



## Appeal Decision

Hearing (Virtual) Held on 23 June 2021

Site Visit made on 29 June 2021

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> January 2022**

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**Appeal Ref: APP/T5150/W/20/3264704**

**Car park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Pocket Living Sudbury Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref 19/1241, dated 27 March 2019, was refused by notice dated 24 July 2020.
  - The development proposed is described as: Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping, and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. When the appeal proposals were originally submitted, the planning application form described the proposed development as 'Construction of two buildings to provide 61 affordable dwellings with associated access, amenity space, cycle parking, landscaping, drainage and infrastructure; and re-provision of three disabled car parking bays to serve Sudbury Town Underground Station'. I have noted from the evidence that the proposal was amended during the course of its consideration by the Council and as a result of this the number of units proposed was reduced from 61 to 52. The Decision Notice issued by the Council describes the proposal as 'Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping, and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station'. At the hearing it was agreed that the description from the decision notice accurately describes the proposal and, consequently, I have used that for the purposes of the appeal.
3. Although the Council did not refuse planning permission on highways grounds, from the representations received both in connection with the original planning application and subsequently as a result of the notification of the appeal, it was clear that the loss of the station car park and the effect on parking in the area the proposed development were matters of considerable concern to interested parties. As a result of this level of interest, I considered that this was a matter

that required discussion at the hearing and that it should also be a main issue in this case.

4. The absence of a planning obligation to secure sustainability measures, local job and training opportunities, a travel plan and car club measures, and contributions towards reviewing the controlled parking zones in the vicinity of the appeal site and improving cycle parking facilities at Sudbury Town Station initially formed a second reason for refusal of the planning application. Prior to the hearing a draft Section 106 agreement was submitted that addressed these issues and this was finalised and signed by all relevant parties shortly after the hearing closed. Consequently, these matters were not principal disputed matters at the hearing.
5. The London Plan 2021 (the London Plan) was adopted in March 2021, after the Council's decision on the planning application but before the hearing. This Plan supersedes and replaces the policies from the London Plan 2016 that were cited on the Decision Notice. The statements submitted by the parties were reflective of the new London Plan Policies and I have determined the appeal on the basis of these policies.
6. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The parties were given the opportunity to comment on any implications that the revision to the Framework may have on their respective cases. The appellant made a number of comments in respect of design, landscaping, and sustainability. I have taken those comments into account and I have determined the appeals with reference to the revised Framework.
7. In addition to the formal site visit following the hearing, I also had the opportunity to visit the site and surrounding area on an unaccompanied and informal basis on the afternoon of 8 June 2021.

## **Main Issues**

8. The main issues in this appeal are:
  - Whether the proposed development would provide an appropriate level of affordable housing and mix of unit types having regard to the requirements of the development plan; and
  - The effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site with particular regard to car parking.

## **Reasons**

### *Affordable housing provision*

9. The appeal proposal is for the erection of two block of flats comprising a total of 52, one bedroom, units. These would be provided as discounted market sale homes for individual first-time buyers living or working in the Borough at a discount of 20% of market value. It is common ground between the parties that the proposal falls within the definition of affordable housing set out in the glossary to the Framework.
10. Policy CP2 of the Brent Core Strategy 2010 (the Core Strategy) expects at least 22,000 new homes to be delivered by 2026 of which 50% should be affordable

and at least 25% of new homes should be of 3 or more bedrooms. Policy CP2 envisages that 85% of new housing will be delivered in identified growth areas. It was confirmed at the hearing that the appeal site is not within an identified growth area. Core Strategy Policy CP21 seeks to maintain and provide a balanced housing stock in Brent by providing, among other matters, an appropriate range and mix of accommodation types and sizes, including family sized housing, on suitable sites providing 10 or more homes. Family sized housing is defined as housing capable of providing three or more bedrooms.

