



Planning Committee Supplementary Agenda

Wednesday 11 September 2024 at 6.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note this will be held as a physical meeting which all Committee members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#)

Membership:

Members

Councillors:

Kelcher (Chair)
S Butt (Vice-Chair)
Akram
Begum
Chappell
Dixon
Johnson
J.Patel

Substitute Members

Councillors:

Agha, Bajwa, Crabb, Gbajumo, Mahmood,
Mitchell and Rajan-Seelan

Councillors

Hirani and Kansagra

For further information contact: James Kinsella, Governance Manager
james.kinsella@brent.gov.uk; 020 8937 2063

For electronic copies of minutes and agendas please visit:
[Council meetings and decision making | Brent Council](#)

Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Supplementary Agenda

ITEM	WARD	PAGE
3. Minutes of the previous meeting To consider and approve the minutes from the meeting held on Wednesday 10 July 2024 as a correct record.		1 - 14
4. 24/1329 - Wembley National Stadium, Olympic Way, Wembley Park Wembley, HA9 0WS		15 - 18

Date of the next meeting: Wednesday 16 October 2024



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#)

This page is intentionally left blank



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 10 July 2024
at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice-Chair) and Councillors Akram, Bajwa, Begum, Chappell, Dixon and J.Patel.

1. **Apologies for Absence and Clarification of Alternative Members**

Apologies for absence were received from Councillor Johnson with Councillor Bajwa attending as a substitute member. Apologies for lateness were received from Councillor Begum, who it was confirmed had arrived in time to permit her participation in consideration of the first application on the agenda (Item 3 below).

2. **Declarations of interests**

No declarations of interest were made during the meeting.

3. **23/3187- Land at 370 High Road and 54-68 Dudden Hill Lane, London, NW10**

PROPOSAL

Demolition of existing buildings and redevelopment to provide six mixed use blocks, comprising residential dwellings (Class C3); the provision of industrial floorspace, gym floorspace, retail floorspace and flexible commercial floorspace; associated vehicular access; car and cycle parking spaces; refuse storage; amenity space; substation and landscaping.

RECOMMENDATION

- (1) That the Committee resolve to GRANT planning permission subject to:
 - (i) the applications referral to the Mayor of London (Stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations detailed within the report.
 - (ii) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
 - (iii) The conditions and informatives as set out in the Committee report and supplementary report.
- (2) The Head of Area Planning, or other duly authorised person, be authorised to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the terms detailed within the report and meet the policies of the Local Plan and Section 106 Planning Obligations SPD by concluding an appropriate agreement.

PLANNING COMMITTEE

10 July 2024

- (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.

Neil Quinn (Principal Planning Officer) introduced the report, detailing the proposal for the building of six new blocks varying in height and mass set within a significant amount of new public realm comprising hard and soft landscaping, play equipment and new walking routes. The site was bounded by the Sapcote Trading Centre to the north, Colin Road to the south, Dudden Hill Lane to the east and High Road to the west and was currently occupied by a number of industrial units including a heavy plant hire business, storage facilities for haulage equipment and scaffolding and a MOT station/Used car sales garage. The site was also located within a Locally Significant Industrial Site (LSIS) and Church End Growth Area with a Public Transport Accessibility Level (PTAL) rating of 5. Members were advised that the application proposed to deliver a total of 301 residential homes (including 48 at London Affordable Rent), replacement light industrial floorspace and retail/commercial floorspace. In referring to the supplementary report published prior to the meeting the Committee was advised this included additional representations received from Transport for London with the recommendation remaining to grant planning permission subject to the the conditions and heads of terms set out in the original report.

The Chair thanked Neil Quinn for introducing the report and then invited Tom Rusby & Laura Jenkinson (who had registered to speak as the applicants representative) to address the Committee.

