



Department for Levelling Up,
Housing & Communities

Ewan Grunwald
Quod Limited
Ingeni Building
17 Broadwick St, London
W1F 0DE

Our ref: APP/T5150/V/21/3275339
Your ref: 20/0967

22 February 2022

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY BLLQ2 LIMITED AND TTL WEMBLEY PARK PROPERTIES
LIMITED
WEMBLEY PARK STATION CAR PARK, LAND BOUND BY BRIDGE ROAD, BROOK
AVENUE AND MATTHEWS CLOSE, WEMBLEY HA9 8PG
APPLICATION REF: 20/0967**

This decision was made by the Minister of State for Rough Sleeping and Housing, Eddie Hughes MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC, who held a public local inquiry between 28 September and 1 October 2022 into your client's application for planning permission for the comprehensive mixed-use redevelopment of the site comprising the phased demolition of the existing buildings and structures on site and the phased development comprising site preparation works, provision of five new buildings containing residential uses, replacement train crew accommodation and flexible retail floorspace, basement, private and communal amenity space, associated car parking (including the part re-provision of station car parking), cycle parking, access and servicing arrangements, refuse storage, plant and other associated works, in accordance with application Ref. 20/0967, dated 18 March 2020.
2. On 17 May 2021, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application should be approved and planning permission granted, subject to his recommended conditions and all of the obligations in the Section 106 agreement dated 13 October 2021.
4. The Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has therefore decided to grant planning permission.

Department for Levelling Up, Housing & Communities
Phil Barber, Decision Officer
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A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

5. On 20 January 2022 the Secretary of State received correspondence from Winckworth Sherwood LLP identifying a decision of the High Court in *R (LBH Hillingdon) v MOL and Others [2021] EWHC 3387 (Admin)*.
6. On 25 January 2022 the Secretary of State received correspondence from Brent London Borough Council bringing to his attention the intention to take an item to Full Council on 24 February 2022 recommending adoption of the Local Plan.
7. The Secretary of State has taken these matters into account in reaching his decision. He is satisfied that the issues raised do not alter his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the London Plan 2021 (LP), the Brent Core Strategy 2010 (CS), the Brent Development Management Policies 2016 (DMP) and the Wembley Area Action Plan 2015 (WAAP). The Secretary of State considers that relevant development plan policies include those adopted policies set out at IR3.3-3.47.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Supplementary Planning Documents and other planning guidance set out at IR3.48-3.53.

Emerging plan

11. The emerging plan comprises the draft Brent Local Plan (DBLP) which was at examination at the time of the Inquiry. The Council received the Inspector's Report on 17 January 2022 and the Inspector concluded the DBLP provides an appropriate basis the planning of the London Borough of Brent, provided that a number of main modifications are made to it. The Secretary of State understands from the Council's letter of 25 January 2022 that it intends to incorporate the main modifications.
12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
13. The Secretary of State has given consideration to the DBLP policies of most relevance to this case and considers these to be the emerging policies identified at IR3.3-3.47. Like

the Inspector at IR12.96, the Secretary of State considers that significant weight can now be afforded to these policies, based on the very advanced stage of plan preparation, the lack of unresolved objections to these policies, and their degree of consistency with the NPPF.

Main issues

14. The Secretary of State agrees that the main issues are those set out by the Inspector at IR12.2.

Achieving well designed places

The existing character and appearance of the area

15. For the reasons given at IR12.3-12.7, the Secretary of State agrees with the Inspector's conclusions on the existing character and appearance of the area.

The design of the proposed development

16. For the reasons given at IR12.8-12.14, the Secretary of State agrees with the Inspector that the overall form, layout and experience of the development for users and passers-by alike would be positive with no adverse functional or environmental impacts (IR12.14).

The effect on townscape and views

17. For the reasons given at IR12.15-12.23, the Secretary of State agrees with the Inspector that, given the limited and low level of adverse effects, the overall visual and townscape effects of the development would be acceptable (IR12.23).

Conclusions on design

18. For the reasons given at IR12.24 the Secretary of State agrees with the Inspector that the design led approach has led to the optimisation of the site capacity. He further agrees that the detailed form and layout of the buildings would result in a high quality design that respects local materials and heights with a massing strategy that would not overwhelm the locality. He further agrees that the experience and character of the development would be positive, and that visual impacts would be largely acceptable and there would be no adverse functional, environmental or cumulative impacts.

19. The Secretary of State agrees, for the reasons given at IR12.25, with the Inspector's conclusions on the design when considered against local guidance in SPD1. He further agrees at IR12.26, for the reasons given there, that considering the design against national design guidance in the National Design Guide, the development would understand and relate well to the site and local/wider context. He further agrees that it would respond to existing local character and identity and be well-designed, attractive and of high quality. He also agrees that it would comprise a coherent built form and provide high quality and safe green spaces.

20. While he does not consider that the proposal can be considered as outstanding design, he agrees that the development would reflect local design policies and government design guidance as set out in NPPF paragraph 134(a), and can therefore be afforded significant weight (IR12.27 and IR12.86). He further agrees that the development would have a positive effect in design terms. He agrees that the proposal would accord with LP Policies D3 and D9 (Part C), CS Policy C6, WAAP Policies WEM1, WEM5 and WEM6,

and DBLP Policies BP1, BD1 and BD2. He further agrees that it would adhere to local design guidance in SPD1 and the National Design Guide. He agrees, for the reasons given, that there would be no conflict with CS Policy 17 or harm to the distinctive suburban character of Brent, and that the development would be consistent with paragraphs 126, 130, 131, 133 and 134 of the Framework (IR12.28).

Conserving and enhancing the historic environment

21. The Secretary of State agrees with Inspector at IR12.29 that the distance and intervening built form between the application site and nearby listed buildings means there would be no effects on the setting or significance of these designated heritage assets. He further agrees that there would also be no effects on any non-designated heritage assets including archaeology.
22. For the reasons given at IR12.30-12.37, the Secretary of State agrees with the Inspector that the proposed development would cause very limited less than substantial harm to the significance of Barn Hill Conservation Area and no harm to the significance of Lawn Court Conservation Area. Like the Inspector at IR12.37, the Secretary of State gives great weight to the conservation of the Conservation Areas. In line with paragraph 202 of the Framework, he has weighed this harm against the public benefits of the proposal. His conclusions on this test are set out in paragraph 42 below.

Delivery of housing

23. For the reasons given at IR12.39, the Secretary of State agrees that while the Council can demonstrate a 5 year housing land supply, the delivery of 454 homes would help to significantly boost the supply of homes in Brent and increase delivery rates. For the reasons given at IR12.39-12.46, the Secretary of State agrees at IR12.46 that the development would be consistent with government policies for housing by helping to boost supply and making the maximum reasonable provision of affordable housing. He further agrees that shortfalls in the provision of family and accessible housing, private outdoor space, and play space can be justified on this occasion having regard to the particular characteristics of the scheme (IR12.46), and that the delivery of 454 homes including 152 affordable units would be a significant benefit and boost to local supply having regard to NPPF Section 5 (IR12.84). The Secretary of State considers that the delivery of housing including affordable housing carries significant weight in favour of the proposal.

Living conditions of occupiers of neighbouring properties

24. The Secretary of State agrees with Inspector's analysis at IR12.47-12.57 and for the reasons given there agrees at IR12.57 that the development would have an acceptable effect on the living conditions of occupiers of neighbouring properties. He therefore agrees that it would accord with LP Policy D6, DMP Policy DMP1 and paragraph 130(f) of the Framework.

Parking and highway safety

25. For the reasons given at IR12.58-12.63, the Secretary of State agrees with the Inspector at IR12.63 that the development would have an acceptable impact on parking and highway safety. He thus agrees that it would accord with LP Policies T6 and T6.1, DMP1(b), Policy DMP12 and DBLP Policies BT1 and BT2.

Extent of consistency with the development plan for the area

26. For the reasons given at IR12.64-12.66, the Secretary of State agrees with the Inspector at IR12.66 that the proposed development is very well-located and would support the growth and regeneration aims of the adopted and emerging development plan and agrees it would be fully consistent with the development plan's strategic policies.

Design policies including tall buildings

27. The Secretary of State agrees with the Inspector's analysis of design at IR12.67 for the reasons given there, and agrees that the proposal would be consistent with LP Policy D3, LP Policy D9 Part C, CS Policy C6 and DBLP Policy BD1. He further agrees that with regards to LP Policy D9 Part C, the development would not result in any significant adverse effects.
28. He agrees with the Inspector at IR12.68 that there is no doubt that the development constitutes tall buildings as defined by LP Policy D9 Part A and DBLP Policy BD2. He notes that the role of identifying appropriate tall building locations and heights falls to the WAAP for the adopted plan and the DBLP for the emerging plan (IR12.68).
29. The Secretary of State notes the Inspector's analysis of internal policy tensions within the development plan at IR12.69-12.76 and IR12.90. For the reasons given there he agrees at IR12.74 that insofar as DBLP Policy BCSA7 relates to tall buildings, the development would not be consistent with the design principle set out in that Policy. He further agrees, however, that height limits are incompatible with the rest of the DBLP for the reasons set out at IR12.75.
30. The Secretary of State agrees at IR12.76 that the development would be consistent with WAAP Policies WEM1 and WEM5 as well as CS Policy CP6 and LP Policies D3 and D9C with regard to the design and impact of the tall buildings. He further agrees that the location of the development would be consistent with DBLP Policies BP1 and BD2 (as modified) as far as tall buildings are concerned, notwithstanding the heights inconsistency with the 2019 strategy. The Secretary of State agrees at IR12.76 and IR12.90 that there would be conflict with WAAP Map 4.4 and by association LP Policy D9 Part B regarding the location of tall buildings in an area denoted as inappropriate for such buildings. However, like the Inspector, he gives limited weight to that conflict based on the dated and unclear nature of the evidence base underpinning Map 4.4, the emerging approach to tall buildings in the DBLP, and the fact that the development would be of high quality design and would have an acceptable impact (IR12.90).

Consistency with other policies in the development plan

31. The Secretary of State agrees at IR12.77 that for the reasons set out in previous main considerations, the development is consistent with many other development plan policies. For the reasons given at IR12.77 and IR12.91, and as noted at paragraph 23 of this decision letter, the Secretary of State agrees at IR12.77 that while there would be shortfalls in relation to the provision of family and accessible housing (CS Policies CP2 and CP21 and LP Policy D7), private outdoor space (DMP Policy DMP19 and DBLP Policy BH13), play space (LP Policy S4), urban greening factor (LP Policy G5) and BREEAM rating for non-residential floorspace (CS Policy CP19 and DBLP Policy BSU11), the shortfalls would be minor and/or justified by the site-specific circumstances. He therefore does not consider that the shortfalls weigh against the proposal.

Other matters

32. For the reasons given at IR12.78, the Secretary of State agrees with the Inspector that more up to date Government requirements in relation to fire safety assessments which would require some amendments to the internal design could be secured via condition. The Secretary of State agrees with the Inspector's conclusions on BREEAM performance, air quality, local infrastructure, terrestrial and satellite television signals, and the Wembley Masterplan SPD at IR12.79 to 12.83 for the reasons given there.

The benefits of the development

33. The Secretary of State agrees, for the reasons set out at IR12.84, that the re-use of a surface car park next to an Underground station within an urban area should be afforded substantial weight. As set out above, he agrees that the delivery of 454 homes including 152 affordable units would be a significant benefit. For the reasons given at IR12.95-12.97 the Secretary of State agrees that the development would accord with the DBLP taken as a whole (IR12.97). He considers that this attracts significant weight.

34. The Secretary of State agrees, for the reasons given at IR12.85, that the economic benefits set out there should be afforded significant weight. While he has concluded that the proposal would not constitute outstanding design, he agrees, for the reasons given at IR12.86, that design should be afforded significant weight. He further agrees at IR12.87 that the development would be car-free and encourage sustainable modes of transport; would improve and enlarge the public realm along Brook Avenue and help to enhance Olympic Square and the entrance to Wembley Park from the station; and would increase the number of trees within the site and contribute to urban greening and net biodiversity gain. He agrees that all of these benefits carry significant weight.

Planning conditions

35. The Secretary of State has given consideration to the Inspector's analysis at IR11.1, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

36. Having had regard to the Inspector's analysis at IR11.2-11.9, the planning obligation dated 13 October 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR11.9 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework.

Planning balance and overall conclusion

37. For the reasons given above, the Secretary of State agrees with the Inspector at IR12.92 that the conflicts with the adopted development plan are limited and outweighed by various material considerations, particularly in terms of compliance with the overall approach of strategic and design policies at national, regional and local levels, overall compliance with the emerging DBLP, and the development's significant and substantial benefits.

38. As such he concludes that the proposal is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
39. Weighing in favour of the proposal is the re-use of suitable brownfield land for homes which carries substantial weight; the provision of housing including affordable housing; the economic benefits of supporting and creating jobs; the quality of the scheme's design, the delivery of car-free development encouraging sustainable transport, improvements to the public realm, a contribution to urban greening and biodiversity net gain and accordance with the emerging DBLP, each of which attracts significant weight in favour of the proposal.
40. Weighing against the proposal is very limited less than substantial harm to the significance of Barn Hill Conservation Area which attracts great weight against the proposal. As per paragraph 31 of this decision letter, the Secretary of State agrees with the Inspector at IR12.77 that there would be shortfalls in the provision of family and accessible housing, private outdoor space, play space, urban greening factor and BREEAM rating for non-residential floorspace, but like the Inspector he considers that the shortfalls would be minor and/or justified by the site-specific circumstances. He therefore does not consider that the shortfalls weigh against the proposal.
41. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of Barn Hill Conservation Area is outweighed by the public benefits of the proposal, as outlined in paragraphs 32 and 33 of this decision letter.
42. Overall the Secretary of State agrees with the Inspector at IR12.38 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Barn Hill Conservation Area. He considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal. He thus agrees that the development would accord with LP Policy HC1, CS Policy CP5, DMP Policies DMP1(d) and DMP7 and DBLP Policy BHC1, and paragraphs 199 and 200 of the Framework.
43. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e., a grant of permission.
44. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for the comprehensive mixed-use redevelopment of the site comprising the phased demolition of the existing buildings and structures on site and the phased development comprising site preparation works, provision of five new buildings containing residential uses, replacement train crew accommodation and flexible retail floorspace, basement, private and communal amenity space, associated car parking (including the part re-provision of station car parking), cycle parking, access and servicing arrangements, refuse storage, plant and other associated works, in accordance with application ref 20/0967, dated 18 March 2020.

46. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

47. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

48. A copy of this letter has been sent to Brent London Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

Decision officer

This decision was made by the Minister of State for Rough Sleeping and Housing, Eddie Hughes MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Winckworth Sherwood LLP	20 January 2022
Brent London Borough Council	25 January 2022

Annex B List of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

15246-A-PL-X-(02)-001_00	Site Location and OS Plan
15246-A-PL-X-(02)-002_00	Site Plan
15878/JV/1 PRELIMINARY/A	Existing Site Layout
15246-A-PL-X-(05)-001_01	Existing Elevations
15246-A-PL-X-(05)-002_01	Demolition Elevations
15246-A-PL-X-(02)-003_00	Demolition Plan
15246-A-PL-X-(03)-099_03	Basement Floor Plan
15246-A-PL-X-(03)-100_05	Ground Floor Plan
15246-A-PL-X-(03)-101_07	1st Floor Plan
15246-A-PL-X-(03)-102_07	2nd Floor Plan
15246-A-PL-X-(03)-103_07	3rd Floor Plan
15246-A-PL-X-(03)-104_01	4th Floor Plan
15246-A-PL-X-(03)-106_07	6th Floor Plan
15246-A-PL-X-(03)-107_06	7th Floor Plan
15246-A-PL-X-(03)-108_06	8th Floor Plan
15246-A-PL-X-(03)-111_06	11th Floor Plan
15246-A-PL-X-(03)-112_06	12th Floor Plan
15246-A-PL-X-(03)-113_05	13th Floor Plan
15246-A-PL-X-(03)-114_05	14th Floor Plan
15246-A-PL-X-(03)-115_05	15th Floor Plan
15246-A-PL-X-(03)-117_05	17th Floor Plan
15246-A-PL-X-(03)-121_05	Roof Plan
15246-A-PL-X-(05)-100_012	Elevations
15246-A-PL-X-(05)-101_02	Bay Study 01
15246-A-PL-X-(05)-102_02	Bay Study 02
15246-A-PL-X-(05)-103_02	Bay Study 03
15246-A-PL-X-(06)-100_011	Sections
15246-A-PL-A-(03)-100_05	Block A - Ground Floor Plan
15246-A-PL-A-(03)-101_06	Block A - 1st Floor Plan
15246-A-PL-A-(03)-103_06	Block A - 3rd Floor Plan
15246-A-PL-A-(03)-107_06	Block A - 7th Floor Plan
15246-A-PL-A-(03)-112_06	Block A - 12th Floor Plan

15246-A-PL-A-(05)-100_011	Block A - South and West Elevations
15246-A-PL-A-(05)-101_012	Block A - North and East Elevations
15246-A-PL-B-(03)-100_05	Block B - Ground Floor Plan
15246-A-PL-B-(03)-101_06	Block B - 1st Floor Plan
15246-A-PL-B-(03)-102_01	Block B - 2nd Floor Plan
15246-A-PL-B-(03)-103_06	Block B - 3rd Floor Plan
15246-A-PL-B-(03)-104_01	Block B - 4th Floor Plan
15246-A-PL-B-(03)-107_06	Block B - 7th Floor Plan
15246-A-PL-B-(03)-113_05	Block B - 13th Floor Plan
15246-A-PL-B-(05)-100_011	Block B - South and West Elevations
15246-A-PL-B-(05)-101_010	Block B - North and East Elevations
15246-A-PL-C-(03)-100_04	Block C - Ground Floor Plan
15246-A-PL-C-(03)-101_04	Block C - First Floor Plan
15246-A-PL-C-(03)-103_04	Block C - 3rd Floor Plan
15246-A-PL-C-(03)-108_05	Block C - 8th Floor Plan
15246-A-PL-C-(03)-114_04	Block C - 14th Floor Plan
15246-A-PL-C-(05)-100_09	Block C - South and West Elevations
15246-A-PL-C-(05)-101_010	Block C - North and East Elevations
15246-A-PL-D-(03)-100_04	Block D - Ground Floor Plan
15246-A-PL-D-(03)-101_05	Block D - First Floor Plan
15246-A-PL-D-(03)-103_05	Block D - Third Floor Plan
15246-A-PL-D-(03)-107_05	Block D - 7th Floor Plan
15246-A-PL-D-(03)-108_05	Block D - 8th Floor Plan
15246-A-PL-D-(03)-111_06	Block D - 11th Floor Plan
15246-A-PL-D-(03)-117_05	Block D - 17th Floor Plan
15246-A-PL-D-(05)-100_09	Block D - South and West Elevations
15246-A-PL-D-(05)-101_09	Block D - North and East Elevations
15246-A-PL-E-(03)-099_04	Block E - Basement Floor Plan
15246-A-PL-E-(03)-100_04	Block E - Ground Floor Plan
15246-A-PL-E-(03)-101_04	Block E - First Floor Plan
15246-A-PL-E-(03)-102_04	Block E - 2nd Floor Plan
15246-A-PL-E-(03)-103_06	Block E - 3rd Floor Plan
15246-A-PL-E-(03)-107_01	Block E - 7th Floor Plan
15246-A-PL-E-(03)-115_06	Block E - 15th Floor Plan
15246-A-PL-E-(03)-116_05	Block E - 16th Floor Plan
15246-A-PL-E-(03)-121_05	Block E - Roof Plan
15246-A-PL-E-(05)-100_010	Block E - South and West Elevations

15246-A-PL-E-(05)-101_011	Block E - North and East Elevations
MA.3158.1000 REV D	Sitewide Landscape Plan
MA.3158.1001 REV E	Ground Floor Landscape General Arrangement
MA.3158.1100 REV I	Podium Landscape General Arrangement
MA.3158.1200 REV E	7th Floor Roof Terrace Landscape General Arrangement
15246-A-PL-X-(03)-1B2P-02_03	Podium- 1 Bed 2P Type 02 M4(3)
15246-A-PL-X-(03)-1B2P-05_03	Podium- 1 Bed 2P Type 05 M4(3)
15246-A-PL-X-(03)-1B2P-10_03	Block C – 1 Bed 2P Type 10 M4(3)
15246-A-PL-X-(03)-1B2P-14_03	Block D - 1 Bed 2P - Type 14 M4(3)
15246-A-PL-X-(03)-2B3P-01_03	Podium - 2 Bed 3P Type 01 M4(3)
15246-A-PL-X-(03)-2B3P-02_03	Blocks A & B - 2 Bed 3P Type 02 M4(3)
15246-A-PL-X-(03)-2B3P-04_03	Block C - 2 Bed 3P Type 04 M4(3)
15246-A(SK)078_01	Indicative Relationship between 50/51 Brook Avenue and Substation

- 3) The development hereby permitted shall contain 454 residential units as detailed in the drawings hereby approved.
- 4) The scheme hereby approved shall contain 1,101sqm (GIA) of commercial floor space (use class Sui Generis) which shall not be used other than for purposes ancillary to the operations of London Underground Ltd and the transport network, and 115sqm (GIA) of commercial floor space which shall be used for purposes within the Use Classes A1, A2, B1, D1 or D2 (Use Class E (excluding sub-class E[b]) from September 2020) only, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).
- 5) The development hereby approved shall be built so that no fewer than 350 of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that no fewer than 46 of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’.
- 6) The approved cycle and refuse storage facilities as shown on drawing 15246-A-PL-X-(03)-100 05 and on drawing 15246-A-PL-X-(03)-101 Rev 07 shall be installed on a phased basis prior to occupation of the relevant phase that they serve and thereafter retained and maintained for the life of the development and not used for any other purpose.
- 7) Once installed and made available for their final intended use, the 14 blue badge parking bays on the western side and in the central part of the car parking area shall not be used other than for purposes ancillary to the occupation of the residential units of the building hereby approved.

Once installed and made available for their final intended use, the 38 standard parking bays and 2 blue badge parking bays located centrally within the car parking area shall not be used other than for purposes relating to the operation of the transport network and occupation of the commercial unit with use class Sui Generis within the development hereby approved.

- Once installed and made available for their final intended use, the 12 blue badge parking bays located on the eastern side of the car parking area shall not be used other than for blue badge access in a public use capacity.
- 8) The development hereby approved shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.
 - 9) Prior to occupation of a phase of the development hereby approved, a communal television aerial and satellite dish system linking to all residential units within that building, or a single system capable of being extended to serve the development as a whole, shall be provided and retained in perpetuity. No additional television aerial or satellite dishes shall be erected on the premises.
 - 10) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.
 - 11) The development hereby approved shall be carried out in full accordance with the Proposed Risk Mitigation Strategy as set out in Section 12 of the submitted Detailed Unexploded Ordnance Risk Assessment (prepared by SafeLane Global, dated March 2020) reference: CG/38188.
 - 12) The substation at the western end of the development hereby approved, shall be installed in accordance with the approved details and must comply with the following Standards:
 - Noise: BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.
 - Vibration: BS6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Part 1: Vibration sources other than blasting.
 - ICNIRP Reference Levels of 100 microteslas for magnetic fields and 5000 volts per metre for electric fields
 - 13) The recommendations set out in the submitted Flood Risk and Drainage Strategy (prepared by Powell Tolner & Associates Ltd, dated March 2020 – Ref: 9706-PTA-ZZ-XX-RP-9001) shall be fully implemented for each phase of the development following the commencement of each phase of the development (excluding site preparation works) and prior to the occupation of that phase.
 - 14) The recommendations set out in the submitted Air Quality Assessment (prepared by Eight Associates, dated March 2020) shall be fully implemented for each phase of the development following the commencement of the superstructure works of each phase of the development and prior to the occupation of that phase.
 - 15) The ecology mitigation and enhancement recommendations set out in the submitted BREEAM Ecology Assessment and Preliminary Ecological Appraisal (prepared by Greengage, dated March 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.

- 16) The tree protection recommendations set out in the submitted BS5837 Tree Survey & Arboricultural Impact Assessment (prepared by Greengage, dated March 2020) shall be fully implemented for each phase of the development following the commencement of each phase of the development (excluding site preparation works).
- 17) The recommendations set out in the submitted Overheating Analysis (Prepared by Eight Associates, dated March 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.
- 18) The recommended mitigation measures set out in the Noise and Vibration Report (prepared by RBA Acoustics, dated March 2020 – Ref: 9697.RP01.AAR.2 Revision Number: 2) shall be fully implemented for each phase of development prior to occupation of that phase and retained thereafter.
- 19) The development hereby approved shall not be commenced until a phasing plan showing the location of all phases and car parking provision, the sequencing for those phases and car parking provision, and indicative timescales for their delivery has been submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The development shall be carried out in accordance with the plan thereby approved. The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority.
- 20) Prior to the commencement of works on a relevant part of the development hereby approved, a CIL chargeable developments plan shall be submitted to the Local Planning Authority through the submission of an application for approval of details reserved by condition.

Pre-commencement Reason: CIL payments must be made prior to commencement of development and the chargeable development and associated charge must therefore be known prior to the commencement of works on those relevant phases.

- 21) Prior to the commencement of the development, an updated Fire Safety Statement prepared by a suitably qualified person(s) shall be submitted to and approved in writing by the Local Planning Authority. The fire safety measures outlined in the revised assessment shall be fully implemented prior to occupation of each phase of the development.

Pre-commencement reason: The mitigation that the condition seeks may have fundamental implications for the design of the buildings and therefore needs to be known at the outset of development.

- 22) No development shall take place until a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Pre-commencement reason: The demolition of the existing buildings forms part of the Circular Economy matters which the condition seeks to control. The Strategy must therefore be confirmed prior to the commencement of the development.

- 23) Prior to commencement of a relevant phase of the development, further details of wind mitigation measures for any residential balconies and terraces within that phase that would not otherwise be expected to achieve acceptable conditions, shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in accordance with the findings and recommendations of the approved Pedestrian Level Wind Microclimate Assessment (prepared by RWDI, dated March 2020 – Ref: #2000382). The mitigation measures shall be implemented fully in accordance with the approved details prior to first occupation of the relevant phase of development.

Pre-commencement reason: The mitigation that the condition seeks may have fundamental implications for the design of the buildings and therefore needs to be known at the outset of development.

- 24) Notwithstanding the details already submitted, prior to the commencement of the development (excluding site preparation) hereby approved, a revised Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The revised Construction Logistics Plan shall include:

- Details of arrangements for general traffic management along Brook Avenue during construction.
- An evaluation of the potential to phase the use of the adopted highway for construction logistics purposes in a way that would facilitate the provision of disabled parking on-street on Brent Council highways land along Brook Avenue.

The development shall thereafter be carried out in accordance with the approved document.

- 25) Notwithstanding the details already submitted, prior to the commencement (excluding site preparation) of the development hereby approved, a revised Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submission shall outline details of the following measures:

- Hoarding of material;
- Parking arrangements on site;
- Transportation of vehicles;
- Dust Mitigation – wheel washing of vehicles;
- Noise mitigation and management (BS 5228;2014); and
- Storage of materials.