11. Policy DMP15 of the Brent Development Management Policies Development Plan Document 2016 (the DMPDPD) states that the maximum reasonable amount of affordable housing will be sought on individual residential and mixed use developments on sites with the capacity to provide 10 or more homes. It also expects that 70% of new affordable housing provision should be social/affordable rented housing and 30% should be intermediate housing at affordability levels meeting local needs.
12. The Core Strategy predates the publication of the first iteration of the Framework and the DMPDPD predates the most recent version of the Framework. However, the policies are consistent with the requirements of the Framework to provide affordable housing and affordable home ownership. It is not argued that any of these policies are out of date.
13. Policy H6 of the London Plan sets out that residential development providing affordable housing should apply a split of a minimum of 30% low cost rented homes, a minimum of 30% intermediate products and the remaining 40% to be identified by the Borough as low cost rented homes or intermediate products based on identified need.
14. London Plan Policy H10 expects that schemes should generally consist of a range of unit sizes. The Policy recognises that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. The policy also recognises that the provision of one and two bed units plays a role in freeing up existing family housing.
15. It is not in dispute between the parties that the appeal proposal would be wholly comprised of affordable units. It is also common ground between the main parties that the principal of residential development on this site is acceptable. The Council advise that the site is allocated for residential development in the emerging Brent Local Plan with an indicative capacity of 30 dwellings. I am mindful, however, that although it is at an advanced stage of preparation the emerging Brent Local Plan has not yet been adopted. The site is not currently allocated for development.
16. Whilst this quantum of affordable housing would meet and indeed exceed the Council's target of 50% of new housing being affordable, the development plan policies also expect affordable housing to meet the tenure split set out therein and to provide a range of unit sizes. The appeal proposal would only provide a single unit size (1 bedroom, 1 person flats) and a single tenure (intermediate housing for sale). Consequently, on its face, the proposal would conflict with Policy DMP12 and London Plan Policy H6 in terms of tenure.
17. The appellant suggests that as the scheme is providing 100% affordable housing then it should be considered in terms of London Plan Policy H5 which

sets out a threshold approach to applications in respect of affordable housing and allows for applications meeting certain criteria to avoid viability testing in respect of their ability to provide affordable housing. The appellant suggests that this allows for a deviation from the expected tenure splits and observes that the supporting text to Policy H5 sets out that schemes which propose 75% or more genuinely affordable housing may be considered under the Fast Track Route whatever the affordable housing tenure mix, where supported by the Borough and, where relevant, the Mayor. The supporting text is not part of the policy and its purpose is to indicate how it is intended that the policy should be implemented.

18. Among other matters, Policy H5 sets out at Part C that to follow the Fast Track Route of the threshold approach, applications must meet all of four criteria listed in that Part. Criterion 2 requires that the proposal be consistent with the relevant tenure split set out in Policy H6. Part D of Policy H5 goes on to say that developments which provide 75 per cent or more affordable housing may follow the Fast Track Route where the tenure mix is acceptable to the borough, or the Mayor, where relevant. Policy H5, Part F, states that where an application does not meet the requirements set out in Part C, it must follow the Viability Tested Route. Reading Policy H5 as a whole, it is clear that the various Parts are interdependent and notwithstanding the wording of the supporting text, proposals which exceed the relevant thresholds for affordable housing provision are still expected, as a minimum, to provide the tenure split set out in Policy H6. Part D of the Policy does not provide for a wholly different tenure mix to be permitted as a consequence of providing a larger quantum of affordable housing.
19. This is confirmed by the wording of Policy H6, Part B, which states that to follow the Fast Track Route the tenure of 35 per cent of homes must meet the requirements set out in Part A. It goes on to say that where affordable homes are provided above 35 per cent, their tenure is flexible. This is restated in the supporting text to the Policy which states where a scheme is delivering more than 35% that the tenure of the additional affordable housing is flexible.
20. Reading these two policies together, it is clear that even if a scheme is to provide 100% affordable housing, 35% of the overall number of units must conform to the tenure split set out in Part A of Policy H6. The tenure of the remaining 65% can be flexible.
21. Notwithstanding the above conclusion that Policy H5 does not offer support to the appellant's contention that scheme comprised of 100% intermediate product is acceptable under the terms of London Plan Policy H5, at the hearing the Council confirmed that it does not support the tenure mix proposed.
22. The supporting text to Policy DMP15 sets out that the tenure mix target ratio of 70:30, rented to intermediate housing, is appropriate for the Borough in terms of meeting its housing needs. However, it does allow that site specific viability considerations or site and/or area characteristics may result in a different appropriate mix. Although the appellant submitted a viability assessment with the proposal, this was latterly to demonstrate that it would not be viable to provide a payment as an off-site contribution to provide additional or larger affordable housing units. The initial version of the viability assessment indicated that a conventional scheme following policy requirements would be

