



## Planning Committee

**Wednesday 23 March 2022 at 6.00 pm**

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

Please note that this meeting will be held as an in person physical meeting with all members of the Committee required to attend in person.

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

### Membership:

#### Members

Councillors:

Kelcher (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Dixon  
Kennelly  
Donnelly-Jackson  
Maurice

#### Substitute Members

Councillors:

Ahmed, Akram, Dar, Ethapemi, Kabir, Lo,  
Sangani and Shahzad

Councillors

Colwill and Kansagra

**For further information contact:** Natalie Connor, Governance Officer  
[natalie.connor@brent.gov.uk](mailto:natalie.connor@brent.gov.uk); 020 8937 1506

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**Members' virtual briefing will take place at 12.00 noon.**

## **Notes for Members - Declarations of Interest:**

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

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

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

### **\*Disclosable Pecuniary Interests:**

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

### **\*\*Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Apologies for absence and clarification of alternative members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 26 January 2022 as a correct record.		1 - 12
<b>APPLICATIONS FOR DECISION</b>		
4. 21/4690 - Windmill Court and car park, 52 Mapesbury Road, London, NW2  Please note the agenda was republished on 17 March 2022 to include an addendum to this report detailing the outcome of the public consultation on this application.	Mapesbury	17 - 56
5. 21/2473 - Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2	Mapesbury	57 - 96
6. 21/3349 - 1 Hillway, London, NW9 7LS	Welsh Harp	97 - 114
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting: Wednesday 20 April 2022**

The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)



## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 26 January 2022 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice Chair) and Councillors S Butt, Chappell, Dixon, Donnelly - Jackson, Kennelly, and Maurice.

Also Present: Councillor Gbajumo (as local ward councillor) – for Agenda item 4

#### 1. **Apologies for absence and clarification of alternative members**

None.

#### 2. **Declarations of interests**

There were no declarations of interest made at the meeting.

#### APPROACHES:

Application 20/1411 – Queens Park Community School, Aylestone Avenue, London, NW6 7BQ

All members of the Committee declared they had received approaches from both the applicant and Brondesbury Park Residents Association.

#### 3. **Minutes of the previous meeting**

**RESOLVED** that the minutes of the previous meeting held on Wednesday 15<sup>th</sup> December 2021 be approved as an accurate record of the meeting.

#### 4. **Order of Business**

At this stage in proceedings the Chair advised that he had agreed to vary the order of business on the agenda. This was to enable the consideration of Agenda Item 5 (Application 21/2262 – 91 B Mora Road, London, NW2 6TB) as the first item given the limited number of speakers registered on that application. The minutes reflect the order in which the items were therefore considered at the meeting.

#### 5. **21/2262 – 91 B Mora Road, London, NW2 6TB**

##### PROPOSAL

Insertion of 6 roof lights to main pitched roof, insertion of Juliet balcony to northwest elevation and replacement of roofing material change from sheeting to clay tiles (revised plans).

##### RECOMMENDATION:

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- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Lena Summer, Planning Officer introduced the report, set out the key issues and answered members questions. In introducing the report members were advised that the application related to a two-storey building within a back land site located via a service road from the southern side of Mora Road. The change of use of the building from office to residential had already gained "prior approval" and works were currently being undertaken to convert the property. The site was predominately surrounded by residential properties and four of the exterior walls formed the boundaries with neighbouring properties gardens. To the immediate east, the elevation of the building was bordered by the rear garden of 91 Mora Road. To the south, the party wall was on the boundary of the rear garden of No's 99 to 107 Ivy Road. To the west of the site, a part two, part three-storey building containing residential accommodation had recently been constructed from planning permission 17/0473 granted in April 2017. The site was not in a Conservation Area nor was it a listed building. St. Michael's Church was a nearby Grade II heritage asset that was situated approximately 25m northwest. The application being heard sought approval for the insertion of 6 roof lights, the insertion of a juliet balcony and a change in roofing material from sheeting to clay tiles.

As no questions were raised by members, the Chair then invited Mr Dunwell (as an objector) to address the Committee (in person) in relation to the application.

Before Mr Dunwell began addressing the Committee he requested permission to circulate a written copy of his speech. Saira Tamboo, Senior Planning Lawyer confirmed that this would be acceptable on the basis it would provide clarification for members on the issues being raised. A copy of the speech was therefore provided for all members of the Committee and Mr Dunwell then spoke to highlight the following comments in objection to the application:

- Mrs Dunwell advised that he was acting to represent the owners of an adjacent property to the site, 91 Mora Road and advised that both he and his clients felt the application to be invalid for a number of reasons. These included the application site had used part of the land at 91 Mora Road without declaring this in the proper statutory manner; a dispute regarding ownership relating to a right of way across 91b and 91 Mora Road; concerns regarding flood risk and guttering along with the size stated for the width of the side passage. These issues had been raised with the Planning Officer on which he advised a response was awaited.

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- Given it was felt the applicant had not declared the use of part of the land owned by his clients or properly completed the application form it was felt this had rendered the application invalid and not determinable at the meeting.
- Concerns were also raised regarding comments in the report relating to the prior approval of application 20/1729 and discharge of conditions and as a result it was felt the application should either be declared invalid or refused or at the very least.

Members had no questions for Mr Dunwell, however sought clarification from officers regarding the issues raised on which the following responses were provided:

- Given the concerns raised Gerry Ansell (Head of Planning) advised that officers were satisfied the application was valid.
- Reference was made to plan (displayed at the meeting) showing the red line boundary on the land registry map was with officers assured that proposals within the current application and all material including the balcony fell within the existing red line boundary.
- Saira Tamboo, Senior Planning Lawyer, confirmed that officers were satisfied the applicant had provided all the necessary documentation to confirm the necessary ownership of the land relating to the application site.
- Officers confirmed that the development had been assessed against the guidance in DMP1 and was compliant. While the unique close proximity of the existing building to neighbouring gardens was noted, it was considered that the proposed additional roof lights with their restricted opening mechanism) and Juliet balcony complied with relevant policy and guidance and would not have an adverse impact on the neighbouring occupiers or result in loss of privacy, overlooking or unreasonable levels of noise or light pollution.
- Whilst the application proposed red clay tiles to the main pitched roof (with a mixture of slate and clay tiled roofs in the surrounding area) the applicant had stated that the corrugated roofing contained asbestos and therefore required replacing. In addressing the environmental impact it was proposed the clay tiles would improve the existing structure and complement both the red brick of the property and surroundings roof profiles.
- In relation to the previous permission, confirmation was provided that external building alterations such as those being sought in the current application would be required to be submitted separately.
- Whilst noting the concerns raised in relation to guttering members were advised that no rainwater goods had been proposed and the guttering would not be altered as part of the current application meaning the existing arrangements for drainage would remain.
- In relation to the impact on wildlife, members were advised that as no changes were being made in terms of the ecology of the site wildlife and bat surveys were not deemed necessary.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

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DECISION: Granted planning permission subject to the conditions and informatives as set out within the report.

(Voting on the recommendation was as follows: For 8 & Against 0.)

#### 4. **20/1411 – Queens Park Community School, Aylestone Avenue, London, NW6 7BQ**

##### PROPOSAL:

Construction of an artificial turf pitch, ball stop fencing with access gate/s, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds.

##### RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out in the report and supplementary agenda.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Sarah Dilley, Planning Officer introduced the report and set out the key issues. In introducing the report members were advised that the application proposed the construction of an artificial turf pitch, ball stop fencing with access gate/s, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds.