The development shall thereafter be carried out in accordance with the approved document.

- 26) a) Prior to the commencement of a phase of development (excluding site preparation works), a site investigation report for that phase shall be prepared by a competent person(s) to determine the nature and extent of any soil contamination and shall have been submitted to and approved in writing by the Local Planning Authority. The investigation shall be carried out in accordance with the agreed principles, which should be informed by BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance.

b) Prior to commencement of a phase of development (excluding site preparation works) a remediation report shall be submitted to and approved in writing by the Local Planning Authority that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The report shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

c) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the phase of development, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

- 27) Prior to the commencement of a phase of the development (excluding site preparation works) hereby approved, accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance shall be submitted to the GLA's monitoring portal and Local Planning Authority for information.

Upon completion of the 'as-built' design of a phase of the development (upon commencement of RIBA Stage 6) and prior to occupation of a phase of the residential development, updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as well as supporting evidence, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance, shall be uploaded to the GLA's monitoring portal and submitted to the Local Planning Authority for information. Confirmation that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document should also be provided.

Upon completion of the first year of occupation following the end of the defects liability period and for the following four years, accurate and verified annual in-use energy performance data as well as supporting evidence for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance shall be uploaded to the GLA's monitoring portal and submitted to the Local Planning Authority for information.

In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner shall investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which can be reasonably practicable to implement, an action plan comprising such measures shall be prepared and submitted to the Local Planning Authority for written approval. The measures approved by the Local Planning Authority shall be implemented by the legal Owner as soon as reasonably practicable and based on the agreed action plan timescales.

- 28) Prior to commencement of development of the relevant phase/building (as applicable) (except for demolition and site clearance) hereby approved, a BREEAM pre-assessment relating to all Sui Generis floor space within the development, which targets a rating of 'Excellent', or an alternative rating to be agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.
- 29) No piling shall take place for a phase of development until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority for that phase in consultation with Thames Water. The method statement shall be submitted for the Local

Planning Authority's approval through the submission of an application for approval of details reserved by condition.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 30) Details of materials for all external work to the development including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing for that part of the development which include the relevant materials. The work shall be carried out in accordance with the approved details. The details shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.
- 31) Prior to commencement of a phase of superstructure works, a plan indicating the provision of electric vehicle charging points for the approved car parking spaces for that phase within the site shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. Thereafter, the agreed electric vehicle charging points shall be provided and made available for use prior to occupation of that phase of the development. The provision of electric vehicle charging points shall be in accordance with adopted London Plan standards, providing at least both active and passive charging points.
- 32) Prior to commencement of a relevant phase of the development (excluding site preparation works) hereby approved, detailed designs of the segregated ramp for pedestrian and wheelchair users forming part of that relevant phase of development hereby approved shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall thereafter be implemented in accordance with the approved details prior to its first occupation.

- 33) Prior to occupation of a phase of the development hereby approved, a scheme of detailed landscaping proposals for that phase shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The submitted scheme shall set out detailed proposals for the following aspects:

- Planting species and densities for all grass, shrubs and proposed trees, including street trees along Brook Avenue;
- Child Play spaces;
- Safety measures to minimise conflict between vehicles and play space to the west of Block A, including vehicles that would service the substation;
- Details of any mitigation measures necessary to achieve acceptable wind comfort levels across the development's landscaping in accordance with the submitted Pedestrian Level Wind Microclimate Assessment (prepared by RWDI, dated March 2020 – Ref: #2000382);
- Biodiversity mitigation and enhancement measures, as recommended in submitted Preliminary Ecological Appraisal and BREEAM Ecology Assessment (prepared by Greengage, dated March 2020); and
- External lighting strategy (including details of lux levels and light spillage diagrams)

The approved landscaping scheme shall be completed prior to the first occupation of the relevant phase of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained unless alternative details are first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

- 34) Prior to occupation of a phase of development hereby approved, details of how the phase of development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall be completed in accordance with the approved details prior to occupation of that phase of the development.

- 35) Prior to occupation of the phase of development that incorporates the construction of the tallest block (Block E) within the development hereby approved, details of privacy screening to the southern side of the balcony serving the '2 Bed 3P – Type 07' apartment and to the northern side of the balcony serving the '2 Bed 3P – Type 11' apartment located on the third, fourth, fifth and sixth floors of Block E shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall thereafter be implemented in accordance with the approved details prior to occupation within that phase and the approved details shall be retained thereafter.

- 36) Notwithstanding the details already submitted, prior to the occupation of a relevant phase of development hereby approved, a revised Delivery and Servicing plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The revised Delivery and Servicing Plan shall adjust the details of the originally submitted plan to account for the omission of loading bays from the plans.

The development shall thereafter operate in accordance with the approved document.

- 37) Prior to occupation of a relevant phase of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase through the submission of an application for approval of details reserved by condition.

The development shall thereafter operate in accordance with the approved car park management plan.

- 38) Prior to occupation of a relevant phase of development hereby approved, a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase through the submission of an application for approval of details reserved by condition.

The development shall thereafter operate in accordance with the approved refuse management plan.

- 39) Within the first 6 months of occupation of Sui Generis floorspace within the development, a Post Construction Stage Review BRE Certificate shall be submitted to and approved in

writing by the Local Planning Authority. The certificate shall demonstrate that the Sui Generis floor space within the development has achieved BREEAM "Excellent". Development shall be maintained so that it continues to comply for the lifetime of the development.

- 40) Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. Prior to the installation of any plant, an assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The plant shall thereafter be installed and maintained in accordance with the approved details.

- 41) Prior to the occupation of each building the post-construction tab of the GLA's whole life carbon assessment template shall be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the relevant building.
- 42) Prior to the occupation of any phase of the development, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation.



Report to the Secretary of State

by **Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Date 17th November 2021

Town and Country Planning Act 1990

London Borough of Brent

Application by **BLLQ2 Limited and TTL Wembley Park Properties Limited**

Wembley Park Station Car Park, Land bound by Bridge Road, Brook Avenue and Matthews Close,
Wembley HA9 8PG

File Ref: APP/T5150/V/21/3275339

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GLOSSARY

1990 Act	The Town and Country Planning Act 1990
2004 Act	The Planning and Compulsory Purchase Act 2004
APPxx	Appellants' proofs of evidence
ADF	Average Daylight Factor
APSH	Annual Probable Sunlight Hours
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
CD	Core Document
CS	Brent Core Strategy 2010
CIL	Community Infrastructure Levy
CPZ	Controlled Parking Zone
DBLP	Draft Brent Local Plan
DMP	Brent Development Management Policies 2016
EIA	Environmental Impact Assessment
GLA	Greater London Authority
HTVIA	Heritage, Townscape and Visual Impact Assessment
ID	Inquiry Document
LP	The London Plan 2021
LUL	London Underground Limited
MDA	Mayoral Design Advocates
MM	Main Modification (to the draft Brent Local Plan)
NPPF	National Planning Policy Framework 2021
NSL	No Sky Line
PINS	The Planning Inspectorate
PTAL	Public Transport Accessibility Level
S106	A legal agreement made under Section 106 of the Town and Country Planning Act 1990
SOCG	Statement of Common Ground
SOCGa	Statement of Common Ground Addendum
SoS	Secretary of State
SPD	Supplementary Planning Document
SPD1	Brent Design Guide Supplementary Planning Document 1
SPG	Supplementary Planning Guidance
sqm	square metres
TCA	Train Crew Accommodation
TfL	Transport for London
VSC	Vertical Sky Component
WAAP	Wembley Area Action Plan 2015

File Ref: APP/T5150/V/21/3275339

Wembley Park Station Car Park, Land bound by Bridge Road, Brook Avenue and Matthews Close, Wembley HA9 8PG

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 17 May 2021.
- The application is made by BLLQ2 Limited and TTL Wembley Park Properties Limited to the Council of the London Borough of Brent.
- The application Ref 20/0967 is dated 18 March 2020.
- The development proposed is the comprehensive mixed-use redevelopment of the site comprising the phased demolition of the existing buildings and structures on site and the phased development comprising site preparation works, provision of five new buildings containing residential uses, replacement train crew accommodation and flexible retail floorspace, basement, private and communal amenity space, associated car parking (including the part re-provision of station car parking), cycle parking, access and servicing arrangements, refuse storage, plant and other associated works.

Summary of Recommendation:

I recommend that the application should be approved, and planning permission granted, subject to the schedule of 42 conditions in Annex 1 and all of the obligations in the Section 106 agreement dated 13 October 2021.

1. Procedural Matters

- 1.1. The application was subject to a resolution to grant planning permission by Brent Council's planning committee on 26 November 2020. On 17 May 2021 the Planning Casework Unit at the Ministry of Housing, Communities and Local Government (as it then was) notified the parties that the Secretary of State (SoS) had decided to call in the planning application under Section 77 of the Town and Country Planning Act 1990.
- 1.2. The matters which the SoS particularly wishes to be informed about for the purposes of his consideration of the application¹ are:
 - a. the extent to which the proposed development is consistent with government policies for achieving well-designed places (NPPF chapter 12);
 - b. the extent to which the proposed development is consistent with government policies for housing (NPPF chapter 5);
 - c. the extent to which the proposed development is consistent with government policies for conserving and enhancing the historic environment (NPPF chapter 16);
 - d. the extent to which the proposed development is consistent with the development plan for the area; and
 - e. any other matters the Inspector considers relevant.
- 1.3. With regards to (e), my case management conference note² noted that I wished to explore the effect of the proposed development on parking and highway safety and on the living conditions of occupiers of neighbouring

¹ CD2.2

² CD2.6

properties. I also stated that I would want to look at any benefits to be weighed in the planning balance and whether the development would accord with the development plan taken as a whole.

- 1.4. The Inquiry sat for 4 days between 28 September and 1 October 2021. Beforehand, on 23 September 2021, I circulated a list of questions to the main parties for discussion at the Inquiry. The applicants provided a written response³ at the start of the Inquiry to aid discussion. I carried out an unaccompanied pre-inquiry familiarisation visit on 10 September 2021. During the Inquiry, I conducted an unaccompanied site visit of the wider area on 30 September 2021⁴. An accompanied visit to the site and Brook Avenue took place on 1 October 2021.
- 1.5. The Inquiry was closed in writing on 25 October 2021 once all outstanding documents, including the completed and executed Section 106 (S106) agreement⁵, had been received.
- 1.6. The Council confirmed in a screening opinion⁶ dated 25 February 2019 that an Environmental Impact Assessment (EIA) was not required for the proposed development. Whilst the proposed development falls within the definition of Schedule 2 of the Town and Country Planning (EIA) Regulations 2017 due to its size, the Council concluded that it would not give rise to significant environmental effects having regard to the relevant criteria in Schedule 3 of the same regulations⁷. Accordingly, no Environmental Statement is required.

2. The Site and Surroundings⁸

- 2.1. The application site comprises an area of 0.7 hectares. It is bounded by Wembley Park Station and Olympic Square to the east, to the south by Brook Avenue, to the north by the railway lines that serve Wembley Park Station and the Chiltern Railway, and to the west by residential development comprising 50 and 51 Brook Avenue and Matthews Close (the latter includes Smith House and Best House). It abuts Wembley Park District Centre.
- 2.2. Two underground lines (Jubilee and Metropolitan) and a number of bus routes serve Wembley Park Station. The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent) on the part of the site nearest to the station, reducing to 4 (good) at the western end. There is pedestrian and vehicular access to the site from Brook Avenue and Olympic Square.
- 2.3. The site contains a surface level car park operated by National Car Parks with 94 parking spaces of which 12 are for blue badge holders. There are two 2 storey buildings known as Crown House and Burrows House that provide train crew accommodation (TCA) and other operational support to London Underground Limited (LUL). The buildings' use is ancillary to the operation of Wembley Park Station as a Transport for London (TfL) facility. There are 42 car

³ ID03

⁴ Following the walking route set out in ID04

⁵ ID19

⁶ CD3.2

⁷ The same conclusion has been reached by PINS' Environmental Services Team in reviewing the Council's screening opinion.

⁸ Largely taken from Section 2 of the Statement of Common Ground (SOCG) (CD2.3)

parking spaces associated with this facility which are used by LUL staff. At the time of the application there were 239 TfL employees based at the TCA. This was forecast to increase to 264 employees by the end of 2021. The TCA operates 24 hours a day, 7 days a week.

- 2.4. 50 and 51 Brook Avenue are a pair of 3 storey semi-detached properties. The Matthews Close development is built on the former Wembley Park Station car park under planning permission ref 12/3499. It comprises 109 homes in four buildings, three of which are 8 storeys and one at the western end is 5 storeys. The buildings sit on land raised above Brook Avenue by the equivalent of one or two storeys.
- 2.5. To the south of the site, along the eastern end of Brook Avenue, are three large development blocks. The Premier Inn is 9 storeys (an equivalent of 11 residential storeys); Wealdstone Court is up to 10 storeys; and Pearce House is up to 7 storeys. To the west of these developments, and also opposite the site, are 2 storey detached and semi-detached houses and flats at Nos 24-28 Brook Avenue (inclusive). The remainder of this side of Brook Avenue (Nos 1-21 inclusive) are of a similar size, style and age to Nos 24-28.
- 2.6. Wembley Park Station provides access via Olympic Way to Wembley Stadium, approximately 650m to the south, as well as to the surrounding town centre, retail and commercial uses. The area has experienced significant redevelopment in recent years in accordance with the Wembley Growth Area and masterplan. There are a number of existing and permitted tall buildings throughout the Growth Area, including some over 21 storeys.
- 2.7. The Grade II listed Wembley Arena is approximately 600m to the south, whilst the Grade II listed Brent Town Hall is around 500m to the north-east. The Grade II listed Wembley Hill Lodge is around 730m to the south-east and a group of Grade II listed K6 telephone kiosks are located on Engineers Way. Barn Hill and Lawns Court Conservation Areas are located to the north and north-west of the site respectively at around 250-300m away. Wembley High Street Conservation Area is over 750m to the south-west.

3. Planning Policy including emerging policy

- 3.1. The adopted development plan consists of the London Plan 2021⁹ (LP), the Brent Core Strategy 2010¹⁰ (CS), the Brent Development Management Policies 2016¹¹ (DMP) and the Wembley Area Action Plan 2015¹² (WAAP). The draft Brent Local Plan¹³ (DBLP) is currently at examination. Public consultation on DBLP main modifications (MM) took place between 8 July and 19 August 2021. The Inspectors examining the DBLP have been provided with the representations made to this consultation along with the Council's draft responses. Further communication from the Inspectors is awaited. References to the DBLP below include the MM text¹⁴ where applicable.

⁹ CD4.1

¹⁰ CD4.2

¹¹ CD4.3

¹² CD4.4

¹³ CD4.5

¹⁴ CD4.5.4

- 3.2. Section 5 of the SOCG provides an overview of relevant planning policies and lists a large number of policies from the above plans. The following paragraphs focus on those most pertinent to this case, grouped by topic area.

Strategic policies and site allocations

- 3.3. The application site is located within the Wembley Opportunity Area and the Wembley Growth Area. LP Policy SD1 identifies a number of Opportunity Areas within London and seeks to fully realise their growth and regeneration potential. These areas are defined as significant locations with development capacity to accommodate new housing, commercial development and infrastructure of all types, linked to existing or potential improvements in public transport connectivity and capacity. LP Table 2.1 sets out an indicative capacity of 14,000 homes and 13,500 jobs for Wembley.
- 3.4. LP Policy GG2 deals with making the best use of land and creating successful sustainable mixed-use places. Amongst other things, the policy seeks to enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land and sites within, and on the edge of, town centres. The policy also prioritises sites which are well-connected by existing or planned public transport and aims to proactively explore the potential to intensify the use of land to support additional homes and workspaces. It promotes higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 3.5. LP Policy SD6 refers to the potential for new housing within and on the edges of town centres being realised through mixed-use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance and current and future accessibility by public transport. LP Policy SD7 requires boroughs to identify suitable sites for higher density mixed use residential intensification, including the comprehensive redevelopment of surface car parks.
- 3.6. LP Policy H1 sets 10-year housing targets for housing completions and seeks to optimise the potential for delivery on all suitable and available brownfield sites. The policy encourages delivery on particular types of site including those with existing or planned PTALs of 3-6 or which are located within 800m of a station or town centre, as well as the mixed-use redevelopment of car parks.
- 3.7. CS Objective 1 seeks the creation of 5 main growth areas of mixed use, mixed tenure development with Wembley as the largest growth area and main focus of new retail and town centre uses. CS Policy CP1 seeks to concentrate housing growth in well-located areas that provide opportunities for growth. Wembley is identified as delivering the majority of the borough's development and employment growth.
- 3.8. CS Policy CP2 seeks 22,000 additional homes between 2007 and 2026 of which 11,500 are to be delivered in Wembley. CS Policy CP3 sets a target of 10,000 new jobs in the Wembley Growth Area to 2026. These housing and job figures are repeated in CS Policy CP7 with Wembley intended to drive the economic regeneration of Brent and become a high quality, urban, connected and sustainable city quarter. CS Policy CP16 identifies Wembley as the preferred destination for major new retail, leisure and other town centre development.

- 3.9. There are no site allocations for the application site in any adopted plan including the WAAP. However, WAAP Site W21 comprises Nos 21-31 Brook Avenue, which is proposed for redevelopment with 160 residential units, including at least as many family sized units as would be lost. WAAP Site W22 covers the former station car park (now Matthews Close), which is allocated for 100 units, noting that the site was already under construction for 109 flats.
- 3.10. DBLP Policy BCGA1 echoes many of the aspirations of CS Policy CP7 for the Wembley Growth Area and also seeks the highest design standards for all developments. At least 15,000 homes are expected within the Growth Area.
- 3.11. DBLP Policy BP1 focuses on the Central Place within Brent which includes Wembley Park and the new development around the stadium. The vision for the area in paragraph 5.1.16 sees Wembley Park as part of the wider Wembley Growth Area, set to drive the regeneration of central Brent.
- 3.12. DBLP Policy BCSA7 allocates the application site. Prior to the main modification stage, it also included land to the north of Wembley Park Station (now Policy BCSA20). MM15 amends the indicative capacity of the site from 300 to 456 units to reflect the housing trajectory. The design principles include the following: *"up to 10 storeys will be considered acceptable to the western side of the site stepping up slightly directly adjacent to the station (all subject to impact on protected views of the stadium)"*. The principles also include active frontages along Brook Avenue with substantial soft landscaping, to create defensible space for residents, and establishing links to the wider Wembley Park development. MM15 notes the development should not compromise the ability to add potential platforms at Wembley Park Station on the Chiltern Line Aylesbury Branch.
- 3.13. DBLP Policy BCSA3 allocates the Premier Inn site and Nos 1-28 Brook Avenue on the south side of the road. The indicative capacity is 450 units. The allocation states that the hotel portion has the potential for a larger hotel or a hotel with other town centre uses, while the rest of the allocation can accommodate much higher density residential use.

Design policies including tall buildings

- 3.14. LP Policy D3 seeks to optimise site capacity through the design-led approach and ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Higher density developments should generally be promoted in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by boroughs where appropriate.
- 3.15. The policy requires proposals to address form and layout, experience, and quality and character. This includes enhancing local context with buildings and spaces that respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be street-based with clearly defined public and private environments, provide active frontages, achieve safe, secure and inclusive environments, and deliver

appropriate outlook, privacy and amenity. They should also respond to existing character, be of high quality and high sustainability, and provide spaces and buildings that maximise opportunities for urban greening.

- 3.16. LP Policy D9 deals with tall buildings and, in Part A, allows local development plans to define what is considered a tall building for specific locations. Part B of the policy requires boroughs to determine locations where tall buildings might be an appropriate form of development, with locations and appropriate building heights identified on maps in development plans.
- 3.17. Part C of LP Policy D9 also addresses visual, functional, environmental, and cumulative impacts. For visual impacts, this includes the effects on long-range, mid-range and immediate views, whether the proposal reinforces the spatial hierarchy of the area and aids legibility and wayfinding, whether the architectural quality and materials are exemplary, and the effects on heritage assets. Functional impacts include safe access and egress, appropriate building servicing, maintenance and management, effects on the local transport network and the local economy, and effects on aviation, navigation and telecommunication. Environmental impacts include wind, daylight and sunlight for the buildings and neighbourhood, as well as air quality and noise effects. Cumulative impacts require consideration of proposed, consented and planned tall buildings Part D deals with public access to tall buildings where it would be appropriate (which is not applicable to this application),
- 3.18. CS Policy CP6 allows higher densities in areas of good public transport accessibility, especially where design is of the highest or exemplary standard.
- 3.19. The application site falls within the WAAP boundary and is situated within the Wembley Park Corridor local character area. WAAP Policy WEM1 states that development within each character area should have regard to the broad development principles set out for each locality. WAAP paragraph 4.21 says the character area contains a wide variety of building typologies with Wembley Park Station as the principal focus, while much of this locality operates as a physical transition in scale from the large development in the stadium area to the wider residential suburbia. WAAP paragraph 4.22 seeks to strengthen the role of the station as a key gateway and states that development around the station should reflect this. The paragraph goes on to say that, given the scale and form of development already approved in the stadium area, it is even more important that this locality operates as a transition in scale and character into the suburban hinterland. Paragraph 4.23 acknowledges that, notwithstanding this transitional role, there are opportunities to strengthening the role of key nodes through the incorporation of signature buildings and junction improvements.
- 3.20. WAAP Policy WEM5 deals with tall buildings. It states that they will be acceptable in a limited number of locations within the AAP area, where they can demonstrate the highest architectural quality. Where tall buildings are proposed in areas designated as 'appropriate' and 'sensitive' on Map 4.4, the Council will require the submission of a key views assessment to accompany planning applications. Any application for a tall building within Wembley will be required to submit a three dimensional digital model in a format specified by the Council. Map 4.4 shows the entirety of Brook Avenue as inappropriate for

tall buildings with the exception of the Premier Inn site which is shown as appropriate.

- 3.21. WAAP paragraph 4.56 clarifies that the 2012 Tall Buildings in Wembley document¹⁵ (the 2012 Tall Buildings document) forms the basis for Policy WEM5 and should be read in conjunction with the WAAP. The paragraph notes that recent planning consents and existing tall buildings provide a context for assessing where new tall buildings may be appropriate. Paragraph 4.57 sets out the principal conclusions of the 2012 Tall Buildings document, including that much of the scope for tall buildings has already been utilised with a number of major applications already approved or under construction. It also states that the focus for tall buildings should be restricted to key nodes and around the pedestrian spine between Wembley High Road and Wembley Park Station due to its accessibility, topography, and the location of existing and consented tall buildings.
- 3.22. The 2012 Tall Buildings document states that many of the sites on the fringes of the WAAP area are considered to be inappropriate for tall buildings due to the surrounding suburban context (page 100). At the same time, the document refers to the potential for tall buildings around key public transport nodes (page 65) and notes that tall buildings are generally clustered around Wembley Park Station (page 86).
- 3.23. DBLP Policy BP1 requires proposals to deliver the Central Place vision through a number of criteria. Criterion (a) states that tall buildings are appropriate within the tall building zone, taking care to preserve protected views of the stadium and create a high quality new neighbourhood, integrating well with the suburban character of the surrounding area. Paragraph 5.1.19 notes that, as a recognised transformational area, additional tall buildings are appropriate in the Growth Area. Further guidance on the location and scale of tall buildings is set out on the Policies Map and in Policy BD2, as supported by the Brent Tall Building Strategy 2019¹⁶ (the 2019 strategy).
- 3.24. The 2019 strategy updates the 2012 Tall Buildings document. For Wembley Park, paragraph 8.5 of the strategy identifies a tall building zone that includes the application site and notes that there are some tall buildings on Brook Avenue already. Paragraph 8.6 of the strategy identifies a core area to the east of Empire Way and south of Bridge Road where buildings over 15 storeys (45m+) may be considered appropriate. Paragraph 8.7 expects buildings on Brook Avenue to be a maximum height of around 10 storeys (30m).
- 3.25. DBLP Policy BD1 states that all new development must be of the highest architectural and urban design quality, with proposals expected to show how they positively address all the relevant criteria within LP design policies and the Brent Design Guide SPD1.
- 3.26. DBLP Policy BD2 deals with tall buildings and defines them as more than 30m in height. The policy directs tall buildings to the locations shown on the policies map in Tall Building Zones, where the heights should be consistent with the general building heights shown, stepping down towards the zone's edge. In all

¹⁵ CD5.11

¹⁶ CD5.14

cases, the tall buildings must be shown to be positive additions to the skyline that would enhance the overall character of the area. They should be of exceptional design quality and consistent with LP policy requirements in addressing visual, functional, environmental and cumulative impacts.

- 3.27. The application site lies within the Tall Building Zone for Wembley Park as shown on the DBLP Policies Map¹⁷. Although the site is outside of the core tall building designation on this map, the Council is seeking to remove this designation via Mod 26¹⁸ which is a consequential change to the Policies Map. This shows a single tall building zone for Wembley Park (including the site) where up to 102m is possible.

Historic environment and townscape policies

- 3.28. LP Policy HC1 requires development proposals affecting heritage assets and their settings to conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings.
- 3.29. CS Objective 9 seeks to protect and enhance Brent's environment. CS Policy CP5 requires major proposals in the growth areas to create distinctive places with a positive sense of identity that consider the heritage of the area. CS Policy CP17 states that the distinctive suburban character of Brent will be protected from inappropriate development.
- 3.30. DMP Policy DMP1(d) seeks the conservation or enhancement of the significance of heritage assets and their settings. Policy DMP7(d) requires proposals to sustain and enhance the significance of any affected heritage assets.
- 3.31. WAAP Policy WEM6 aims to protect views of the stadium, including one from the southern edge of Barn Hill open space as shown on Map 4.6.
- 3.32. DBLP Policy BHC1 sets out the approach to heritage assets, including the need to sustain or enhance their significance and to avoid harm in the first instance. Any proposed harm to or loss of a heritage asset (including to its setting) should require clear and convincing justification and can be outweighed by public benefits but only if these are sufficiently powerful.
- 3.33. DBLP Policy BHC2 states that development must not be to the detriment of a number of views of Wembley Stadium, as shown on the Policies Map¹⁹. This includes the view from Barn Hill currently identified in the WAAP.

Affordable housing and housing tenure policies

- 3.34. LP Policy H4 contains a strategic target of 50% of all new homes across London to be genuinely affordable. LP Policy H5 sets out a threshold approach for major development proposals with the level of affordable housing initially set at a minimum of 35% or 50% for public sector land where there is no portfolio agreement with the Mayor²⁰. LP Policy H6 deals with affordable

¹⁷ CD4.5.1 Environmental Protection, Heritage, Employment and Article 4 map

¹⁸ CD5.5.1

¹⁹ CD4.5.1 Open Space, Flood Zones, Shopping map

²⁰ CD5.8 confirms that TfL has a portfolio agreement with the Mayor of London

housing tenure split as follows: at least 30% low-cost rented homes; at least 30% intermediate products; and the remainder to be determined by the borough. LP Policy H7 deals with monitoring of delivery and the triggering of review mechanisms.

