

**Supplementary Information  
Planning Committee on 7 February  
2024**

Case No.

N/A

Location Fairgate House, 390-400 & 402-408, High Road, Wembley, HA9  
Description Deed of Variation to the Deed of Agreement dated 3rd May 2023 under Section 106 under the Town and Country Planning Act 1990, as amended in relation to planning application reference: 22/2225 for the following development:

*Demolition of existing buildings and construction of an up to part 13 and part 17 storeys (including ground level) building comprising purpose built student bed spaces (Use Class Sui Generis) together with ancillary communal facilities, flexible non-residential floor space (Use Class E), cycle parking, mechanical plant, landscaping together with other associated works*

The Deed of Variation would secure the following changes:

- The removal of the requirement to provide student bedspaces at affordable rent levels within the development (the extant scheme secured 122 affordable student bed spaces on site)
- To secure the provision of a financial contribution towards affordable housing (a payment in lieu) of £2.224 m to be utilised to fund the provision of additional permanent low-cost rent affordable housing, being affordable housing that is provided that goes beyond the minimum secured through the relevant planning consents for the site(s).
- Changes to the early stage review and the incorporation of a late stage viability review mechanism, in connection with the new off-site affordable housing payment.

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There is no statutory requirement to carry out public consultation on an application under Section 106A to modify or discharge existing planning obligations. However, the original application was referable to the Greater London Authority (GLA) and comments from the GLA have been received on this application. They highlight the reduction in the equivalent level of affordable provision from that secured within the original application which was subject to the fast-track route (as discussed in the main report).

The GLA advise that if the LPA is minded to accept the request, the Viability Review Mechanisms in the Section 106 Agreement will need to be revised as they currently reflect a Fast Track Route compliant scheme to which only an early stage review applies. The GLA advise that they should be revised to be consistent with those agreed on the adjacent site (the scheme considered by the Planning Committee in December as referred to within the main report).

It is confirmed in the main report that early and late stage review mechanism would indeed be captured within this Deed of Variation, with the structure of those review mechanisms amended to reflect the nature of the affordable provision and relevant viability information. It should also be noted that the viability appraisal for this Deed of Variation was tested against the relevant assumptions that had been agreed for the rear site to ensure the consistency in the consideration of the two proposals.

**Recommendation: That the Planning Committee resolves to enter into a Deed of Variation as set out in the main report.**

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