In reference to the supplementary report circulated in advance of the meeting, the Planning Officer drew members' attention to the following additional representations which had been received:

- Two further objections received from individuals who had previously commented on the application relating to use of the proposed facility during certain holiday periods and concerns regarding noise and light;
- A letter clarifying that 14 organisations as opposed to the 6 listed in the report had written in support of the application with clarification also provided that all three local ward councillors were in support of the proposal;
- Two further letters of objections from the Brondesbury Park Residents Association (BRPA) with the additional concerns raised and alternative conditions suggested set out in the supplementary report



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Notwithstanding consideration of the issues raised members were advised that the recommendation remained to approve the application, subject to the conditions as listed in the main report.

As no questions were raised from members, the Chair then invited Chris Lipka (speaking as an objector on behalf of the Brondesbury Park Residents Association) to address the Committee (in person). Before addressing the Committee, Chris Lipka sought clarification from the Chair regarding Councillor Gbajumo's request to speak at the committee as a local ward councillor in support of the application. The Chair advised Mr Lipka that it was within Councillor Gbajumo's rights as a local Ward Councillor to attend and comment on the scheme in whatever way felt appropriate in her representational role. An assurance was provided that the Committee, in making any decision, would do so on their own basis having taking account of the detailed factual information and planning guidance provided within the report and their assessment of the material planning considerations.

The following concerns and comments were then raised by Chris Lipka in addressing the Committee on behalf of BRPA:

- Local resident's anxiety and concerns were highlighted regarding the increased level of noise that would be generated if the proposed scheme were to go ahead and impact this would have on those living in the surrounding area. An independent acoustics expert had been commissioned by the Brondesbury Park Residents Association (BPRA) to undertake a noise assessment who had concluded that noise from the site would be audible and have a detrimental on those living closest to the site.
- The level of local objections to the proposal was highlighted, as evidenced by the petition submitted by BPRA in objection to the scheme which had contained 300 signatures. The Committee were asked to consider the breakdown in the location of these objections with most located directly adjacent to the site. It was pointed out that a significant proportion of the supporting comments for the application had come from those living outside of the immediate vicinity of the school and local area, including a number of parents at the school.
- Concern was also raised in relation to the proposed extended hours of operation for the facility up to 9pm and way in which the proposed commercial use of the site had been underplayed given the impact on local residents.
- Attention was also drawn to the alternative conditions that BPRA had submitted for consideration, which had been designed to mitigate the concerns highlighted should the Committee be minded to approve the application. These included restrictions on the use of floodlighting, hours of use along with a substantial acoustic barrier and landscape management plan.

Prior to dealing with any questions on the comments made the Chair sought clarification regarding the point raised regarding the weighting of comments received in objection and support for the scheme according to location. In response, Gerry Ansell (Head of Planning) confirmed that all comments were considered and that it was not practice to differentiate in weight by location as it is the substance of those comments that would be considered in line with National Planning Policy Guidance.

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In response to questions from members in relation to his comments, Chris Lipka, supported by Richard Vivian (Big Sky Acoustics – as BPRAs independent acoustic consultant) made the following points:

- Local residents felt that the application as it stood was unacceptable due to the impact it would have on residential amenity and quality of life for local residents, citing that there were other local facilities of this nature already available within close proximity such as Capital City Academy and in more appropriate locations. It was felt there was more limited local community benefit to this development.
- Whilst BPRAs had originally been opposed to any form of facility on the site they would, subject to the alternative conditions which they had submitted (as outlined in the supplementary agenda) and the inclusion of a more sustainable playing surface, now be more supportive of a facility solely for school and community use up until 6pm. The key objections therefore remained the extended hours for commercial use and the detrimental impact this would have on surrounding properties related to noise and disturbance during what were felt to be more unsociable hours and in an area with minimal noise previously generated by the site at that time.
- In terms of further clarification sought in relation to the concerns highlighted in relation to noise Richard Vivian (Big Sky Acoustics) was invited to comment on the independent noise assessment they had undertaken. He highlighted that based on his baseline assessment the noise generated by the scheme would still be audible within neighbouring properties even with the sound barrier and mitigation measures which had been proposed.

With no further questions, the Chair invited Nichola Mitches (objector) to address the Committee (in person) in relation to the application, who raised a number of concerns including:

- The significant impact in relation to noise on neighbouring properties and for local residents generated by the proposed increased activity on the site in the evening and at weekends, particularly for those with young families or caring for vulnerable adults
- In supporting the comments and objections raised by the BPRAs the main concerns related to the proposed hours of operation after 6pm in the evening for commercial use which was not felt to be acceptable from a social justice perspective given the detrimental impact on local residents in a quiet residential area as a result of the accompanying levels of noise, light and disturbance. If minded to accept the application, however, a request was made for this to be on the basis of the alternative conditions submitted by BPRAs to be accepted in order to assist in mitigating the concerns highlighted.

As there were no questions from members, the Chair invited the next speaker Jim Brigden (supporter) to address the Committee (in person) in relation to the application, who highlighted the following points:

- In his capacity as a local resident who had lived for a number of years in close proximity to the school and as a parent of children who attended Queens Park Community School Mr Brigden expressed his support for the application. As a local resident living near a school he had accepted the noise generated and felt the proposed facility would assist in promoting a

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more active society with associated benefits in terms of health and wellbeing for those able to access the facility from the surrounding community.

- It was also felt the proposal would act as a potential deterrent in terms of anti-social behaviour through the increase in activity and use of the site making it a less desirable location to attract that type of behaviour.
- The impact which the scheme would also have in terms of increasing the access to good quality sporting facilities and pitches in the area recognising the shortage in provision currently being experienced within the borough.
- The importance for the school in terms of providing enhanced and fit for purpose sporting facilities at the school which could also be used to increase the sporting offer available for pupils and that would also benefit external community groups.
- The support expressed by parents and carers of pupils attending the school in terms of the benefits of the proposed facility.

In response to questions from members, Mr Brigden made the following points:

- As there were local playing fields in close proximity to local residents and the school there was already noise generated in the local area that was audible to residents, the noise was not excessive and he did not envisage that the addition of the pitch at the school would cause a significant increase in noise levels.
- Although Capital City Academy had similar facilities, they were not suitable for local pupils, residents or community groups to access given the distance to travel and existing demand in use of the available facilities.
- The addition of a pitch at Queens Park Community School would offer opportunities for more people to access sport, in particular young people and females who in terms of safety would benefit from a safe floodlit location.

As members had no further questions, the Chair invited the final two speakers as the applicant to address the Committee (in person) who he advised would be sharing their 3 minute allocated speaking time. Jude Enright (Head teacher - Queens Park Community School) as the applicant and Timothy Comyn (Barrister - Francis Taylor Buildings) as the applicant's legal representative drew the Committee's attention to the following points:

- The way in which the enhanced facilities would support the health and wellbeing and improve the quality of life for pupils at the school, as well as community support groups and the wider local community with the all weather pitch effectively serving as an outdoor classroom, enabling curriculum needs to be met and extended through for example the introduction of A-Level P.E.
- The school had a high percentage of pupils from disadvantaged backgrounds who did not have the privilege of a safe space to enjoy recreation time to take part in sports after school. If the proposal were approved it was felt the impact would offer positively life changing opportunities for a large number of young people.
- 14 community organisations had already expressed their support for the facility, highlighting the limited number of all-weather spaces to meet demand.
- The changes which had been made to the application in order to address the concerns raised by local neighbours which included reducing the hours of

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operation, lighting technology, inclusion of a sound barrier and additional; planting.

- The support for the scheme expressed by all three local ward councillors highlighting the need for provision of such a facility in the local area.
- The scheme was in accordance with the Development Plan policies. Whilst recognising that there would be impacts in respect of ecology, noise, light and residential amenity these had been subject to detailed professional assessment which had concluded that by design, including reasonable and practicable mitigation measures, the overall impacts would be low and would not result in significant harm to living conditions. On the basis that the benefits were not outweighed by these limited impacts on neighbouring amenity the Committee were urged to approve the application in line with the National Planning Policy Framework.