- 3.35. CS Policy CP2 seeks to achieve 50% affordable housing levels for new homes and at least 25% of new homes should be family sized (3 bedrooms or more). CS Policy CP21 requires a balanced housing stock with an appropriate range and mix of self-contained accommodation types and sizes, including family sized accommodation on sites providing 10 or more homes. CS paragraph 5.76 notes that family accommodation would not be required on sites where it is not possible to provide a satisfactory environment for young children.
- 3.36. DMP Policy DMP15 seeks the maximum reasonable amount of affordable housing on individual residential and mixed developments on sites with the capacity to provide 10 or more homes. 70% of new affordable housing provision should be social/affordable rented housing and 30% intermediate housing. The policy also advocates the reappraisal of scheme viability via S106 agreements. WAAP Policy WEM19 seeks 25% of new homes to be family sized with 3 bedrooms or more.
- 3.37. DBLP Policy BH5 sets a strategic affordable housing target of 50% of all new homes in the period to 2041 and states that LP Policy H5 will be applied. The policy's tenure split is 70% social rent / London Affordable Rent and 30% intermediate products. DBLP Policy BH6 seeks 25% of new homes as family sized (3 bedrooms or more) with exceptions only allowed where the location or characteristics of the development are such that it would not provide a high quality environment for families or its inclusion would fundamentally undermine the development's delivery of other Local Plan policies.

Housing standards and amenity policies

- 3.38. LP Policy D6 set out housing quality and standards. Amongst other things, development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context whilst minimising overshadowing and maximising the usability of outside amenity space. For private outdoor space, where there are no higher local standards in the local development plan, the policy seeks a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant.
- 3.39. LP Policy D7 on accessible housing requires at least 10% of dwellings to be suitable for wheelchair users (Building Regulations requirement M4(3)) and the remainder as accessible and adaptable dwellings (M4(2)). LP Policy S4 seeks at least 10sqm of play space per child for developments that are likely to be used by children and young people. To contribute to the greening of London, LP Policy G5 seeks an urban greening factor target of 0.4 for developments that are mostly residential.
- 3.40. DMP Policy DMP1(a) seeks, amongst other things, development that provides high levels of internal and external amenity. The DBLP contains a similar policy (also known as DMP1).
- 3.41. DMP Policy DMP19 requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This

is normally expected to be 20sqm per flat and 50sqm for family housing (3 bedrooms or more) including ground floor flats.

- 3.42. WAAP Policy WEM34 seeks the provision of new open space in line with the requirements set out in the Council's Infrastructure and Investment Framework document²¹ for proposals within an area of open space deficiency which includes the application site.
- 3.43. DBLP Policy BH13 requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20sqm for all other housing.

Transport and sustainability policies

- 3.44. LP Policy T6 states that car-free development should be the starting point for all proposals in places that are well-connected by public transport, although parking for disabled people should still be provided. LP Policy T6.1 deals with residential parking standards and states that the standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category. LP Table 10.3 confirms that sites within PTAL 5-6 areas should be car-free. LP Policy T6.1 also confirms that a minimum of 3% of dwellings should have one designated disabled persons parking bay per dwelling.
- 3.45. DMP Policy DMP1(b) requires development to be satisfactory in terms of means of access and parking and to avoid adverse impacts on the movement network. DMP Policy DMP12 states that opportunities for car-free development should be considered in appropriate locations benefiting from high levels of public transport access, generally with PTAL 4 or above. Development will be supported where it does not (a) add to on-street parking demand, (b) require detrimental amendment to existing or proposed controlled parking zones (CPZ), or (c) create a shortfall of public car parking, operational business parking or residents' parking.
- 3.46. DBLP Policy BT1 seeks to prioritise active and sustainable travel over private motor vehicles. DBLP Policy BT2 requires developments to provide parking consistent with the parking standards in Appendix 4 (which in turn confirms that for residential parking the standards in LP Policy T6.1 will apply). Car-free development should be the starting point for all development proposals in places that are well-connected by public transport. The policy goes on to state that public off-street parking will be permitted only where it is supported by a transport assessment and is shown to meet a need that cannot be met by public transport. The loss of off-street short-term publicly available parking is acceptable only where this would not lead to under-provision in the locality.
- 3.47. CS Policy CP19 and DBLP Policy BSUI1 expect all major non-residential development (over 1,000sqm) to achieve a BREEAM standard of 'Excellent'.

Supplementary planning documents (SPD) and other planning guidance

²¹ Now replaced by CD5.16 (Brent Infrastructure Delivery Plan 2019)

- 3.48. The Brent Design Guide SPD1²² (2018) sets out a number of principles and checklists for achieving good design. Principle 3.1 under building context requires new development height, massing and façade design to respond positively to the existing context and scale. Under Principle 3.1(a) tall buildings are directed to areas identified as appropriate for such development and their height and design are required to be suitable for the local area. Buildings are expected to step down in scale towards the site boundaries and nearby lower buildings to effectively limit the impact of the change in scale and respect the surrounding character.
- 3.49. In all other areas, Principle 3.1(b) expects heights to respond positively to existing character. Streets should have similar building heights on each side. Tall buildings are unlikely to be appropriate in areas of suburban character. Principle 3.1(c) requires development massing to limit its visual impact by breaking up façades into smaller components. Principle 3.2 seeks active frontages, while Principle 3.3 requires development to respect existing urban grain and human scale.
- 3.50. Principle 5.1 requires schemes to provide adequate privacy and amenity for new residents and protect those of existing ones. Directly facing habitable room windows will normally require a minimum separation distance of 18m. A distance of 9m should be maintained between gardens and habitable rooms or balconies. Reduced distances may be acceptable subject to consideration of privacy as well as high quality design that can mitigate impacts and allow for efficient use of land. Principle 5.1 also seeks a good level of daylight, sunlight and outlook throughout the day and year which also minimises the impact on surrounding properties and spaces. SPD1 supports the use of the Building Research Establishment (BRE) 2009 guidelines on daylight and sunlight.
- 3.51. The Mayor of London's Housing Supplementary Planning Guidance (2016)²³ (the Housing SPG) sets out a flexible approach to daylight and sunlight standards in paragraph 1.3.45. It states that the BRE guidelines should be applied sensitively to higher density development, especially in Opportunity Areas, town centres, large sites and accessible locations. Paragraph 1.3.46 states that the degree of harm to adjacent properties should be assessed on broadly comparable residential typologies in the area and London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.
- 3.52. The Housing SPG also contains standards on shared circulation²⁴. Standard 12 states that each core should be accessible to generally no more than 8 units on each floor. Important considerations for shared circulation include the number of people sharing a landing as this will affect whether they have a sense of ownership over this space.
- 3.53. The Wembley Masterplan SPD (2009) sets out a vision and objectives for the Wembley Masterplan area. The SPD stresses that densities should be

²² CD4.8

²³ See extract in ID06

²⁴ See extract in ID20

responsive to the existing urban fabric, the level of amenity space, the need for family sized accommodation, the protection of important stadium views and the provision of appropriate living conditions. It also sets out requirements for parking provision, advocates the need for public consultation on design proposals, and requires proposals to demonstrate an understanding of all relevant national, regional and local planning guidance. While the SPD shows the site within the Wembley Regeneration Area (which was the same as the Wembley Opportunity Area in the 2008 version of the LP), the site sits outside the masterplan area. Therefore, while the SPD provides some useful context, it is not directly applicable to this site.

National Planning Policy Framework 2021 (NPPF)

- 3.54. The following paragraphs highlight some of the most relevant parts of the NPPF with regard to this application. NPPF paragraph 48 states that weight may be given to relevant policies in emerging plans subject to (a) the stage of preparation; (b) the extent to which there are unresolved objections; and (c) the degree of consistency with the NPPF.
- 3.55. NPPF paragraph 60 states that to significantly boost the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed and that the needs of groups with specific housing requirements are addressed. NPPF paragraphs 63, 64 and 65 promote the provision of affordable housing. NPPF paragraph 69 supports the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 3.56. NPPF paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity. NPPF paragraph 119 promotes the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 120(c) gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 3.57. NPPF paragraph 126 seeks to achieve good design, while paragraph 130 sets out a number of criteria to consider in this regard. NPPF paragraph 131 promotes the use of trees in urban environments, while paragraphs 132 and 133 refer to engagement and the use of tools and processes to assess and improve proposals including design review panels. NPPF paragraph 134 gives significant weight to development which reflects local design policies and government design guidance and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 3.58. NPPF paragraph 199 requires great weight to be given to the conservation of a designated heritage asset irrespective of the level of harm, while NPPF paragraph 200 requires clear and convincing justification for any harm to or loss of significance. NPPF paragraph 202 states that less than substantial harm should be weighed against the public benefits of the proposal.

4. Planning History

- 4.1. There is no relevant planning history for the application site. However, the SOCG in Section 3 sets out the planning application background and process which is summarised below.
- 4.2. The site is under the freehold ownership of LUL with TfL and Barratt London as the applicants. TfL is one of London's largest landowners and is seeking the delivery of more than 10,000 homes across the capital. In June 2021, the Government agreed a funding and financing agreement with TfL that includes housing delivery²⁵.
- 4.3. Before appointing Barratt London as its development partner, TfL held initial pre-application meetings with the Council and the Greater London Authority (GLA) in summer 2018. Around the same time, the scheme architects commenced a design review with the Mayoral Design Advocates (MDA)²⁶ with two meetings in 2018²⁷.
- 4.4. The applicants held a further design review meeting²⁸ with the MDA in summer 2019 and design review meetings²⁹ were held with the Design Council between October and December 2019. Four pre-application meetings were held with the Council between October 2019 and January 2020. The proposal was taken to the Council's Major Cases Forum in November 2019 and January 2020.
- 4.5. Two public consultation events took place in early 2020 and meetings were held with local and key stakeholders, including the GLA and the Transport Authority of TfL. A fourth meeting³⁰ with the MDA and another Council pre-application meeting took place in February 2020.
- 4.6. SOCG paragraph 3.36 summarises the design changes undertaken during the pre-application stage, including reducing the tallest building (E) from 26 to 21 storeys to reduce the effect on protected views of Wembley Stadium from Barn Hill and to ensure better massing. The other four buildings were increased by 1-2 storeys to compensate for the reduction. The elevational treatment of the buildings evolved to provide greater visual differentiation, increased play provision on site including for the over 12s, and rearrangement of the landscape courtyards on the podium to create a single connected space.
- 4.7. The application was submitted on 18 March 2020 for 456 units with 50% affordable housing by habitable room (43% by units) and a tenure split of 66% intermediate and 34% rented. A range of supporting documents was submitted with the application including a Heritage, Townscape and Visual Impact Assessment (HTVIA) and a Design and Access Statement³¹. In April 2020, the MDA reviewed the application which was received positively³². The Mayor of London issued his Stage 1 letter and report³³ on 11 May 2020 which set out

²⁵ CD5.10

²⁶ CD3.3. The SOCG describes the MDA as independent and impartial advisers appointed by the Mayor of London

²⁷ CD3.3 and CD3.4

²⁸ CD3.5

²⁹ CD3.6 and CD3.7

³⁰ CD3.8

³¹ CD1.1 Documents 18 and 32 respectively

³² CD3.9

³³ CD1.3

two issues relating to the environment and transport that needed addressing for policy compliance.

- 4.8. Minor design changes were submitted to the Council in June and July 2020 relating to loading bays and car club spaces, refuse and cycle storage, changes to one of the unit types in Building A and further information on the substation to address potential impacts on 50 and 51 Brook Avenue. The affordable housing offer was revised in September 2020 following consultation with the Council and an independent viability review by the Council's consultants. The revised offer comprised 40% affordable housing by habitable rooms (34% by units) with a tenure split of 49% rented and 51% intermediate. This resulted in the loss of 2 units to accommodate the revised affordable units, reducing the total number of homes to 454 units.
- 4.9. The officer's report³⁴ to the Council's Planning Committee on 26 November 2020 recommended that the committee resolve to grant planning permission subject to referral to the Mayor of London (Stage 2 referral) and the completion of a S106 legal agreement. The committee agreed with the recommendation and resolved to grant permission. A supplementary information report³⁵ was produced by the Council on 17 February 2021, correcting the provision of private external space against DMP Policy DMP19 following legal clarification. The correction did not alter the officer's recommendation and did not require the application to be referred back to committee.
- 4.10. The Mayor of London published his Stage 2 letter and report on 14 December 2020³⁶ which advised that the Council was free to determine the case itself subject to any action the SoS may take. The Planning Casework Unit wrote to the Council on 16 December 2020 advising them not to issue the decision until the SoS had decided whether to call-in the application for his own determination. The Council wrote to the SoS on 30 April 2021 to say that if the application was not returned for determination by the Council by 10 May 2021 that it would issue its decision to grant permission. The SoS issued a formal holding direction on 5 May 2021 to prevent the Council from granting permission and on 17 May 2021 the SoS formally called-in the application.

5. The Proposal³⁷

- 5.1. The development would comprise 5 buildings. The massing would step up from west to east. Buildings A and B would be 13 storeys (approximately 78m tall) and Building C would be 14 storeys (approximately 81m). Building D would be 17 storeys (approximately 90m) and Building E would be 21 storeys (approximately 102m). A 7 storey block would link Buildings D and E (approximately 60m).
- 5.2. Buildings A to D would be wholly residential. Building E would have 115sqm of commercial floorspace at ground floor level (Use Class E excluding E[b]) and 1,101sqm replacement TCA from ground to second floor. The remaining floors would be wholly residential. Of the 454 units, 58 would be studios, 162 would

³⁴ CD1.5

³⁵ CD1.6

³⁶ CD1.7

³⁷ Largely taken from SOCG Section 4

be 1-bed, 187 would be 2-bed, and 47 would be 3-bed (10.4% of the total)³⁸. 152 units would be affordable (33.4%) comprising 3 studio, 46 x 1-bed, 56 x 2-bed, and 47 x 3-bed (30.9%). As noted above, 40% of habitable rooms would be affordable split 49% London affordable rented and 51% intermediate shared ownership. The affordable units would be split across Buildings A to D.

- 5.3. The application site is long and narrow. Each building would be connected at ground floor level through a podium base slab. Gaps between each building would range between 18 and 22m. The ground floor would have residential units fronting onto Brook Avenue and covered car parking at the rear. There would be two access points into the car park at either end of the site. Cycle and refuse storage would be around the main entrance to each block.
- 5.4. Each building would reduce its massing part way up. Buildings A and B would reduce above the 6th storey, Building C above its 8th storey, Building D above its 11th storey, and Building E above its 15th storey. This would mean each building would step down to Brook Avenue.
- 5.5. Above the podium base would be a series of four garden areas between each building, lined by a semi-covered walkway along the front elevation. There would be an additional rooftop garden on top of the connecting block between Buildings D and E. There would be private amenity space for each unit in the form of balconies, private terraces, and gardens. Play space would be incorporated into the communal outdoor spaces and along the western boundary, as well as forming part of the public realm to Brook Avenue.
- 5.6. The public realm proposals seek to improve the pedestrian environment along Brook Avenue through incidental play space and landscaping. The primary frontage of Building E would be set back through the use of colonnades to allow more pedestrian space adjacent to Olympic Square. In total, 986sqm of new public realm would be provided and is intended to be accessible to all users and the public. The urban greening factor for the proposal compared to the existing site would be 0.3. Of the 3,033sqm of non-residential floorspace, 2,921sqm (96% of the total) would achieve a BREEAM score of 'Excellent'. This comprises the whole of the TCA space and excludes the commercial unit.
- 5.7. The development would involve the loss of 94 car parking spaces associated with the existing station car park. 12 of those spaces are for blue badge holders and would be re-provided within the development. The 42 car parking spaces for the existing TCA would be replaced with 40 spaces for the new TCA facility including 2 disabled spaces. The residential units would have 14 disabled spaces (which equates to 3.1% of the total units).

6. Other Agreed Facts

- 6.1. SOCG Section 7 (Housing). In terms of the principle of development, the parties agree that the application is consistent with the national, regional and local policies which expect higher density developments to be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. The application site is a location with these specific characteristics and it is agreed that substantial weight should be

³⁸ See corrected figures in SOCGa

given to the optimisation of this site, the use of an under-utilised car park site, and the use of locations next to stations for housing.

- 6.2. With regard to housing delivery, the parties agree that significant weight should be given to the viable use of a suitable brownfield site for a significant number of homes including the level of affordable housing proposed. It is agreed that the mix of homes is acceptable and appropriate for this site and responds to local need. This includes the proportion of family accommodation.
- 6.3. It is agreed that the CS planned for a minimum of 11,200 homes across the borough between 2007-2017. The LP has more than doubled the 10 year target to 23,250 for 2019-2029 or 2,325 homes per year. The CS seeks 11,500 homes in the Wembley Growth Area between 2007-2026 whereas the LP seeks at least 14,000. While the Government's Housing Delivery Test results for 2020 reveal that the Council delivered on average 120% of its minimum requirement, this equates to an average of 1,784 homes over the three-year period from 2017. Between 2012 and 2017, the average annual housing delivery was 1,050 homes.
- 6.4. SOCG Section 8 (Design). The parties agree that a collaborative and rigorous approach has been undertaken to achieving a well-designed place. It is agreed that the design has responded to the advice received by the design review process.
- 6.5. The parties agree that the character of the site is informed by existing tall buildings including Matthews Close, the Premier Inn, Wealdstone Court and Pearce House. It is agreed that recent planning consents, as well as existing tall buildings, now provide the context for the assessment of the site's appropriateness for tall buildings. It is agreed that Map 4.4 should be read in the context of the WAAP as a whole and in particular paragraphs 4.22, 4.23, 4.56 and 4.57 and the DBLP which identifies the site as appropriate for tall buildings.
- 6.6. The parties agree that, following an assessment of the impact of the proposed heights on protected views of the stadium, buildings in excess of ten storeys to the west of the application site are acceptable. It is agreed that it is appropriate to step up in height to the east, towards the station, up to 21 storeys. It is agreed that the DBLP Tall Building Zone allocation across the application site and Policy BCSA7 can be given significant weight due to their advanced stage of preparation and the fact that there were no objections raised to these policies in respect of the application site through the local plan review. It is agreed that greater weight should be given to the DBLP for the purposes of the objectives of LP Policy D9(B)(3).
- 6.7. The parties agree that the application responds to the site-specific constraints and opportunities and responds positively to key views³⁹ including the view from Barn Hill towards the stadium. It is also agreed that the development would be visually attractive as a result of good architecture, layout and landscaping, would establish and maintain a strong sense of place, and would create a place that is safe, inclusive and accessible. The development would create a coherent built form with slender and elegant buildings to define a

³⁹ The HTVIA contains a number of viewpoints (CD1.1 Document 18)

regenerated and enhanced site linked to Wembley Park Station and town centre.

- 6.8. The parties agree that Building E would provide a distinctive, high quality design and a landmark structure. The façade of the building has been developed to express its elegant proportions, with interventions to express its mix of uses and to respond to its location, orientation and context. The composition and stepping of the buildings would have a positive environmental impact, allowing good daylight and sunlight into the new homes and external courtyards, responding to the prevailing acoustic levels and helping to create calm wind conditions. There would be high levels of natural surveillance through the use of active frontages and properties overlooking communal/play spaces. Entrances, uses and frontages would be legible.
- 6.9. It is agreed that high quality materials would draw inspiration from the local historic context and that crafted details would endure over time. Appropriate colour and treatment of the buff brick and brick banding could be secured by condition, along with details of balcony undersides and under crofts differentiated between the buildings.
- 6.10. The parties agree that there would be no single aspect north facing units, and 72% of units would be dual or triple aspect. Single aspect units would be generally east or west facing to avoid overheating or lack of direct sunlight. The development would mostly have no more than 8 units accessed per core and the units would adhere to minimum internal space standards for new homes. All buildings would achieve the separation distance of 18m between habitable windows. Most units would have an outlook significantly more than 9m and screening could be provided for two flats across floors 3 to 6 of Building E where the distance would be less.
- 6.11. The parties agree that the Council's policies on amenity space (DMP19 and BH13) should be read alongside LP Policy D6. The latter requires 2,634sqm of private amenity space whereas the former requires 10,490sqm. The development would provide 5,025sqm which is a surplus of 2,391sqm against LP Policy D6 and a shortfall of over 5,000sqm against the Council's policies. It is agreed that the shortfall against Council policy is acceptable as the amenity space has been reasonably maximised across the development, the proposal is a site allocation within a town centre setting, the quality and variety of amenity space would be very high and be of sufficient size and type, the public realm would be enhanced, and a S106 contribution would be secured to improve wayfinding to local parks.
- 6.12. It is agreed that the public realm has been maximised and is reasonable for a scheme of this size and setting. There would be only a minimal shortfall against play space requirements and the site is within 0.4-0.7 miles of parks and open spaces. There would be a good level of urban greening and a net gain of 13 trees across the site and street frontage. It is agreed that the site has a very low biodiversity value and that there would a biodiversity net gain of 1,360% due to planting and amenity space.

- 6.13. The parties agree that the BRE guidelines are the relevant guidelines for assessing daylight and sunlight and that the applicants' report⁴⁰ assesses the development against these guidelines. It is agreed that the flats and amenity spaces generally would have very good outlook and light. It is agreed that a flexible approach needs to be taken to applying the guidelines in accessible urban locations. It is agreed that current neighbouring daylight and sunlight levels cannot reasonably be expected to be maintained as the area continues its regeneration and housing delivery. It is agreed that the effects of the development are acceptable in terms of light to neighbouring properties (as outlined below).
- 6.14. For daylight, the BRE guidelines look at Vertical Sky Component (VSC) measured at the mid-point on the external face of a window serving a habitable room. As it only measures the availability of light from the sky to a spot on the external window it does not take into account window or room size or use. The No Sky Line (NSL) approach is normally undertaken alongside VSC and measures internal daylight distribution and identifies those areas within a room where there is direct sky visibility.
- 6.15. The BRE guidelines state that if the VSC with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of light. For NSL, if the area of room receiving direct sky light is reduced to less than 0.8 its former value, this would be noticeable to occupants.
- 6.16. It is possible to also use a supplementary radiance based assessment known as Average Daylight Factor (ADF) which determines the level of interior illumination based on a more detailed set of factors and variables. The recommended minimum ADF for rooms ranges from 1% for bedrooms and 1.5% for living rooms to 2% for kitchens. ADF is normally only carried out where VSC and/or NSL results are poor and where existing features such as balconies already inhibit light⁴¹.
- 6.17. For sunlight, the BRE guidelines recommend checking the main window of each room that faces within 90 degrees of due south. The existing and proposed annual probable sunlight hours (APSH) can be derived for different points of the year. If the centre point of a window receives in the year less than 25% APSH, including at least 5% APSH during winter months (21 September to 21 March), and less than 0.8 times its former sunlight hours during either period, then that window may be adversely affected.
- 6.18. For overshadowing (sun hours on the ground) of external spaces, the BRE guidelines stipulate that, for a space to appear adequately sunlit throughout the year, at least 50% of the space should not be prevented from receiving two hours of sun on 21 March.
- 6.19. For Wealdstone Court, it is agreed that, while the development would fall below BRE guidelines for VSC, reasonable retained levels of NSL would be achieved due to gaps between the proposed buildings. Existing daylight to the front of Wealdstone Court is affected by balconies overhanging windows that

⁴⁰ CD1.1 Document 11 and also appended to APP3

⁴¹ ID03 response to Questions 36, 40 and 41

are also partly enclosed by solid and translucent panels. The rooms are already poorly lit and require artificial illumination. However, the ADF loss is unlikely to be materially perceptible at around 0.1% and would make little or no difference to the pattern of use or the way in which residents enjoy the rooms. Only secondary side windows would see any reduction in sunlight.

- 6.20. For Pearce House, it is agreed that, while the development would fall below BRE guidelines for VSC, the effects on NSL would be minor adverse. The ADF loss is unlikely to be material at around 0.2% and would make little or no difference to the pattern of use or the way in which residents enjoy the rooms. Only secondary side windows would see any reduction in sunlight.
- 6.21. For Nos 26-28 Brook Avenue, it is agreed that VSC levels would fall below BRE guidelines. However, NSL results indicate that most rooms would retain over 80% of existing sky visibility. Only secondary side windows on bay windows would see any significant reduction in sunlight.
- 6.22. For 25 Brook Avenue, it is agreed that VSC levels would fall below BRE guidelines. NSL results for some of the bedrooms would be below the guidelines but the primary living/dining/kitchen space would remain above 80% for NSL. There are no side windows and so sunlight assessment has not been necessary.
- 6.23. For 23 and 24 Brook Avenue, it is agreed that VSC levels would fall moderately below BRE guidelines but there would be negligible effects on NSL. There are no side windows and so sunlight assessment has not been necessary.
- 6.24. For 21 and 22 Brook Avenue, it is agreed that all windows would comply with BRE guidelines for VSC and NSL and sunlight, or the effect would be no worse than minor.
- 6.25. For 51 Brook Avenue, it is agreed that the south-east elevation facing the site contains two secondary windows. Whilst there would be VSC levels below BRE guidelines for these windows, all other windows/rooms comply with the guidelines for VSC and NSL, with only a negligible effect on sunlight.
- 6.26. It is agreed that the rear gardens to 50 and 51 Brook Avenue fall short of BRE guidelines for sun on the ground on 21 March, although the garden at No 50 would be over 50% sunlit on 21 June. It is agreed that these gardens are orientated north and are restricted in the amount of direct sunlight received.
- 6.27. For Smith House, it is agreed that, whilst a relatively small number of windows would fall below BRE guidelines for VSC, these windows either serve bedrooms which are less sensitive or living/dining/kitchen spaces that have multiple other windows. NSL effects would be negligible and limited to one room. It is agreed that all of the windows and rooms assessed at Best House would comply with BRE guidelines.
- 6.28. Overall, it is agreed that the daylight, sunlight and overshadowing effects are acceptable when weighed against the benefits that the development would bring to the area. In addition, it is agreed that the assessment results demonstrate that the development has been reasonably optimised and is comparable with other nearby schemes of a similar scale/density and so is considered to accord with DMP Policy DMP1 and LP Policy D6.