more financially viable than the appeal proposal but would deliver less affordable housing.

23. Although the Council contends in its statement of case that a financial contribution towards the provision of larger sized affordable housing offsite could be supported by the scheme, the appellant's most recent Viability Assessment shows that both with and without any additional contribution residual land value falls short of the agreed baseline land value for the site. Although the appellant indicated during the course of the Council's consideration of the planning application that they were minded to pay this additional contribution, as part of their appeal submissions it was stated that this offer was no longer applicable. The Council has not submitted its own viability evidence to gainsay the conclusion that the scheme is not able to support a contribution or indicated any policies that would require a financial contribution to the offsite provision of affordable housing in addition to on-site provision. The provision of a small number of family sized affordable housing units elsewhere would have assisted in meeting the Council's affordable housing requirements, however, the offer to do so has been withdrawn, and there is no policy requirement to insist on this.
24. The Viability Assessments indicate that the appellant would not gain a financial advantage from changing the affordable housing mix and it is not sought to reduce the number of units provided. The question in terms of Policy DMP15 becomes whether a different type of affordable housing mix is required to satisfy a regeneration objective or if there is a need to secure a more balanced mix of tenures in the area.
25. It is accepted by the Council that the level of intermediate housing in the Sudbury Ward is lower than the Borough average and that home ownership is higher than average. However, the Council also points out that social rented housing is also well below the Borough average.
26. The Brent Strategic Housing Market Assessment 2018 does identify a need for 350 intermediate 1 bedroom properties over the period 2016 -2041. Nevertheless, it also identifies a larger need for 2 and 3 bedroom intermediate properties and a significantly larger need for low cost rented properties in all of these sizes.
27. Whilst there is evidence from the appellant that planning permissions have been granted for schemes including a relatively large number of social rented homes, it contains little information in respect of the delivery of intermediate housing. The Council's evidence sets out that of the pipeline of upcoming and recently delivered affordable homes, approximately 50% are intermediate products.
28. There is evidence of a demand for one bedroom, 1 person, intermediate sale properties in the Borough. However, it is important not to conflate demand with need as they are not synonymous. Housing 'need' is an indicator of existing deficit and the number of households that do not have access to accommodation that meets certain normative standards. Housing 'demand' is a market driven concept and relates to the type and number of houses that households will choose to occupy based on preference and ability to pay.
29. It was argued by the appellant that there is flexibility in-built in the relevant policies to allow variations in the mix of housing sizes. Particularly, Core

Strategy Policy CP21 refers to family sized housing being provided on suitable sites. The appellant also makes reference to Policy BH6 of the Emerging Brent Local Plan that allows for an exception to its general requirement that 25% of new homes be family sized and that for every four dwellings within a development at least one must have three or more bedrooms. This exception applies where it can be shown that the location or characteristics of the development are such that it would not provide a high quality environment for families.

