deemed acceptable by Brent's Regulatory Services; if this is not the case then the alternative version of this condition will be used, requiring submission of further details.

Condition 23: Noise Impact Assessment

- In the event that the noise impact assessment details are found insufficient by Brent's Regulatory Services, the version of this condition requiring further information to be submitted is to specify that details of noise impact on 'the student accommodation elements' of the proposal, rather than the 'development' in general are to be submitted and approved by the Local Planning Authority.

Condition 26: Waste Management

- As comments on waste management have not yet been received, the condition will retain two alternative versions, one securing the details (if agreed) and one requiring further submission of details (if they are not agreed). This is also the case with conditions 23 and 24, as mentioned above. No changes are proposed for this condition however and this point is merely for clarification.

Condition 30: Relocation of parking spaces or submission of details to visually delineate between parking spaces and pedestrian realm

- The applicant considers that the requirement for this is unnecessary, stating that a shared surface does not involve a physical or visual delineation of parking/pedestrian space since all of the space along is designed for shared use by both cars and pedestrians. The applicant considers that delineation should only be introduced as and when the Kelaty House access road is complete as part of the neighbouring development and access rights have been agreed. Given this, it is considered that this condition can be removed and that a new head of term should be required within the S106 requiring updated details of the co-ordinated shared surface of the development to be submitted following such time that the access rights are agreed between both parties.

5. Alterations to Section 106 obligations

The heads of terms of the Section 106 agreement are to be amended as follows:

Head of Term 4: Travel Plan

- This Head of Term is to be amended to remove the word 'residential' and requirement for the travel plan to incorporate free membership of a car club. The development is not 'residential' in the traditional sense as it only provides temporary student accommodation. By the same token, Brent's Highways authority has also confirmed that car club membership would not be encouraged for this development.

Head of Term 5: Highway Works

- The Head of Term is to be reworded to remove references to the specific requirements of the highway works, currently worded as: "resurfacing, construction of a new pedestrian crossing and the creation of 6m kerb radii". The applicant has requested this as they are yet to speak with the highways authority to agree the package of works. The removal of specific highway work undertakings provides more scope for the final amount and type of work to be agreed post Committee, without the risk of having to return to Committee should the final works not exactly match the wording of the Head of Term. The Local Planning Authority acknowledges this concern and accepts the change; however, the requirement to provide a pedestrian crossing is considered paramount and, if referred to generally, unlikely to restrict the final amount of type of work required in delivering this. As such, direct reference to the need to provide a new pedestrian crossing will remain within the Head of Term.

Head of Term 8: Adoption of footway on northern side of the site

- Whilst the potential future adoption of footway to the north of the site is not disputed by the applicant, the technicalities of doing so are not without complication and require not just the completion of work to both sites but also for a right of access to be finalised in and around the servicing and parking area. As such head of term 8 is to include a further clarification for the adoption to only be necessary 'upon the serving of notice by the Council that the land is required to be provided for adoption'.

Heads of Terms 9 and 10: Nomination rights and Affordable Student Housing

- In line with discussions in section 1 above, head of term 10 will be removed from the consent and head of term 9 will be reworded to require that 100% of the student bedspaces are marketed to students attending the higher education institution within the site and a requirement for no fewer than 60% of the student bedspaces to be occupied by students attending the higher education institution within the application site.

Revised Heads of Terms in full:

- Payment of legal and professional costs;
- Notification of commencement
- A financial contribution of £100,000 towards the cost of extending Controlled Parking Zones in the vicinity of the site, including the subsidisation of parking permits of existing local residents in the area;
- The implementation, monitoring and review of a travel plan;
- Undertaking of highway works and soft landscaping on the highway prior to first occupation through an agreement under S38/S278 of the Highways Act 1980 in accordance with a scheme to be agreed between the applicant and highways authority. The scheme of works is to include the delivery of a new pedestrian crossing;
- Training and employment plan targeting Brent residents;
- Financial contribution to bus improvements of an amount to be agreed with TfL;
- Adoption of the footway on the northern side of the development following the completion of works to both UCFB and Kelaty House, following such time that the access rights to the servicing and parking areas are agreed between both parties. In addition, requirement for revised plans to be submitted indicating details of a co-ordinated shared surface between the UCFB and Kelaty House developments, following such time that the access rights to the servicing and parking areas are agreed between both parties. The area of the shared surface within the application site shall then be implemented or altered in accordance with the approved plans, with works adhering to a timetable to be agreed in writing with the Local Planning Authority.
- Requirement that 100% of the student bedspaces are marketed to students attending the higher education institution within the application site and a requirement for no fewer than 60% of the student bedspaces to be occupied by students attending the higher education institution within the application site
- Any other planning obligation(s) considered necessary by the Head of Planning

6. Clarification on inaccurate/incorrect information within the committee report

Within the 'Summary of key issues' section, it is at one point stated that '5 objections have been received'. For clarification, this statement is inaccurate and it is confirmed that no letters of objection have been received since the application's submission.

7. Reconsideration of comments received

The committee report notes that 46 individuals commented on the proposal in support of the application. The comments were received through an online form and in an identical response format, although the content of responses did vary. It is considered that the responses form part of a petition in favour of the development rather than individual comments in favour of the development. As a result, the Local Planning Authority have written to the organiser of the online response form (head petitioner) in advising stakeholders of the committee date in line with standard procedures.

Recommendation: Remains approval, subject to the conditions set out within the committee report as well as the changes to conditions and S106 obligation heads of terms specified above, as well as stage 2 referral to the GLA