- 6.29. SOCG Section 9 (Historic Environment). The parties agree that the existing buildings on site do not make a positive contribution to the significance of any heritage assets in the surrounding area and that the site does not contain any heritage assets. It is agreed that the development would have no impact on any non-designated heritage assets and that there is no need for any archaeological conditions.
- 6.30. It is agreed that the development would not impact on any listed buildings or their settings and there would be no conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is agreed that there is no statutory duty relating to the setting of conservation areas and therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged.
- 6.31. It is agreed that the development would have no impact on the setting, character and appearance of conservation areas save for those views identified by the Council in Section 11 of the SOCG (Views 3 and 6). Both views are seen in the context of other tall buildings in the Wembley Opportunity Area. It is agreed that the development would not cause any substantial harm to the significance of any designated heritage assets.
- 6.32. It is agreed that Building E would assist in wayfinding to Wembley Park Station, would not affect protected views of the stadium, and would be subservient to the emerging and permitted Fulton Quarter development across Bridge Road (25 storeys). It is agreed that the buildings would generally enhance the townscape views of the site.
- 6.33. SOCG Section 10 (Other Matters). The parties agree that the existing TCA would be replaced and modernised for up to 264 employees, with office, café and other welfare facilities and a BREEAM Excellent rating. The new commercial unit would increase job opportunities and could accommodate a range of occupiers. It would represent an overall improvement to the function and vitality of Olympic Square and add to the town centre retail provision. It is agreed that significant weight can be given to the economic benefits of the proposal, having regard to NPPF paragraph 81.
- 6.34. The parties agree that the development will be 'car-free' save for staff and disabled parking, with car club membership, S106 contributions towards bus service improvements and a potential CPZ, and significant cycle storage capacity all helping to encourage sustainable travel patterns. It is agreed that the loss of the public car park is acceptable and that the servicing strategy and capacity are sufficient. The level of vehicle and cycle parking and electric vehicle charging points is policy compliant.
- 6.35. It is agreed that the basement construction is acceptable. The impact of the development on air quality, noise, microclimate, energy and sustainability would be acceptable subject to following recommendations in the relevant technical report. Sustainable drainage techniques would be incorporated to reduce surface water drainage rates.
- 6.36. SOCG Section 12 (Public Benefits). The parties agree that the development would deliver significant public benefits that weigh heavily in favour of granting planning permission. These benefits comprise the redevelopment of a brownfield site, the delivery of a significant amount of new housing including

affordable units, new commercial floorspace, new TCA floorspace, biodiversity and landscaping enhancements, and new employment opportunities during construction and operational phases. The development would also improve the public realm, encourage sustainable modes of transport, deliver high quality contemporary design, and contribute around £6.8m towards Mayoral and Brent Community Infrastructure Levy (CIL) funds. The weight to be given to material considerations in terms of the NPPF and other matters is set out in SOCG Section 13.

- 6.37. The parties agree that the development does not raise any issues of national significance warranting call-in. The application was found to be acceptable at a local level by the Council and at a strategic level by the GLA.

7. The Case for the Applicants⁴²

Introduction

- 7.1. The development of 454 homes (40% affordable), commercial floorspace, and 1,100sqm TCA would be delivered on what is indisputably an ideal site for sustainable new development that embodies all of the key virtues that lie at the very heart of the SoS's aspirations for new development: use of a brownfield site; use of a carpark; use of a site immediately adjacent to a London underground station served by no less than two lines, along with a wide range of interconnecting bus services, giving the main part of the site a PTAL score of 6a; delivery of all of this new housing as "car-free" (as the LP requires) as this is a site which is truly accessible to all required amenities and services without people having to resort to a car.
- 7.2. The scheme has followed an exemplar process of design evolution and review to produce a design of the highest quality and has been extensively considered and endorsed by the MDA, the Design Council, the Council, and the GLA. The site is within an Opportunity Area and Housing Zone in the LP which focus on the delivery of new housing and mixed-use development. The development would be at the heart of Wembley next to Wembley Park Station and an area that has been transformed as the Council's main focus for growth. The site is also allocated in the DBLP and is part of a tall building zone where buildings up to 102m are appropriate and there are already tall buildings.
- 7.3. The outstanding design would transform the public realm next to the station from a very poor streetscape to a lively, high quality and well-designed space. There would be active frontages and south facing courtyards and amenity space. The architectural detailing has been thought through. The buildings would respect their neighbours to the south with carefully located gaps and step down to the west. The optimisation of the site has avoided adverse impacts in terms of living conditions for existing and future residents and the character and appearance of the area including impacts on heritage assets.
- 7.4. The only point of difference with the Council relates to the effects on views from Barn Hill and Lawns Court Conservation Areas. The applicants consider there would be no harmful effect. Whilst the Council considers there would be some very limited harm to the conservation areas because the new buildings

⁴² Largely taken from the applicants' closing submissions (ID16)

would be visible to a limited degree, the Council is clear that the harm is at the bottom end of less than substantial and the benefits clearly and demonstrably outweigh such harm in any event.

- 7.5. The proposal would deliver sustainability benefits through car-free development, a very significant biodiversity net gain of 1,360% along with high quality design such as 72% dual aspect homes and amenity space in excess of LP requirements. The proposal cries out for approval. It is hard to think of a better flagship development, having received exemplar design review and been subject to exacting standards and scrutiny by the Council and GLA when endorsing it for approval. It is a proposal that the SoS will undoubtedly want to approve without delay.
- 7.6. There is no good reason why the application was called-in by the SoS for his own determination. It is mystifying and concerning in equal measure. None the less so for the explanation given at the inquiry by Councillor Maurice that the MP who requested call-in (and who did not contribute to the inquiry) has not done so in respect of any impact of the scheme on his constituency but because he lives nearby. The scheme attracted extremely low levels of objection; 700 households were notified and fewer than 15 objections were received. Only two local residents made representations at the inquiry.
- 7.7. If the SoS is to hold good his statement⁴³ that boroughs should be empowered to decide where to locate tall buildings, which is precisely what the Council has done here in resolving to approve the scheme, then it is critical that this resolution is not interfered with here. It is regrettable, at a time of national housing crisis and the clear emphasis on optimisation or maximisation of urgent delivery of new housing from sites of this kind, that this development has been delayed at all. But now that it has been called-in, this marks a clear opportunity for the SoS to put the many words of policy into simple action to encourage delivery of such high quality schemes by granting permission.

The Statutory Framework

- 7.8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) and Section 70(2) of the Town and Country Planning Act 1990 (the 1990 Act) requires this application to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.9. The LP is the most recent and up-to-date part of the development plan. In contrast, the various elements of the adopted local plan are not, particularly in respect of an area of such rapid and dramatic change as Wembley. The WAAP is already 6 years old and the evidence base document for tall buildings⁴⁴ dates from an assessment done in 2012. The maps and assessment work used for that document pre-date the existence of taller buildings on Brook Avenue⁴⁵ (now at Matthews Close, Wealdstone Court and Pearce House) and at a time when the application site was not even being considered for potential redevelopment. Nevertheless, the principles in the 2012 document if applied to

⁴³ CD4.1.13

⁴⁴ CD5.11

⁴⁵ APP2 and ID03 response to Question 3

the site provide a very strong endorsement of its suitability to accommodate tall buildings⁴⁶.

- 7.10. The Council has been seeking to update its local plan through the DBLP which includes site allocation policy BCSA7 and a natural and obvious extension of the Tall Building Zone to cover the site. No-one has duly objected to the extension of the zone in the DBLP which is hardly surprising given the tall buildings principles and context that apply to Wembley.
- 7.11. It is important to identify the different components of any development plan for the purposes of the 2004 and the 1990 Acts. The reason for this is clear from what has been established by law and recently restated by the Court of Appeal in *R(Corbett) v Cornwall Council* [2020] EWCA Civ 508. This was a case where a proposal conflicted with development plan policies in terms of landscape protection but there were other policies which encouraged the development. The Court of Appeal disagreed that conflict with the landscape policies necessarily meant there was conflict with the development plan as a whole. The court cited and endorsed the principles in *R v Rochdale MBC ex parte Milne* that it is not unusual for policies to pull in different directions but the statute requires an assessment of the development plan as a whole.
- 7.12. That principle applies with even greater force where the development plan is a composite of a number of documents dating from different times where the weight to be attached to policy elements will be affected by how up-to-date such policies are compared with other elements of the plan. The question of whether the proposal accords with the development plan is not one that should be judged by testing whether the proposal meets each and every policy in the plan, but whether the proposal accords with the development plan as a whole taking all of the policies and recognising that a proposal may conflict with some and be supported by others. Where any conflict is identified, then proper judgments have to be made as to the nature and extent of any such conflict, along with judgments as to the weight to be given to any conflict bearing in mind other policy support or the date of the policy in question.

The extent to which the proposed development is consistent with the development plan for the area

- 7.13. In accordance with *Corbett*, this question is one that can only be answered by considering the full range of policies in the development plan and its constituent elements. This has been covered by the GLA, the Council, the SOCG and the evidence of Mr Ford⁴⁷. The answer is an overwhelming yes when one considers the whole thrust of the development plan as a whole.
- 7.14. Starting with whether the development is the most appropriate use of the site, the answer is clearly yes. The use of a car park site in an Opportunity Area, Housing Zone and Growth Area, adjacent to Wembley Park Station and District Centre, fully accords with LP Policies SD1, SD6, GG2 and H1 (including Table 2.1) and CS Policies CP1, CP7 and CP16. This is supported by other material

⁴⁶ ID03 response to Question 3. See also CD5.11 pages 63, 65, 86, 95 and 100.

⁴⁷ APP5

considerations in the form of the NPPF, SoS pronouncements⁴⁸, and DBLP Policies BP1, BCGA1 and BCSA7.

- 7.15. There has been some focus on the scheme in relation to WAAP Policy WEM5 and Map 4.4 in relation to tall buildings and a question of whether there is compliance with this part of the WAAP when read as a whole. The applicants maintain that the proposals comply with the WAAP including Policy WEM5 when the WAAP is read as a whole. It is accepted that Map 4.4 locates the site within an area shown as 'inappropriate' for tall buildings and so there is apparent conflict with the map if read in isolation. However, such isolated reading is not justified for the following reasons:
- a) Map 4.4 is not a policy or expressed as such. Policy WEM5 is articulated as a permissive policy in its own terms and identifies that tall buildings 'will be acceptable in a limited number of locations within the WAAP area'. It does not state the obverse that tall buildings will not be acceptable in any location shown as inappropriate which it could have done if it were intended to be a restrictive policy.
 - b) Policy WEM5 then deals with tall buildings in areas designated as appropriate or sensitive before stating that 'any application for a tall building within Wembley will be required to submit a 3D digital model in a format specified by the Council'. It therefore specifically contemplates applications for tall buildings in the wider area of Wembley. There is no blanket restriction on proposals outside of the appropriate or sensitive areas.
 - c) The application meets the first part of Policy WEM5 in terms of being of the highest architectural quality.
 - d) It would be wrong to treat Map 4.4 as bring more restrictive in principle. The origins of Map 4.4 is based on the 2012 Tall Buildings document which is static in nature and contains no site specific assessment of sites like the application site. To the contrary, the principles it expresses are strongly supportive of the principle of tall buildings in this location. Map 4.4 was rolled into the WAAP without update notwithstanding the changes since 2012. The Council is able to consider applications for tall buildings in areas shown as inappropriate but judged against the architectural quality and 3D models as stipulated by Policy WEM5.
 - e) Other sites⁴⁹ within areas shown as inappropriate have since received planning permission for tall buildings as the Council conclude they would accord with the development plan as a whole.

⁴⁸ See CD4.1.12 (where the SoS as part of his March 2020 letter on the then draft LP required the Mayor of London to maximise housing delivery in London and actively encourage appropriate density, including optimising new capacity above and around stations), CD4.1.13 (where the SoS states there is clearly a place for tall buildings in London especially where there are existing clusters and that boroughs should be empowered to choose where tall buildings are built within their communities), CD5.4 page 18 and paragraph 1.53 (where the Housing White Paper seeks to maximise the contribution from brownfield and surplus public land and promotes higher density housing in urban locations well served by public transport such as around railway stations and CD5.5 paragraph 5.7 (where the Planning White Paper seeks to make better use of surplus public sector land).

⁴⁹ See APP2 paragraph 6.14 and figure 1, and the response to question 22 in ID03

- f) A restrictive approach to Policy WEM5 and Map 4.4 is not only contrary to the language used but contrary to the principles expressed in the WAAP as a whole which identify the virtues of development in this location (see for example paragraphs 4.21, 4.22, 4.23, 4.56 and 4.57) as well as the LP, the CS and national policy.
- 7.16. Even if the proposal is treated as being in conflict with Policy WEM5 and Map 4.4, that would not mean it is in conflict with the WAAP as a whole, let alone the development plan as a whole. That assumption would conflict with *Corbett*. Any conflict would be outweighed by strong policy compliance with the WAAP generally. Any conflict with Map 4.4 should be given very limited weight due to the age and status of the underlying evidence base and the new requirements for housing that Brent faces (described as challenging by Mr Lewin from the Council and difficult to meet by Mr Ford). The site plays an increasingly important role in that context, where the WAAP is now inherently out of date.
- 7.17. Even if there is assumed to be conflict with the WAAP as a whole, that does not mean conflict with the development plan as a whole. To the contrary, there is clear and overwhelming compliance with the LP regarding growth areas, housing zones and the principle of using sites of this kind, along with other policies in the local plan such as the CS, that support optimisation and maximisation of this site for development including tall buildings.
- 7.18. To the extent that there is any perceived conflict with LP Policy D9 due to the identification of sites suitable for tall buildings in the local plan by reason of Map 4.4, any such perceived conflict is strongly outweighed by the age and origin of Map 4.4, in contrast to the detailed assessment of the suitability of the site for a tall building against the principles in both the 2012 Tall Buildings document and now the 2019 Tall Buildings Strategy⁵⁰ that has been produced by Brent, along with the detailed assessment⁵¹ of the suitability of the tall buildings proposed in this particular instance against Part C of Policy D9.
- 7.19. That assessment has been endorsed by the GLA and the Council. The whole point of LP Policy D9 as identified by the SoS's direction⁵² to the Mayor to amend it, was to ensure boroughs are able to determine where tall buildings are located. The Council has determined that the application site should be one such location, not simply through promoting DBLP Policy BCSA7 but also by resolving to grant planning permission.
- 7.20. Even if it were concluded that any conflict with Map 4.4 rendered the proposal in conflict with the development plan as a whole, that would only address the first part of Section 38(6) of the 2004 Act. It would then be necessary to consider whether other material considerations indicate that development should nevertheless be granted. There is a long and overwhelming list of such considerations⁵³, including the requirement of national and emerging policy and the weight to be attached to these requirements, but also the benefits the proposal would deliver that would clearly and demonstrably outweigh any development plan conflict.

⁵⁰ CD5.14

⁵¹ APP1, APP2 and APP5

⁵² CD4.1.13

⁵³ APP5 and the SOCG

- 7.21. With regard to the emerging development plan and the issue of compliance with DBLP in terms of Policy BCSA7 and the height of buildings within the site, it is worth referring again to the principles of *Corbett* and the need to read the policies in a plan as a whole and apply them with common sense.
- 7.22. BCSA7 refers in its design principles to buildings up to 10 storeys being acceptable, stepping up slightly adjacent to the station. The applicants consider that the proposal, which provides buildings that start at 13 storeys and move up to 21 storeys next to the station, is consistent with those principles for the following reasons:
- a) BCSA7 has to be read with DBLP Policy BD2 on tall buildings. Supporting paragraph 6.1.15 explains that the heights identified for tall buildings in the Tall Building Zones and site allocations are based on a high level of analysis rather than considering a detailed building design as was the case for BCSA7. Thus, they only indicate heights likely to be generally acceptable, not limits. The paragraph explains that there may be circumstances where the design quality and its impact is such that taller buildings could be shown to be acceptable. The applicants have produced such evidence and so there is no conflict with BCSA7 read with Policy BD2.
 - b) Mr Lewin of the Council accepted that the reference to up to 10 storeys should have been deleted anyway, as the site is allocated for 456 homes and this now forms part of the soundness of the Council's housing trajectory and strategy. BCSA7 would not have been written today in the same way.
 - c) Limiting buildings to 10 storeys would make no logical sense because one could not deliver the specified capacity and the policy would become internally contradictory. 10 storeys is identified as a building of 30m yet the site is allocated in the Tall Building Zone for buildings over 30m in height (therefore necessarily over 10 storeys).
 - d) The design principles need to be read with the wording at the end which refers to "all subject to impact on protected views of the stadium" so specifically contemplating assessment of schemes by reference to that principle rather than an arbitrary and unjustified height limit of 10 storeys with slight stepping up.
- 7.23. For the reasons identified by Mr Ford⁵⁴ in line with NPPF paragraph 48, significant weight can be attached to Policy BCSA7, Policy BD2 and the Tall Building Zone given the stage reached for the DBLP and the lack of objections to the allocation of the site within the zone and for tall buildings in principle.
- 7.24. Therefore, the applicants advise that the proposals comply with the development plan as tested against the principles in *Corbett*. That is an assessment carried out against the full range of policies, not simply those relating to tall buildings. The policy support is overwhelming. Even if any conflict of any kind is said to arise, that is clearly and demonstrably outweighed by other material considerations including national and emerging policies and the many planning benefits.

⁵⁴ APP5

The extent to which the proposed development is consistent with Government policies for achieving well-designed places

- 7.25. The proposal complies to the fullest extent with such policies. All of the applicants' witnesses have considered this in terms of architecture and design, townscape and character and appearance, amenity, and accessibility. More detailed elements have been the subject of the Inspector's questions and answers⁵⁵. The following is a high level summary of some of what has been achieved and its importance.
- 7.26. Given the importance of a design-led approach and consultation and scrutiny by design experts and the Council (see NPPF paragraphs 126, 132 and 133), it is difficult to overstate the importance of the exemplary design process. Witnesses were unable to identify any scheme that has been through a more intensive design review and scrutiny⁵⁶. It is not just the rigorous process but also the result which has led to an evolved scheme that has been endorsed by all of the experts and has created high quality, beautiful and sustainable buildings.
- 7.27. As a result of that process, the scheme has been thoroughly tested for compliance with relevant design codes (Design Guide SPD1 as well as the 10 key objectives in the National Design Guide and National Model Design Code) along with the LP requirements of good design⁵⁷. That includes the detailed appraisal of the scheme as a tall building against the requirements of LP Policy D9 Part C⁵⁸. All aspects of design were the subject of detailed scrutiny in the Council's committee report⁵⁹ as is now reflected in the SOCG.
- 7.28. It has been ensured that the scheme will function well and add to the overall quality of the area for the lifetime of the development. It will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It will be sympathetic to local character and history including the surrounding built environment whilst not preventing or discouraging appropriate innovation or change such as increased densities. 454 homes would be delivered whilst drawing on the local vernacular in terms of materials, with great care placed on detailing and form and great emphasis on the public realm and amenity spaces throughout.
- 7.29. It will establish a strong sense of place for this part of Brook Avenue, particularly through the use of the podium, generous gaps between buildings, the enhanced streetscape, well-designed and accessible amenity spaces, residential street frontages, the promotion of cycling, and creating an attractive, welcoming and distinctive place to live, work and visit. It will improve the experience of walking along Brook Avenue and stimulate the reactivation of Olympic Square.
- 7.30. It will optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and would support local facilities and the transport network. It will create places that are safe, inclusive and

⁵⁵ ID03

⁵⁶ APP1 Section 3 and Appendices 3 and 4

⁵⁷ APP1 Section 4.2 addresses LP Policy D3

⁵⁸ APP1 Section 4.3 and APP2 Section 10

⁵⁹ CD1.5

accessible which promote health and well-being, with a high standard of amenity for existing and future users and where crime has been designed out. Trees have been incorporated into the design within the amenity spaces and along the street, with an overall net increase.

- 7.31. It will comply with both limbs of NPPF paragraph 134 because (a) it would reflect local design policies and government guidance on design, taking into account local design guidance and SPD as well as national principles and (b) it proposes outstanding design which will promote high levels of sustainability as well as raising the standard of design more generally in the area, fitting in with the overall form and layout of its surroundings.
- 7.32. The care and thought given to every element of the development was explained orally by Mr Jamieson as part of the design evolution process. Dr Miele and Mr Ford explained how it represents outstanding design in policy terms⁶⁰. It comes from the overall package, not by a design which seeks to stand out in an obtrusive way, but by outstanding design which enhances the area in various facets of high quality, be it sustainable car-free development, the close attention to architectural detailing and layout (with the careful response to the station as well as other properties on Brook Avenue), to the delivery of very high quality housing with wonderful amenity areas. It will be a superb development to lift this area and truly merits the label outstanding. This is the sort of scheme which epitomises what the Government wants to achieve with optimisation of sites with high quality buildings and places.

The extent to which the proposed development is consistent with Government policies for housing

- 7.33. The proposal is entirely consistent with these policies for the reasons analysed principally by Mr Ford but also Mr Jamieson in terms of the quality of design and Mr Kidd with regard to sunlight, daylight and overshadowing⁶¹. It will significantly boost the supply of homes in the Opportunity Area, Growth Area and Housing Zone on a brownfield, publicly-owned car park in exactly the way the Government is seeking.
- 7.34. Of the 454 homes, 152 would be affordable at 40% of the total. The delivery of affordable housing, tested against the principles of viability, would meet both LP policy requirements and those in the local plan. It is difficult to overstate the importance of the delivery of such a large amount of affordable housing. The applicants are dedicated to the delivery of housing. TfL is doing its best to do what the Government and the Mayor of London have requested to release publicly owned sites for housing. The applicants have optimised its use. Permission must be granted as soon as possible to prevent any further delay in delivery. Substantial weight must be attached to this delivery.
- 7.35. The size, type and tenure of housing have been carefully considered and are entirely appropriate for this location. All of the housing would be car-free due

⁶⁰ APP2 and APP5

⁶¹ APP1, APP3 and APP5

to the site's location next to an underground station and bus network. There is no better example of sustainable urban living than this scheme where people can genuinely use walking, cycling and public transport for all their needs. It is right that the site is optimised for exactly that purpose.

The extent to which the proposed development is consistent with Government policies for conserving and enhancing the historic environment

- 7.36. The application complies in full with these policies. Following the relevant NPPF paragraphs will ensure the statutory obligations in respect of listed buildings and conservation areas will be met. There is no dispute that any listed buildings or their settings are adversely affected. Great care has been taken to protect the view of Wembley Stadium from Barn Hill with Building E reduced in height from an initial 30 storeys. The building will sit within the arch of the stadium in that view, not as tall as consented development (the Fulton Quarter) and in a context where development is expected around the stadium.
- 7.37. The only point of difference with the Council in relation to heritage assets concerns the two conservation areas at Barn Hill and Lawns Court. The applicants consider there would be no harm to the significance of either⁶². In terms of Lawns Court, the conservation area appraisal identifies views to the south across the road but does not identify views towards the application site as of any significance. From the only point where there would be any meaningful visibility of the development, one is standing with one's back to the conservation area buildings. It is hard to discern the proposed buildings in View 6. Even if seen, that does not equate to harm. It is impossible to see what harm can result to this conservation area from any such visibility.
- 7.38. Regarding Barn Hill, the Council's officer accepted that his concerns relate to one very limited area of view from within the conservation area at View 3B which will be limited in extent. The concern is that the buildings would change the skyline. Even then, the Council accepted that the harm would be on the lowest rung of less than substantial harm.
- 7.39. The buildings would be seen clearly in that view and there would be a change to the skyline. However, it is wrong to treat that change as harmful, let alone harmful to the significance of the conservation area. The WAAP is an area allocated for development. There is contrast between the conservation area and the AAP area and people will be able to distinguish between the two. The buildings would be of high architectural quality and would create further legibility, marking both the railway and station around which the Metroland area was originally designed. The applicants consider that the buildings would enhance the view. Even if one takes a contrary view, it is impossible to see how any material harm results to the significance of the conservation area as a whole. This is but one small element of views from the conservation area and one small part of the kinetic experience overall which would be left intact.
- 7.40. Even if harm is considered to arise for the purposes of NPPF paragraph 199, it is harm at the lowest end of the spectrum. As the Council recognises, that

⁶² APP2 Section 8 contains details of the assessment for each conservation area and refers to the HTVIA regarding visual impacts

harm would be outweighed by the benefits of the scheme for the purposes of NPPF paragraph 202.

Other matters raised by the Inspector: parking and highway safety

- 7.41. There is no concern raised by the GLA or the Council in their respective roles as strategic or local highway authorities whether in terms of parking, effects on the highway network, or highway safety. The scheme has been thoroughly tested against policy requirements in all transportation respects. What should not be lost is how sustainable this site and scheme would be. The site is so well served by public transport that not only can it be car-free but the LP requires it to be so. National policy seeks to reduce the need to travel by car.
- 7.42. There are concerns from a very limited number of objectors relating to the effects of the loss of car parking from the site. These concerns arise from a basic misunderstanding of the work carried out to assess car park usage as well as the aspirations of policy.
- 7.43. Analysis of the existing car park's usage has been ascertained from surveys in 2018 and February 2020⁶³. Neither survey was affected by Covid 19 and both provide reliable evidence. The car park is predominantly used by those in the nearer urban area who drive to get closer to the Underground network and then use those services. Policies seek to discourage this sort of activity and encourage people not to use cars for the first part of their journey. This is coupled with the strong emphasis on using car parks in highly sustainable locations such as this for new housing.
- 7.44. The Transport Assessment⁶⁴ and Mr Rust's evidence⁶⁵ show that the removal of car parking would not have any detrimental effects on the highway network. To the contrary, it would reduce car movements in and around the surrounding streets and encourage further public transport use. Those with disability requirements would have the benefit of retained blue badge spaces. LUL staff travelling to work before the network opens would continue to have parking spaces. Any concern about the displacement of parking onto local streets can be addressed by consultation about the introduction of a CPZ in the area. Funding for such consultation is being provided and is necessary to assess whether a CPZ is favoured.
- 7.45. In addition, Brook Avenue would be enhanced and become more attractive to pedestrians and cyclists. There would be no harm to highway safety, only a potential improvement by reducing car usage. A car club space would be provided which would operate in conjunction with other car club spaces in the area. Further spaces could be provided in the future as necessary. Far from any transport issue arising, the evidence strongly supports this scheme as a highly sustainable proposal that would support the key aspirations of Government policy.

Other matters raised by the Inspector: living conditions

⁶³ APP4 Section 4

⁶⁴ CD1.1 Document 27

⁶⁵ APP4 and ID03 Questions 47-61

- 7.46. The living conditions of occupiers of neighbouring properties has been fully considered in the application process and by the GLA and the Council in endorsing the proposal. The application has been supported by a comprehensive analysis of all relevant neighbouring properties in terms of effect on daylight, sunlight and overshadowing by reference to the BRE guidelines⁶⁶. The results have been provided and considered by the applicants, the GLA and the Council to be acceptable.
- 7.47. The BRE guidelines do not impose rules. NPPF paragraph 125(c) emphasises the importance of flexibility in the context of optimising sustainable sites. The same point is made for London in the Mayor's Housing SPG⁶⁷ at paragraph 1.3.45. Principle 5.1 of SPD1 supports the use of the guidelines but does not suggest they are applied as rules. Paragraph 1.6 of the guidelines themselves identifies the importance of flexible application.
- 7.48. Where any of the guideline measures are 'breached', professional judgment as required by the guidelines has been applied to consider whether any such break shows an unacceptable result. This has included, where applicable, performance of further testing to understand better the picture. The ADF assessments for Wealdstone Court and Pearce House reveal the breaches are in fact technical and the reality is that any changes in daylight would be imperceptible. The results are a consequence of the existing design of those properties rather than any material impact from the scheme.
- 7.49. The results show how well the scheme has been designed, with the main gaps between the buildings looking towards these existing buildings. There has been no need to test Nos 26-28 Brook Avenue further with ADF assessments given how well those properties already perform against the guidelines. Similarly, for sunlight, all relevant windows have been considered and the scheme performs very well given its layout and orientation. It is only the relationship with the garden at 51 Brook Avenue (and to a lesser extent 50 Brook Avenue) which results in any particular sunlight impact. The impact is a consequence of the properties' design where they overshadow their own north facing gardens. However, even with this relationship, 51 Brook Avenue would continue to retain significant sunlight in the summer months and the applicants, the GLA and the Council consider the results are acceptable.
- 7.50. Privacy and overlooking has been comprehensively assessed⁶⁸. Compliance with SPD1 in terms of relevant separation distances, particularly for an urban location like this, emphasises how well the scheme has been designed. There is only one relationship where a recommended proximity distance is marginally reduced, namely 7m rather than 9m for the garden at 51 Brook Avenue. However, care has been taken to mitigate that impact by moving the balconies and rearranging the rooms so that the closest windows are from bedrooms. An acceptable result would be achieved, particularly given the nature of the location. SPD1 identifies that reductions can be appropriate⁶⁹.