The following key points were highlighted:

- In seeking to highlight the schemes benefits reference was made to the proposed delivery of 301 new homes, of which 48 would be affordable (all to be delivered at London Affordable Rent) with over half being family sized units.
- The proposed development had been designed to sensitively respond to neighbouring properties, whilst delivering, high-quality residential spaces with more than 53% being dual aspect, ground floor commercial and industrial units, including an affordable workspace, gym and supermarket.
- The recent completion of the Neasden Lane development by the applicant, which had provided 121 new homes for Clarion Housing Association with works on the scheme for which approval was being sought scheduled to commence in 2025, subject to approval.

PLANNING COMMITTEE

10 July 2024

- The work undertaken since securing the site in 2022 to address the change and uncertainty created by build cost inflation, planning changes and economic challenges, with the application now felt to provide a high-quality, deliverable scheme which it was felt successfully balanced the competing needs for the site and Council's objectives.
- In summarising the public benefits of the scheme, these were felt to include the provision of 301 new homes meeting the latest fire safety standards 19% of which would be provided at London Affordable Rents as a genuinely affordable housing product that would contribute to reducing Brent's housing waiting list with over 50% of those homes being family sized dwellings; the re-provision of industrial floor space including 10% affordable workspace provided at a 50% market discount; 900 jobs over the construction phase and 140 new jobs; new uses such as a gym and café, super market and flexible commercial; a comprehensive landscaping scheme including new trees and biodiversity net gain enhancements; Highway Improvements and Infrastructure Improvements including just under £10m of Community Infrastructure Levy. In highlighting that the viability assessment had been subject to robust review through the Council's independent viability consultants to maximise delivery of affordable housing, the Committee were urged to support the officer recommendation to grant approval.

The Chair thanked Tom Rusby & Laura Jenkinson for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- Clarification was provided in relation to the size of the proposed gym and supermarket space within the proposed development, which were confirmed as approx. 971 sqm and 1500 sqm.
- Further details were sought on the reason for including a supermarket within the proposed scheme, given the proximity to other retail units in the area and nature of the proposals regarding parking spaces. The Committee were advised this reflected the design of a previous scheme proposed for the site, prior to it being acquired by the current applicant, and demand identified for low-cost supermarkets in the area and in order to enhance the active frontage of the development. Whilst developments with high PTAL ratings would usually be required to be car free, 24 car parking spaces had been proposed in connection with the supermarket use without which it was felt the long-term viability of the retail use would be compromised. The new residential dwellings would be subject to a car free agreement with the contribution made through inclusion of the supermarket to the overall value and viability of the site also noted as a means of enabling the developer to provide more affordable housing within the scheme.
- In response to a query on the provision of space within the proposed development for community use, reflecting the overall size of the scheme,

PLANNING COMMITTEE

10 July 2024

the Committee was reminded of the inclusion within the existing proposals of a proposed café space. In terms of more dedicated provision, the applicants representative advised they would, however, also be willing to consider the potential option to include a specific community use facility within the site allocation.

The Chair thanked Tom Rusby & Laura Jenkinson for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity in relation to the application. Issues raised included landscaping and biodiversity, design and layout of the scheme, CIL contribution, affordable housing/unit mix, provision of retail space, transport and parking impact.

The following responses were provided:

- With regard to the provision of trees, the Committee were advised there were no existing trees on site with the application therefore providing a net increase of 73 trees secured through an enforceable Section 106 Agreement with a significant improvement also achieved in the Urban Greening Factor score.
- Further clarification was provided in relation to the amendments made to the scheme as a result of comments raised by the GLA and TfL which included a reduction in number of car parking spaces; changes to the ground floor layout (including a realignment of residential entrances, refuse stores and the gym entrance) to improve the active frontage; an increase in width of the affordable residential entrance and changes in construction design to Building B to match Building A; changes to the detailed design of Buildings C, D & E to respond to concerns regarding overall massing; improvements to the public courtyard and industrial yard layouts (including the provision of security gates) along with additional landscaping and soft planting. It was confirmed that the changes, which had been secured by design, had also been designed to ensure the development also remained tenure blind.
- In response to further concerns regarding access to the affordable housing units within Building B remaining tenure blind and the relationship of these units to the rest of the development, including access to communal space, officers advised this could be secured through an amendment to Condition 15 (access to community amenity space).
- In response to clarification being sought on the financial contributions due to be provided by the developer, should planning permission be granted, members were advised this would include a contribution of £50,000 in relation to improvements for nearby open spaces reflecting the shortfall in viability for private amenity space, £25,000 towards a review and any amendments to the operation of Controlled Parking Zones (CPZ) around the site, £192,500 in accordance with Brent's Planning Obligation SPD towards Brent Works for Job Brokerage services, £7,000 towards the

