



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held as an online virtual meeting on Wednesday 7 April 2021 at 4.00 pm

PRESENT (in remote attendance): Councillor Kelcher (Chair), Councillor Johnson (Vice-Chair) and Councillors Dixon, Maurice, Chappell, Kennelly, S Butt and Kabir

Also present (in remote attendance): Councillor Donnelly-Jackson

Apologies for absence were received from Councillor J Mitchell Murray who was substituted by Councillor Kabir

1. Declarations of interests

Councillor Kelcher, S Butt, Maurice and Kennelly declared personal (non-pecuniary) interests in relation to item 3 as they all lived in the Wembley Stadium event day zone.

Councillors Kabir, S Butt and Kennelly also declared personal (non-pecuniary) interests in relation to item 3 as they had attended a briefing by the FA regarding the upcoming test event pilots at Wembley Stadium.

APPROACHES:

20/3149 - Willesden Green Garage, St Pauls Avenue, London, NW2 5TG

- Councillors Chappell and S Butt declared that they had been emailed by the agent of the application.

2. Minutes of the previous meeting

None.

3. 20/4197 - Wembley National Stadium, Olympic Way, Wembley, HA9 0WS

PROPOSAL:

Proposed variation of Condition 1 (event cap) of planning permission reference 18/4307 (varied permission for the construction of the stadium, dated 07/03/2019), to allow up to 9 additional major non-sporting events per event calendar year. Planning permission 99/2400 was for the demolition of the original Wembley Stadium and clearance of the site to provide a 90,000-seat sports and entertainment stadium (Use Class D2), office accommodation (Use Class B1), banqueting/conference facilities (Use Class D2), ancillary facilities including

PLANNING COMMITTEE

7 April 2021

catering, restaurant (Use Class A3), retail, kiosks (Use Class A1), toilets and servicing space; re-grading of existing levels within the application site and removal of trees, alteration of existing and provision of new access points (pedestrian and vehicular), and parking for up to 458 coaches, 43 mini-buses and 1,200 cars or 2,900 cars (or combination thereof).

Application reference 17/0368 granted permission to vary condition 3 (event cap) of consent 99/2400 to allow 22 additional major Tottenham Hotspur Football Club events in between 1 August 2017 and 31 July 2018.

Application reference 18/4307 granted permission to vary conditions 1 (event cap) and 2 (temporary traffic measures) of planning permission reference 17/0368 to allow 8 additional Major Tottenham Hotspur Football Club (THFC) events to May 2019.

The current application includes the submission of an Environmental Statement.

RECOMMENDATION:

Resolve to grant planning permission, subject to the completion of a satisfactory deed of variation to the existing Section 106 legal agreement as set out in the report.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as set out in in the report.

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) 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.

Hilary Seaton, Principal Planning Officer introduced the report, set out the key issues and answered members' questions. The Principal Planning Officer clarified that the proposed designated pick up and drop off area could be within an area other than the green car park if deemed suitable by the local authority and relevant stakeholders. She also highlighted the significant infrastructure works that had been carried out since the original stadium consent including two-way working in

PLANNING COMMITTEE

7 April 2021

the area to the east of the stadium and the opening of a link between the western end of North End Road and Bridge Road to provide an east-west route past the stadium. She advised that an additional representation had been received since the publication of the main report which related to issues already addressed in the report.

Chris Bryant, the applicant, then addressed the Committee on several matters including:

- The current event cap on full capacity events made it difficult to provide the level of flexibility required to respond to commercial demand and limited the ability of the stadium to compete with other venues.
- The permanent variation sought would allow for up to nine additional non-sporting events per season. These would be in addition to the 22 full capacity sporting and 15 non-sporting events currently allowed.
- The proposals would bring economic benefits to the local area. An independent survey had indicated that each concert generated £3.2 million for the local economy and every additional event created job opportunities for local people.
- A comprehensive set of mitigation measures were proposed including support for local employment and training, payments for supporting services and transport initiatives.