⁶⁶ APP3 including appendices

⁶⁷ ID06

⁶⁸ ID03 response to Question 43

⁶⁹ CD4.8 Principle 5.1

- 7.51. Councillor Maurice raised a concern about television and radio reception, but this is addressed in the S106 which provides for mitigation in the event that any issues arise, in line with the submitted report⁷⁰.
- 7.52. The minimisation of any impacts from the scheme on the living conditions of neighbouring occupiers is yet further strong evidence of the outstanding nature of the design and the care and attention that has been paid at all stages.

Other matters raised by the Inspector: the benefits in the planning balance and whether the development would accord with the development plan taken as a whole

- 7.53. The development would accord with the development plan taken as a whole. That conclusion itself would strongly support the grant of planning permission without further delay. However, the overwhelming benefits of this proposal are relevant to the overall assessment in any event. These support the grant of permission which accords with the development plan but would also clearly and demonstrably outweigh any conflict with the development plan if the Inspector or the SoS were to consider any such conflict to arise.
- 7.54. The benefits are set out in full in the SOCG⁷¹ and the evidence of Mr Ford⁷², drawing on the evidence of other experts that have appeared at the Inquiry. The key benefits include the following:
- a) Use of a highly sustainable, appropriate, surplus publicly-owned car-park to deliver new housing and affordable housing which should carry substantial weight.
 - b) The delivery of 454 new homes, of which 152 would be affordable (73 London Affordable Rent and 79 Intermediate Homes) which should carry substantial weight in accordance with NPPF paragraph 120.
 - c) The delivery of a 1,100sqm TCA providing 264 jobs and a vital facility for LUL, along with a commercial unit providing a further 7 jobs, which carries significant weight in accordance with NPPF paragraph 81.
 - d) Compliance with local design policies as well as provision of outstanding design endorsed by the MDA, the Design Council, and the local planning authority. Either of these would attract significant weight under NPPF paragraph 134(a) or (b).
 - e) The delivery of new public realm improvements along Brook Avenue, with a net gain of 13 new trees, an urban greening factor of 0.3 and a biodiversity gain of 1,360% to which significant weight should be attached (see for example NPPF paragraph 131).
 - f) Highly sustainable car-free development, consistent with both national policy and the LP, to which substantial weight should be attached.
- 7.55. This is an unmissable opportunity for the SoS to support an exemplar scheme that embodies so many of the intrinsic positive elements of sustainable policy and high quality development. It is exactly the form and quality of

⁷⁰ CD1.1 Document 28

⁷¹ CD2.3

⁷² APP5

development that all strands of policy seek for a site of this kind. We urge the Inspector in the strongest terms to report to the SoS that this application should be granted and be allowed to deliver this much needed development for this site, for Brent, and for London as a whole.

8. The Case for the London Borough of Brent⁷³

- 8.1. The Council's resolution to grant planning permission is fully reasoned in the report to committee⁷⁴ and amplified in the SOCG.

The extent to which the proposed development is consistent with Government policies for achieving well-designed places

- 8.2. The NPPF, the LP and the local plan recognise the importance of good design. In the context of tall buildings, the design quality should be exemplary (see LP Policy D9, WAAP Policy WEM5 and DBLP Policy BD2). The development has been the subject of the most robust and rigorous design scrutiny on all aspects architectural, aesthetic, functional and relationship to the character, appearance and amenities of the surrounding area and residents. When judged against NPPF paragraph 130, the development is outstanding and can claim the benefit of significant weight in NPPF paragraph 134.
- 8.3. It is notable that apart from height, there has been no significant criticism of the design which is testament to its quality. In terms of NPPF paragraph 130:
- a) With regard to function, the development would provide a high quality residential environment for future residents, significantly improve the public realm, and improve legibility and waymarking. It would add to the overall quality of the area from an underused site with very poor streetscape on the approach to the town centre for users of Brook Avenue. It would raise the bar with regard to development in this location which would in due course guide development of policy allocation BCSA3 on the other side of the road.
 - b) The visual design and architecture is pleasing and brick-led, helping to establish a residential character. The use of different brick shades emphasises changes in volume and adds interest to ensure satisfactory assimilation into the street scene and townscape. The detailed elements provide differentiation between the buildings and the proposal is thoughtfully laid out and well landscaped.
 - c) The development is appropriately sympathetic. It successfully manages the relationship to its immediate Brook Avenue context through stepping up from the west from a height which would sit comfortably when judged against its neighbours and the careful approach taken to elevational design⁷⁵. The use of the podium is successful and the creation of an active frontage is a real benefit. The site has an important role to manage the transition from the Wembley Growth Area to the wider suburban area.

⁷³ Largely taken from the Council's closing submissions (ID15)

⁷⁴ CD1.5

⁷⁵ ID03 response to Question 10

Brook Avenue cannot be fairly described as suburban⁷⁶. It has some residual suburban character to the south side (shortly to be allocated under BCSA3) but to the east its character is an urban one. Its future is a more intensively developed but also more cohesive transition to areas of stronger suburban character to the west. The development would better assimilate the existing flatted developments into a new townscape. While there would be some very minor less than substantial harm to two conservation areas, this harm is outweighed by the benefits. There would be no harm to the protected view of Wembley Stadium.

- d) The development would create a strong sense of place, with the buildings stepping up to Building E which would improve the legibility of the townscape and act as appropriate waymarking to Wembley Park Station⁷⁷. At the moment, the legibility of the station is solely focussed on its alignment to Olympic Way and the stadium, to allow large volumes of people to move from station to stadium. Consequently, this detaches the station from the wider area it serves, giving it a rather diminished presence within the surrounding streetscape. The development would define a clear marker for the station and assist with wayfinding from further afield⁷⁸. A building of architectural merit that more clearly defines the site boundaries and creates animation of Olympic Square would assist legibility. The station is a gateway site in the WAAP but the setting is not currently an attractive one.
- e) The development would optimise the potential of the site in accordance with LP Policies H1 and D3 whilst ensuring the needs of future residents for amenity space are met. The size and scale of the development is the product of a ground up design process and is genuinely design led.
- f) The development would be safe, accessible and inclusive, satisfying the affordable housing policies of the LP and local plan, complying with the Mayor's space standards and delivering a high quality residential environment.

8.4. The collaborative approach to the design process has ensured that the Council's principal design guidance has been appropriately applied within the scheme's evolution and the views of the local community properly considered. The unanimity of view of the design experts should be given significant weight. It is rare for this scale of development to be proposed in London with so little criticism of its design.

The extent to which the proposed development is consistent with Government policies for housing

8.5. The LP sets a challenging housing requirement for Brent over the next 10 years of 2,325 dwellings per year compared to 1,065 dwellings per year in the CS which informed the WAAP. The application site is included within the

⁷⁶ CS Policy CP17 is inapplicable in relation to this site. The policy seeks to protect areas of strong suburban character within which growth is not proposed, as opposed to transition sites in the defined Growth Area (see CD4.2.8 paragraph 5.12)

⁷⁷ HTVIA View 1. Page 59 of CD5.11 recognised that given the need for regeneration around the stadium, protection of views of its main body (as opposed to the arch) was unlikely to be achievable

⁷⁸ ID03 response to Question 25

trajectory submitted to the Inspectors examining the DBLP and so forms an important part of supply necessary to meet the requirement. Whilst the Council can presently demonstrate a 5 year supply of housing it is not complacent. Only transformational change as proposed by the DBLP has a realistic prospect of delivering the required growth.

- 8.6. The scheme is highly accessible, provides a good mix of dwelling sizes and would deliver 152 affordable units as close to the tenure split required by the development plan in order to meet the assessed need as viability will allow. Whilst the scheme would provide 10% family sized units, rather than the 25% sought by CS Policy CP2 and WAAP Policy WEM19, the applicant has justified an exception to the policies on both viability and amenity space grounds⁷⁹. The shortfall is outweighed by assigning all of the family units to the affordable tenures. The provision of 47 affordable family homes is a significant benefit.
- 8.7. Over 77% of the units are designed to be accessible and adaptable for people of differing needs (M4(2) standard) and over 10% are designed to be adaptable for wheelchair users (M4(3) standard) in compliance with LP Policy D7. The remaining units (1-bed studio units in private tenures) are designed to M4(1) standard which is not LP compliant, but these units meet the LP's minimum space standards and provide a good level of accommodation.
- 8.8. Residents of the development would be ensured a good level of amenity in terms of privacy and outlook and the levels of sunlight, daylight and overshadowing of amenity spaces are acceptable. Very careful consideration has been given to the effects on the amenities of neighbouring properties. Whilst inevitably there would be some impacts, these have been appropriately managed through the design, taking account of the site's context including its Opportunity Area and Growth Area status. The Council is satisfied that acceptable living standards would continue to be enjoyed by surrounding residential occupiers and a flexible approach to the BRE guidelines is justified.

The extent to which the proposed development is consistent with Government policies for conserving and enhancing the historic environment

- 8.9. The Council accepts there would be no harm to listed buildings or their setting. In respect of Barn Hill and Lawns Court Conservation Areas, the Council considers that in the majority of views towards the site the development would be seen in the context of the existing cluster of tall buildings in the Growth Area. However, for Barn Hill Conservation Area, in the view from the junction of Barn Rise and Eversley Avenue (HTVIA View 3B) the development would be seen alone and in other views it would have a slightly greater prominence than existing tall buildings. Similarly, for Lawns Court Conservation Area, but to a lesser extent, the development would appear nearer to the viewer in HTVIA View 6 and change the way the view terminates.
- 8.10. Views out of the conservation areas contribute to their significance, but the Council recognises that their principal significance is the dwellings' architecture. The increased prominence would be viewed from only small parts of the conservation areas and so the Council concludes the harm in both instances would be less than substantial and at the minor end of that range.

⁷⁹ APP5 paragraphs 7.47-7.55

- 8.11. In relation to NPPF paragraph 202, the Council is satisfied that, giving the conservation of the conservation areas great weight, the benefits of the development significantly outweigh the limited harm the Council has identified and so the development complies with the NPPF.

The extent to which the proposed development is consistent with the development plan for the area

- 8.12. This matter falls to be assessed against the development plan as a whole. The decision turns on whether the development does or does not accord with the development plan, involving a planning judgement as to how it performs against what are judged to be the most important policies.
- 8.13. The development complies with the principally important LP policies including GG2, the growth objectives of SD1, and design-led site optimisation in D3. Locationally it complies with LP Policy H1B(2a) and, in using a car park for development, Policy H1B(2b). Development in the highly accessible Growth Area accords with CS Policies CP1, CP3, CP7, CP16 and the WAAP.
- 8.14. The site falls within an area inappropriate for tall buildings in the WAAP and is therefore, arguably, contrary to Policy WEM5. However, the wording of that policy is permissive of tall building development within the area identified as suitable as opposed to restrictive of such development elsewhere. The area shown as inappropriate does not appear to have had any robust or obviously coherent justification. The evidence base for the policy appears to be limited to the 2012 Tall Buildings document which contains no clear rationale for including the site in such an area, while other parts of the document appear to suggest the area should have been extended to include the site. This ambivalence translated to an extent into the WAAP.
- 8.15. No-one involved in the 2012 Tall Buildings document remains employed by the Council to explain the rationale but it appears at least likely that the area was defined by reference to sites anticipated to come forward for development, which at the time did not include the application site, as opposed to any in principle objection to tall buildings here. However, the WAAP approach is now out of date for a number of reasons. Firstly, the Council must provide for the LP housing requirement which is substantially higher than the CS. To accommodate this level of growth, the DBLP focuses on the most accessible locations as the most appropriate option. Furthermore, to see how this level of growth could be accommodated, the Council undertook a fresh assessment of the tall building potential in the Tall Buildings Strategy 2019 which led to the zone being extended to include the site⁸⁰. The assessment complies with the evidence requirements of LP paragraph 3.9.2.
- 8.16. Whilst the site is not yet formally identified in a development plan as suitable for tall buildings, it would be inappropriate to delay an otherwise clearly acceptable extension to an already well established cluster of tall buildings simply because the local plan preparation processes have not been completed.

⁸⁰ Whilst the Council's proposed main modifications provide some tidying up and clarification to policy and text (CD4.5.4), no change has been made to the proposed Tall Buildings Zone to which no duly made objections were made at the Regulation 19 stage.

- 8.17. The 2019 strategy, which included some high level assessment of building heights which might prove acceptable on sites within the zone, has informed the DBLP but not in a prescriptive way. The DBLP recognises that the capacity of any site to accommodate tall buildings can only be determined following a full design process. It seeks to strike an appropriate balance between flagging up potential site specific sensitivity and the need for flexibility, leaving the final form and height to the design process. Where a robust case can be made for departing from the indicative guidelines, development can be sanctioned.
- 8.18. It would be wholly inappropriate to allow indicative guidelines with an inchoate evidence base to stifle the proper design process. As Mr Lewin explained in reply to the Inspector's questions, it has not been possible to update BCSA7 to fully reflect the up to date position in relation to the development. The site capacity has been increased to 456 but the indicative storey height guidance was not proposed for modification through oversight (it was not raised during the examination). The allocation would not be drafted in the same way today. However, the development complies with the DBLP as modified because a very robust case has been made for the appropriateness of the design.
- 8.19. Little weight should be afforded to WAAP Policy WEM5 and significant weight should be accorded to the extended Tall Buildings Zone in the DBLP to which no duly made objections were made and to Policies BD2 and BCSA7 read in the context of DBLP paragraph 6.1.15.
- 8.20. Overall therefore the development accords with the development plan taken as a whole. It complies with the DBLP, to which significant weight should be given as the principally relevant policies (BP1, BCGA1, BCSA7 and BD2) are largely uncontentious within the local plan process. Whilst there are some minor policy conflicts to take into account (minor harm to the conservation areas, the amenity space shortfall against local plan requirements if not LP requirements, a minor shortfall in all homes achieving at least M4(2) standards, the units per core breach⁸¹, a minor shortfall of play space and urban greening, and the commercial unit not attaining a BREEAM excellent rating)⁸², both individually and cumulatively these are substantially outweighed by the many benefits of the development (as summarised in Section 12 of the SOCG). There are no material considerations which indicate that planning permission should be refused despite accordance with the development plan.

Any other matters the Inspector considers relevant

- 8.21. The applicants have provided a comprehensive response to all of the questions posed by the Inspector (see ID03) with contributions as required from the Council's officers on planning, policy, heritage, and highways. That process has simply served to confirm the robustness of the application and the Council's resolution to grant planning permission.

Conclusion

⁸¹ Following the delivery of its closing submissions, the Council confirmed that units per core (the number of units per floor) is guidance in the Mayor's Housing SPG rather than policy.

⁸² See CD1.5 paragraphs 59 (conservation areas), 71 (units per core), 72 (accessibly homes), 79-90 (amenity space and play space), 91 (urban greening), and 176 (BREEAM) plus CD1.6

- 8.22. As indicated in the Council's opening statement, the benefits of the development are so compelling that the decision in this case is not sensitive to a finding as to whether or not the development does or does not comply with the development plan. However the balance is performed, the only rational conclusion is that permission should be granted without any further delay.

9. The Case for Interested Parties

- 9.1. The following parties made representations to the Inquiry:

Councillor Michael Maurice – Ward Councillor for Kenton

- 9.2. Councillor Maurice raised concerns about the loss of the station car park, arguing that the parking survey was conducted late on a Friday afternoon while the subsequent effect of Covid 19 over the past 18 months has reduced parking numbers. He noted the station is only one of 3 step-free access stations in Brent, that not everyone with a disability has a blue badge, that people might not be able to cycle or catch a bus to the station for personal reasons, and that people returning by train to the station late at night would prefer to be able to access a car rather than other transport modes.
- 9.3. He also noted that there was a breach of policy due to the location outside of the Growth Area and that a lot of time has been spent on preparing policies that should be adhered to. He felt the development was overly dense for the suburban area and noted the large gardens to the properties on the other side of Brook Avenue. He noted the Wembley Park area has changed and is better than it was 20 years ago but was concerned about setting a precedent for the further growth of tall buildings. He felt it was a step too far to go into Brook Avenue and that there would be harm to residents of that road including in terms of light, privacy and outlook. During the Inquiry, Councillor Maurice also raised concerns regarding the impact of the development on television signals.

Mr and Mrs Duffy – local residents

- 9.4. Their son lives in Smith House at the neighbouring Matthews Close development and is particularly concerned about the height of the proposal including impacts on privacy and light, as well as the loss of the car park and the impact of additional residents on local services. They questioned the applicants' design witness on sunlight, heat gain, privacy, and building heights.

Masiha Kazem⁸³ - local resident

- 9.5. The development fails to demonstrate appropriate consideration for the existing character of the area and would have a detrimental impact on visual and public amenities by way of its appearance and height. Brent can be characterised by low to mid rise buildings with tall buildings directed towards the centre of Wembley Park. SPD1 requires that streets should generally have similar building heights on each side. There would be an obvious juxtaposition between the development and the two storey properties on the other side of the road. The stepping down of each block is not enough.

⁸³ ID13

- 9.6. The site is identified in a location deemed inappropriate for tall buildings in the WAAP, the Tall Buildings for Wembley 2012 document and the Tall Buildings Strategy 2019. It is concerning that the Council has disregarded its own policies. It is important that the plan-based approach promoted by the LP is followed and that tall buildings emerge as part of a planned exercise in placemaking rather than ad hoc. The 2019 strategy requires heights to be consistent with general building heights which is not the case when the shortest block (A) is still 5 storeys taller than the adjoining Smith House and the tallest (E) is 13 storeys higher. The 2012 document states that the fringes of the tall building zone are inappropriate for tall buildings, due to the surrounding suburban residential character, which applies to Brook Avenue.
- 9.7. The height is justified on being a wayfinder building for the station, but the station does not need a wayfinder or a 21 storey building to highlight its prominence. The development would dwarf rather than emphasise the station. While the push for taller buildings stems from a need for more housing, high density does not have to mean high rise and this does not justify the scheme.
- 9.8. There seems to be an overreliance on the potential future character of Brook Avenue to justify the development. We cannot compare the development to a version of the street that does not exist or could exist in 20 years' time. Development should be compared with the street as it is now.
- 9.9. There is the issue of the stadium view from Barn Hill where the tallest building would sit extremely close to the arch, and would be the only building to rise above the stadium canopy, at odds with DBLP Policy BHC2. It is also important to consider the visual impact from various locations around Wembley.
- 9.10. There is also an overreliance on the PTAL rating to justify the number of units when density should respect the suburban surroundings as noted in the CS. Matthews Close is 0.92 hectares with 109 units. The site is 0.67 hectares with 454 units proposed. That is quadruple Matthews Close in the same PTAL area. The density would also put pressure on already burdened infrastructure like schools and doctors.
- 9.11. The proposal has not made adequate provision for the parking that would be lost and the current car park has been undervalued. The value of the car park is clearly visible during event days at the stadium. There would be spillover parking onto Brook Avenue and the wider area. The loss of the car park would be contrary to DBLP Policy BT2 and the impact on parking and movement would be contrary to DMP Policy DMP1(b).
- 9.12. There would be inadequate parking and access for future residents. The Wembley Masterplan sets out a requirement of 0.5 parking spaces per residential unit in the masterplan area. While the PTAL rating is used to justify no cars, this is highly idealistic and would only cause problems for residents. Brook Avenue already has intense on-street parking pressure as one of the most heavily parked roads in the constituency. Building E is next to a bend in the road which is already busy at peak hours and the building would add to this pressure to the detriment of highway safety. The lack of parking for family sized dwellings is unrealistic when the local plan aims to accommodate families in new developments. The introduction of a CPZ would not do anything to resolve this issue.

- 9.13. There is also a lack of family housing overall. The development would breach BRE guidelines in terms of daylight and sunlight to neighbouring properties. The street is a quiet residential road, so appropriate light levels cannot be benchmarked against truly urban and high density areas such as central London or central Wembley. It is understandable that existing light levels cannot be maintained, but they should not breach guidelines.
- 9.14. The proposal puts quantity over quality and, in an attempt to optimise potential and make the most efficient use of land, other equally important criteria have been ignored. The site would be overdeveloped, compromising the quality of the development, character of the street and supporting infrastructure capabilities.

10. Written Representations

- 10.1. Around 16 objections were received by the Council before the application was called-in. These objections related to a number of issues, including policy conflict, particularly due to the site being located in an area deemed inappropriate for tall buildings and whether the public realm aspirations around Olympic Square and along Brook Avenue could be achieved. There were also concerns about the effect of the development on living conditions including privacy, outlook, light, noise and disturbance (including at construction stage); the character and appearance of the area in terms of height and overdevelopment (including views from Barn Hill and Kingswood Road); parking and congestion; infrastructure capacity (such as schools, water, sewage, waste and the station); ecology and trees; air quality, pollution and dust. One respondent considered that there are a lot of empty new flats within the Wembley Park area already while another questioned the track record and suitability of the developer for such a large project.
- 10.2. Consultation responses were received from the Council's environmental health, noise and highways teams setting out general comments and the need for relevant conditions. TfL Engineering and Spatial Planning raised no objections and requested further details. Thames Water was content regarding foul and surface water capacity and recommended a piling condition.
- 10.3. Around 20 representations were made following call-in, including a letter from the GLA in support of the development and two letters from Historic England confirming no comments or objections. The issues raised were similar to those received before call-in but also included concerns regarding the amount of proposed amenity space and the safety of the building construction. Some responses questioned the behaviour of the Council in allowing tall buildings.
- 10.4. One local resident (Mr Grant) wrote to highlight that objections have been made to the DBLP main modifications consultation. This includes objections to the proposed tall buildings zone reference in Policy BP1 (MM7) and changes to allocation policy BCSA7 (MM15). He noted that MM15 refers to potential new Chiltern Line platforms at Wembley Park Station which could undermine the development. Mr Grant also raised concerns about the level of affordable housing provision which he considered to be of minimal public benefit.
- 10.5. The Council provided a response to Mr Grant's comments before the Inquiry opened which noted that MM7 and MM15 have been made for consistency.

During the Inquiry, Mr Grant submitted final written comments⁸⁴ to highlight the inconsistency between increasing the capacity of BCSA7 to 456 units while not amending the design principles regarding the height of buildings (up to 10 storeys stepping up slightly to the station). He also noted that the site was only added to the tall building zone in the DBLP following objections from representatives of the applicants.

11. Conditions and Obligations

- 11.1. Following discussion at the Inquiry, the parties provided a final list⁸⁵ of suggested conditions. I have used this list to inform the schedule of conditions contained in Annex 1. Should the SoS decide to grant planning permission, I consider all of the conditions in the annex to be necessary and they meet the tests in NPPF paragraph 56. The reasons for each condition, including why some need to be pre-commencement, are set out in the annex. The applicants have provided written agreement for the pre-commencement conditions⁸⁶.
- 11.2. A finalised and executed S106 agreement⁸⁷ was submitted following discussions at the Inquiry. The applicants have provided a summary of the agreement⁸⁸ while the Council submitted a CIL Regulation 122 statement.
- 11.3. Schedule 2 of the S106 would secure 152 affordable housing units (73 London Affordable Rent and 79 intermediate) to address policy requirements set out in LP Policies H4, H5, H6 and H7, CS Policy CP2, DMP Policy DMP15, and DBLP Policy BH5. This would include the imposition of early and late stage viability review mechanisms. These obligations are therefore necessary
- 11.4. Schedule 3 would secure a financial contribution towards a CPZ review of the surrounding area to assess whether there is a need for further parking controls. Given concerns regarding potential parking effects, this would be a necessary obligation. The schedule would also secure a bus services contribution for improving local capacity, which is necessary to address the increased demand from this development. Finally, the schedule would secure an amenity space contribution to improve access to local open spaces, which is necessary to address the shortfall in the required private amenity space set out in DMP Policy DMP19 and DBLP Policy BH13.
- 11.5. Schedule 4 would require a residential travel plan and workplace travel plan statement to be submitted, approved and implemented to promote sustainable modes of transport as required by LP Policy T4. Schedule 5 would secure car-free development as sought by LP Policy T6, DMP Policy DMP12 and DBLP Policy BT2 by restricting access to resident parking permits. Schedule 6 would provide for highway works to Brook Avenue be agreed and implemented, which are necessary to improve the public realm and enable the provision of off-street parking and servicing. All of these obligations are thus necessary.
- 11.6. Schedule 7 would secure a financial contribution for energy reduction and carbon off-setting, which is necessary to accord with LP Policy SI2 which seeks

⁸⁴ ID17

⁸⁵ ID14

⁸⁶ ID18

⁸⁷ ID19

⁸⁸ ID08

to ensure that major development is net-zero carbon. Schedule 8 would require an employment and training plan to be submitted, approved and implemented to enable local people to benefit from jobs and skills. This is necessary to accord with CS Policy CP1 and DBLP Policy BE1.

- 11.7. Schedule 9 would aim to secure the provision of a car club vehicle in the existing car club space on Brook Avenue, which is supported by DMP Policy DMP12 and would be necessary to discourage private car ownership (along with Schedules 3, 4 and 5). The schedule would also make a financial contribution to ensure the provision of temporary blue badge parking spaces for the station while the development is under construction. This is necessary to ensure no disruption in provision to existing users of these spaces.
- 11.8. Schedule 10 sets out the Council's covenants with respect to the various obligations, which is necessary to ensure contributions are spent and obligations observed. Schedule 11 requires reasonable endeavours to comply with the Television and Radio Signal Report, which is necessary to address any potential signal issues to neighbouring properties.
- 11.9. All of the above obligations are necessary to make the development acceptable in planning terms. I am also satisfied that they are directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, they meet the tests set out in NPPF paragraph 57 and regulation 122 of the CIL Regulations 2010 and can be taken into account.

12. Conclusions

12.1. From the evidence before me at the Inquiry, the written representations, and my inspection of the application site and the surrounding area, I have reached the following conclusions. The numbers in square brackets refer back to earlier paragraphs which are relevant to my conclusions.