PLANNING COMMITTEE

10 July 2024

planting and maintenance of street tree planting, with an additional contribution of £800,000 (subject to final review with TfL) towards additional local bus capacity and a total CIL contribution of £8m.

- Details were also sought on the viability assessment process relating to the final affordable housing mix. The committee was advised that the proposals would deliver 19% affordable housing (all at London Affordable Rent) on a habitable room basis, with this being 15.9% affordable housing on a unit basis. Whilst this had fallen below the 50% threshold on industrial land set out in Policy BH5 the applicant had highlighted a number of factors affecting development viability, including significant increases in construction costs and finance rates together with new Building Regulations requirements which had emerged during pre-application discussions. This had led to a review of housing layout and mix within the scheme to ensure it would meet fire safety guidelines, while at the same time ensuring it would remain viable. Given the shortfall identified the applicant had submitted a Financial Viability Appraisal (FVA) in order to demonstrate the proposal would deliver the maximum reasonable amount of affordable housing, which had been reviewed by the Council's independent viability consultants. Whilst the applicant's initial FVA concluded that the scheme would be in a deficit of £9.2m this had been subject to a process of further review between the applicant and Council's viability consultants which had included sensitivity tests on a number of key parameters, including residential and commercial rental values, finance rates and construction costs. Following this, the final assessment had concluded that the scheme would now experience a deficit of approximately £1.19m. In addition, the GLA had also raised concerns regarding the Existing Use Value (EUUV) accorded to the site for industrial purposes, which had also been the subject to further robust independent valuation commissioned jointly by the Council and GLA in order to reach a final value. Whilst slight differences remained in terms of the Benchmark Land Value (BLV) the process (including independent valuation) was felt to have suitably demonstrated that there would be a scheme deficit and that the maximum reasonable amount of affordable housing had been provided as a result, with no further comments raised by the GLA. Confirmation was also provided that a Section 106 agreement would be entered into to secure this housing as well as an early and late-stage review to ensure any uplift in viability could be captured as delivery of the scheme progressed.
- In addressing the issue of internal layout, design and massing members were advised that the quality of units was considered to be good with internal space meeting the necessary standards and other quality factors. Whilst recognised that the scheme would result in some daylight and sunlight impacts beyond BRE guidance the overall level of impact was considered to be acceptable given the urban context of the site within a growth area and when balanced against the wider benefits in terms of the mixed-use redevelopment of the site and the competing land uses involved. In terms of height, density and massing the design approach was felt to be suitable and in accordance with the London Plan (although outside of a tall building zone) whilst also being sensitive to buildings nearby.