In response to questions from members, Chris Bryant made the following points:

- The FA paid the London Living Wage to all full-time staff and was committed to extending this to include event day temporary staff before the end of the 2021/22 season. The budget for this commitment had been allocated and ring-fenced.
- There was currently no intention to hold concerts on more than four consecutive nights and, if deemed necessary, the Wembley National Stadium Limited (WNSL) would be content with a condition to secure this.
- While the application would allow for a variety of non-sporting events, they would most likely be music concerts.
- It was possible to stage concurrent Wembley Stadium and SSE Arena events and when this does occur the relevant stakeholders work together to ensure that suitable arrangements are in place for both venues.
- The FA was committed to tackling abuse within the stadium. The 'Blow the Whistle' campaign encouraged spectators and staff to raise their concerns

PLANNING COMMITTEE

7 April 2021

anonymously and ensured appropriate action was taken and, in some cases, prosecution. Safeguarding Officers had recently been appointed who work alongside external partners to ensure the safety of those in attendance.

- Events were published on the Wembley Stadium and Brent Council websites and through stadium factsheets and the Brent Magazine. In addition, there was signage on the stadium itself and within the locality.
- A number of mitigation measures were proposed to reduce the number of vehicles on event days. These included additional parking enforcement capacity and the promotion of sustainable travel patterns. The Trusted Parking Scheme aimed to ensure authorised car parks were run in a way that would limit their impact on neighbouring residents and reduce local congestion, whilst the Private Hire Management Scheme would reduce the number of vehicles in the area around the stadium after events have finished.
- The FA were committed to reducing carbon emissions within the stadium's vicinity. It was committed to event sustainability management and promoting sustainable travel.

In the ensuing discussion, members raised several issues including employment and skills, parking, traffic congestion, safeguarding and anti-social behaviour and the impact on neighbouring amenity. Officers then clarified a number of key points including:

- An Employment and Skills Plan would be included within the deed of variation to the existing s106 agreement. This would set out how WNSL would work with the Council and Brent Works to maximise employment opportunities and enhance employability skills for residents with the aim of maximising the opportunity to enter into apprenticeships and training programmes.
- WNSL did not intend to hold concerts on more than four consecutive nights and, should members wish to do so, this arrangement could be secured through condition. It would be difficult, however, to justify a condition restricting the specific days of the week that these may be held.
- WNSL stated that it continued to liaise with central government and the Council regarding the safe return of spectators and would continue to follow all guidelines and restrictions in agreement with Brent Council, Metropolitan Police, Transport for London and other key stakeholders.

PLANNING COMMITTEE

7 April 2021

- The applicant was required to make financial contributions through the s106 agreement to apply the proposed additional mitigations should the application be granted.
- The Wembley Park estate operated under a Public Space Protection Order which prohibited various elements of antisocial behaviour in the area. Civil Enforcement Officers were able to move offenders on and charge them with a penalty charge notice. Each event was subject to scrutiny from the Stadium Safety Advisory Group, which comprised of key stakeholders including the Council and Metropolitan Police and worked to mitigate event risks.
- The Trusted Parking Scheme sought to address the issues that non-regulated car parks create on event days in relation to highway congestion, noise and pedestrian safety. The scheme had been designed to encourage compliance from car park operators.
- The Private Hire Management Scheme proposed to mitigate the impact of taxi and Uber drivers in the area by working on a designated pick up and drop off point within an area deemed appropriate by the local authority and relevant stakeholders. This change would benefit local residents as congestion would be mitigated.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

DECISION: Granted planning permission subject to the completion of a satisfactory deed of variation to the existing Section 106 legal agreement, including securing a Wembley Stadium Employment and Skills Plan and a new condition to ensure that major events are held on no more than four consecutive days, and conditions and informatives as set out in the report.

(Voting on the recommendation as amended was as follows: For 8, Against 0)

4. 20/3149 - Willesden Green Garage, St Pauls Avenue, London, NW2 5TG

PROPOSAL:

Demolition of MOT garage and erection of a part eight storey and part four storey building with basement level to provide 86 self-contained flats with ground, third and fourth floor amenity space, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping.

PLANNING COMMITTEE

7 April 2021

RECOMMENDATION:

Resolve to grant planning permission subject to prior completion of a legal agreement to secure planning obligations as set out in the report.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as set out in the report.

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.