Main Considerations

12.2. The matters on which the SoS particularly wished to be informed are set out in paragraph 1.2 above. Combined with the other matters that I consider to be relevant, the main considerations in this application are as follows:

- a) the extent to which the proposed development is consistent with government policies for achieving well-designed places (NPPF chapter 12);
- b) the extent to which the proposed development is consistent with government policies for housing (NPPF chapter 5);
- c) the extent to which the proposed development is consistent with government policies for conserving and enhancing the historic environment (NPPF chapter 16);
- d) the effect of the proposed development on the living conditions of occupiers of neighbouring properties;
- e) the effect of the proposed development on parking and highway safety;
- f) the extent to which the proposed development is consistent with the development plan for the area;
- g) the benefits to be weighed in the planning balance; and
- h) whether the proposed development would accord with the development plan taken as a whole.

The extent to which the proposed development is consistent with government policies for achieving well-designed places (NPPF chapter 12)

The existing character and appearance of the area [2.1-2.6, 6.5, 7.3, 8.3, 9.3, 10.1, 10.3]

12.3. To the south of Wembley Park Station, the redevelopment of Wembley Park around Wembley Stadium has resulted in a very urban character with tall buildings and high density development either side of Olympic Way. It is still undergoing change with additional tall buildings to come. The quality of design and materials within the public realm and newer buildings is generally very high.

12.4. Wembley Park Station is easy to find from the stadium due to the wide boulevard of Olympic Way that terminates at the tall station steps in Olympic Square. However, the station is quite modest in height and architectural terms and less obvious in approaches along other roads such as Brook Avenue, Bridge Road, Empire Way, and Wembley Park Drive. Olympic Square is an empty and underwhelming space outside the station and largely serves to funnel people to and from Olympic Way.

- 12.5. On the eastern side of Empire Way are the tall buildings that form the western edge of the Wembley Park area. However, the western side of Empire Way also has an urban character due to the number of historic and modern apartment blocks and retail units. Empire Way (along with Brook Avenue and the eastern end of Wembley Park Drive) forms part of the Wembley Park Corridor in the WAAP, noted for its role as a gateway to the Wembley Park area and acting as a transition space between taller development and wider suburban surroundings. It is only to the west of Empire Way that the character and appearance becomes coherently suburban with residential streets of two-storey interwar properties.
- 12.6. Brook Avenue has a number of different components. The application site is very urban with its surface car park and utilitarian TCA buildings. The pavement past the site is narrow and enclosed by fencing. The Premier Inn, Wealdstone Court, Pearce House and the buildings at Matthews Close exhibit an urban character due to their heights and appearance as apartment blocks and hotel. Neither the site nor the above buildings have very active frontages due to the dominance of parking and, in the case of Matthews Close, a raised embankment. The remainder of Brook Avenue, particularly Nos 1 to 28 have a suburban character and appearance due to their modest heights and interwar and mock-Tudor designs.
- 12.7. Therefore, Brook Avenue has a mixed character and not one that can be described as suburban, particularly on the north side and closer to the station. The DBLP allocation policy BCSA3 for Nos 1-28 Brook Avenue (and the Premier Inn) envisages wholesale change to these properties. While the allocation may not come forward, the intention is for a more urban and coherent street.

The design of the proposed development [6.6-6.9, 6.32, 7.3, 7.25-7.30, 8.2-8.4, 9.3, 9.5, 9.7, 9.8, 9.10]

- 12.8. The proposed development would comprehensively redevelop the entire site and introduce 5 buildings ranging in height from 13 to 21 storeys. The height of the buildings is informed by Matthews Close, the Premier Inn, Wealdstone Court and Pearce House, but would be significantly taller than any of these buildings, particularly Buildings D and E. However, by stepping up in height from west to the east, the development would gradually build on the height established by Matthews Close and terminate next to the station on the edge of the Wembley Park area.
- 12.9. There would be a stark contrast in height between the development and the properties at Nos 1-28 Brook Avenue, although this is already the case with Matthews Close. Nevertheless, the development would step down towards the street with the nearest parts of Buildings A and B being only 6 storeys. The slender form of each building, and the generous gaps between them, would break up the volume of the development above ground floor particularly for Buildings A to D. This massing strategy would allow space between the buildings, permit views through the development from the wider area, and help to address the existing scale of Brook Avenue even if DBLP allocation BCSA3 does not materialise.
- 12.10. The architectural detailing and materials have been carefully considered with the use of a simple range of brick colours to reflect the nearby suburban surroundings. Brick panels, string and soldier coursing, and alternating

banding would create visual interest along with the use of single colours on balconies, soffits and screens to denote each building. Windows would be grouped in pairs between contrasting dark brickwork to emphasis the verticality of the design. Assuming that high quality materials can be secured by condition, the appearance and finishing of the development would match the detail and quality of newer tall buildings within the Wembley Park area.

- 12.11. The density of development would be greater than the neighbouring development on Matthews Close due to the smaller site area and greater number of units. However, the overall design approach has resulted in an appropriate form and layout for this location.
- 12.12. The development would present an active frontage along the length of its Brook Avenue boundary, with ground floor residential properties, building entrances and a retail unit on the corner of Olympic Square. The public realm would be enhanced with more planting and a wider pavement allowing a more attractive pedestrian environment. This would more than compensate for the loss of existing trees adjoining the site. Incidental play space would be included along this frontage. Front gardens for the ground floor units would be set behind a landscaped border to provide some privacy for occupants.
- 12.13. There is an opportunity for the development to encourage enhancements to Olympic Square, although this would be reliant on separate proposals and the allocation of funding. Nevertheless, the development would enhance the space next to Wembley Park Station and improve legibility and wayfinding on all approaches.
- 12.14. The gaps between each building would incorporate private communal garden space at first floor level, interconnected by walkways, with a significant increase in landscaping, planting and habitats compared to the existing site. The communal gardens would incorporate play features for younger children. A play space for older children would be somewhat awkwardly located in the rear corner of the site next to the railway line and proposed substation. However, the substation would not be overly tall and the play space would be overlooked by flats within Building A and people accessing parking spaces at the rear. Thus, I am satisfied that it would be sufficiently secure. In summary, the overall form, layout and experience of the development for users and passers-by alike would be positive with no adverse functional or environmental impacts.

The effect on townscape and views [6.7, 6.32, 7.36, 8.3, 9.9, 10.1]

- 12.15. The HTVIA has assessed the proposed development from a number of locations (those that relate to conservation areas are covered in the historic environment section below).
- 12.16. The development would be highly visible along Brook Avenue from either direction. HTVIA View 10 shows the view to the west, opposite Matthews Close, where the development would comfortably step up from Smith House towards the station. It also shows how the stepping down of each building to the road would help to create some transition in scale to the 2 storey interwar properties opposite. From the opposite direction, the development would be seen against the taller buildings of the Premier Inn, Wealdstone Court and

Pearce House and would complement this taller and denser townscape character.

- 12.17. HTVIA View 13 shows the substantial change next to Olympic Square where the station and square would be enclosed by an architecturally striking tall building that would also step down towards the height of the Premier Inn. This enhanced legibility and wayfinding is also indicated on HTVIA View 11 from Bridge Road, where the development would better mark the station⁸⁹.
- 12.18. From Wembley Park Drive, the development would be seen above the 2 storey shopping parade depicted in HTVIA View 14. However, the Premier Inn and Wealdstone Court can already be seen above this parade standing slightly further south on Empire Way, while on the opposite side of both roads is the existing and emerging context of tall buildings in the Wembley Park area. Thus, the development would not detract from the urban qualities of this corridor.
- 12.19. Kingswood Road (HTVIA View 9) is currently a suburban residential cul-de-sac where the upper parts of existing taller buildings on Brook Avenue can be seen. The development would be considerably taller and would dominate this view. However, the existing view is a fairly ordinary suburban townscape already influenced by taller buildings. Therefore, the adverse impact would be no greater than moderate, offset to some extent by the gaps between the buildings and the overall design quality.
- 12.20. Slightly further west on Beechcroft Gardens (HTVIA View 8), the development would be seen behind suburban housing where there are currently no views of taller buildings. However, the existing view is of an ordinary suburban townscape. The development would be more distant than View 9 and would not rise significantly above the ridgeline of existing properties. Therefore, it would not be readily noticeable and there would only be a very minor adverse impact.
- 12.21. Finishing with long-range views, HTVIA View 1 is the protected view of Wembley Stadium from Barn Hill open space as designated by WAAP Policy WEM6 and DBLP Policy BHC2. The WAAP does not stipulate what aspects of the view should be protected although the DBLP does refer to the stadium's size and height, particularly its white lattice arch. The view is a panorama of high value with the silhouette of the stadium arch clearly visible above the cluster of tall buildings in the Wembley Park area. At the same time, it is a view that has the ability to accommodate change given the amount of new development that has taken place in the area.
- 12.22. In View 1, Building E would sit above the stadium canopy but beneath the arch, while Building D would mark the point where the arch rises from the canopy. The development as a whole would add to the cluster of tall buildings around the stadium but would not detract from the prominence of the arch. Therefore, it would have an acceptable effect on this protected view.

⁸⁹ In contrast, HTVIA View 12 shows how the development would help to enclose the far end of Olympic Way from Wembley Stadium, but that the existing route already provides sufficient legibility and wayfinding. Moreover, the cumulative effect of other schemes would largely mask the development in this view.

12.23. Apart from a moderate and very minor adverse impact from two locations, the development would have a neutral and, in some cases, beneficial effect on immediate, mid and long range views. Given the limited and low level of adverse effects, the overall visual and townscape effects of the development would be acceptable.

Conclusion on design

12.24. The proposal has been subject to considerable design review and found support amongst various panels and professionals. The design-led approach has led to the optimisation of the site capacity. The detailed form and layout of the buildings would result in a high quality design that respects local materials and heights with a massing strategy that would not overwhelm the locality. The experience and character of the development would be positive. Visual impacts would be largely acceptable and there would be no adverse functional, environmental or cumulative impacts.

12.25. Considering the design against local guidance in SPD1, the massing, height and façades of the development would respond positively to the local context. The buildings would step down in scale towards the site boundaries and nearby lower buildings. The design would break up the mass of the facades, which would help integrate the buildings into their surroundings. The suburban character of Brent would be protected. Active frontages would be provided and the existing urban grain and human scale would be respected through the separate buildings and the stepping down to the street.

12.26. Considering the design against national guidance in the National Design Guide, the development would understand and relate well to the site and local/wider context. It would respond to existing local character and identity and be well-designed, attractive and of high quality. It would comprise a coherent built form and provide high quality and safe green spaces.

12.27. With regard to NPPF paragraph 134(b), while the development would not be innovative in terms of any novel approach to design or sustainability, the above considerations indicate that it can be regarded as outstanding design. Even if it was not regarded to be outstanding, the development would reflect local design policies and government design guidance as set out in NPPF paragraph 134(a). Therefore, it can be afforded significant weight.

12.28. In conclusion, the development would have a positive effect in design terms. Therefore, it would accord with LP Policies D3 and D9 (Part C), CS Policy C6, WAAP Policies WEM1, WEM5 and WEM6, and DBLP Policies BP1, BD1 and BD2. It would also adhere to local design guidance in SPD1 and the National Design Guide. Given the location and characteristics of the site and Brook Avenue, and the impact of the development, there would be no conflict with CS Policy 17 or harm to the distinctive suburban character of Brent. Additionally, the development would be consistent with NPPF paragraphs 126, 130, 131, 133 and 134.

The extent to which the proposed development is consistent with government policies for conserving and enhancing the historic environment (NPPF chapter 16)

12.29. The distance and intervening built form between the application site and nearby listed buildings means that there would be no effects on the setting or significance of these designated heritage assets. There would also be no effects on any non-designated heritage assets including archaeology. The only two designated heritage assets which need to be considered in detail are Barn Hill and Lawns Court Conservation Areas⁹⁰. [6.29, 6.30, 7.36]

Barn Hill Conservation Area [7.37-7.39, 8.9]

12.30. Barn Hill Conservation Area comprises a residential estate dating from the late 1920s. The properties are largely mock-Tudor with strong architectural consistency and good detailing. The estate was built on an earlier 18th century landscape as part of the Metroland suburban expansion of Wembley and London. While there are no surviving landscape features, the topography of streets leading up to the public open space of Barn Hill on the northern edge of the conservation area is a strong and defining characteristic.

12.31. Much of the conservation area's character and appearance, as well as its significance, is derived from architectural uniformity along with its historic interest as an interwar suburban estate. The setting of the conservation area is greatly informed by the views and vistas that are created by the streets rising up the hill to the public open space. This includes views to the south⁹¹ towards Wembley Stadium and the wider Wembley Park development. The cluster of modern tall buildings in these views form a striking backdrop to the 2 storey suburban housing of the conservation area. However, due to the distance separating the two areas and the clear contrast between the old and new, these views do not detract from the setting of the conservation area or materially harm its significance.

12.32. The proposed development would have minimal impact on Views 2 and 4 due to the orientation of streets and existing buildings. From View 3, along Barn Rise, the visibility of existing tall buildings reduces the further one travels downhill. The visibility of consented tall buildings would also be limited. In comparison, the development would become increasingly noticeable as one moves downhill towards Forty Avenue. By the junction with Eversley Avenue, the 5 buildings would fill the skyline gap between housing on either side of Barn Rise. They would be very obvious and closer to the conservation area than existing or consented tall buildings and would form a stark contrast from this location.

12.33. The impact would be offset to some extent by the high quality design and materials, including the gaps between each building. It would still be possible to distinguish between the old and the new. Furthermore, the impact would only be experienced from the lower end of one road within a relatively large conservation area. Nevertheless, I consider that there would be a minor

⁹⁰ Wembley High Street Conservation Area is around 750m from the site but there is no effect due to topography and existing buildings.

⁹¹ See the kinetic views in Views 2, 3, 4 of the HTVIA from Barn Hill, Barn Rise and Corringham Road respectively

adverse effect on the setting of the conservation area which would cause very limited and less than substantial harm to its significance.

Lawns Court Conservation Area [7.37, 8.9]

- 12.34. Lawns Court Conservation Area is a small residential development dating from the early 1930s that adjoins the north-eastern side of The Avenue between Mayfields and Basing Hill. It comprises six 2-3 storey linear apartment blocks built in a Modern style. They are set back from The Avenue by front gardens and an area of green space with mature trees lining the road. Much of the conservation area's character and appearance, as well as its significance, is derived from the distinctive angular form of the buildings' architecture as well as its historic interest as interwar apartments.
- 12.35. The setting of the conservation area is informed by views from the apartments across the green space to properties on the opposite side of The Avenue. Nevertheless, the conservation area is also experienced as one travels via The Avenue along its boundary. There are views south towards the buildings at Matthews Close sitting in front of the arch of Wembley Stadium as well as other tall buildings (see View 6 in the HTVIA). This view helps with local orientation but it is not particularly striking given the flat topography and the dominance of street trees and green space in the foreground. As such, the longer distance view makes little contribution to the setting or significance of the conservation area.
- 12.36. The proposed development would be visible from View 6 to the left of the arch and Matthews Close. It would add to the cluster of visible taller buildings (including consented schemes) and would be sited nearer than other tall buildings at the end of the view. However, the dominance of the street trees and green space on the edge of the conservation area would remain and the development would not be particularly prominent or distracting in the view. There would be little visual effect from the apartments themselves. Therefore, the development would not detract from the setting of the conservation area or result in harm to its significance.

Conclusions on historic environment [7.40, 8.10, 8.11]

- 12.37. I conclude that the proposed development would cause very limited less than substantial harm to the significance of Barn Hill Conservation Area and no harm to the significance of Lawns Court Conservation Area. The SoS may conclude differently on the effects to both conservation areas. A finding of no harm to either conservation area would mean there would be no need to carry out the heritage balance in NPPF paragraphs 199 to 202. A finding of harm to either or both conservation areas would engage these paragraphs and require that harm to be weighed against the public benefits.
- 12.38. The benefits are set out in paragraphs 12.84-12.87 below and can all be regarded as public benefits. I consider they carry significant to substantial weight depending on the particular benefit. While I have given great weight to the conservation of the conservation areas, the public benefits would considerably outweigh the harm and provide clear and convincing justification for the harm. Therefore, the development would accord with LP Policy HC1, CS Policy CP5, DMP Policies DMP1(d) and DMP7, and DBLP Policy BHC1. It would also be in line with NPPF paragraphs 199, 200 and 202.

The extent to which the proposed development would be consistent with government policies for housing (NPPF chapter 5) [6.2, 6.3, 7.33-7.35, 8.5-8.7, 10.3, 10.4]

- 12.39. The housing requirements for Brent have increased considerably with the 10 year target for the Council in the LP more than double that planned in the CS at around 23,000 homes. The housing target for the Wembley Growth Area has increased too. The DBLP contains similar increased figures and anticipates transformational change to meet them. While the Council can demonstrate a 5 year housing land supply, the delivery of 454 homes would help to significantly boost the supply of homes in Brent and increase delivery rates.
- 12.40. The delivery of affordable housing remains a key priority across Brent and London as a whole. 40% of the total number of homes by habitable room would be affordable, which would be below the 50% aspirations of LP Policy H4, CS Policy CP2 and DBLP Policy BH5, but above the 35% threshold required by LP Policy H5 for major development on TfL sites. This is the maximum that can be achieved in viability terms, although the S106 contains provisions for an early and late stage viability reviews in the event that more can be achieved. DMP Policy DMP15 accepts that the maximum reasonable amount of affordable housing will be sought on schemes for 10 or more homes.
- 12.41. The tenure split of 49% London affordable rented and 51% intermediate does not match the 70% rented and 30% intermediate requirements of DMP Policy DMP15, although LP Policy H6 allows boroughs to apply such a split. Nevertheless, the proposed split is based on the viability review of the scheme, with the opportunity to amend via the early or late stage review.
- 12.42. Only 10% of the housing would be family-sized (3 bedrooms or more), which falls below the 25% requirement of CS Policies CP2 and CP21, WAAP Policy WEM19 and DBLP Policy BH6. However, the CS and DBLP recognise that it may not be possible to meet the requirement based on site specific characteristics. These are not defined, but a tall building development on the edge of a town centre is arguably not a suitable location for more family housing. Nevertheless, all of the family-sized housing within the development (47 units) would be affordable, which would help to offset the shortfall in overall provision.
- 12.43. 10% of the dwellings would meet building regulation requirement M4(3) as being adaptable for wheelchair users as required by LP Policy D7, while 77% would meet requirement M4(2) to be accessible and adaptable to meet differing needs. The remaining 13% would only be designed to M4(1) contrary to LP Policy D7. However, this would only affect the 1-bed studio units in private tenure, which would meet LP minimum space standards. In these circumstances, I attach limited weight to the conflict with LP Policy D7.
- 12.44. With regard to the provision of private outdoor space, there would be a surplus of nearly 2,400sqm against the requirements of LP Policy D6 but a shortfall of over 5,000sqm against the requirements of DMP Policy DMP19 and DBLP Policy BH13. However, the Council's requirements are what is normally expected and the DMP and the DBLP acknowledges that it may not be met in full in some instances. The development would provide individual private outdoor space to each unit mostly in the form of balconies which is appropriate

for the location next to a town centre and station. There would also be interconnected communal spaces across the first floor podium and on top of the connecting block between Buildings D and E. The public realm along the street frontage would also be enhanced while the S106 contribution would improve wayfinding to local parks. Therefore, I consider the shortfall against the DMP and DBLP requirements to be acceptable and there to be no conflict with Policies DMP19 or BH13.

- 12.45. In terms of the open space provision required by WAAP Policy WEM34, the development would make a CIL contribution that could go towards parks and open space projects in the Wembley area as set out in the Council's 2019 Infrastructure Delivery Plan, as well as the S106 contribution towards wayfinding. DBLP Policy BCSA7 does not require on-site open space, although there would be an enhanced and increased public realm. Play space provision would total 1,435sqm which is 15sqm below the required provision in LP Policy S4 based on the child yield matrix. This would be a very minor shortfall with provision being made across the age groups. The urban greening factor for the proposal would fall slightly below the LP Policy G5 target of 0.4 but the landscaping provision would be of good quality for this site.
- 12.46. In conclusion, the development would be consistent with government policies for housing by helping to boost supply and make the maximum reasonable provision of affordable housing. Shortfalls in the provision of family and accessible housing, private outdoor space, and play space can be justified on this occasion having regard to the particular characteristics of the scheme.

The effect of the proposed development on the living conditions of occupiers of neighbouring properties [6.13-6.18, 7.46-7.48, 8.8, 9.13, 10.1]

- 12.47. The properties that have the greatest potential for material impacts on living conditions are all in Brook Avenue. These can be divided into two groups: properties on the opposite side of Brook Avenue and those on the same side of the road, to the north-west.

Properties on the opposite side of Brook Avenue [6.19-6.24, 7.48-7.50]

- 12.48. Properties on the south side of the road, from the flats at Wealdstone Court to the detached property at 23 Brook Avenue, currently look across a large surface car park and two 2 storey TCA buildings that comprise the application site. Any increase in built form within the site would affect the outlook for these properties, particularly the lower rise houses at Nos 23-28. However, the proposed development would only present a continuous frontage at ground floor, with generous gaps between each building from first floor upwards. Building C would be sited opposite the gap between Wealdstone Court and Pearce House to lessen the effect on outlook from the front of these flats. The 7 storey connecting block between Buildings D and E would be opposite the existing Premier Inn hotel rather than residential properties. Overall, the effect on outlook from residential properties would be acceptable.
- 12.49. There would be windows serving habitable rooms on the elevation of each proposed building facing Brook Avenue, but the orientation of these flats would be principally east-west across the balconies and courtyards rather than across the road. Moreover, there would be sufficient separation distance to the

front elevation of properties on the opposite side. Thus, the effect on privacy would be acceptable.

- 12.50. Daylight and sunlight effects have been assessed for these properties. Given the north-facing orientation of these properties, very few existing windows currently receive any direct sunlight. Only secondary side windows, such as those on bay windows at Nos 26-28, would see any reduction in sunlight, so the effects would be acceptable.
- 12.51. For daylight to Wealdstone Court and Pearce House, while levels for VSC and NSL would fall below BRE guidelines, existing daylight is already partly affected by balconies overhanging or blocking windows. The ADF loss for both would be barely perceptible and would result in little change to the way occupiers use or illuminate their rooms.
- 12.52. For Nos 26-28 Brook Avenue, NSL results indicate that most rooms would retain over 80% of existing sky visibility even if VSC levels would be breached. Given the reasonable NSL results, it is not necessary to carry out an ADF assessment.
- 12.53. For 25 Brook Avenue (a new build block of flats), VSC levels would fall below BRE guidelines. NSL results for some of the bedrooms would be below the guidelines but the primary living/dining/kitchen spaces would remain above 80%. There are no side windows and so sunlight assessment is not necessary. For 23 and 24 Brook Avenue, VSC levels would fall moderately below BRE guidelines but NSL levels would remain reasonable. There would be no material effect on 21 or 22 Brook Avenue.

Properties on the same side of Brook Avenue to the north-west [6.25-6.27, 7.49-7.50]

- 12.54. 50 and 51 Brook Avenue contain habitable rooms at the front and rear that do not overlook the site. Two side windows at No 51 would face the development, but these are secondary windows where any negative effect on privacy or outlook would not be as significant. The rear gardens for both properties would experience some overlooking from flats within Building A, with the distance between the proposed flats and the garden at No 51 being less than the 9m referred to in SPD1. However, the internal layout would mean that only bedrooms would directly face the gardens. Balconies have been positioned to avoid direct overlooking.
- 12.55. With regard to light, the side windows at No 51 would experience VSC levels below BRE guidelines but would retain reasonable NSL and sunlight levels. There would be overshadowing of both rear gardens with less than 50% of the gardens receiving at least 2 hours of sunlight on 21 March. Whilst over 50% of No 50's garden would receive more than 2 hours on 21 June, only 27% of No 51's garden would receive the same. This would cause adverse effects on the living conditions of occupiers of No 51, but the garden is north facing in an urban location where the existing building already has a shadowing effect. Therefore, the effect of the proposal in terms of overshadowing would be acceptable.
- 12.56. For Smith House, there would be a considerable distance between existing windows and proposed habitable rooms and balconies within the

development. Thus, the effects on outlook and privacy would be acceptable. Some existing windows would experience VSC levels below BRE guidelines, but this would affect spaces that either have multiple windows or are bedrooms where the effects would not be significant. Sunlight effects would be acceptable too.

Conclusion on living conditions

12.57. Due to separation distances and the orientation and design of the development, there would be no unacceptable effects on outlook and privacy. The effects on daylight would fall below VSC levels for many properties but the NSL and/or ADF results indicate an acceptable overall effect. There would be no adverse sunlight effects. There would be a negative effect on overshadowing to two gardens in the spring and one in the summer, but this is offset by the north facing orientation and urban context. In conclusion, the development would have an acceptable effect on the living conditions of occupiers of neighbouring properties. Therefore, it would accord with LP Policy D6, DMP Policy DMP1 and NPPF paragraph 130(f).

The effect of the proposed development on parking and highway safety *[6.34, 7.41-7.45, 8.21, 9.2-9.4, 9.11, 9.12, 10.1-10.4]*

12.58. Brook Avenue connects Forty Avenue to Wembley Park Station. At my site visits, I observed that the road is subject to an event day CPZ for applicable stadium events. There is a single yellow line on either side of the eastern end of the road, including in front of the site, which prevents parking between 08:00 and 18:30 Monday to Sunday. Further west of the site, parking is unrestricted apart from event days. Most of the houses on the south side of Brook Avenue have at least one off-street parking place. While the road might experience some rat running and on-street parking at certain times, there is little evidence to indicate it is congested or unsafe.

12.59. The surveys of the existing public car park took place before the Covid pandemic and so can be regarded as reliable and accurate. The car park can operate at near to capacity and is used for long-term day parking by users of the Underground. The loss of the car park would remove around 80 parking spaces (for non-disabled users) and result in people having to find alternative modes of transport to the station. However, the station is served by a good bus network and it is possible to walk or cycle too. While these alternatives may not suit everyone, the overall effect of discouraging driving to the station would be very beneficial from an environmental and sustainability perspective. The re-provision of the existing 12 blue badge spaces within the development would ensure that those who need to drive the most would still be able to do so.

12.60. There is a risk of overspill parking on Brook Avenue and surrounding roads from those who still wish to drive to the station. However, this is already discouraged by the yellow line restrictions during the day. Additional CPZ measures could be implemented following further assessment and consultation funded via the S106 contribution. It is possible that residents of the proposed development may want to own and park at car at some point in the future, especially those with families. However, the S106 would prevent them from access to existing or future parking permits and a car club space would be provided. There would also be a S106 contribution towards bus capacity

improvements and Residential and Workplace Travel Plans to promote sustainable modes of transport.