PLANNING COMMITTEE

10 July 2024

- In terms of the assessed need and impact of the proposed retail use included within the development, the Committee was advised that the principle of retail use was considered acceptable despite the out-of-town centre location, having been subject to a sequential test and retail impact assessment which had concluded that the proposed supermarket was not likely to have a significant impact on the vitality and viability of nearby town centres. Whilst other design options had also been considered in relation to the ground floor use, the inclusion of a retail element was recognised as an important driver in terms of the schemes overall viability and ability to deliver the level of affordable housing currently included. In terms of the associated parking provision, whilst recognising the concerns raised given the high PTAL rating of the site, officers advised that the long term viability of the retail use, and therefore scheme as a whole, was likely to be compromised without the provision being included which was supported by London Plan policies.
- Confirmation was provided that the provision of nine disabled parking spaces and two electric charging points was in line with London Plan requirements for the number of units included within the scheme with a Construction Logistic Plan also to be secured in relation to managing and minimising traffic disruption during the construction phase of the scheme and a Delivery and Servicing Plan also submitted.
- In terms of the wider transport and parking impact, reference was made to operation of the surrounding Controlled Parking Zones and whether these could be adjusted to match the requirements of the new development (including provision in Church End), which the Committee was advised could be included as part of the review being funded through the financial contribution to be secured through the development.
- In noting that the site had been identified as part of a strategic area for regeneration within a Local Strategic Industrial Site (LSIS) members were advised that an assessment had been undertaken to demonstrate how the wider LSIS would retain coherence under the current scheme whilst also enabling adjacent parts of the site to potentially come forward as future phases of a comprehensive re-development involving residential and industrial co-location. As such it was felt the re-development of the area was unlikely to prejudice the delivery of the wider site allocation, and on this basis would be acceptable in principle.
- In seeking further details on assessment of the traffic impact on the local road network arising from the proposal, especially in relation to Dudden Hill Lane and High Road, the Committee was advised of the modelling undertaken with the volumes of predicted traffic forecast to add approx. 2% to existing traffic flows which had not be considered significant enough to warrant assessment of junction capacity further from the site. Subject to the conditions and financial obligations identified, the proposal was considered to be acceptable in relation to the potential transportation impacts identified,

PLANNING COMMITTEE

10 July 2024

with contributions also sought towards improvements to cycle routes to the site focussed along High Road with improved signage, and pedestrian enhancements to the footway along Dudden Hill Land frontage, the zebra crossing on Dudden Hill Lane and junction improvements at Colin Road/High Road as well as to local bus service infrastructure.

As there were no further questions from members the Chair then moved on to the vote.

DECISION

RESOLVED to grant planning permission subject to:

- (1) referral of the application to the Mayor of London (Stage 2 referral) and prior completion of a legal agreement to secure the planning obligations set out in the Committee report;
- (2) the conditions and informatives as set out in the Committee report and supplementary report including an amendment to Condition 15 (access to community amenity space) to ensure the development remained tenure blind and inclusion of an additional condition to secure the provision of a community use facility within the site allocation.

(Voting on the above decision was as follows: For 7 and Against 1)

4. Deed of Variation - Fairgate House, 390-400 and 402-408, High Road, Wembley and land rear of 390-408 High Road, Wembley, HA9

PROPOSAL

Deed of Variation to Phase 1 and 2 development to secure the following changes:

- Alteration of the Late Stage Review mechanisms to require the provision of additional payments in lieu (PiL) upfront towards affordable housing in the local area (instead of a late stage review) within 12 months of material start.
- The additional PiL proposed overall is £6m; which will equate to an additional £2.106m for Phase 1, and £3.911m for Phase 2 (n.b. This is in addition to the PiL already secured for the relevant Phase 1 (£2.224m) and Phase 2 (£5.34m) developments).
- As per the previous Deed(s) of Agreement, the additional PiL proposed to be utilised to fund the provision of additional 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).
- If at any time between a Material Start and Practical Completion of the Development works cease and subsequently no works of construction are carried out on the Land in respect of the Development for a continuous period of at least two (2) years, the agreed Late Stage Review mechanisms are retriggered.