In response to member questions, the following points were made by Jude Enright and Tim Comyn supported by their technical consultants:

- Clarification was provided that it would not be financially viable to go ahead with the scheme without provision for an element of commercial use. The school had committed a significant amount of funding (along with attracting Neighbourhood Community Infrastructure Levy funding) to finance the scheme that would need to be re-couped through the addition of commercial lettings over the next 3 – 5 years. It would be essential for the school to accrue their funding back in order to support further school maintenance and improvements.
- The high level of existing demand for the similar facilities at Capital City Academy, which currently operated until 10pm.
- Similar facilities in the borough had been operating without complaints regarding excess noise and it was felt the smaller facility proposed at Queens Park Community School would therefore be able to operate without attracting noise complaints.
- Whilst recognising there would be an impact in terms of noise, the concerns raised had been subject to detailed assessments and would fall within acceptable limits.
- Clarification was provided that it would not be possible to offer A-Level P.E without the proposed pitch.
- In terms of the Community Use Agreement this was the subject of a condition and the school would be looking to work with Sport England to ensure provision for community schemes during the school holidays to support as many low income and disadvantaged groups as possible. Assurances were provided that rates for community lettings would be reasonable and more affordable than other similar commercial facilities operating across the borough with partner organisations, particularly those catering to disadvantaged/low income groups offered discounted rates.
- The material chosen for the pitch and layout of the site had been carefully considered as an environmentally friendly option and one that would support accessibility for all groups.
- The wider community safety benefits arising from the provision of a local facility given the distance and travel time to other facilities in different parts of the borough and reduced risks associated with not having to travel outside of the immediate area.

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- The confirmation provided that as a result of the noise and sound mitigations which had been proposed the level of noise generated by sporting use of the facility had been assessed as not exceeding Sports England guidelines.

Councillor Gbajumo in her capacity as the local ward councillor was then invited to address the Committee (in person) highlighting the following key points, also in support of the application:

- The support expressed for the proposed development by all three local ward councillors in a joint statement. Whilst noting the concerns highlighted in relation to noise Councillor Gbajumo felt it important to recognise that the professional assessments undertaken had confirmed noise levels would fall within permitted guidelines with the expectation that living locally to a school would also generate an element of noise.
- The proposals submitted by the applicant had been amended in an attempt to address the concerns raised and discussion undertaken locally in order to explain the mitigation measures which had been included in relation to sound and light.
- The commitment identified to continue working with the school and local residents to ensure, that subject to approval, the facility was able to operate successfully in order to support young people and community groups with the Committee therefore urged to support the application.

In response to questions raised by the Committee the following responses were provided by Councillor Gbajumo:

- Confirmation was provided the commercial use of the facility in the evening was supported by the local ward councillors in order to ensure the financial viability of the facility and that its use and associated benefits were available to as wide a range of individuals and organisations as possible.
- Support was also expressed in terms of the wider safety benefits which had been identified in relation to use of the facility and enhance lighting, which would be supported by work already being undertaken through the Safer Neighbourhood Team.
- Whilst local ward councillors had been working with both objectors and supporters in relation to the application, she was confident the school had carefully considered the issues and concerns raised and worked to mitigate them as far as possible. In terms of moving forward the local ward councillors were keen to continue working with all residents in order to address any future issues should they arise.

In the ensuing discussion, members acknowledged the broad scope of health, social and educational benefits the scheme would bring, not only exclusively to young people, but the community as a whole if the scheme were to be approved. However additional queries were raised in relation to issues highlighted on noise, lighting, ecology and access to the scheme for disadvantaged groups. In response, officers then clarified a number of key points, including:

- Noise levels had been subject to detailed assessment with the recommendation to the Committee having taken account of both the assessments undertaken on behalf of the Council and BPRA. Members noted the outcome of these assessment as detailed within the report which

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had shown the average and maximum predicted noise levels (with and without mitigation) and impact on surrounding properties in terms of the average noise level criterion. This had been supported by the inclusion of a condition to ensure the installation of an acoustic barrier in accordance with the submitted details prior to first use of the pitches and maintained in perpetuity.

- Whilst acknowledging that the proposed development would result in some noticeable noise to nearby residential properties weight also needed to be given to the existing and fall back position to the site as a school playing field already being used for sports and play during the day and with no restrictions on use in the evenings and at weekends. Whilst the nature of the facility would facilitate greater use, officers were satisfied that they had responded to the recommendations to mitigate excess noise in line with the results of the various noise assessments with the level of noise impact when considering the acoustic barrier mitigation as well as restricted hours of use to 9pm having been assessed as not significant enough to reject the proposed development. Furthermore the wider social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing were considered to outweigh the level of additional noise impact. In response to a further query, however, it was noted that further amendments could be sought in relation to the tree planting schedule within Condition 9 to provide more flexibility in the location of new trees and allow additional planting between the pitch and Aylestone Avenue in order to further enhance biodiversity and screening.
- In relation to lighting, following submission of the application a revised lighting strategy had been submitted, with a Light Spillage Assessment also having been reviewed by Brent's Environmental Health Team. Despite objections received the Environmental Health Team had been satisfied with the methodology used. The lighting assessment outlined that the revised luminaires continued to provide the same level of lighting on the pitch but would include built in louvres to minimize any backwards light spill. The report referred to the Institute of Lighting Professionals' (ILP) environmental zone classification system used for the categorisation of sensitive receptor locations based on typical levels of baseline obtrusive light. The results had shown that this level was not predicted to be exceeded as a result of the proposed development.
- Sky glow and light spill had also been considered but the levels identified had not been assessed to result in significant adverse light obtrusion impacts with respect to local sensitive residential receptors or harm to residential amenity of nearby properties. Conditions had been recommended to ensure the lighting was carried out in accordance with the details and mitigation submitted and to limit the hours of use.
- In terms of ecology the revised light spillage assessment was felt to have demonstrated that the impacts on local biodiversity had been suitably addressed within the proposals. A condition had been recommended for an Ecological Enhancement Statement based on the recommendations within the Ecological Appraisal which would include compensation for foraging bats. The submission of a Construction Environment Management Plan would also be subject to a condition with the overall impact to biodiversity and ecology therefore considered to be acceptable.
- In terms of transportation, confirmation was provided that the proposed development was not considered to result in harm to pedestrian or vehicular highway safety or to harmfully increase parking pressure given the parking

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spaces already available on site and was therefore in accordance with Development Management Policy Plans.

- Following further consideration and clarification being sought on the terms of the Community User Agreement recommended under Condition 7, officers advised that it would be possible to seek further clarification within the Agreement on the definition of Community Use and the availability of the facility for community use, particularly with regard to low income families as part of an amendment to the Condition.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permissions subject to the conditions (as amended below) and informatives as set out within the report and supplementary agenda:

Condition 7 – Community User Agreement to include clarification on the definition of Community Use, the availability of the facility for community use.

Condition 9 - Tree report/planting schedule to provide for an increase in the trees and shrubs to be included within the additional planting on site

(Voting on the recommendation was as follows: For 8 & Against 0.)

### **6. Any Other Urgent Business**

None.

The meeting closed at 8:00pm.