- 12.61. The high PTAL rating of the site, with excellent access to the Underground and bus network, as well as multiple services and facilities within Wembley means that future occupants are much less likely to need to own a car while measures can be put in place to discourage such ownership. The displacement of any car parking from the station car park can also be addressed via S106 measures. The Wembley Park area contains a number of car parks that would provide reasonable alternatives for visitors.
- 12.62. It is also notable that the development proposes improvements to the pedestrian environment in front of the site heading to and from Wembley Park Station. This would include widened pavements and an enhanced public realm for this part of Brook Avenue which could also support future improvements to Olympic Square. The reduction in car movements and parking along Brook Avenue would ensure no adverse effects on highway safety.

Conclusion on parking and highway safety

- 12.63. In conclusion, the development would have an acceptable effect on parking and highway safety. Therefore, it would accord with LP Policies T6 and T6.1 with regard to car-free development well-connected by public transport. It would also accord with DMP Policy DMP1(b) as it would have a satisfactory effect on access, parking and movement, and Policy DMP12 as it would not add to on-street parking demand, require detrimental amendment to an existing or proposed CPZ, or create a shortfall of public car parking or residents' parking. For similar reasons, the development would also accord with DBLP Policies BT1 and BT2.

The extent to which the proposed development is consistent with the development plan for the area

Consistency with strategic policies [6.1, 7.1, 7.14, 8.13]

- 12.64. The application site is located within the Wembley Opportunity Area where LP Policy SD1 seeks to fully realise its growth and regeneration potential. The site is also a car park and brownfield land, located on the edge of Wembley Park Town Centre, deemed to be surplus public sector land, and is very well-connected by existing public transport with two Underground lines and several bus routes with a PTAL rating of 4-6. Such sites are supported and prioritised by LP Policies SD6, SD7, GG2 and H1 to make the best use of land and increase housing supply, including through the intensification and optimisation of land to support additional homes and workspaces and through promoting higher density development.
- 12.65. The site is within the Wembley Growth Area as defined by the WAAP, where CS Policies CP1, CP2, CP3, CP7 and CP16 seek 11,500 new homes and 10,000 new jobs to 2026. Wembley is expected to deliver the majority of Brent's development and growth. The site remains within the Wembley Growth Area as defined by the DBLP, where Policies BP1 and BCGA1 seek to focus new homes and jobs. The site is allocated by DBLP Policy BCSEA7 where MM15 seeks 456 dwellings.

12.66. The proposed development is very well-located and would support the above growth and regeneration aims of the adopted and emerging development plan. Therefore, it would be fully consistent with the development plan's strategic policies. It is also significant that the NPPF paragraph 120, the Government's White Papers on Housing and Planning, and the SoS's directions on the LP all promote the effective use of accessible brownfield and public sector land for housing.

Consistency with design policies including tall buildings [6.5, 7.9, 7.10, 7.15-7.24, 8.14-8.19, 9.3, 9.6, 10.4-10.5]

12.67. The development has been subject to a rigorous design-led approach to produce a scheme of an appropriate form and land use that would optimise the capacity of the site. A higher density development of high design quality would be achieved, consistent with LP Policy D3, CS Policy C6 and DBLP Policy BD1. With regards to LP Policy D9 Part C, the development's visual impacts in terms of townscape views, heritage assets, legibility and wayfinding would not result in any significant adverse effects. Its functional, environmental and cumulative impacts would be acceptable. Thus, it would be consistent with LP Policy D9 Part C.

12.68. There is no doubt that the development constitutes tall buildings as defined by LP Policy D9 Part A and DBLP Policy BD2. However, LP Policy D9 Part B requires boroughs to identify appropriate tall building locations and heights in their development plans. This role falls to the WAAP for the adopted plan and the DBLP for the emerging plan.

12.69. Map 4.4 in the WAAP shows the site lying within an area inappropriate for tall buildings. This map is based on the 2012 Tall Buildings in Wembley document. However, it is not clear how this area was derived and why the site is included within it. Whilst the site is on the WAAP fringe, it is also next to a public transport node and station. The 2012 document is based on assessment work carried out around 10 years ago for an area that has undergone rapid and substantial change in the intervening period. This includes taller developments along Brook Avenue at Matthews Close, Wealdstone Court and Pearce House. There have also been recent permissions for tall buildings in areas shown as inappropriate in the 2012 document, where it would appear that the overall effect of the proposals was considered to be acceptable.

12.70. Map 4.4 informs WAAP Policy WEM5 but the wording of the policy does not restrict tall buildings in specific locations. Conversely, it says they will be acceptable in a limited number of locations where they can demonstrate the highest architectural quality. The application is consistent with this objective and has included 3D digital models as required by the policy. To my mind, the development is only inconsistent with Map 4.4 and not with Policy WEM5. Furthermore, the development is consistent with Policy WEM1 and the broad principles for the Wembley Park Corridor Character Area.

12.71. The DBLP would supersede the WAAP and update the approach to the Wembley Growth Area. With regard to tall buildings, the DBLP is supported by the 2019 Tall Buildings Strategy which identifies the application site within the tall building zone for Wembley Park. Thus, the location of the development would be consistent with the 2019 strategy as well as DBLP Policies BP1 and BD2 (as modified) which direct tall buildings to the tall building zone.

- 12.72. The development would be inconsistent with the 2019 strategy insofar as it expects a maximum height of around 30m on the site (paragraph 8.7) as opposed to 45m or more across the core part of the zone. However, the strategy is only part of the evidence base for the DBLP rather than part of the development plan. Moreover, the strategy is inconsistent with Policy BD2 as modified by MM94. Firstly, the policy defines tall buildings as more than 30m in height. Secondly, the policy states that heights in Tall Building Zones should be consistent with the general building heights shown on the policies map. Mod 26 for Wembley Park removes the core designation and applies a maximum height of 102m across the zone including the application site.
- 12.73. The development would be consistent with the height limits in Policy BD2, including stepping down towards the zone's edge. It would also be consistent with this policy as a positive addition to the skyline that would enhance the overall character of the area and be of exceptional design.
- 12.74. Insofar as DBLP Policy BCSA7 relates to tall buildings, the development would not be consistent with the design principle that stipulates "*up to 10 storeys will be considered acceptable to the western side of the site stepping up slightly directly adjacent to the station (all subject to impact on protected views of the stadium)*". I consider that the wording in brackets applies to the height limits set out beforehand rather than allowing for significantly taller development that protects stadium views. Nevertheless, the height limits are incompatible with the rest of the DBLP for four reasons.
- 12.75. Firstly, the design principle is inconsistent with Policy BD2 as modified given the site lies within a tall building zone, where up to 102m is possible, and the policy refers to tall buildings as being more than 30m (10 storeys) tall. Secondly, DBLP paragraph 6.1.15 acknowledges that the heights identified in the site allocations are considered to be generally acceptable based on a high level of analysis rather than detailed building design. This allows for taller schemes to be justified at the application stage. Thirdly, based on the impact on View 1 from Barn Hill, it is clear that significantly more than 10 storeys is possible without harming the view protected by Policy BHC2. Finally, the design principle is also inconsistent with MM15 to Policy BCSA7 because delivering around 456 units within development largely restricted to 10 storeys is unlikely to produce a satisfactory design in terms of form and layout.
- 12.76. In summary, the location of the proposed tall buildings would be inconsistent with Map 4.4 of the WAAP which in turn leads to an inconsistency with LP Policy D9 Part B. However, the development would be consistent with WAAP Policies WEM1 and WEM5 as well as CS Policy CP6 and LP Policies D3 and D9C with regard to the design and impact of the tall buildings. The location of the development would be consistent with DBLP Policies BP1 and BD2 (as modified) as far as tall buildings are concerned, notwithstanding the heights inconsistency with the 2019 strategy. There would also be a heights inconsistency with the design principle in DBLP Policy BCSA7 but I consider this principle contradicts other parts of the DBLP.

Consistency with other policies in the development plan [6.11, 6.12, 8.20]

12.77. For the reasons set out in previous main considerations, the development is consistent with many other development plan policies. There would be shortfalls in the provision of family and accessible housing (CS Policies CP2 and CP21 and LP Policy D7), private outdoor space (DMP Policy DMP19 and DBLP Policy BH13), play space (LP Policy S4), urban greening factor (LP Policy G5) and BREEAM rating for non-residential floorspace (CS Policy CP19 and DBLP Policy BSU11), but the shortfalls would be minor and/or justified by site specific circumstances as outlined in this report.

Other Matters [6.35, 8.20, 9.2-9.4, 9.14, 10.1-10.3]

12.78. The application was submitted with a fire safety assessment that complied with the requirements of LP Policy D12. There are now more up to date Government requirements which would require some amendments to the internal design. I am satisfied that this could be secured via condition. I am also satisfied that the First Homes requirement would not apply to this development as transitional arrangements exist for local authorities where a local plan was submitted for examination before 28 June 2021 as is the case for Brent. This means that the requirement does not need to be applied until such time as it has been introduced via an update of the local plan⁹².

12.79. Some of the floors within Buildings D and E would have 9 units per floor rather than 8 units per floor as sought by the Housing SPG. However, this would only apply to 5 out of 17 floors for Building D and 4 out of 21 floors for Building E. The SPG refers to "generally no more than 8 units" per floor, which the vast majority of the development would meet. While the commercial unit would not achieve a BREEAM score of 'Excellent', the vast majority of the non-residential floorspace, namely the TCA, would do so. I accept that it would be difficult and costly to achieve this score for a small unit and that the proposal would secure overall sustainability benefits via the S106.

12.80. The Air Quality Assessment⁹³ concludes that the development would meet air quality neutral requirements and a condition could be imposed to ensure the recommendations of the assessment are implemented, such as mechanical ventilation. The effects during the construction phase, including dust and pollution, could be addressed via the Construction Environmental Management Plan which could be secured by a condition.

12.81. With regard to local infrastructure, Thames Water raised no objections in terms of the network capacity for surface water and foul water sewerage. The development would make a CIL contribution that could go towards education and health provision in the Wembley area as set out in the Council's 2019 Infrastructure Delivery Plan. The proposal would provide adequate refuse storage and access for collection. There is little evidence to demonstrate that Wembley Park Station is already at capacity. Additional platforms for the Chilterns Line (as indicated by MM15 to DBLP Policy BCSA7) could be delivered within the footprint of the existing rail corridor, while the east-west orientation of living spaces and balconies means that overlooking issues from any proposed platforms are likely to be avoided.

⁹² Planning Practice Guidance Ref ID: 70-018-20210524 and 70-019-20210524

⁹³ CD1.1 Document 3

- 12.82. It is possible that terrestrial and satellite television signals to the north-west of the development, particularly at 50 and 51 Brook Avenue, could be affected by the development. However, the S106 requires the owner of the development to implement the TV and Radio Signal Report (which is contained with the S106) and use reasonable endeavours to comply with the report. This would include dealing with any signal issues.
- 12.83. While the Wembley Masterplan SPD is not directly applicable to this site, I do not consider that the development would conflict with its general approach and objectives. Technical details such as parking provision have been superseded by subsequent development plan documents. I have little evidence that the development would not be fully occupied. Comments about the track record and suitability of the developer or behaviour of the Council are not substantiated.

The benefits of the development [6.1, 6.2, 6.33, 6.36, 7.5, 7.20, 7.54, 8.6, 8.20, 8.22, 10.4]

- 12.84. The development would represent the re-use of a surface car park next to an Underground station within an urban area and so should be afforded substantial weight as a benefit in line with NPPF paragraph 120(c). Until the adoption of the DBLP and the allocation of BCSA7, the site can be regarded as a suitable windfall site that would deliver homes, which should carry great weight in line with NPPF paragraph 69(c). The delivery of 454 homes including 152 affordable units would be a significant benefit and boost to local supply having regard to NPPF Section 5.
- 12.85. The development would provide an improved TCA facility that would support 264 jobs as well as a new commercial unit that would secure 7 jobs. It would also generate employment opportunities through the construction and management of the development. These benefits would support economic growth and productivity and so can be afforded significant weight in line with NPPF paragraph 81.
- 12.86. The development would be well-designed and would reflect local design policies and government design guidance. It also could be regarded as outstanding design that could help to raise the standard of design more generally in the area and could fit in with the overall form and layout of the surroundings. Either way, the design should be afforded significant weight in line with NPPF paragraph 134.
- 12.87. The development would be car-free and encourage sustainable modes of transport. It would improve and enlarge the public realm along Brook Avenue and help to enhance Olympic Square and the entrance to Wembley Park from the station. It would increase the number of trees within the site and contribute to urban greening and net biodiversity gain. All of these benefits carry significant weight.

Whether the proposed development would accord with the development plan taken as a whole

The adopted development plan [7.11, 7.12, 7.17, 7.20, 7.24, 7.53, 7.55, 8.12, 8.20]

- 12.88. The proposed development would be in conformity with LP Policies SD1, SD6, SD7, GG2 and H1 and CS Policies CP1, CP2, CP3, CP7 and CP16 due to its location within the Wembley Opportunity Area and Wembley Growth Area and the principle of developing a brownfield car park site with a high PTAL rating next to a station and town centre for residential and commercial uses. It would also conform with LP Policies D3 and D9, CS Policy CP6 and WAAP Policies WEM1, WEM5 and WEM6 because of its high quality design and acceptable visual, functional and environmental impacts.
- 12.89. It would accord with LP Policy HC1, CS Policy CP5, and DMP Policies DMP1(d) and DMP7 regarding the historic environment where the very limited harm to the significance of a conservation area would be outweighed by the public benefits. The development would accord with LP Policies H4, H5, H6 and H7, CS Policy CP2, and DMP Policy DMP15 in respect of affordable housing provision. The development would accord with WAAP Policy WEM34 for open space provision and DMP Policy DMP1(a) for the levels of internal and external amenity. It would accord with LP Policy D6 and DMP Policy DMP19 with regard to the provision of private outdoor space when considering the site specific circumstances. It would accord with LP Policies T4, T5, T6, T6.1 and DMP Policies DMP1(b) and DMP12 in terms of transport and parking matters.
- 12.90. There would be conflict with WAAP Map 4.4 and by association LP Policy D9 Part B regarding the location of tall buildings in an area denoted as inappropriate for such buildings. However, I give limited weight to that conflict based on the dated and unclear nature of the evidence base underpinning Map 4.4, the emerging approach to tall buildings in the DBLP, and the fact that the development would be of high quality design and would have an acceptable impact.
- 12.91. There would be some conflict with CS Policy CP21 and WAAP Policy WEM19 in light of the percentage of family housing, but there are locational reasons to justify this conflict. The small shortfalls in the provision of accessible housing in LP Policy D7, play space in LP Policy S4, urban greening in LP Policy G5, and BREEAM floorspace in CS Policy CP19 are also justified.
- 12.92. In conclusion, the conflicts with the adopted development plan are limited and outweighed by various material considerations, particularly in terms of compliance with the overall approach of strategic and design policies at national, regional and local levels, overall compliance with the emerging DBLP, and the development's significant and substantial benefits. Therefore, I am satisfied that the development would accord with the development plan taken as a whole.
- 12.93. If the SoS concludes differently, that there would be conflict with WAAP Policy WEM5 (and LP Policy D9 Part B) and that the development would not accord with the WAAP when taken as a whole, then this would need to be weighed against the overall compliance with the LP, the CS and the DMP and a decision made as to whether the development would accord with the development plan when taken as a whole (also taking into account the various benefits).

12.94. Alternatively, if the SoS concludes that the WAAP and LP conflict result in the development being contrary to the development plan taken as a whole, the weight to be given to this finding would need to be balanced against any relevant material considerations including the benefits of the development, the emerging DBLP, and the requirements of national policy.

The emerging development plan [7.21-7.23, 8.20-8.21]

12.95. It is not clear when the Inspectors' report on the DBLP will be published or when the plan might be adopted, although the Council indicated at the Inquiry that this might be achieved by the end of 2021. However, it is possible that the DBLP may have replaced large parts of the existing adopted development plan (including the CS, DMP and WAAP) by the time the decision on this application is issued by the SoS.

12.96. The development would accord with DBLP Policies DMP1, BP1, BCGA1, BD1, BD2, BH5, BH6, BH13, BHC1, BHC2, BT1 and BT2 (taking into account the proposed main modifications to relevant policies). The conflict with DBLP Policy BSUI1 with regard to BREEAM floorspace would be minor. With the exception of the height design principle in Policy BCSA7, which I consider to be inconsistent with the rest of the plan, the development would also accord with this policy. Significant weight can now be afforded to the above policies, based on the advanced stage of plan preparation, the lack of unresolved objections to these policies, and their degree of consistency with the NPPF. They could be afforded full weight upon adoption of the plan, should this occur before any decision is reached on this development.

12.97. I am satisfied that the development would accord with the DBLP taken as a whole. This applies both now as a draft plan and upon adoption, assuming that the above policies and main modifications that have been considered as part of this application and inquiry are part of the adopted plan. If the SoS concludes differently, particularly on the basis of the height design principle, then this conclusion would need to be balanced against the benefits of the development and the requirements of national, regional and local policy.

13. Recommendation

13.1. The proposed development would be consistent with NPPF policies for design, housing and the historic environment and it would have an acceptable effect on the living conditions of occupiers of neighbouring properties and on parking and highway safety. The development would be consistent with the development plan and accord with the development plan taken as a whole. The proposed development would also deliver significant and substantial benefits.

13.2. Consequently, I recommended that the application should be approved and planning permission granted, subject to the schedule of conditions in Annex 1 and all the obligations in the S106 agreement dated 13 October 2021.

Tom Gilbert-Wooldridge

INSPECTOR

Annex 1: Suggested Conditions (42)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

15246-A-PL-X-(02)-001_00	Site Location and OS Plan
15246-A-PL-X-(02)-002_00	Site Plan
15878/JV/1 PRELIMINARY/A	Existing Site Layout
15246-A-PL-X-(05)-001_01	Existing Elevations
15246-A-PL-X-(05)-002_01	Demolition Elevations
15246-A-PL-X-(02)-003_00	Demolition Plan
15246-A-PL-X-(03)-099_03	Basement Floor Plan
15246-A-PL-X-(03)-100_05	Ground Floor Plan
15246-A-PL-X-(03)-101_07	1st Floor Plan
15246-A-PL-X-(03)-102_07	2nd Floor Plan
15246-A-PL-X-(03)-103_07	3rd Floor Plan
15246-A-PL-X-(03)-104_01	4th Floor Plan
15246-A-PL-X-(03)-106_07	6th Floor Plan
15246-A-PL-X-(03)-107_06	7th Floor Plan
15246-A-PL-X-(03)-108_06	8th Floor Plan
15246-A-PL-X-(03)-111_06	11th Floor Plan
15246-A-PL-X-(03)-112_06	12th Floor Plan
15246-A-PL-X-(03)-113_05	13th Floor Plan
15246-A-PL-X-(03)-114_05	14th Floor Plan
15246-A-PL-X-(03)-115_05	15th Floor Plan
15246-A-PL-X-(03)-117_05	17th Floor Plan
15246-A-PL-X-(03)-121_05	Roof Plan
15246-A-PL-X-(05)-100_012	Elevations
15246-A-PL-X-(05)-101_02	Bay Study 01
15246-A-PL-X-(05)-102_02	Bay Study 02
15246-A-PL-X-(05)-103_02	Bay Study 03
15246-A-PL-X-(06)-100_011	Sections
15246-A-PL-A-(03)-100_05	Block A - Ground Floor Plan
15246-A-PL-A-(03)-101_06	Block A - 1st Floor Plan

15246-A-PL-A-(03)-103_06	Block A - 3rd Floor Plan
15246-A-PL-A-(03)-107_06	Block A - 7th Floor Plan
15246-A-PL-A-(03)-112_06	Block A - 12th Floor Plan
15246-A-PL-A-(05)-100_011	Block A - South and West Elevations
15246-A-PL-A-(05)-101_012	Block A - North and East Elevations
15246-A-PL-B-(03)-100_05	Block B - Ground Floor Plan
15246-A-PL-B-(03)-101_06	Block B - 1st Floor Plan
15246-A-PL-B-(03)-102_01	Block B - 2nd Floor Plan
15246-A-PL-B-(03)-103_06	Block B - 3rd Floor Plan
15246-A-PL-B-(03)-104_01	Block B - 4th Floor Plan
15246-A-PL-B-(03)-107_06	Block B - 7th Floor Plan
15246-A-PL-B-(03)-113_05	Block B - 13th Floor Plan
15246-A-PL-B-(05)-100_011	Block B - South and West Elevations
15246-A-PL-B-(05)-101_010	Block B - North and East Elevations
15246-A-PL-C-(03)-100_04	Block C - Ground Floor Plan
15246-A-PL-C-(03)-101_04	Block C - First Floor Plan
15246-A-PL-C-(03)-103_04	Block C - 3rd Floor Plan
15246-A-PL-C-(03)-108_05	Block C - 8th Floor Plan
15246-A-PL-C-(03)-114_04	Block C - 14th Floor Plan
15246-A-PL-C-(05)-100_09	Block C - South and West Elevations
15246-A-PL-C-(05)-101_010	Block C - North and East Elevations
15246-A-PL-D-(03)-100_04	Block D - Ground Floor Plan
15246-A-PL-D-(03)-101_05	Block D - First Floor Plan
15246-A-PL-D-(03)-103_05	Block D - Third Floor Plan
15246-A-PL-D-(03)-107_05	Block D - 7th Floor Plan
15246-A-PL-D-(03)-108_05	Block D - 8th Floor Plan
15246-A-PL-D-(03)-111_06	Block D - 11th Floor Plan
15246-A-PL-D-(03)-117_05	Block D - 17th Floor Plan
15246-A-PL-D-(05)-100_09	Block D - South and West Elevations
15246-A-PL-D-(05)-101_09	Block D - North and East Elevations
15246-A-PL-E-(03)-099_04	Block E - Basement Floor Plan
15246-A-PL-E-(03)-100_04	Block E - Ground Floor Plan
15246-A-PL-E-(03)-101_04	Block E - First Floor Plan
15246-A-PL-E-(03)-102_04	Block E - 2nd Floor Plan
15246-A-PL-E-(03)-103_06	Block E - 3rd Floor Plan
15246-A-PL-E-(03)-107_01	Block E - 7th Floor Plan

15246-A-PL-E-(03)-115_06	Block E - 15th Floor Plan
15246-A-PL-E-(03)-116_05	Block E - 16th Floor Plan
15246-A-PL-E-(03)-121_05	Block E - Roof Plan
15246-A-PL-E-(05)-100_010	Block E - South and West Elevations
15246-A-PL-E-(05)-101_011	Block E - North and East Elevations
MA.3158.1000 REV D	Sitewide Landscape Plan
MA.3158.1001 REV E	Ground Floor Landscape General Arrangement
MA.3158.1100 REV I	Podium Landscape General Arrangement
MA.3158.1200 REV E	7th Floor Roof Terrace Landscape General Arrangement
15246-A-PL-X-(03)-1B2P-02_03	Podium- 1 Bed 2P Type 02 M4(3)
15246-A-PL-X-(03)-1B2P-05_03	Podium- 1 Bed 2P Type 05 M4(3)
15246-A-PL-X-(03)-1B2P-10_03	Block C – 1 Bed 2P Type 10 M4(3)
15246-A-PL-X-(03)-1B2P-14_03	Block D - 1 Bed 2P - Type 14 M4(3)
15246-A-PL-X-(03)-2B3P-01_03	Podium - 2 Bed 3P Type 01 M4(3)
15246-A-PL-X-(03)-2B3P-02_03	Blocks A & B - 2 Bed 3P Type 02 M4(3)
15246-A-PL-X-(03)-2B3P-04_03	Block C - 2 Bed 3P Type 04 M4(3)
15246-A(SK)078_01	Indicative Relationship between 50/51 Brook Avenue and Substation

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The development hereby permitted shall contain 454 residential units as detailed in the drawings hereby approved.

Reason: In the interests of proper planning.

- 4) The scheme hereby approved shall contain 1,101sqm (GIA) of commercial floor space (use class Sui Generis) which shall not be used other than for purposes ancillary to the operations of London Underground Ltd and the transport network, and 115sqm (GIA) of commercial floor space which shall be used for purposes within the Use Classes A1, A2, B1, D1 or D2 (Use Class E (excluding sub-class E[b]) from September 2020) only, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning and to ensure the use of the development is appropriate for the location.

- 5) The development hereby approved shall be built so that no fewer than 350 of the residential units achieve Building Regulations requirement M4(2) –

'accessible and adaptable dwellings' and that no fewer than 46 of the residential units achieve Building Regulations requirement M4(3) – 'wheelchair user dwellings'.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan (2021) Policy D7.

- 6) The approved cycle and refuse storage facilities as shown on drawing 15246-A-PL-X-(03)-100 05 and on drawing 15246-A-PL-X-(03)-101 Rev 07 shall be installed on a phased basis prior to occupation of the relevant phase that they serve and thereafter retained and maintained for the life of the development and not used for any other purpose.

Reason: To ensure that the development is fit for purpose and makes adequate provision for cycle and refuse storage.

- 7) Once installed and made available for their final intended use, the 14 blue badge parking bays on the western side and in the central part of the car parking area shall not be used other than for purposes ancillary to the occupation of the residential units of the building hereby approved.

Once installed and made available for their final intended use, the 38 standard parking bays and 2 blue badge parking bays located centrally within the car parking area shall not be used other than for purposes relating to the operation of the transport network and occupation of the commercial unit with use class Sui Generis within the development hereby approved.

Once installed and made available for their final intended use, the 12 blue badge parking bays located on the eastern side of the car parking area shall not be used other than for blue badge access in a public use capacity.

Reason: To ensure that the development is fit for purpose and makes adequate provision for car parking.

- 8) The development hereby approved shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: To ensure a sustainable development by minimising water consumption in accordance with London Plan (2021) Policy SI5.

- 9) Prior to occupation of a phase of the development hereby approved, a communal television aerial and satellite dish system linking to all residential units within that building, or a single system capable of being extended to serve the development as a whole, shall be provided and retained in perpetuity. No additional television aerial or satellite dishes shall be erected on the premises.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- 10) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning

guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reason: To protect local amenity and air quality in accordance with Brent Policy and London Plan (2021) Policy SI 1.

- 11) The development hereby approved shall be carried out in full accordance with the Proposed Risk Mitigation Strategy as set out in Section 12 of the submitted Detailed Unexploded Ordinance Risk Assessment (prepared by SafeLane Global, dated March 2020) reference: CG/38188.

Reason: To ensure that the development suitably mitigates the risks associated with the potential presence of unexploded ordinance at the application site.

- 12) The substation at the western end of the development hereby approved, shall be installed in accordance with the approved details and must comply with the following Standards:

- Noise: BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.
- Vibration: BS6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Part 1: Vibration sources other than blasting.
- ICNIRP Reference Levels of 100 microteslas for magnetic fields and 5000 volts per metre for electric fields

Reason: To secure the satisfactory development of the site in terms of human health and the wider environment.

- 13) The recommendations set out in the submitted Flood Risk and Drainage Strategy (prepared by Powell Tolner & Associates Ltd, dated March 2020 – Ref: 9706-PTA-ZZ-XX-RP-9001) shall be fully implemented for each phase of the development following the commencement of each phase of the development (excluding site preparation works) and prior to the occupation of that phase.