PLANNING COMMITTEE

10 July 2024

RECOMMENDATION

- (1) That the Planning Committee resolves to enter into separate Deed(s) of Variation under Section 106A of the Planning Act to vary:
 - (i) The Principal Section 106 agreement associated with planning application reference 22/2225 ('Phase 1') and related Second Deed of Variation dated 25th April 2024 to the Principal Deed of Agreement dated 3rd May 2023.
 - (ii) the Section 106 agreement associated with planning application reference 23/2811 ('Phase 2') and.
- (2) To delegate authority to the Head of Planning and Development to agree the wording of the respective Deed(s) of Variation.
- (3) The separate Deed(s) of Variation sought for Phase 1 and Phase 2 would secure changes to the obligations secured already through legal agreements, to amend the Late Stage Review mechanisms, and to require the provision of additional PiL payment of £6m upfront; equating to £2.106m for Phase 1 and £3.911m for Phase 2 (indexed from date of committee resolution) towards the provision of additional low-cost rented affordable housing (within Use Class C3) within the local area.

Gary Murphy (Principal Planning Officer) introduced the report, stating that the application was seeking approval to vary the existing permission in relation to the development to provide an upfront fixed contribution of £2.1m (Phase 1) and £3.9m (Phase 2) in lieu of the late-stage review mechanism included within the original planning permission. This would be in addition to the financial contributions already secured with the amendment being sought designed to enable the applicant to secure beneficial lending terms providing construction was to commence within 24 months. In response to clarification requested by the Committee, officers confirmed that the proposed payments had been subject to a viability assessment with planning permission already granted for the overall development which had included a late-stage review mechanism designed to secure additional contributions towards affordable housing should scheme viability improve, which remained uncertain.

The Chair thanked Gary Murphy for introducing the report and subsequently invited Steve Harrington (as the applicants' representative) to address the Committee.

The following key points were highlighted:

- Despite current economic challenges work had now commenced on site at Wembley High Rd for Phase 1 and Phase 2. Whilst there were two separate planning permissions, the developments were being brought forward as one project in terms of both construction and also funding.
- In the process of formalising the funding position for the project the removal of the late-stage review mechanisms and provision of additional payments

PLANNING COMMITTEE

10 July 2024

in lieu upfront were felt to represent the optimum solution for both the applicant and Council as it would provide certainty at this stage of the total affordable contributions to be provided and would secure the deliverability of the project going forward.

- The additional sum (£6m) proposed towards affordable housing as a payment in lieu had been subject to a rigorous independent viability assessment process which had concluded that an additional payment of this amount was unlikely to be realised through the late stage reviews and as such would maximise the contribution towards affordable housing from the project.
- The project to date had secured more than £7.5m towards affordable housing contributions and with the additional £6m now proposed, would take the overall contribution to over £13.5m

The Chair thanked Steve Harrington for addressing the Committee and invited members to ask any questions they had in relation to the information presented with the following noted.

- In response to further clarification being sought on the basis for the proposed variation at this stage in the scheme, the Committee were advised that this related to the applicant having been required to provide less equity at the outset as the funder's future financial exposure would be reduced at the back end of the project. This has consequently resulted in a reduced cost of borrowing enabling the savings arising from reduced interest payments to be passed on to the Council through the proposed additional payments in lieu, providing what was felt to be a significant benefit to all concerned through the generation of additional funding (which had been subject to a viability based assessment) becoming available at this stage for the delivery of affordable housing as opposed to servicing bank interest payments.

The Chair thanked Steve Harrington for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity in relation to the application. Issues raised included the assessment of scheme viability and use of funding contributions, with the following responses noted.

- Confirmation was provided that the payments proposed in lieu of the late-stage review mechanism had been robustly tested by consultants acting for the Council and assessed as representing the maximum viable contribution. Whilst reducing risk and exposure for the applicant, the proposals were felt to also offer greater benefit to the Council as it was considered that even in the event of the late stage reviews being triggered for Phase 1 and 2 these would be unlikely to provide additional payments in excess of the proposed £6m currently being offered in lieu
- In terms of use of the additional contribution being focussed on the delivery of affordable housing within the local area, members were advised this

PLANNING COMMITTEE

10 July 2024

would be subject to the standard process of prioritisation focussed across the borough as a whole although enabling early delivery of the two phases was expected to assist in bringing forward wider regeneration in that part of the Wembley Growth Area.