30. I accept that there are some potential constraints on the site in terms of the proximity to the Underground railway line, the presence and access requirements of a Transport for London (TfL) depot adjacent to the site, limited area to provide parking and amenity space, and the proximity to the Grade II\* Listed Sudbury Town Railway Station. The appellant considers that these constraints would make it unattractive for family homes due to lack of parking and amenity space and would reduce the overall amount of affordable housing that could be provided.
31. The submitted Noise and Vibration assessment indicates that noise and vibration from the railway could be mitigated through the building fabric and glazing for appeal scheme. There is no evidence before me that would show that this would not be possible for other types of housing. I saw when I visited the site and surrounding area that other dwellings in the area are in similar proximity to, and have gardens backing onto, the railway line. From the information that I have, the TfL depot operates when required and could be accessed and used during the night as maintenance work on the railway is generally carried out overnight. I do not have any information on the frequency or duration of the use of the depot, nevertheless the operation of the depot would necessarily result in some disruption to residents of dwellings on the appeal site regardless of their size or occupation.
32. Whilst family homes are more likely to need car parking, the Council point out that car parking not a requirement of family homes if they are accessible by other modes of transport. This position is supported by the policies in the development plan and the fact that the parking standards in the DMPDPD and London Plan specify maximum levels of parking and do not require a minimum level of parking.
33. In terms of private amenity space, the Policy DMP19 of the DMPDPD sets out that it is normally expected that private amenity space of 20m<sup>2</sup> per flat and 50m<sup>2</sup> for family housing (including ground floor flats) be provided. This is greater than the 5m<sup>2</sup> for a one to two person dwelling, with an extra 1m<sup>2</sup> for each additional occupant, required by the Mayor of London's Housing Supplementary Planning Guidance 2016. Due to the size of the site, strict adherence to these space requirements would limit the number of dwellings that could be provided. Nonetheless, I have not been provided with any substantive evidence that would indicate that it is not possible to produce a scheme that would meet these requirements.
34. I am also mindful that the appeal proposals do not meet the required standards, providing overall approximately 11.5m<sup>2</sup> per dwelling, mostly as communal space, part of which is also to be used as a turning area for large vehicles.

35. Although the constraints on the site may limit the overall number of dwellings that could be accommodated, there is nothing that would demonstrate that the site is inherently unsuitable for providing a range of dwelling sizes. London Plan Policy H10 does indicate that a higher proportion of one and two bed units would generally be more appropriate in locations which are close to a station or with higher public transport access and connectivity and aims to optimise housing potential on sites. Nonetheless, the Policy does not preclude other types of housing in such areas and optimise has a more nuanced meaning than maximise. The appeal proposal would potentially maximise the number of affordable dwellings but if the dwellings are not the size or tenure that is most needed then that would not represent the optimal use of the site.
36. London Plan Policy H2 seeks to increase the contribution that small sites below 0.25 hectares in area make to meeting London's housing needs. Development of the appeal site would assist in providing new housing on a small site and meeting the Boroughs target for housing completions on small sites. However, Policy H2 makes no reference to either dwelling size or tenure.
37. Within this context there is no compelling evidence that the need for one bedroom intermediate sale properties is any greater than the need for other sizes and tenures of properties such that it would warrant a deviation from the tenure split set out in DMPDPD Policy DMP15 and London Plan Policy H6.
38. I therefore conclude that the proposed development would not provide an appropriate level of affordable housing and mix of unit types having regard to the requirements of the development plan. It would not comply with the relevant requirements of Core Strategy Policies CP2 and CP21, DMPDPD Policy DMP15 or Policy H6 of the London Plan.

#### *Highways and parking*

39. The appeal site is currently used as a pay and display car park with a capacity of approximately 84 spaces, including three dedicated disabled parking spaces. At the south east end of the car park is a small depot area used by Transport for London and which is accessed through the car park. At the time of my site visits a small amount of overspill storage from the depot was occurring within the car park area occupying a number of parking bays. The car park is accessed from a single access point from Station Approach, adjoining the turning area in front of the Underground Station.
40. The closest streets, Station Approach and Station Crescent, are within a Controlled Parking Zone (CPZ) that operates from 08:00 to 18:30 Monday to Saturday and from 08:00 until Midnight on days where there are events at Wembley Stadium, of which there are currently approximately 37 per annum. District Road is outwith the CPZ except on Wembley Event Days. To the south of the Underground Station, Orchard gate and Crossgate, which are within administrative area of the London Borough of Ealing, are covered by a CPZ operating between 10:00 and 11:00 and 15:00 to 16:00 on Monday to Friday. There are two disabled parking bays on Crossgate adjacent to the pedestrian access to the Station.
41. The appeal proposals would occupy the whole of the current car park area with the exception of the three disabled parking spaces which would be re-instated in an altered configuration as parallel parking bays rather than as perpendicular