Paige Ireland, Principal Planning Officer introduced the report, set out the key issues and answered members' questions. The Career Grade Planning Officer advised members that the extant scheme had been refused by the Committee but later allowed on appeal.

In reference to the supplementary report, the Principal Planning Officer drew members' attention to the following points:

- The applicant had provided an Urban Greening Factor calculation which was in excess of the London Plan target. The score has been achieved through the inclusion of green roofs, flower rich planting, hedging, ground cover planting, permeable paving and new tree planting.
- Revisions to the conditions and informatives and an additional s106 obligation had been proposed.
- An additional representation had been received since the publication of the main report but related to issues already addressed in the main report.

Peter Hale, objector, then addressed the Committee on several matters including:

- The height of the proposed block which was higher than the extant scheme. The top floor was clearly visible from the east and the west and the upper floors of Kingsley Court.

PLANNING COMMITTEE

7 April 2021

- While no longer a part of adopted policy, the housing density figure of 374 was excessive and a 23% increase on the extant scheme.
- The insufficient provision of family sized units.
- The positioning of the blocks and the height of the walls of the frontage of the ground floor units, which would have a negative impact on the street scene.
- The insufficient provision of external amenity space and lack of green infrastructure and biodiversity measures.
- The continued loss of light for the occupiers of the adjoining building, 75 St. Pauls Avenue.

Councillor Donnelly-Jackson, ward member and objector, then addressed the Committee on several matters including:

- The lack of London Affordable Rented homes and insufficient provision of family sized homes.
- The height of the proposed block, which would dominate and overshadow the adjacent Grade II listed building, Kingsley Court. It would be out of character with the opposing two and three storey blocks and reduce natural light.
- The continued loss of light for the occupiers of the adjoining building, 75 St. Pauls Avenue and the increase in noise and nuisance.
- The omission of green landscaping features with only 25% of available ground area put to vegetation and the lack of internal amenity space.
- The application would result in a density above the London Plan matrix range and as such the further intensification proposed did not represent sustainable development.
- The lack of a flood barrier or signal system in the basement despite the area being prone to flooding.
- The proposed loading bay located on the opposite side of St Paul's Avenue, which would result in refuse collection causing potential obstruction and danger to cyclists.

In response to questions from members, Councillor Donnelly-Jackson made the following points:

- The main differences between this application and the extant scheme were the design, scale and massing of the block and the impact on neighbouring amenity.

PLANNING COMMITTEE

7 April 2021

Micala Fox, supporter, then addressed the Committee on several matters including:

- The improvement of the development from the extant scheme, providing a neutral compliment to the existing homes and drawing appropriate design analogies to the adjacent Grade II listed building, Kingsley Court.
- The additional family sized units and increase to the number of affordable homes that should aid the housing targets within the borough whilst having a negligible impact on local infrastructure. It also made provision for wheelchair access.
- The proposed scheme would not result in any material reduction in natural light for 75 St. Pauls Avenue when considered against the extant scheme.
- The parking provision was adequate given the proximity of the development to the Jubilee line and bus routes, and the limited parking would encourage residents to use sustainable transport.
- The proposed CIL contribution of approximately £2 million would help support the Council's long-term ambitions.

Carl Dawson, the applicant, then addressed the Committee on several matters including:

- The increase in units to 86 through efficiencies in internal layout and one additional storey to the western block. The height increase was less than 2m compared to the extant scheme and would have no significant harm on the adjacent Grade II listed building, Kingsley Court.
- Improving the relationship with the neighbouring property at 75 and 75a St. Pauls Avenue by reducing the height of the eastern block, setting the block back, removing the cover to the access ramp and retaining the boundary wall. There was no change in retained levels of sunlight and a Noise Assessment had been undertaken to confirm that any noise generated by the scheme would be acceptable.
- The provision of 16 affordable homes with a tenure split of 70% affordable rent and 30% intermediate, three more than the extant scheme. It would also provide 15 family sized units, two more than the extant scheme.
- Bin storage, cycles and car parking would be located at basement level including 8% accessible provision.
- The provision of landscape communal spaces and urban greening which exceeded the London Plan target.

PLANNING COMMITTEE

7 April 2021

- The same delivery of 10% wheelchair homes, an energy strategy, and obligations for public realm works, carbon offset payment and highways as the extant scheme.
- The application included a contribution of approximately £2 million in Borough and Mayoral CIL payments.