Reason: To ensure the development suitably addresses flood risk and drainage impact.

- 14) The recommendations set out in the submitted Air Quality Assessment (prepared by Eight Associates, dated March 2020) shall be fully implemented for each phase of the development following the commencement of the superstructure works of each phase of the development and prior to the occupation of that phase.

Reason: To ensure the development suitably addresses air quality impact.

- 15) The ecology mitigation and enhancement recommendations set out in the submitted BREEAM Ecology Assessment and Preliminary Ecological Appraisal (prepared by Greengage, dated March 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.

Reason: To ensure the development suitably mitigates ecological impact and takes the opportunities to enhance ecology and biodiversity.

- 16) The tree protection recommendations set out in the submitted BS5837 Tree Survey & Arboricultural Impact Assessment (prepared by Greengage, dated March 2020) shall be fully implemented for each phase of the development following the commencement of each phase of the development (excluding site preparation works).

Reason: To ensure the development suitably protects trees that could be damaged by the development.

- 17) The recommendations set out in the submitted Overheating Analysis (Prepared by Eight Associates, dated March 2020) shall be fully implemented for each phase prior to occupation of each phase of the development.

Reason: To ensure the development effectively addresses overheating issues in the interests of sustainable development.

- 18) The recommended mitigation measures set out in the Noise and Vibration Report (prepared by RBA Acoustics, dated March 2020 – Ref: 9697.RP01.AAR.2 Revision Number: 2) shall be fully implemented for each phase of development prior to occupation of that phase and retained thereafter.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 19) The development hereby approved shall not be commenced until a phasing plan showing the location of all phases and car parking provision, the sequencing for those phases and car parking provision, and indicative timescales for their delivery has been submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The development shall be carried out in accordance with the plan thereby approved. The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge and to ensure coordination between the phasing plan as approved and the triggers in any relevant agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended).

Pre-commencement Reason: The precise phasing must be known prior to the commencement of works on those relevant phases for clarity of the submission of details in relation to each of those phases.

- 20) Prior to the commencement of works on a relevant part of the development hereby approved, a CIL chargeable developments plan shall be submitted to the Local Planning Authority through the submission of an application for approval of details reserved by condition.

Reason: To define the extent of a CIL phase for the purposes of the CIL Regulations 2010 as amended.

Pre-commencement Reason: CIL payments must be made prior to commencement of development and the chargeable development and associated charge must therefore be known prior to the commencement of works on those relevant phases.

- 21) Prior to the commencement of the development, an updated Fire Safety Statement prepared by a suitably qualified person(s) shall be submitted to and approved in writing by the Local Planning Authority. The fire safety measures outlined in the revised assessment shall be fully implemented prior to occupation of each phase of the development.

Reason: To ensure the development accounts for fire safety.

Pre-commencement reason: The mitigation that the condition seeks may have fundamental implications for the design of the buildings and therefore needs to be known at the outset of development.

- 22) No development shall take place until a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Pre-commencement reason: The demolition of the existing buildings forms part of the Circular Economy matters which the condition seeks to control. The Strategy must therefore be confirmed prior to the commencement of the development.

- 23) Prior to commencement of a relevant phase of the development, further details of wind mitigation measures for any residential balconies and terraces within that phase that would not otherwise be expected to achieve acceptable conditions, shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in accordance with the findings and recommendations of the approved Pedestrian Level Wind Microclimate Assessment (prepared by RWDI, dated March 2020 – Ref: #2000382). The mitigation measures shall be implemented fully in accordance with the approved details prior to first occupation of the relevant phase of development.

Reason: To ensure comfortable wind speeds on residential balconies, in accordance with London Plan Policy D9.

Pre-commencement reason: The mitigation that the condition seeks may have fundamental implications for the design of the buildings and therefore needs to be known at the outset of development.

- 24) Notwithstanding the details already submitted, prior to the commencement of the development (excluding site preparation) hereby approved, a revised Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The revised Construction Logistics Plan shall include:

- Details of arrangements for general traffic management along Brook Avenue during construction.
- An evaluation of the potential to phase the use of the adopted highway for construction logistics purposes in a way that would facilitate the provision of disabled parking on-street on Brent Council highways land along Brook Avenue.

The development shall thereafter be carried out in accordance with the approved document.

Reason: To ensure an acceptable impact on existing facilities during the construction phase.

- 25) Notwithstanding the details already submitted, prior to the commencement (excluding site preparation) of the development hereby approved, a revised Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The submission shall outline details of the following measures:

- Hoarding of material;
- Parking arrangements on site;
- Transportation of vehicles;
- Dust Mitigation – wheel washing of vehicles;
- Noise mitigation and management (BS 5228;2014); and
- Storage of materials.

The development shall thereafter be carried out in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during the construction phase.

- 26) a) Prior to the commencement of a phase of development (excluding site preparation works), a site investigation report for that phase shall be prepared by a competent person(s) to determine the nature and extent of any soil contamination and shall have been submitted to and approved in writing by the Local Planning Authority. The investigation shall be carried out in accordance with the agreed principles, which should be informed by BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance.
- b) Prior to commencement of a phase of development (excluding site preparation works) a remediation report shall be submitted to and approved in writing by the Local Planning Authority that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The report shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.
- c) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be

submitted to and approved in writing by the Local Planning Authority prior to first occupation of the phase of development, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

Reason: To ensure the safe development and secure occupancy of the site.

- 27) Prior to the commencement of a phase of the development (excluding site preparation works) hereby approved, accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance shall be submitted to the GLA's monitoring portal and Local Planning Authority for information.

Upon completion of the 'as-built' design of a phase of the development (upon commencement of RIBA Stage 6) and prior to occupation of a phase of the residential development, updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as well as supporting evidence, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance, shall be uploaded to the GLA's monitoring portal and submitted to the Local Planning Authority for information. Confirmation that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document should also be provided.

Upon completion of the first year of occupation following the end of the defects liability period and for the following four years, accurate and verified annual in-use energy performance data as well as supporting evidence for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance shall be uploaded to the GLA's monitoring portal and submitted to the Local Planning Authority for information.

In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner shall investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which can be reasonably practicable to implement, an action plan comprising such measures shall be prepared and submitted to the Local Planning Authority for written approval. The measures approved by the Local Planning Authority shall be implemented by the legal Owner as soon as reasonably practicable and based on the agreed action plan timescales.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

- 28) Prior to commencement of development of the relevant phase/building (as applicable) (except for demolition and site clearance) hereby approved, a

BREEAM pre-assessment relating to all Sui Generis floor space within the development, which targets a rating of 'Excellent', or an alternative rating to be agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time.

- 29) No piling shall take place for a phase of development until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority for that phase in consultation with Thames Water. The method statement shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 30) Details of materials for all external work to the development including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing for that part of the development which include the relevant materials. The work shall be carried out in accordance with the approved details. The details shall be submitted for the Local Planning Authority's approval through the submission of an application for approval of details reserved by condition.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 31) Prior to commencement of a phase of superstructure works, a plan indicating the provision of electric vehicle charging points for the approved car parking spaces for that phase within the site shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. Thereafter, the agreed electric vehicle charging points shall be provided and made available for use prior to occupation of that phase of the development. The provision of electric vehicle charging points shall be in accordance with adopted London Plan standards, providing at least both active and passive charging points.

Reason: To encourage the uptake of electric vehicles as part of the aims of the adopted London Plan (2021) Policy T6.

- 32) Prior to commencement of a relevant phase of the development (excluding site preparation works) hereby approved, detailed designs of the segregated ramp for pedestrian and wheelchair users forming part of that relevant phase of development hereby approved shall be submitted to and

approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall thereafter be implemented in accordance with the approved details prior to its first occupation.

Reason: To ensure a safe arrangement can be demonstrated.

- 33) Prior to occupation of a phase of the development hereby approved, a scheme of detailed landscaping proposals for that phase shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The submitted scheme shall set out detailed proposals for the following aspects:

- Planting species and densities for all grass, shrubs and proposed trees, including street trees along Brook Avenue;
- Child Play spaces;
- Safety measures to minimise conflict between vehicles and play space to the west of Block A, including vehicles that would service the substation;
- Details of any mitigation measures necessary to achieve acceptable wind comfort levels across the development's landscaping in accordance with the submitted Pedestrian Level Wind Microclimate Assessment (prepared by RWDI, dated March 2020 – Ref: #2000382);
- Biodiversity mitigation and enhancement measures, as recommended in submitted Preliminary Ecological Appraisal and BREEAM Ecology Assessment (prepared by Greengage, dated March 2020); and
- External lighting strategy (including details of lux levels and light spillage diagrams)

The approved landscaping scheme shall be completed prior to the first occupation of the relevant phase of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained unless alternative details are first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces and maximises biodiversity benefits.

- 34) Prior to occupation of a phase of development hereby approved, details of how the phase of development is designed to allow future connection to a district heating network should one become available, shall be submitted to

and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall be completed in accordance with the approved details prior to occupation of that phase of the development.

Reason: To ensure the development is in accordance with the principles of London Plan (2021) Policy SI 3.

- 35) Prior to occupation of the phase of development that incorporates the construction of the tallest block (Block E) within the development hereby approved, details of privacy screening to the southern side of the balcony serving the '2 Bed 3P – Type 07' apartment and to the northern side of the balcony serving the '2 Bed 3P – Type 11' apartment located on the third, fourth, fifth and sixth floors of Block E shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall thereafter be implemented in accordance with the approved details prior to occupation within that phase and the approved details shall be retained thereafter.

Reason: To ensure acceptable privacy levels within the development.

- 36) Notwithstanding the details already submitted, prior to the occupation of a relevant phase of development hereby approved, a revised Delivery and Servicing plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. The revised Delivery and Servicing Plan shall adjust the details of the originally submitted plan to account for the omission of loading bays from the plans.

The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on existing facilities during construction.

- 37) Prior to occupation of a relevant phase of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase through the submission of an application for approval of details reserved by condition.

The development shall thereafter operate in accordance with the approved car park management plan.

Reason: To ensure a safe arrangement can be demonstrated.

- 38) Prior to occupation of a relevant phase of development hereby approved, a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase through the submission of an application for approval of details reserved by condition.

The development shall thereafter operate in accordance with the approved refuse management plan.

Reason: To ensure a safe arrangement can be demonstrated.

- 39) Within the first 6 months of occupation of Sui Generis floorspace within the development, a Post Construction Stage Review BRE Certificate shall be

submitted to and approved in writing by the Local Planning Authority. The certificate shall demonstrate that the Sui Generis floor space within the development has achieved BREEAM "Excellent". Development shall be maintained so that it continues to comply for the lifetime of the development.

Reason: To ensure the development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time.

- 40) Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. Prior to the installation of any plant, an assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of protecting the living conditions of nearby residents.

- 41) Prior to the occupation of each building the post-construction tab of the GLA's whole life carbon assessment template shall be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the relevant building.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

- 42) Prior to the occupation of any phase of the development, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Annex 2: Appearances

FOR THE APPLICANTS

James Strachan QC instructed by Lindsay Garratt of Winckworth Sherwood.

He called:

Mike Jamieson BSc (Hons) DipArch ARB RIAS RIBA	Design Director, Tate Hindle
Dr Chris Miele MRTPI IHBC	Senior Partner, Montagu Evans LLP
Mark Kidd BSc (Hons)	Principal, Avison Young
Philip Rust CEng MSc MICE MCIHT	Director, Steer
Ben Ford BSc (Hons) DipSurv MRTPI	Director, Quod
Matt Steinbrecher	Senior Associate, Winckworth Sherwood
Lindsay Garratt	Partner, Winckworth Sherwood
Ewan Grunwald	Senior Planner, Quod

FOR THE LOCAL PLANNING AUTHORITY

Simon Bird QC instructed by Saira Tamboo, solicitor for the London Borough of Brent (LBB).

He called:

Mark Price MRTPI IHBC	Principal Heritage Officer, LBB
Paul Lewin MRTPI	Planning Policy Team Leader, LBB
John Fletcher BSc MSc	Development Control (Transportation) Team Leader, LBB
Toby Huntingford MPlan	Principal Planning Officer, LBB

INTERESTED PERSONS WHO SPOKE AT INQUIRY

Councillor Michael Maurice	LBB
Phillipa Duffy	Local resident
John Duffy	Local resident
Masiha Kazem	Local resident

Annex 3: Documents

Inquiry Documents (ID)

- ID01 Applicants' opening statement
- ID02 Council's opening statement
- ID03 Response from the applicants to the Inspector's questions
- ID04 Site visit route for the Inspector
- ID05 Ofcom document on tall buildings and their impact on broadcast and other wireless services (26 August 2009)
- ID06 Extract from the Mayor of London's Housing Supplementary Planning Guidance (March 2016) pages 52 and 53
- ID07 Names and details of Council's witnesses
- ID08 Summary of the planning obligations in the Section 106 agreement
- ID09 Updated draft Section 106 agreement
- ID10 Updated draft list of conditions
- ID11 Additional planning condition suggested by the parties
- ID12 Response from the parties to the Inspector's questions on conditions and obligations
- ID13 Statement by Masiha Kazem
- ID14 (A) Further updated draft list of conditions (B) track changes version
- ID15 Council's closing submissions
- ID16 Applicants' closing submissions
- ID17 Final comments by Philip Grant (local resident)
- ID18 Letter from applicants' confirming agreement to the pre-commencement conditions contained in ID14
- ID19 Completed and executed Section 106 agreement
- ID20 Extract from the Mayor of London's Housing Supplementary Planning Guidance (March 2016) pages 78 and 79

Statement of Common Ground

- CD2.3 Statement of Common Ground dated 8 July 2021
- SOCGa Statement of Common Ground corrections dated 22 September 2021

[Please note, the documents that accompany the SOCG are all provided as core documents and so have not been listed twice]

Applicants' Statement and Proofs of Evidence

- CD2.4 Applicants' Statement of Case dated 8 July 2021
- APP1 Proof and Appendices of Mike Jamieson (Design)
- APP2 Proof and Appendices of Chris Miele (Heritage and Townscape)
- APP3 Proof and Appendices of Mark Kidd (Daylight and Sunlight)
- APP4 Proof and Appendices of Philip Rust (Transport)
- APP5 Proof and Appendices of Ben Ford (Planning)

Council's Statement

- CD2.5 Council's Statement of Case dated 8 July 2021

Core Documents (CD)

CD1. Planning Application Documents

- 1.1 Planning application documents (see Schedule 1)
- 1.2 List of plans (see Schedule 2)
- 1.3 Mayor of London Stage 1 Letter and Officer Report, 11th May 2020
- 1.4 Applicants' Correspondence to the GLA 27th May 2020
- 1.5 The Council Officer's Report to the Planning Committee and Addendum (26 November 2020)
- 1.6 The Council Officer's Supplementary Information Report (17 February 2021)
- 1.7 Mayor of London Stage 2 Letter and Officer report, 14th December 2020

CD2. Call-in Documentation

- 2.1 Bob Blackman MP, Member of Parliament for Harrow East correspondence to the Secretary of State dated 3rd December 2020
- 2.2 Secretary of State Call-In Letter to Applicants dated 17 May 2021
- 2.3 Statement of Common Ground dated 8 July 2021
- 2.4 Applicants' Statement of Case dated 8 July 2021
- 2.5 Council's Statement of Case dated 8 July 2021
- 2.6 Inspector's Case Management Conference Note dated 20 July 2021
- 2.7 Inspector's Pre-Conference Note dated 14 July 2021

CD3. Pre-Application/Consultation Documents

- 3.1 Request for an Environmental Impact Assessment Screening Opinion for the Site (Ref: 18/0150/PRE), 12th February 2019
- 3.2 Council's Screening Opinion, 25th February 2019
- 3.3 Mayoral Design Advocate Meeting Minutes No. 1
- 3.4 Mayoral Design Advocate Meeting Minutes No. 2
- 3.5 Mayoral Design Advocate Meeting Minutes No. 3
- 3.6 Design Council Meeting Minutes No. 1
- 3.7 Design Council Meeting Minutes No. 2
- 3.8 Mayoral Design Advocate Meeting Minutes No, 4
- 3.9 Mayoral Design Advocate Meeting Minutes No. 5

CD4. Policy Documents

- 4.1 *London Plan (2021)*
 - 4.1.1 Policy SD1
 - 4.1.2 Policy D1
 - 4.1.3 Policy D3
 - 4.1.4 Policy D4
 - 4.1.5 Policy D5
 - 4.1.6 Policy D8
 - 4.1.7 Policy D9
 - 4.1.8 Policy H1
 - 4.1.9 Policy HC1
 - 4.1.10 Policy HC3
 - 4.1.11 Correspondence from the Secretary of State to the Mayor of London, 27th July 2018
 - 4.1.12 Correspondence from the Secretary of State to the Mayor of London, 13th March 2020
 - 4.1.13 Correspondence from the Secretary of State to the Mayor of London, 10th December 2020
 - 4.1.14 Correspondence from the Secretary of State to the Mayor of London, 29th January 2021
 - 4.1.15 London Plan (2021) full version
- 4.2 *London Borough of Brent Core Strategy (2010)*
 - 4.2.1 Strategic Objective 9
 - 4.2.2 Policy CP2
 - 4.2.3 Policy CP5

- 4.2.4 Policy CP6
- 4.2.5 Policy CP7
- 4.2.6 Policy CP17
- 4.2.7 Adopted Local Plan Site Proposals Map Extract
- 4.2.8 London Borough of Brent Core Strategy (2010) full version

- 4.3 *London Borough of Brent Development Management Policies Document (2016)*
- 4.3.1 Policy DMP7
- 4.3.2 London Borough of Brent Development Management Policies Document (2016) (full version)

- 4.4 *Wembley Area Action Plan (2015)*
- 4.4.1 Policy WEM1
- 4.4.2 Policy WEM5
- 4.4.3 Policy WEM6
- 4.4.4 Policy WEM8
- 4.4.5 Wembley Area Action Plan (2015) (full version)

- 4.5 *Draft Brent Local Plan Modifications*
- 4.5.1 Draft Local Plan Site Proposals Map Extracts
- 4.5.2 DBLP Site Allocation BCSA3: Brook Avenue
- 4.5.3 DBLP Site Allocation BCSA7
- 4.5.4 Draft Brent Local Plan (full latest version with Main Modifications)

- 4.6 Mayor's Housing Strategy (2018)
- 4.7 GLA Design Review Protocol
- 4.8 Brent Design Guide SPD1 (2018)
- 4.9 The Mayor's Transport Strategy (2018)
- 4.10 National Planning Policy Framework (2021)

- CD5. Other Documents
- 5.1 Historic England's Guidance on the Setting of Heritage Assets
- 5.2 Barn Hill Conservation Area Appraisal
- 5.3 Lawns Court Conservation Area Character Area Appraisal
- 5.4 Fixing Our Broken Housing Market (2017)

- 5.5 Government's August 2020 White Paper: Planning for the Future White Paper
- 5.6 Heritage Assets Plan relevant to the assessment of the development
- 5.7 Mayor's Good Growth by Design
- 5.8 TfL Supplementary Planning Guidance Portfolio Approach to affordable housing, 4th March 2021
- 5.9 The Government's Announcement (1st October 2018) New measures to support homebuyers, build more homes, improve building safety and create a Commonwealth Games legacy
- 5.10 Department for Transport Letter to the Mayor of London, 1st June 2021
- 5.11 Tall Buildings in Wembley (2012)
- 5.12 National Design Guide (2019)
- 5.13 Wembley Masterplan (2009)
- 5.14 Tall Building Strategy (2019)
- 5.15 National Model Design Code (2021)
- 5.16 Brent Council's Infrastructure Delivery Plan (2019)

Schedule 1 (CD1.1 Application Documents)

- 1. Accommodation Schedule (GIA) (March 2020 Submission)
- 2. Accommodation Schedule- Habitable Rooms (NIA) (September 2020 Revision) (Rev 12)
- 3. Air Quality Assessment (March 2020 Submission)
- 4. Arboricultural Impact Assessment and Tree Survey (March 2020 Submission)
- 5. Archaeological Impact Assessment (March 2020 Submission)
- 6. Basement Impact Assessment (March 2020 Submission)
- 7. Biodiversity Assessment (March 2020 Submission)
- 8. BREEAM Preliminary Assessment (March 2020 Submission)
- 9. Community Infrastructure Levy Form (March Submission)
- 10. Construction Logistics and Environmental Management Plan (March 2020 Submission)
- 11. Daylight, Sunlight Assessment (March 2020 Submission and September 2020 Addendum)
- 12. BREEAM Ecology Assessment (March 2020 Submission)
- 13. Ecological Appraisal (March 2020 Submission)
- 14. Energy Assessment (March 2020 Submission)
- 15. Financial Viability Assessment (March 2020 Submission and September 2020 Addendum)

16. Fire Safety Assessment (March 2020 Submission and September 2020 Addendum)
17. Flood Risk Assessment and Drainage (March 2020 Submission)
18. Heritage Townscape and Visual Impact Assessment (March 2020 Submission)
19. Noise and Vibration Impact Assessment (March 2020 Submission)
20. Overheating Assessment (March 2020 Submission)
21. Phase 1 Contaminated Land Desk Study Report (March 2020 Submission)
22. Planning and Affordable Housing Statement (March 2020 Submission)
23. Planning Application Covering Letter (March 2020 Submission)
24. Planning Application Forms and Certificates (March 2020 Submission)
25. Statement of Community Involvement (March 2020 Submission)
26. Topographical Survey (March 2020 Submission)
27. Transport Assessment and Travel Plans (March 2020 Submission and September 2020 Addendum)
28. TV and Radio Reception Assessment (March 2020 Submission)
29. Utilities Assessment (March 2020 Submission)
30. Ventilation and Extraction Report (March 2020 Submission)
31. Wind Microclimate Assessment (March 2020 Submission and September 2020 Addendum)
32. Design and Access Statement (March 2020 Submission)

Schedule 2 (CD1.2 List of Plans)

1. 15246-A-PL-A-(03)-100 Rev 05
2. 15246-A-PL-A-(03)-101 Rev 06
3. 15246-A-PL-A-(03)-103 Rev 06
4. 15246-A-PL-A-(03)-107 Rev 06
5. 15246-A-PL-A-(03)-112 Rev 06
6. 15246-A-PL-A-(05)-100 Rev 11
7. 15246-A-PL-A-(05)-101 Rev 12
8. 15246-A-PL-B-(03)-100 Rev 05
9. 15246-A-PL-B-(03)-101 Rev 06
10. 15246-A-PL-B-(03)-102 Rev 01
11. 15246-A-PL-B-(03)-103 Rev 06
12. 15246-A-PL-B-(03)-104 Rev 01
13. 15246-A-PL-B-(03)-107 Rev 06

14. 15246-A-PL-B-(03)-113 Rev 05
15. 15246-A-PL-B-(05)-100 Rev 11
16. 15246-A-PL-B-(05)-101 Rev 10
17. 15246-A-PL-C-(03)-100 Rev 04
18. 15246-A-PL-C-(03)-101 Rev 04
19. 15246-A-PL-C-(03)-103 Rev 04
20. 15246-A-PL-C-(03)-108 Rev 05
21. 15246-A-PL-C-(03)-114 Rev 04
22. 15246-A-PL-C-(05)-100 Rev 09
23. 15246-A-PL-C-(05)-101 Rev 10
24. 15246-A-PL-D-(03)-100 Rev 04
25. 15246-A-PL-D-(03)-101 Rev 05
26. 15246-A-PL-D-(03)-103 Rev 05
27. 15246-A-PL-D-(03)-107 Rev 05
28. 15246-A-PL-D-(03)-108 Rev 05
29. 15246-A-PL-D-(03)-111 Rev 06
30. 15246-A-PL-D-(03)-117 Rev 05
31. 15246-A-PL-D-(05)-100 Rev 09
32. 15246-A-PL-D-(05)-101 Rev 09
33. 15246-A-PL-E-(03)-099 Rev 04
34. 15246-A-PL-E-(03)-100 Rev 04
35. 15246-A-PL-E-(03)-101 Rev 04
36. 15246-A-PL-E-(03)-102 Rev 04
37. 15246-A-PL-E-(03)-103 Rev 06
38. 15246-A-PL-E-(03)-107 Rev 01
39. 15246-A-PL-E-(03)-115 Rev 06
40. 15246-A-PL-E-(03)-116 Rev 05
41. 15246-A-PL-E-(03)-121 Rev 05
42. 15246-A-PL-E-(05)-100 Rev 10
43. 15246-A-PL-E-(05)-101 Rev 11
44. 15246-A-PL-X-(02)-001 Rev 00
45. 15246-A-PL-X-(02)-002 Rev 00
46. 15246-A-PL-X-(02)-003 Rev 00
47. 15878/JV/1 PRELIMINARY Rev A
48. 15246-A-PL-X-(03)-099 Rev 03
49. 15246-A-PL-X-(03)-100 Rev 05

- 50. 15246-A-PL-X-(03)-101 Rev 07
- 51. 15246-A-PL-X-(03)-102 Rev 07
- 52. 15246-A-PL-X-(03)-103 Rev 07
- 53. 15246-A-PL-X-(03)-104 Rev 01
- 54. 15246-A-PL-X-(03)-106 Rev 07
- 55. 15246-A-PL-X-(03)-107 Rev 06
- 56. 15246-A-PL-X-(03)-108 Rev 06
- 57. 15246-A-PL-X-(03)-111 Rev 06
- 58. 15246-A-PL-X-(03)-112 Rev 06
- 59. 15246-A-PL-X-(03)-113 Rev 05
- 60. 15246-A-PL-X-(03)-114 Rev 05
- 61. 15246-A-PL-X-(03)-115 Rev 05
- 62. 15246-A-PL-X-(03)-117 Rev 05
- 63. 15246-A-PL-X-(03)-121 Rev 05
- 64. 15246-A-PL-X-(05)-001 Rev 01
- 65. 15246-A-PL-X-(05)-002 Rev 01
- 66. 15246-A-PL-X-(05)-100 Rev 12
- 67. 15246-A-PL-X-(06)-100 Rev 11
- 68. 15246-A-PL-X-(05)-101 Rev 02
- 69. 15246-A-PL-X-(05)-102_02
- 70. 15246-A-PL-X-(05)-103 Rev 02
- 71. 15246-A-PL-X-(03)-1B2P-02 Rev 03
- 72. 15246-A-PL-X-(03)-1B2P-05 Rev 03
- 73. 15246-A-PL-X-(03)-1B2P-10 Rev 03
- 74. 15246-A-PL-X-(03)-1B2P-14 Rev 03
- 75. 15246-A-PL-X-(03)-2B3P-01 Rev 03
- 76. 15246-A-PL-X-(03)-2B3P-02 Rev 03
- 77. 15246-A-PL-X-(03)-2B3P-04 Rev 03
- 78. 15246-A(SK)078 Rev 01
- 79. MA.3158.1000 REV D
- 80. MA.3158.1001 REV E
- 81. MA.3158.1100 REV I
- 82. MA.3158.1200 REV E



Department for Levelling Up, Housing & Communities

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.