As there were no further questions from members the Chair then moved on to the vote.

DECISION

RESOLVED to granted permission to enter into separate Deed(s) of Variation to vary:

- the Principal s106 agreement associated with planning application reference 22/2225 (Phase 1) and related Second Deed of Variation to the Principal Deed of Agreement; and
- the s106 agreement associated with planning application reference 23/2811 (Phase 2).

(Voting on the above decision was unanimous).

5. **24/077372 - Vivian Avenue, Wembley, HA9 6RU**

PROPOSAL

Proposed change of use from house in multiple occupation (HMO) to supported housing for 5 residents.

RECOMMENDATION

- (1) That the Committee resolve to GRANT planning permission subject to the conditions and informatives as set out in the Committee report.
- (2) 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.

Jasmin Tailor (Planning Officer) introduced the report which the Committee was advised was seeking a change of use of the existing property, recently used as a House in Multiple Occupation (HMO) to a C3(b) use for supported housing for up to five residents where care is provided with no external alternations proposed.

PLANNING COMMITTEE

10 July 2024

The Chair thanked officers for introducing the report, and then invited Bimla Thakur (who had registered to speak in objection to the application) to address the Committee. The following key points were highlighted:

- Concerns were raised in relation to what local residents felt would be the intended use of the property as a supported care facility given the significant impact on the surrounding area and neighbouring properties.
- Further concerns were also raised in relation to security and safety risks relating to the proposed use and management of the property and the impact on the wellbeing of local residents.
- Whilst sympathetic to the efforts being made to care for the more vulnerable in the community, the need for this type of provision in the area was queried given the existing availability of purpose built supported housing in the locality and what was felt to be the unsuitability of the property given its current construction, layout and boundary walls.
- Concerns were also raised in relation to adherence to previous planning consent along with the impact in relation to parking, traffic and nuisance on neighbouring residents and on the overall character of the area with the Committee therefore urged to refuse the application.

The Chair thanked Bimla Thakur for addressing the Committee and then invited questions and comments from members in relation to the information heard. Whilst no specific questions were raised, confirmation was provided that Bimla Thakur was speaking as a neighbouring resident to the application site.

The Chair then welcomed Smita Patel (who had also registered to speak in objection to the application) and invited her to address the Committee. The following key points were highlighted:

- In addressing the Committee, Smita Patel outlined what she felt to be the flawed nature of the application given the amendment in proposed use from a change of use from Class C3a to C3b to a change of use from an HMO to supported housing for 5 residents; previous planning history of the property including refusal of an HMO application and what was therefore felt to be its current unlawful use along with lack of reference within the plans to any external or internal works despite reference to the cost of works within the application.
- Concerns were also raised in relation to the suitability of the property with specific reference to the unsafe boundaries, the current internal layout of the property, lack of sufficient communal facilities for residents or care staff, crime and safety within the surrounding area, levels of rubbish and traffic associated with current use of the property and the number of existing purpose built supported living accommodation units already available within the locality.

PLANNING COMMITTEE

10 July 2024

- Given the concerns identified members were asked to refuse the application with the property felt to be unsuitable for a change of use from a family house to supported living accommodation. The Committee's attention was also drawn to case law examples proved in relation to two supporting cases where planning permission had been refused for a change of use to supported living accommodation and principles to be applied in relation to that use.