- bays. No operational parking is proposed for the new flats, which are being promoted as a car free development.
42. Policy DMP12 of the DMPDPD sets out that the removal of surplus car parking spaces will be encouraged, and that development will be supported where it would not add to on-street parking demand, where existing space cannot meet existing demand, or otherwise harm existing on street parking conditions; require detrimental amendments to existing Controlled Parking Zones; or create a shortfall of public car parking, operational business parking, or residents parking. Policy DMP 12 identifies that where car parking is being provided as part of a residential development a maximum parking provision of 0.75 spaces per 1 bed unit should be provided. The policy does not require that a minimum amount of parking be provided.
43. London Plan Policy T6 expects car-free development to be the starting point for all development proposals in places that are well-connected by public transport and sets out maximum car parking standards to be applied to new developments.
44. Policy H1 of the London Plan encourages the re-development of surplus sites owned by utilities companies and public sector bodies to increase housing supply.
45. The appeal site has a Public Transport Accessibility Level of 4 to 5 which represents good or very good access to public transport. In addition to the Underground Station adjacent to the appeal site, I saw that there are regular bus services which stop outside the station itself, in addition to further bus routes on Harrow Road. There are also bus stops to the south on Whitton Avenue East. In addition, I saw that there are a range of shops and other facilities within easy walking distance of the site.
46. Within this context, the future occupiers of the proposed development would not necessarily be dependent on private cars for their day to day transport needs. A planning obligation has been submitted as part of the appeal, one clause of which seeks to prevent occupiers of the new development from obtaining a residents parking permit. A further clause would provide the initial occupiers free membership of a car club for a period of three years. Consequently, I am satisfied that the occupiers of the development would not add to existing demand for on-street parking in the vicinity of the appeal site. DMPDPD Policy DMP12 and London Plan Policy T6 do not require that a minimum amount of parking be provided as part of a new development and, consequently, the proposal to provide no residents car parking would not conflict with these Policies in this respect.
47. The car park which comprises the appeal site, is owned by Transport for London (TfL) through London Underground Limited and leased to another TfL subsidiary company, Transport Trading Limited. TfL has identified that the car park is surplus to its requirements and can be disposed of as part of its property development function. There are no planning conditions or other measures that require TfL or London Underground to provide car parking at the Station. I am advised, and it is not disputed by any parties, that the statutory requirements to obtain approval from the Mayor of London and the Secretary of State for Transport for the disposal of the land have been followed and the relevant consents have been obtained.