In response to questions from members, Carl Dawson made the following points:

- The application had been brought forward with the help of a new design team that were not involved in with the separate application considered at the previous meeting of the Committee.
- The application proposed three new affordable homes, which was considered acceptable by officers.
- The height of the block was lower compared to the application considered at the previous meeting of the Committee. This was a product of internal design changes such as using radiators instead of floor heaters and reducing the size of the floor slabs. It also allowed the development to provide more units.
- Whilst the shortfall in external amenity space was more significant than the extant consent, it was considered sufficient to meet residents' needs and that the shortfall should be accepted given the wider benefits of the scheme.

In the ensuing discussion, members raised several issues including the impact on the adjacent Grade II listed building, the height and design of the proposed block, the affordable homes/unit mix and external amenity space. Officers then clarified a number of key points including:

- The proposed increase in height of 2m to facilitate an additional storey would not have a significant impact on the adjacent Grade II listed building, Kingsley Court. The proposal was not considered to result in harm to its historical significance or setting.
- Before any above ground construction work (excluding demolition) be undertaken, details of materials for all external work would be submitted to and approved in writing by the local authority.
- Both Redloft and BPS (on behalf of the local authority) concluded that the scheme would be in a financial deficit, with Red Loft concluding a deficit of £3.76 million and BPS concluding a less acute deficit of £2.27 million. This

PLANNING COMMITTEE

7 April 2021

deficit was lower than that of the application considered at the previous meeting of the Committee.

- The development would provide affordable rented homes in line with the extant consent rather than London Affordable Rented homes which were required by the adopted London Plan and emerging Local Plan. This was considered acceptable by officers as the extant consent was a material consideration. Nevertheless, the scheme would result in additional homes, above the extant consent. The development would provide 17.4% family housing which was below the policy target but was deemed acceptable by officers having considered the benefits associated with the provision of additional affordable housing enabled through the provision of fewer family sized homes.
- Whilst there was a shortfall in external amenity space, it was considered by officers that on site amenity space had been maximised having regard to site constraints. The proximity to nearby public open spaces and the oversized nature of a large proportion of the units was considered by officers to mitigate impacts associated with the identified shortfall and the benefits of the development.
- The additional planning obligation for the applicant to carry out a traffic safety assessment for on-street servicing and to fund the provision of an on-street loading bay if subsequently deemed necessary requested at the previous meeting of the Committee had not been included within the obligations listed within the main report. This proposal would result in a similar level of servicing and it was recommended that this consent, if granted, be subject to the same obligation.
- Whilst the limited increase in height to accommodate the additional storey over the consented scheme had been facilitated through the reduction of the floor to ceiling height of the previously consented storeys, the required minimum 2.5m minimum floor to ceiling height had been retained.

Members raised concern that the application was for a new consent within which more homes were proposed than in the previous consent, but the scheme did not include the provision of London Affordable Rented Homes which are now required by adopted and emerging policy and the scheme was therefore not policy compliant in this respect. Members also discussed the shortfall of Family Sized homes, which were proposed at proportions that were below those specified within adopted and emerging policy, and also lower in percentage terms than the extant consent.

PLANNING COMMITTEE

7 April 2021

Members also evaluated the amount of external amenity space proposed within the scheme and noted that this fell further below the levels set out in DMP19 than the extant consent. Concern was raised with regard to the quality and quantity of on-site external amenity space, and the distance from the nearby public open space. Members expressed concern that the external amenity space would not be sufficient for future residents.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendation.

DECISION: Having weighed the benefits associated with this proposal and the harm associated with the departure from adopted and emerging policy, members refused planning permission contrary to officers' recommendation for the following reasons: insufficient provision of external amenity space, lack of London Affordable Rented homes and insufficient provision of family sized homes.

Voting on the officers' recommendation for approval was recorded as follows:

For: Councillors Kelcher and S Butt (2)

Against: Councillors Johnson, Chappell, Kennelly, Kabir, Maurice and Dixon (6)

5. Any Other Urgent Business

None.

The meeting closed at 6.40pm

COUNCILLOR KELCHER
Chair