The Chair thanked Smita Patel for addressing the Committee and then invited questions and comments from members in relation to the information provided. As no specific questions were raised the Chair then moved on to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity regarding the application. Members raised queries relating to the principle of the development and proposed change of use with the following responses provided:

- In recognising the unusual nature of the application, further clarification was sought on the principle of the development and position regarding use of the property should the application be refused. In response the Committee was advised that whilst the property was in use previously as a single-family dwellinghouse (Class C3) a Prior Approval application had been made for a single-storey rear extension. Although approved, the works were not carried out in accordance with the plans with use of the property subsequently changed to become a Use Class C4 small HMO. The applicant had advised this change was made prior to the introduction of the Article 4 direction (which removed the permitted development right for this change) and was therefore of the view the conversion did not require planning permission. As the extension had not been completed in accordance with the approved plans, however, officers confirmed the property had lost its permitted development rights and an enforcement case was opened in relation to the breaches in planning control. The extension was subsequently granted planning permission, however, the C4 use remained unlawful. As an Enforcement notice was not issued requiring a change back to Use Class C3, the change of use from the previous unlawful HMO (Class C4) use to the previous lawful use as a dwellinghouse (Class C3) now required planning permission. Officers confirmed that if the Use Class C4 HMO use had been lawful then the change back to C3 would not have required planning permission.

Should permission be refused and enforcement action be taken (on the basis of harm demonstrated) officers confirmed this would still result in the same outcome with the property needing to be returned to its last lawful use as a C3 dwelling house.

- Addressing the examples of case law referred to as part of the representations made by the objectors at the meeting, the Committee were advised these were not directly comparable to the application being considered. The first case concerned a property housing children who could not live on their own. The second was an application where rooms in the

PLANNING COMMITTEE

10 July 2024

house were being used as five separate flats, which was the reason for the refusal in that case.

- In clarifying the position regarding the change of use being sought, the Committee was advised the proposal under consideration was for the change of use of the premises to supported housing (Use Class C3(b)) with the last lawful use as a C3 dwellinghouse. This Class Use would allow for up to six people living together as a single household (even if not a family group) and receiving care (e.g. supported housing schemes such as those for people with learning disabilities or mental health problems). Whilst a change from a lawful Use Class C4 HMO to any use within C3 or a change in use from Class C3(a) to C3(b) or C3(c) (given that all sub-classes (a, b and c) sat within the same Use Class as a C3 dwellinghouse) would not usually require planning permission an application was required in this instance, with the previous lawful use therefore a material planning consideration.

As there were no further questions from members the Chair then moved on to the vote.

DECISION

RESOLVED to grant planning permission subject to the conditions and informatives as set out in the Committee report and supplementary report.

(Voting on the above decision was as follows: For 7 and Against 1)

6. Any Other Urgent Business

None.

The meeting closed at 7.35 pm
COUNCILLOR KELCHER
Chair

This page is intentionally left blank

Agenda Item 4

Agenda Item 04

Supplementary Information

Planning Committee on 11 September, 2024 **Case No.** 24/1329

Location Wembley National Stadium, Olympic Way, Wembley, HA9 0WS
Description Variation of conditions 1 (Event Cap) and 2 (Temporary Traffic Management) of Variation of Conditions reference 20/4197 dated 21 June, 2021, for 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 8 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 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.

Agenda Page Number: 5-54

1. Members are advised of the following corrections and clarifications:

- Within the first paragraph of the description of development (page 5), it should read “to allow up to 8 additional major non-sporting events...” **not** “to allow up to 9 additional major non-sporting events...”.
- Page 23, Table 1 – last line – the capacity approved under this permission was the number in the lower and middle tiers (c.51,000), not the number and the locations as previously. (This was in effect an interim ‘modernisation’ which allowed for some social distancing in the Covid context.)
- Page 35, para.87, the last line should read “where the upper tier is **not** in use”
- There are some references to ‘major non-sporting events’, which should now be ‘major events’, in part as obligations/payments will apply to all – e.g., para 3, 4th line; para 136, 3rd line; para 146, 2nd line, para 150, 2nd line; para 153, 4th line; para 154 3rd line.
- In relation to the financial contribution from TfL, this money would be secured to improve and manage the further impact of major events at Wembley Park Station.