COUNCILLOR KELCHER  
Chair

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## APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### **Provision of infrastructure**

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major

new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:  
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>  
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

#### **Further information**

19. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

#### **Public speaking**

20. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

#### **Recommendation**

21. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

23 March, 2022  
04  
21/4690

## SITE INFORMATION

<b>RECEIVED</b>	<b>22 December, 2021</b>
<b>WARD</b>	<b>Mapesbury</b>
<b>PLANNING AREA</b>	<b>Brent Connects Kilburn</b>
<b>LOCATION</b>	<b>Windmill Court and car park, 52 Mapesbury Road, London, NW2</b>
<b>PROPOSAL</b>	<p>Demolition of car park and 1-2 &amp; 5-18 Windmill Court maisonettes and redevelopment to provide 60 flats (Use Class C3) in two separate buildings rising to 7 storeys with car parking, cycle parking, access routes, refuse and recycling storage, amenity space, landscaping, boundary treatments, a substation and other associated works.</p> <p>Internal reconfiguration of the ground and first floors of the existing Windmill Court block and the creation of private terraces to 2 x ground floor (3&amp;4 Windmill Court) flats alongside associated external works including new brickwork and cladding, windows and doors.</p> <p>Extension of the community room and associated external works including the provision of a new entrance and windows.</p>
<b>PLAN NO'S</b>	See condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p><b>Please click on the link below to view ALL document associated to case</b>  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_158312">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_158312</a></p> <p><b><u><a href="#">When viewing this as a Hard Copy</a></u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/4690" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

Resolve to **grant** planning permission subject to conditions.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit for commencement (3 years)
2. Approved Plan
3. Approved number of residential units
4. Accessible dwellings compliance with Building Regulations M4
5. Adherence to maximum water consumption per dwelling
6. Communal TV aerial and satellite provision
7. Highways works to be agreed/ s278 agreement
8. Parking permit restriction to be secured
9. Widening of pedestrian access to southern end of site to be secured
10. Car park management plan to be implemented in full
11. Construction logistics plan to be submitted
12. Electric Vehicle Charging Points (active and passive) to be secured
13. Measures within approved Habitat Survey Report to be fully implemented
14. Material samples to be submitted
15. Full details of landscaping strategy (including green roofs) to be submitted
16. Tree protection measures to be submitted
17. Details of PV panels to be submitted
18. Land contamination and remediation report to be submitted
19. Delivery and Servicing Management plan to be fully implemented
20. Residential Travel Plan to be fully implemented
21. Construction method statement to be submitted
22. Plant noise levels to be limited
23. Non-road mobile machinery restriction
24. Nominations Agreement to be submitted

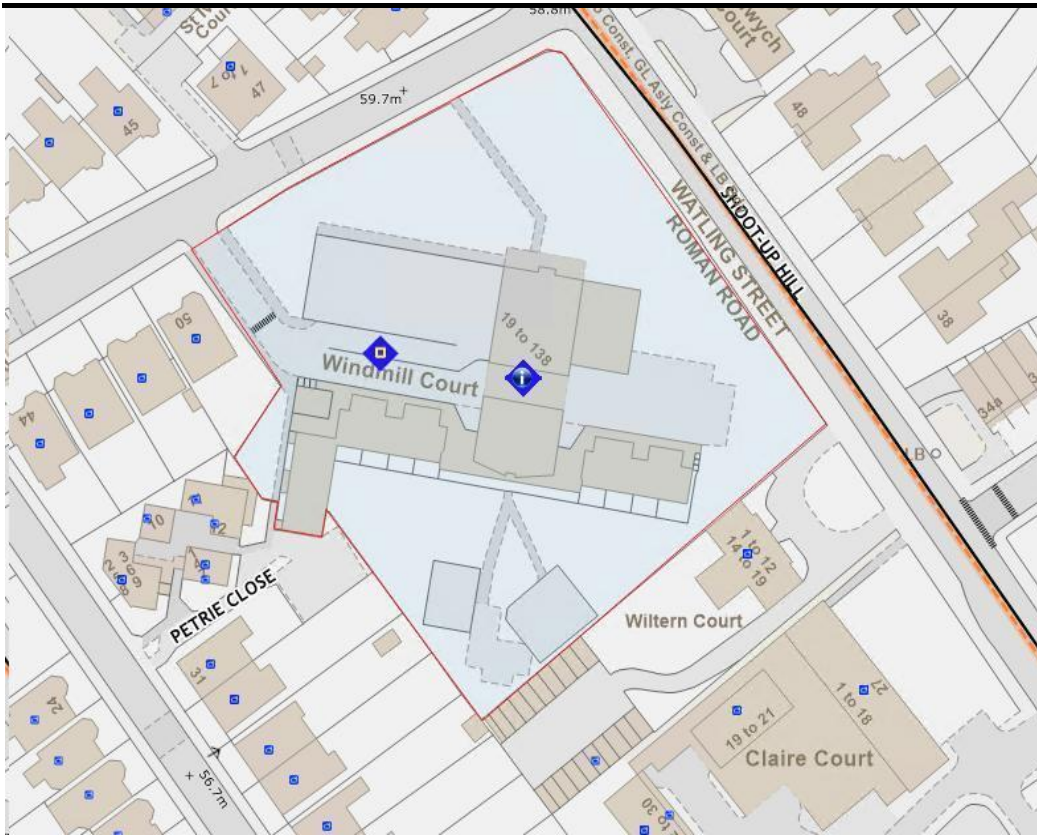
### Informatives:

1. CIL liability
2. Party wall information
3. Building near boundary information
4. Noise and vibration control
5. Notify highways service of intent to commence works
6. Guidance notes from Thames Water
7. London Living Wage
8. Fire safety advisory note
9. Any other informative(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

## SITE MAP

	<b>Planning Committee Map</b>
<b>Brent</b>	Site address: Windmill Court and car park, 52 Mapesbury Road, London, NW2
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

## PROPOSAL IN DETAIL

The proposal seeks to demolish the car park and 1-2 & 5-18 Windmill Court maisonettes and redevelop the site to provide 60 flats (Use Class C3) in two separate buildings rising to 7 storeys with car parking, cycle parking, access routes, refuse and recycling storage, amenity space, landscaping, boundary treatments, a substation and other associated works.

In addition the ground and first floors of the existing Windmill Court block is to be reconfigured internally and private terraces are to be provided to existing flats 3 and 4 Windmill Court alongside associated external works including new brickwork and cladding, windows and doors.

The existing on site community room is to be refurbished and extended with works including the provision of a new entrance and windows.

## EXISTING

The site is approximately 1 hectare and located to the south of Mapesbury Road and to the west of Shoot Up Hill. The site currently comprises Windmill Court which is a 17 storey concrete slab block. Around the base of the tower are a series of two and three storey structures comprising 1-18 Windmill Court (flats and maisonettes), a two storey car park and a community room.

The site is on the boundary of Mapesbury Conservation Area.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application.

**Representations received:** 52 letters of objection were received. Further details of the comments received are discussed within the "consultation section" below.

**Principle:** The principle of the redevelopment of the site for residential purposes is acceptable and the development would contribute 44 additional units to meet borough housing targets. The proposals would ensure there is no net loss of social rented units based on existing occupiers wishing to return.

**Affordable Housing/unit mix:** The development would provide 100% affordable housing and therefore would be in excess of 50% affordable housing required by adopted policy. In terms of unit mix, 32% of the replacement and additional units would be family sized, complying with Local Plan policies and contributing towards an area of housing stock for which there is an acute need in the Borough. The proposal would not deliver 30 % of the homes as Intermediate affordable accommodation in line with Brent and London Plan policy. However, the benefits associated with the provision of additional London Affordable Rented and Social Rented homes is considered to outweigh the absence of the Intermediate homes.

**Design:** The proposed 7-storey blocks would be appropriate given the local context and are a proportionate response next to the existing 17-storey tower at Windmill Court. The buildings have been designed to reflect the within and immediately surrounding the site.

**Heritage Assets:** The site borders Mapesbury Conservation Area. The application has been accompanied by a Heritage Statement which considers a number of views from the Mapesbury Conservation Area. As views of the development it would be viewed in the context of the Tower Block group and therefore would only be seen as a 'backdrop' in oblique views and therefore the development would not result in harm to the setting of the Conservation Area.

