

Agenda Item 04

Supplementary Information Planning Committee on 11 May, 2016

Case No.

15/5550

Location	Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opposite Stadium Retail Park, land opposite Wembley Hilton, land opposite London Design
Description	Hybrid planning application, accompanied by an Environmental Impact Assessment, for the redevelopment of the site including:- Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access. And Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising: <ul style="list-style-type: none">• Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;• Commercial (Use Class B1) up to 82,000 sqm;• Hotel (Use Class C1): up to 25,000 sqm;• Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;• Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;• Assembly and leisure (Use Class D2): 23,000 sqm;• Student accommodation (Sui Generis): Up to 90,000 sqm. And associated open space (including a new public park) and landscaping; car and coach parking (including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

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Network Rail and Chiltern Railways

Section 106 contributions were requested by Network Rail and Chiltern Railways. They have specified that they expect the proposals set out within the South West Lands application (reference 14/4931) and the Masterplan application (reference 15/5550) to result in a significant increase in demand at the station and have requested contributions towards station improvements, including two platform shelters, two customer information screens and covers for the stairs to the platforms totalling either £674,000 or £1.054 million depending on whether 2 or 4 station platforms are provided.

The applicant has responded, setting out information presented in the Transport Assessments for the respective applications. They highlight that the Masterplan Proposals result in a net reduction in the number of trips when compared to the extant consent, with reductions in 48 to 59 trips (per train) expected. The applicant specifies that they didn't compare the trips within the current South West Lands proposals with those in the extant consent for that site as the South West Lands proposals only expected to result in an increase of less than 10 trips per train per hour during peak hours.

Officers consider that the Section 106 contributions sought by Chiltern Railways and Network Rail are not required to make the development acceptable in planning terms and therefore would fail the tests set out within paragraph 204 of the National Planning Policy Framework and Paragraph 122 of the Community Infrastructure Regulations 2010, as amended.

It should be noted that a condition was attached to the extant consent relating to the South West Lands site which secured the provision of station facilities. This condition has been recommended to be attached to the South West Land consent, if approved (reference 14/4931)

Letters received from the applicant

The applicant has submitted a number of letters which set out rebuttals to the matters raised by or on behalf of WNSL / The FA. These letters do not provide new information, and the original submission documents, together with Appendix K, continue to be the relevant documents supporting this proposal. As such, the letters have not been discussed in detail within this Supplementary Report.

Additional letter received from Nathaniel Lichfield & Partners (NLP) on behalf of WNSL / The FA

NLP have specified that a significant amount of new information was submitted to Brent Council by the applicant on 9 May, only 48 hours before committee, including specialist responses on noise, transport and planning issues. They specify that WNSL as well as Brent Council need further time to review the detail submitted that appears to relate to the impact on the operation and safety of Wembley Stadium.

Information has been submitted to the Council. This information has been submitted by the applicant as a rebuttal to the letters submitted by WNSL and their consultants. It does not provide new information. The Council's consideration of the proposal is based on the information originally submitted to support the information together with Appendix K which was submitted subsequently, with further consultation carried out. The submission of the rebuttal letters is not considered to trigger the requirement for additional consultation.

Heritage

The committee report only briefly discusses the potential effects on the Grade II listed Wembley Arena and officers consider it beneficial to provide additional information within the supplementary report. The Townscape Assessment evaluates views to and the setting of this heritage asset within a number of views. It concludes that the proposal will result in beneficial effect on this heritage asset, maintaining views to the listed building and enhancing its setting. Officers agree with the findings within the townscape assessment, and consider that the proposal will have a positive effect on the views to and the setting of the listed building. The proposal is considered to accord with the relevant paragraphs within the NPPF and NPPG with regard to the effect on heritage assets.

Equalities

The letter from Clive Betts MP questioned whether an equalities impact assessment will be undertaken when referring to the time disabled fans would take to get to the Blue Car Park. The response within the report discussed access and egress to the Blue Car Park, but did not confirm whether an equalities assessment was undertaken.

Policy 7.2 of the London Plan sets out the need to ensure that the principles of accessible and inclusive design are incorporated into developments. It specifies that Design and Access Statements should explain how, following engagement with the relevant user groups, the principles of inclusive design have been integrated into the development. The Mayor's SPG, Accessible London, provides guidance on how that policy should be interpreted within development proposals to achieve an inclusive and accessible environment. The Design and Access statement submitted with this development sets out how such principles will be incorporated within the proposed development, including the principles by which buildings and spaces will be designed to maximise their inclusivity. Brent officers consider that the submission demonstrates that the proposal complies with the Mayor's policies and guidance. This has also been confirmed by the GLA within their Stage 1 response.