2. **Additional comments/objections received:**

i) **LB Ealing** have advised that they do not object to the proposal.

ii) **LB Harrow** have advised the following:

Document Imaged

*DocSuppF
Ref: 24/1329 Page 1 of 3*

Officers would conclude Stanmore station located at the terminus of the jubilee line and its relatively close proximity to the M1 motorway and A41 Highway would be an attractive location if attendees to event days wished to park and get the Jubilee line to Wembley stadium. As forementioned, the council does not currently have the benefit of recent empirical data of event day parking capacity to fully justify requests for funds to make assessments of extended CPZs time periods or geographical alterations. Nevertheless, the environmental statement submitted in relation to this variation of condition application does not make mention of the impacts on the hinterlands of Harrow and other adjacent London Boroughs. The lack of an impact assessment and data on transport links and hubs that facilitate arrivals and departures to Wembley Stadium is a concern to officers. The residue impacts of existing event days and the proposed addition of nine (8) further major event days will have an impact on Stanmore Station.

In lieu of assessments conducted by the applicant in relation to the impacts on Harrows Transport network and no apparent resource assigned as part of an s106 contribution to Harrow to undertake its own assessment and apply applicable mitigation measures, Officers object at this stage to the raising of event day cap to 54 without the necessary report and/or funds to conduct assessments to safeguard local parking at Stanmore station and other location such as Kenton road and Harrow and Wealdstone Stations. Financial contributions by way of a s106 agreement would facilitate and resource the boroughs review of all CPZs in the near future.

Officer response:

Further discussions with the Applicant has confirmed that in recognition of Stanmore Underground Station being the terminus of the Jubilee Line, the study area will be extended to include this Station. However, the contribution towards any resultant works is ringfenced for works with Brent as set out in the committee report.

The request for a financial contribution to fund a review of all of LB Harrow's CPZs is considered unreasonable when considering the nature of the current proposal, as is the request to review other individual stations along tube lines that lead to Wembley.

- iii) Additional comments have been received by an objector (18 Dennis Avenue) who is concerned about the consultation undertaken and what is being secured to mitigate against any impact. He also raises a point in relation to "bench marking the 26 storey Uncle building and allowing other high risers to be built"

Officer response:

Decisions on applications received, are made having regard to the adopted policies of the Development Plan, and with national, regional and local guidance, and any other material considerations. Further, there is a statutory duty to consult with and to have regard to neighbour responses to consultation. The current proposal is considered acceptable when considered against all of the relevant polices and guidance and while a high number of objections have been received, this alone does not make the proposal unacceptable.

The consultation area included all properties within the Event Day Parking Restriction Zone, in which 49,241 properties were written to, in addition to the statutory site and press publicity. If a resident has not responded to a consultation request, the acceptability of the proposal must still be assessed against adopted policy and guidance.

The report sets out the contributions that are proposed within the Heads of Term to mitigate any potential impacts.

Regarding the other points such as the development at Uncle, each application is assessed on its merits.

- iv) A letter has been circulated to Members from the Wembley National Stadium Trust (The Trust). Officers and WNSL have also had sight of the letter, with the following
- Employment Opportunities
 - Residents' Ticket Ballot
 - Annual Local Community Event

- Community Space
- Subsidised Off-Peak Tours
- Local Community Charity Partner
- Community Engagement Plan for Euro 2028
- Event Impact Highlight

Officer response:

Some of the matters raised are already fulfilled by WNSL in partnership with The Trust, who receive funding support from the Stadium, for example, some tickets are distributed through the Business and Residents Liaison Committee. There is also a regular newsletter to 52 local groups representing c.20 different resident associations, the Wembley Business Association, LB Brent and Quintain living, that provides detailed updates on relevant stadium topics such as upcoming events, transport works updates and community engagement.

It should be noted that employment opportunities for local residents are proposed to be again secured through the Employment and Skill Plan, highlighted in the Heads of Terms.

Recommendation:

Remains approval subject to the conditions set out in the Committee report and the completion of a Deed of Variation.

DocSuppF

This page is intentionally left blank