**Quality of accommodation:** The proposed dwellings would be of a good quality, meeting minimum space standards and with all units having the benefit of good light, outlook and cross ventilation. The existing units would also benefit from an improved communal amenity space.

**Impact on neighbouring properties:** The development would have some impact on the neighbouring properties, largely in terms of loss of daylight and there would be some shortfalls against BRE guidelines.



This would be particularly true for some of the existing dwellings within Windmill Court. However, the applicant has demonstrated in their submission that existing building features already restrict access to light. It should also be noted that BRE guidelines largely relate to a suburban context and in order to achieve the level of affordable housing proposed, shortfalls against BRE targets are considered justified given the high level of overall compliance. The benefits of the proposal are considered to outweigh these impacts.

**Transport:** 59 car parking spaces would be retained on site which would cater for existing residents and provide some disabled parking for the wheelchair units. New dwellings would be subject to a 'car free agreement'. The submitted Transport Statement confirms that existing trip generation would be limited and would not have a noticeable impact on the local highway network.

**Environmental and Sustainability:** Consideration has been given to ecology and the sustainable development principles and the proposal is considered to accord with policy.

## RELEVANT SITE HISTORY

None of relevance

## CONSULTATIONS

879 neighbouring properties were notified. In addition two site notices were erected and a press notice placed in the local newspaper. At the time writing this report xx amount of objections have been received, with the reasons given summarised in the table below

## POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041\*

The key policies applicable to this proposal are:

### London Plan

GG1 Building Strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering New Homes Londoners need  
GG5 Growing a Good Economy  
GG6 Increasing Efficiency and Resilience  
D1 London's Form and Characteristics  
D2 Delivering Good Design  
D3 Inclusive Design  
D4 Housing Quality and Standards  
D5 Accessible Housing  
D6 Optimising Housing Density  
D12 Fire Safety  
D13 Noise  
G1 Green Infrastructure  
G5 Urban Greening  
G7 Trees and Woodlands  
H1 Increasing Housing Supply  
H12 Housing size mix  
HC1 Heritage Conservation and Growth  
S11 Improving Air Quality  
S15 Water Infrastructure  
S17 Reducing Waste and Supporting the Circular Economy  
S12 Flood Risk Management

SI13 Sustainable Drainage  
T4 Assessing and Mitigating Transport Impacts  
T5 Cycling  
T6 Car Parking  
T7 Deliveries, servicing and construction

## **Brent Local Plan**

DMP1 Development Management General Policy  
BD1: Leading the Way in Good Urban Design  
BH1: Increasing Housing Supply in Brent  
BH5: Affordable Housing  
BH6: Housing Size Mix  
BG12: Trees and Woodlands  
BH13: Residential Amenity Space  
BSUI2: Air Quality  
BSUI4: On Site Water Management and Surface Water Attenuation  
BT1: Sustainable Travel Choice  
BT2: Parking and Car Free Development  
BT4: Forming an Access on to a Road

The following are also material planning considerations:

National Planning Policy Framework

National Planning Policy Guidance

### Supplementary Planning Documents/Guidance (SPD/SPG):

Brent SPD1: Design Guide for New Development (2018)  
Mayor's Housing SPG  
Mayor's Sustainable Design and Construction SPG  
National Design Guide  
Brent Waste Planning Guide

### \* Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

## **DETAILED CONSIDERATIONS**

### **Principle**

#### *Housing*

1. Policy H1 of the London Plan seeks to increase the supply of housing in the capital and sets Brent an annual housing target of 2,325. The scheme proposed to deliver 60 homes, partly replacing existing blocks which house 16 units, and therefore there would be an uplift of 44 new homes within the site, contributing to the above housing targets. The principle of the use of the site for residential land uses is well established and therefore the principle of additional homes in this location is supported.

#### *Estate Regeneration*

2. The overarching objectives for estate regeneration, as set out in the Mayor's Good Practice Guide to Estate Regeneration are to: deliver safe and better quality homes for local people; increase the supply of new

and affordable homes; and to improve the quality of the local environment through public realm improvements and the provision of social infrastructure.

3. Policy H8 (Loss of existing housing and estate regeneration) together with the Mayor's Estate Regeneration Good Practice Guide confirms that existing affordable housing should be retained where possible and appropriate, except where there are acceptable plans for its replacement. Part (D) of the policy states that the 'demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an equivalent amount of affordable housing floorspace. Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants. Where affordable housing that is replacing social rent housing is not facilitating a right of return, it may be provided as either social rent or London Affordable Rent housing.'

4. The scheme proposes the demolition of 16 affordable units within Windmill Court, of which 7 are social rented units. The proposals involve their replacement with 60 affordable units, 8 being social rented and the remaining 52 offered at London Affordable Rent. A further two social rented units would be refurbished, with one of these to remain as social rented (based on number of households wishing the return following consultation). The applicants have set out in their planning statement that the 8 social rent units provided as a result of the replacement scheme would accord with those existing occupiers who have stated their desire to return. The remaining 52 units would be provided at a London Affordable Rent, in line with the requirements of Policy H8(D), as set out above.

5. Given the overall increase in the number of units and the fact there would be no net loss in social rent units for those households wishing to return, it is considered that the development fully complies with London Plan and Local Plan policies. The development would deliver an uplift of genuinely affordable general needs housing in terms of floorspace, habitable rooms and units, and is fully supported.

#### *Community use*

6. The existing site benefits from a small community room with a total area of approximately 156sqm. Local Plan Policy BS11 seeks to ensure existing social infrastructure is protected and retained. In this case the community centre on site is to be refurbished and extended to 194 sqm. Although the increase in space is modest, the space would be improved to connect it to a much improved outside communal space, and new community terraces with seating and planting would be provided to encourage greater outdoor activities.

7. The principle of this extended and improved community use is fully supported.

#### **Unit type and tenure**

##### *Affordable housing*

8. London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and requires the following split of affordable housing provision to be applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need.

9. Brent's Local Plan policy (BH5) echoes this, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. This is with the exception of Estate Regeneration schemes which are required to comply with the Mayors Affordable Housing and Viability SPG and Policy H8 of the London Plan which set out that all development proposals that includes the demolition and replacement of affordable housing are required to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement of affordable housing floorspace.

10. Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across newly adopted policies as 70% for low cost rented homes (social rent or London Affordable Rent) and 30% for intermediate products.

Policy context	Status	% Affordable Housing Required		Tenure Split	
London Plan	Adopted	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough
Brent Local Plan 2019-2041	Adopted	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	

11. In terms of affordable housing, the following is proposed:

	Affordable Housing		Total Units	% by unit	%by habitable room
	Social Rent	London Affordable Rent			
1 Bed	3 (6)	6 (12)	9	15	9
2 Bed	2 (6)	30 (90)	32	53	50
3 Bed	2 (8)	16 (64)	18	30	38
4 Bed	1 (5)		1	2	3
Subtotal	8 (25)	52 (166)	61 (191)	100%	100%
Affordable Percentage (by habitable room)	13.3%	86.7%			
Affordable Percentage (by unit)	13.1%	86.9%			

12. The proposed development provides an overall level of 100% affordable housing, therefore significantly exceeding the London Plan and Local Plan target. In accordance with London Plan policy, the priority is to re-provide existing affordable housing and deliver an uplift. Discounting the 8 existing social rent units (25 habitable rooms) that must be provided in accordance with Policy H8 of the Mayors London Plan, the housing proposals demonstrate an uplift of 52 units (166 habitable rooms). This equates to 87% affordable housing by habitable room on the uplift.