Material compliance with the development plan and the assessment of likely significant environmental effects

The submission looks to demonstrate compliance with the above policies Brent and Mayoral policy and guidance, the National Planning Policy Framework and National Planning Policy Guidance. It is accompanied by an Environmental Statement to assess the likely significant environmental effects of the development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The submission is considered to demonstrate compliance in relation to the residual effects (effects associated with the individual topics considered within the Environmental Statement) together with the cumulative effects of the development, including both the combined effects of individual topics and the interaction of the development with other major development within the area.

The majority of residual effects are beneficial or negligible. Where adverse effects are anticipated, mitigation is proposed to address those effects. Mitigation is not proposed in relation to the potential impact on Underground/Overground and National Rail services. However, the level of effect is Minor and officers consider that it is not necessary to secure mitigation in this instance. With regard to cumulative impacts, the assessment indicates that some local receptors will experience adverse effects, particularly during

construction. However, mitigation is proposed to reduce the level of impact to moderate adverse. During the operational phase effects are not expected to be worse than minor adverse with mitigation. However, during this phase, there are many beneficial effects so overall, the cumulative effect is considered to range from minor to moderate beneficial.

As discussed in the main report, officers have evaluated the material planning considerations in relation to the proposed development and consider that submission demonstrates compliance with the Brent and Mayoral policy and guidance together with the National Planning Policy Framework and National Planning Policy Guidance subject to the conditions and section 106 obligations set out in the reports. Officers consider that such compliance with achieved in relation to the individual considerations and in relation to the development as a whole. Officers also consider that the application is accompanied by a robust assessment of the likely significant environmental effects and that it demonstrates that adverse effects will be appropriately mitigated where necessary.

Additional condition

Officers recommend that an additional condition is attached which specifies that applications for the approval of Reserved Matters relating to plots that include residential floorspace (Use Class C3) shall demonstrate that the following design standards are met for the residential development to ensure that a good standard of residential accommodation is provided:

- That there are no more than 8 units provided per core per floor;
- That floor to ceiling height are a minimum of 2.5 m;
- That no studio units shall have a sole aspect;
- That all habitable have adequate ventilation, privacy and daylight;

Amendment to various condition

A number of conditions set out in the draft decision notice include “unless otherwise agreed in writing by the Local Planning Authority”. It is recommended that these conditions are amended in the following way: This text is omitted from conditions 5, 6, 8, 16, 19, 22, 26, 29, 36

Condition 7 – rooms of student accommodation	Replace with “unless an alternative number of rooms is submitted to and approved in writing by the Local Planning Authority, such amount not to exceed the proportion of student accommodation set out within Policy WEM 23 of the Wembley Area Action Plan 2015 or the maximum floorspace set out within the description of development.
Condition 9 and 10, delivery of Southern Boulevard and works to Royal Route	Replace with “unless a programme of works has been submitted to and approved in writing by the Local Planning Authority and the works are completed in full accordance with that programme”.
Condition 11: Residential car parking restriction in plots E01, E02 and E05	Replace with “unless details of alternative accesses that do not conflict with stadium vehicular or crowd flows have been submitted to and approved in writing by the Local Planning Authority and those details have been implemented in full”.

Amendment to condition 8

A minor amendment to condition 8 is recommended. This condition currently requires rooms to be occupied by Students for a minimum period of 39 weeks and could be interpreted as requiring the students to remain in their rooms throughout this period. It is recommended that the condition is amended to refer to the rooms “not being occupied for a period of more than 13 weeks in any year other than by Students”.

Amendment to recommendation

Officers request the recommendation is amended
 From: “To resolve to grant planning permission, subject to...”
 To: “To delegate authority to the Head of Planning or other duly authorised person to grant permission, subject to....”

Other minor matter

The Technical Guidance to the NPPF has been referred to on page 65, but this has been cancelled.

Recommendation: To delegate authority to the Head of Planning or other duly authorised person to grant permission, subject to the Stage 2 referral to the Mayor of London and subject to the completion of a

satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer, and subject to the conditions set out in the Draft Decision Notice, an additional condition regarding design standards and amendments to conditions 5, 6, 7, 8, 9, 10, 11, 16, 19, 22, 26, 29 and 36 as discussed above.

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