48. From the evidence that I have been provided with, usage of the car park varies throughout the day and at weekends there is a lower daytime usage. Initial surveys carried out by TfL suggest that approximately 25% of the capacity is used and the surveys carried out by the appellant indicate that the maximum usage is between 30 and 38 spaces (37% to 46% of the available spaces, not including the three dedicated disabled bays). This correlates with the observations of residents who spoke at the hearing and indicated that typically the maximum usage is around 30 vehicles although on occasions the car park is approximately half full.
49. When I visited the area on the afternoon of 8 June there were approximately 11 vehicles parked in the car park and none of the disabled parking bays were in use. On the day of the formal site visit, 14 vehicles, including an articulated lorry with a flatbed trailer, were parked in the car park and 1 disabled space was in use. I am, however, aware that at the time of my site visits there were still a number of restrictions in place as a result of the coronavirus pandemic, including a requirement to work from home where possible, and that this will have suppressed parking demand. Conversely, this would also have increased the number of vehicles utilising the on-street capacity on the surrounding streets as fewer trips would have been being made. I noted on both occasions when I visited the area that the availability of on-street parking spaces on District Road was lower than that suggested by the appellant's parking survey results.
50. Whilst all of these are necessarily snapshots at the relevant times the observations were made, it is reasonable to conclude that the typical peak usage of the car park is less than 50% of the overall capacity.
51. The principal concern of the interested parties is that displaced parking will increase parking stress on surrounding streets and that users of the station with a mobility restriction, who either do not qualify for a blue badge or do not wish to apply for one, will be disadvantaged by the loss of car parking provision adjacent to an underground station that has step free access.
52. The appellant's Transport Assessment, which is not challenged by the Council, suggests that the closure of the car park would result in some of the current users switching to a different mode of transport to access the station. The assessment carried out by TfL prior to the decision to dispose of the site indicated that approximately 46 per cent of station car park user's car journeys originated within 2km of the station and that 97 per cent of the car park users have a closer TfL or Network Rail station that they could use. Within this context, and given the good accessibility to public transport, I would agree that it is likely that there would be a modal shift by some current users, although it is difficult to predict the extent to which this would occur.
53. The appellant's Transport Assessment also found that there is some spare on-street parking capacity on District Road on weekdays and capacity for shorter stays outside the CPZ operating times on Orchard Gate and Crossgate. There is a greater degree of spare capacity on District Road, Crossgate, and Orchard Gate on Saturdays when the Controlled Parking Zone on the latter two streets does not operate. There are parts of District Road and also Central Road that are outwith the CPZ but within a short walk of the station, which were not surveyed as part of the Transport Assessment. I saw when I visited the site that these would be capable of providing some additional on-street

parking capacity, albeit at a greater distance from the station and subject to restrictions on Wembley Event Days.

54. The tables within the Appendix to the Transport Assessment indicate that during the weekday times when demand for the car park is highest, 09:00 to 17:00, parking stress on District Road is lower than the evening/overnight demand. Whilst displaced parking demand from the station car park would increase parking stress on District Road, this would coincide with lower demand on District Road from other road users. Consequently, I am satisfied that whilst the loss of the car park would change parking availability in the surrounding area, I do not find that it would add to on-street parking demand where existing space cannot meet existing demand, as the existing demand is currently being met, or that it would significantly harm existing on street parking conditions.
55. Although the interested parties have raised concerns that elderly persons and persons with restricted mobility who do not qualify for a Blue Badge would be disadvantaged, no substantiated evidence has been submitted to indicate the numbers of persons who may be affected by the loss of the car park, and how they may be affected, other than no longer being able to park as close to the station as at present. At the hearing, the interested parties were not able to quantify this further. Within this context, I cannot conclude that there would be sufficient harm caused as a result of the loss of the car park that would warrant refusing planning permission on this ground.
56. I therefore find that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site with particular regard to car parking. It would comply with the relevant requirements of DMPDPD Policy DMP12 and Policies T6 and H1 of the London Plan.

### **Other Matters**

57. The appeal site is located adjacent to a Grade II\* listed building, Sudbury Town Underground Station [List Entry 1294594]. Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
58. The main booking hall of the station building forms a terminal visual feature at the end of Station Approach. There is a forecourt and bus turning area to the north front of the station that is enclosed by a wall to the west side and the ramp leading to the integrated footbridge on the east side. This forms a cohesive and identifiable public space at the entrance to the station.
59. From the evidence, the significance of the listed building is derived from its architectural interest; historic interest as a prototype for other stations by the architect, Charles Holden, on the Piccadilly Line and for introducing modernist design ideas to a wider public; the innovative construction techniques used; and from being the best preserved of the stations designed by Holden for the Piccadilly Line.