13. Whilst the proposal does not include intermediate homes, the focus on social and affordable rented homes reflects the fact that the site already contains this form of affordable housing. Given that this is a council-led scheme it is a good opportunity to provide affordable housing for which there is a significant need in Brent, as identified by the Brent Strategic Housing Market Assessment. The proposal would make a significant contribution to meeting Brent's identified need for social and affordable rented homes, which would assist in better achieving the 70% social/LAR target of all affordable homes across the borough. This has been highlighted by more recent monitoring of housing delivery in the borough, which indicates that this has been skewed more towards intermediate products as a result of viability constraints on other sites.

#### *Mix*

14. Policies BH6 of the Local Plan outlines that at least 25% of new homes within the borough should be family sized (3 bedrooms or more). In terms of family sized dwellings, 32% of the proposed units (including the re-provided social rent units) would have 3 bedrooms or more, and approximately 31% of the LAR proportion would have 3 bedrooms (16 of 52). The proposals are therefore considered to meet the requirements of Policy BH6, and this is particularly welcomed since it would meet a particularly acute need for family sized units at genuinely affordable rents in Brent.

## Impact on neighbouring properties

15. SPD1 provides guidance on how new development should be designed in order to minimise the impact on neighbouring properties. The guidance states that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property measured from a height of 2m above floor level. It goes on to state that where proposed development adjoins private amenity/garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge measured from a height of 2m above ground level.

### Daylight and sunlight

16. The applicant has submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties, utilising the recommendations set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2011)' document. Officers are satisfied that the report successfully identifies all neighbouring properties (both within the site and immediately adjoining it) which could be affected by the proposed development, which are summarised as follows:

- Windmill Court, Shoot-Up Hill
- Hillcrest Court, Shoot-Up Hill
- 38-48 (evens) Shoot-Up Hill
- 23-31 (odd) Exeter Road
- 48 and 50 Mapesbury Road
- 45 Mapesbury Road
- 1-12 Petrie Close
- St Ives Court, 47 Mapesbury Road
- 37 Shoot-Up Hill
- Fordwych Court, Shoot-Up Hill
- Wiltern Court, Shoot-Up Hill

17. For daylight, an assessment was undertaken using two tests, namely the Vertical Sky Component (VSC) and, where room layouts are known, Daylight Distribution (or No Sky Line) (NSL) in line with BRE guidelines.

### *Windmill Court (existing properties)*

18. The main existing block on Windmill Court is a 12-storey block with a number of windows and balconies to its front and rear elevations, which would have a direct view of the proposed blocks to its immediate east and west.

19. The report outlines that daylight (VSC) levels would not be impacted above eighth floor level within the existing block, given the proposed heights of the blocks either side. Therefore only windows serving rooms from second to eighth floor have been assessed. The findings indicate that a total of 195 of 280 windows (70%) serving habitable rooms within these flats would retain good levels of daylight as a result of the proposed development, i.e. at least 27% VSC or 0.8 times their current levels of daylight. A further 29 (10%) would meet the additional daylight targets outlined by the Mayor's draft SPG 'Good Quality Homes for all Londoners', meaning that these rooms would only experience minor reductions below recommended levels.

20. It is acknowledged that there would be some more significant losses, i.e. where VSC would be 13% or lower, and therefore falling below both BRE and London Plan targets. The report sets out that these all serve either bedrooms or kitchens with recessed balconies, which mean there is already a degree to which daylight is restricted to these spaces.

21. A NSL assessment has also been undertaken, which finds that 165 of the 196 habitable rooms (84%) across the block (below eighth floor level) would retain good levels of daylight distribution, sufficient to meet BRE guidelines. A further 31 rooms (6%) would experience only marginal reductions, i.e. retaining at least 0.7 times their former value. The remaining 18 rooms would be located underneath balconies and serve either bedrooms or kitchens.

22. The report examines the impact of daylight restrictions on rooms beneath recessed/ enclosed balconies in more detail, in line with BRE recommendations, by carrying out further assessments with these balconies removed to determine the true impact of the proposed development on daylight levels in these locations.

23. In this instance, the 'balconies removed' assessment demonstrates an improvement in the overall number of windows achieving BRE compliance, increasing to 234 of the 280 windows (83%). A further 44 windows (15%) would achieve VSC levels in excess of the London Plan SPG additional daylight targets, and just 2 windows (both at second floor level, serving Flat 22 and Flat 26 respectively) fall under these additional guidelines. Given the scale of development and the dense, urban context, officers consider this to be a high level of compliance overall with the BRE guidelines, and the isolated breaches would not warrant refusal of the application given the wider benefits.

24. With regard to sunlight impacts, the report concludes that all of the main living rooms within the block would retain good levels of sunlight as a result of the proposals in place, retaining APSH levels in line with BRE guidance.

#### *Hillcrest Court*

25. Hillcrest Court is a five-storey residential block to the north-east of the application site, across Shoot-Up Hill. There are a number of windows to the front, south-west facing elevation which have angled views to the proposed development.

26. The report outlines that all windows serving habitable rooms would not be materially affected by the scheme, all retaining VSC levels in excess of BRE targets. This is reinforced by the findings of the NSL assessment, which concludes that habitable rooms to the block would retain levels of daylight distribution in excess of BRE targets.

27. With regard to sunlight, the report concludes that all habitable rooms would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

#### *38-48 (evens) Shoot-Up Hill*

28. 38-48 (evens) Shoot-Up Hill are a series of three-storey residential properties to the north-east of the application site, on the opposite side of Shoot-Up Hill. There are a number of windows within the front (south-west facing) elevations which could potentially be affected by the development, and have been tested.

29. The report concludes that in terms of VSC, all windows serving habitable rooms would retain VSC levels of above 27% or above 0.8 times their former value, and therefore comply with BRE guidance. This is reinforced by the NSL assessment, which shows that all but one rooms would meet recommended BRE targets. This is a second floor window to No. 44, likely to serve a bedroom, which would experience a very marginal loss – NSL still remaining 0.7 times its former value in this case. When considering the other windows serving this property and the retained outlook, the overall living conditions of the occupants would not be adversely affected.

30. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

#### *23-31 (odd) Exeter Road*

31. This is a row of three-storey residential properties situated to the south-west of the application site. These properties have rear, north-east facing windows serving habitable rooms which have direct views to the proposed development, and in particular Block A.

32. The report concludes that in terms of both VSC assessment, all 47 windows serving habitable rooms would retain high levels of daylight despite the presence of the proposed blocks, meeting BRE guidelines. Similarly, all habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

33. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

#### *1-12 Petrie Close*

34. 1-12 Petrie Close is a three-storey residential block situated directly to the west of the application site. The block has a number of rear, east-facing windows which look directly onto the proposed development

and have therefore been tested.

35. The report concludes that in terms of VSC assessment, all 24 windows tested serving habitable rooms would retain high levels of daylight, and in some cases would actually see an improvement in levels due to the proximity to existing structures on site which would be demolished. All habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

36. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

#### *48 and 50 Mapesbury Road*

37. The site shares a common boundary with a number of neighbouring properties. 50 Mapesbury Road is a two storey building which has been converted into flats, and is close to proposed Block A which sits to the north-east of this property at an angle. No. 48 is slightly further away from the development but would still have rear facing windows with views of the development.

38. Number 50 has a number of windows to the ground and first floor flank elevation. Given the location of the windows and the presence of pipework on this elevation, it is likely that some or all of these may serve non-habitable rooms within the flats or be secondary windows serving habitable rooms. The first floor windows would fully comply with the 30 degree rule, however there are also windows at ground floor level. The building sits an angle relative to Mapesbury Road and when taken perpendicular the nearest habitable room window there would be a distance of approximately 25m. In this case, the 30 degree rule would be breached when taken from this window.