60. It is not in dispute that the appeal site is part of the wider setting of the listed building. Nonetheless, there is nothing in the various submissions which would indicate that the appeal site, despite its proximity, makes any meaningful contribution to the significance and historic interest of the listed building. Although it formed part of the land originally acquired for the extension of the railway line to Harrow, there is little evidence of its historic use other than as a car park and prior to that as allotments. I have no information in respect of when the car park use began, although an aerial photograph dated 1946 in the appendices to the Phase 1 Environmental Study submitted with the application shows the site in use as allotments at that time.
61. The appeal proposal would alter the setting of the listed building by introducing a new three storey block close to it. From the evidence submitted, including the visualisations included in the Design and Access Statement Addendum, and from what I saw when I visited the site and surrounding area, the new buildings would be set back from the main, axial, view along Station Approach. Due to the scale, external appearance, and degree of separation from the station and the access ramps, the proposal would not compete visually with the architectural composition of the station buildings and the forecourt area. Nor would the proposals result in the loss of any features that contribute to the significance of the listed building.
62. I have also noted that Historic England, whilst raising concerns regarding the scheme as originally submitted, do not object to the revised version of the scheme.
63. It was raised in representations that there may be an air raid shelter, or bunker, dating from the Second World War beneath the northern ramp to the footbridge and accessed via a doorway from the appeal site. The submitted evidence in respect of this is scant and at the hearing no further evidence or information in respect of this or its significance was forthcoming. Whilst this feature is not specifically mentioned in the list description, if the void were to be an air raid shelter or bunker, as it is part of the structure of the listed building, it is covered by the listing. There is no substantiated evidence that would indicate that, as part of its setting, the car park contributes to the significance of this feature and neither the feature itself, nor the ability to access it, or to understand its context, would be affected by the appeal proposal.
64. Overall, I find that the effect of the proposed development on the setting of the listed building to be a neutral one.
65. The lack of a Section 106 Agreement was initially a reason for refusal of the planning application. However, an obligation addressing the relevant matters has now been provided and signed. Given that I am dismissing the appeal for other reasons, it has not been necessary to consider these matters in any further detail.
66. I have noted that matters relating to the design, scale and appearance of the proposed development, the effect of the proposal on the living conditions of neighbouring residents, the quality of the proposed accommodation, land contamination, and the implications of noise and disturbance from the railway line are not in dispute. From what I have read and from what I saw when I visited the site, I am satisfied that the proposal does not raise any concerns in these respects.

## **Conclusion**

67. I have found that the appeal proposal would not provide an appropriate level of affordable housing and mix of unit types having regard to the requirements of the development plan. As a result, it would conflict with the relevant requirements of policies in the development plan. It is not argued that these policies are out of date. Nor is it contended that the Council cannot demonstrate a deliverable five year supply of housing land or is not meeting the targets set out in the Housing Delivery Test. Both the Council's own policies and the Policies in the London Plan place considerable importance on the provision of affordable housing of the appropriate size and tenure. Consequently, the proposal would conflict with the development plan when taken as a whole, notwithstanding that it may comply with other policies within it and my finding that the proposal would not cause harm to safe operation of the highway in the vicinity of the appeal site.
68. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. All of the proposed units would be affordable housing, which would exceed the indicative thresholds in the development plan policies and would be of a size and type for which there is an identified demand. This does weigh in favour of the proposal. However, it has not been demonstrated that the proposal would meet the Borough's affordable housing need in terms of type and tenure, and the simple provision of a greater number of units does not overcome the conflict with the policy requirements in terms of tenure and unit sizes.
69. For the above reasons, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Ms M Cook – Counsel for the appellant  
Mr S Bashforth – Quod Planning Consultants  
Ms C Dickinson – Quod Planning Consultants  
Mr C Russel – Transport Consultant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr T Huntingford - Principal Planner, LB Brent  
Mr A Westlake - Principal Development Officer, LB Brent  
Mr J Fletcher -Team Leader – Development Control (Transportation), LB Brent  
Mr M Price - Principal Heritage Officer, LB Brent  
Mr P Lewin - Team Leader – Planning Policy, LB Brent  
Mr D Glover - Development Management Manager, LB Brent

### **INTERESTED PARTIES:**

Mr M Brett - Counsel (representing Sudbury Town Residents Association)  
Mr P Loerber – Local resident  
Ms M Daley – Local ward Councillor  
Mr T Stephens – Local ward Councillor  
Ms C O’Connell – Local resident  
Mr J Parbat – Local resident