39. However, in this case it is considered acceptable as given the angled position of the new development which means the breach would not be consistent and also the distance retained which is generous. Furthermore, the daylight and sunlight report concludes that there would be no material loss of daylight or sunlight to habitable rooms of either No. 48 or 50 Mapesbury Road, with VSC, NSL and APSH targets all met in terms of the BRE guidance. The limited degree of harm is considered to be significantly outweighed by the benefits of the scheme.

40. In relation to the 45 degree rule, it should be noted there is an existing breach due to the position of the maisonette block to the rear, and also has overlooking rear windows.

#### *45 Mapesbury Road*

41. This is a two-storey residential dwelling situated to the north-west of the application site, on the opposite side of Mapesbury Road. There are a number of windows to the front elevation, serving habitable rooms, which look onto the proposed development and could be affected.

42. The report concludes that in terms of VSC assessment, all 12 windows tested serving habitable rooms would retain their existing levels of daylight, with no impact on VSC levels experienced. Similarly, all habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

43. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

#### *St Ives Court, 47 Mapesbury Road*

44. St Ives Court is a four-storey residential block to the north of the application site, across Mapesbury Road. There are a number of windows to the front elevation (south facing) which would look directly onto the proposed development.

45. The report concludes that in terms of VSC assessment, all 16 windows tested serving habitable rooms would retain either their existing levels of daylight, or very high proportions of existing daylight, i.e. 0.9 times their former value. Similarly, all habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

46. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

### *37 Shoot-Up Hill*

47. This is a two-storey residential property located to the north of the development site, across Mapesbury Road. It has a number of windows within its flank, south-facing elevation which have a direct view of the proposed development.

48. The report concludes that in terms of VSC assessment, all 16 windows tested serving habitable rooms would retain either their existing levels of daylight, or very high proportions of existing daylight, i.e. 0.8 times their former value. Similarly, all habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

49. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

### *Fordwych Court*

50. This is a five-storey residential block situated to the north-east of the application site, across Shoot-Up Hill. There are a number of windows to the front (south-west) facing elevation which would look directly onto the proposed development.

51. The report concludes that in terms of VSC assessment, all 44 windows tested serving habitable rooms would retain either their existing levels of daylight, or very high proportions of existing daylight, i.e. 0.8 times their former value. Similarly, all habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

52. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

### *Wiltern Court*

53. This is a six storey residential building with a 'T' form, which is positioned in closest proximity to Block B. It has a number of windows to its rear and flank elevations which have direct and oblique views to the development.

54. The report concludes that in terms of VSC assessment, all 51 windows tested serving habitable rooms would retain either their existing levels of daylight, or very high proportions of existing daylight, i.e. 0.8 times their former value. Similarly, all habitable rooms to these properties pass BRE targets in terms of NSL testing, meaning they retain good levels of daylight distribution.

55. With regard to sunlight, the report concludes that all habitable rooms of these properties would retain high levels of sunlight despite the proposed development, with APSH exceeding BRE targets.

### *Summary*

56. Given the scale of development and the proximity of the proposed blocks to surrounding properties, it is considered that the scheme achieves a very high level of compliance with BRE guidance overall, with breaches limited to two properties in the main Windmill Court block, and No. 44 Shoot-Up Hill. Given the wider benefits of the scheme, it is considered that these limited impacts are justified on balance.

### Overshadowing to external amenity spaces

57. The applicants have considered the impact to nearby outdoor amenity spaces. The relevant amenity spaces which are closest and which would warrant overshadowing testing are the rear gardens of No. 37 Mapesbury Road, and the existing amenity space within the application site itself. The report concludes that there would be limited additional overshadowing to Windmill Court. In terms of 37 Mapesbury Road, the report concludes that the proposed sunlight condition on the ground would remain well above 0.8 times the former value with a result of 0.96, and a retained value of 74% well-lit area.

### Privacy and overlooking

58. In order to retain acceptable privacy levels to properties, SPD1 states that all primary habitable room windows within a property should be at least 9m from the boundary with the private external amenity space of neighbouring properties or adjoining sites, except where the view on to that property would be to a part of the



property which would serve as low value amenity space (e.g. the side access around a house). All secondary habitable room windows and non-habitable room windows should be obscure glazed if they cannot achieve this standard too. Furthermore, proposed habitable room windows should achieve a full 18m of separation from the habitable room windows of other properties (apart from street facing windows). These standards are in the interests of protecting the privacy of neighbouring occupiers.

59. The two blocks would maintain at least 18m distance to the main block at Windmill Court, ensuring there is no overlooking or loss of privacy to existing occupiers within the site. The blocks are also orientated in a way which ensures there would be no direct overlooking to adjoining properties including 50 Mapesbury Road to the west, and Wiltern Court to the east. At least 18m is maintained to the nearest flank windows of 50 Mapesbury Road, while there would be at least 16 metres maintained at the nearest point between Block B and west facing windows of properties to Wiltern Court. However, all south facing windows to the proposed Block B are angled in such a way to ensure there would be no direct views towards these windows. Therefore, there are not considered to be any overlooking issues arising to adjoining properties as a result of the development.

**Summary**

60. It is considered that the relationship of this development to its surroundings complies with relevant guidance in SPD1. Generous separation distances are maintained between the proposed blocks and adjoining sites, and where they are closer, these are minimal and considered justified given they are minor breaches, especially given the urban regeneration context. Officers consider the proposals acceptable in this regard.

**Quality of accommodation**

**Internal**

*Minimum Space Standards*

61. London Plan Policy D6 sets out minimum standards for new dwellings. All of the units proposed either meet or exceed minimum internal space standards. In terms of floor to ceiling height, the development would meet the 2.5m minimum requirement specified under Policy D6.

*Light, outlook and privacy*

62. London Plan Policy D6 states that housing developments should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. The Mayors Housing SPG elaborates on this and states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.

63. The below table gives a breakdown of the units:

Block	Single Aspect	Dual Aspect	Total
A	6	27	33
B	0	27	27
Total	6	54	60

64. Therefore, 10% of the units are proposed to be single aspect. All single aspect units are one bedroom units and none of the proposed are to be north facing.

65. The application has been accompanied by an internal daylight and sunlight assessment. The daylight and sunlight amenity provided within the proposed residential accommodation has been assessed using the ADF and APSH tests following the methodology of the BRE guidance. In relation to daylight, this states that the L/K/D or kitchens should achieve an ADF target of 2%, living rooms should achieve an ADF of 1.5% and bedrooms should achieve an ADF target of 1%.

66. In relation to Block A, 111 windows were tested with 98 of these windows meeting relevant targets (88%). Of the 13 that failed, 12 of the windows were kitchen windows and one was a L/K/D area. Nevertheless in all cases, all of the other rooms within these units meet BRE targets and therefore the

development is considered to deliver good levels of daylight amenity within individual homes.

67. In relation to Block B, 104 windows were tested with 99 of these windows meeting relevant targets (95%). All 7 of the windows that were found to fail were kitchen windows, however, as all other a rooms within these units meet BRE targets and the development is considered to deliver good levels daylight amenity within individual homes.

68. In relation to sunlight, L/K/D or living rooms are considered the most important and all those facing south (28) have been tested. The results show a 100% pass rate and therefore the development is considered to provide good levels of sunlight amenity.

*Accessibility*

69. Policy D7 of the London Plan requires that at least 10% of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings.'

70. In terms of M4(3) wheelchair accessible or adaptable units, the development would deliver 10% (6 units) and the remaining units would be designed to be accessible and adaptable, thereby meeting London Plan requirements.

External

71. Policy BH13 of the Brent Local Plan states that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.

72. The BH13 requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". It goes on to state that where there is not strict compliance with these requirements, factors such as accessibility of dwellings to their own amenity space and its quality, the amount and quality of communal space, proximity to other areas of open space nearby and internal amenity spaces. With regard to quality of the space, Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.

73. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and width of 1.5 m is specified in policy D6 and reconfirmed in the Brent SPD 1.

74. All ground floor units would be provided with private terraces and all upper floors would be provided with balconies. The areas of private amenity space would meet or exceed the standards set out in the London Plan policy for all of the proposed homes. However, the private spaces would fall below BH13 / SPD1 targets, with a total shortfall of 1274sqm.

75. As set out above, the supporting text to policy BH13 clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Communal spaces would serve both the existing and new homes, and with 122 existing homes, a total of 2,440 sqm would be required for those homes to meet policy standards. The below table summarises the external amenity provision including new communal amenity space provided:

Private space	BH13 requirement	Provision	Shortfall
Proposed Block A	930	349	581
Proposed Block B	990	297	693
Existing Block including refurbished units	2440	352	2088
<b>Total private space</b>	<b>4360</b>	<b>998</b>	<b>3362</b>
<b>Communal space</b>			
Less proposed		4677	

communal space (all existing and proposed blocks )			
<b>Overall total external space</b>	<b>4,360 sqm</b>	<b>5,675 sqm</b>	<b>+1315 sqm (Surplus)</b>

76. The above table therefore shows that there would be communal space which would provide a surplus on policy requirements when both existing and new homes are taken into account and therefore would afford a good standard of external amenity for existing and future residents. Furthermore, in addition to the generous communal areas existing residents would benefit from much improved communal facilities including a new half basketball court, a play area for younger children, an adult exercise area, new outdoor seating areas and informal play areas.

77. The proposed external amenity space would be generous in terms of quantity and would also be of a very good quality which would be to the benefit of existing and proposed residents, and therefore officers consider the aims of Policy BH13 and London Plan Policy D6 would be met.

### *Playspace*

78. Policy S4 of the London Plan states that development proposals for schemes that are likely to be used by children and young people should increase opportunities for play and informal recreation and incorporate good quality, accessible play provision for all ages and specifies that at least 10sqm of playspace should be provided per child.

79. The existing site currently benefits from a ball court and a younger play area that are sited to the southern end of the site. The applicant's statement suggests that the play areas are poor quality and in need of upgrading which has been confirmed by officer site visits and photos of the existing situation. The proposal seeks to re-locate and upgrade site play facilities. Using the GLA child yield calculator, the required playspace for the proposed and existing dwellings would be 1243sqm based on the requirement of 10sqm per child. The total area of the spaces that specifically target children therefore totals 526sqm.

80. However, although the development would provide targeted playspace of 526sqm, a number of other areas across the site also allow for incidental play areas including grassed areas to the north of the site, an open lawn for informal play next to Block A, and areas between the blocks for informal doorstep play. Overall a total of 4677sqm of formal and informal play space is proposed on site exceeding play requirement by approximately 3430sqm.

### **Design, siting and massing**

81. Brent's Local Plan policy BD1 and SPD1 guidance set out the policy objectives and general requirements for good design in the built environment. Overall, officers consider that the proposal responds positively to this policy and guidance context and the specific elements of its design including: general layout, public realm, height and massing and architecture/materiality are discussed in the following sections.

#### *Layout and public realm*

82. The scheme has been subject to extensive pre-application discussions. Block A would be located to the western end of the site, close to the site's boundary with Mapesbury Road and replacing the existing 2-storey car park. Block B would be located to the eastern end, close to Shoot-Up Hill and on the boundary with Wiltern Court to the east. It would partially replace the existing maisonettes at 5-18 Windmill Court.

83. The proposals involve the creation of two 7-storey buildings, rectangular in shape with a similar orientation as the main 17-storey block. There are generous separation distances maintained between the blocks, and the blocks to the main 17-storey tower, and therefore they respect the existing site context.

84. The removal of a number of lower rise structures, allows for soft landscaping to be maximised. The scheme presents legible communal entrances to the wider streetscape, giving each block a clear identity and creating a strong sense of arrival for residents. The wider public realm would also be significantly improved, with better defined and legible communal green spaces between the blocks, and the creation of new play areas and an adult exercise area ensuring these spaces are maximised in terms of their use. The scheme

also helps to activate parts of the site that were previously unwelcoming or hostile.

### *Height, scale and massing*

85. As set out above, both proposed blocks would be 7 storeys in height. Objections have been received on the grounds that the development would be overly tall and prominent in context with its surroundings.

86. The blocks would be less than 30m in height and are therefore not classified as tall buildings, however it is acknowledged that they are substantial blocks in their own right and would be prominent in particular views from surrounding streets and adjoining residential properties. Nevertheless, it is important to note that they sit either side of a 17-storey block, and their design has been based on them sitting as shoulder blocks to this main tower.

87. Given the size of the site and distance maintained between the blocks, the blocks are considered to be appropriate and sit comfortably in this context, while not appearing overly prominent when seen in longer views from Shoot-up Hill or Mapesbury Road. A detailed assessment of the impact of the proposed development on the character and setting of the adjoining conservation area is considered in the heritage section of the report (paras. 88-93).

### *Architecture and materiality*

88. In terms of architecture, the approach to the blocks take its cue from Windmill Court and the fact that the site has a distinct estate identity, away from the predominantly Victorian and Edwardian character of the wider context, which is considered logical and appropriate. The approach to architecture has also been informed by consultation with residents, which emphasised the importance of the proposed blocks feeling part of the wider Estate.

89. The architectural language therefore responds closely to the existing estate architecture, while still being legible as a contemporary addition to the wider site. The buildings are of a simple form and design and of modest scale when considering the others that exist within the wider estate.

90. In terms of appearance, the elevations of Block A and B would be either a lightly textured pale white, cream or light grey brick, with a darker mortar for horizontal banding between windows. These darker bands would complement with the grey metalwork to the proposed railings and copings, helping to bring a good degree of depth and articulation to these elevations. All elevations benefit from large openings and large spacious balconies are orientated towards the communal garden area. Coloured screen detailing adds interest to the front elevation and the break in the screening ensures the communal entrances are clearly legible.

91. The Council's urban design officer has commented on the proposals and confirmed that the proposals successfully follow through what has been established through the pre-application process, with numerous details and features from the surrounding context successfully incorporated and re-interpreted into the submission. A condition is recommended ensuring that approval of final materials and key construction details are sought before the development commences.

### *Summary*

92. Overall, the proposed blocks are considered to be of a very good design, which respond well to the local context in terms of their height, scale and massing, and subject to further details would have an external appearance which is in keeping with the local character and streetscape. The scheme therefore complies with Policy BD1 of the Brent Local Plan and the key principles of SPD1.

### **Heritage**

93. Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Furthermore, paragraph 189 recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness. This is reflected in Local Plan Policy BHC1.

94. The site is situated on the boundary of the Mapesbury Conservation Area, the considerations therefore relate to the size, height and bulk of the proposed development and its impact on the views into and out of the Mapesbury Conservation Area. There are also long views of the site possible from the Brondesbury Conservation Area.

95. The application has been accompanied by a Heritage Statement which considers a number of views from the Mapesbury Conservation Area and also from the Brondesbury Conservation Area. The new buildings are not situated within the conservation area but on its boundary. They would not easily or detrimentally be seen by a passer-by on any of the roads within the conservation area. This is because the proposal is to a rear enclosed location and there is no impact on the general streetscene. The development will therefore not harm any significant views or vistas into, out of, or within the conservation area.

96. Furthermore, most views of the site would be long views, which would be blocked by existing housing or barely noticeable given the proposed height. In most far views, the existing tower blocks would be the dominating feature, especially Windmill Court. The development would therefore only be seen as backdrop in oblique views. In this respect there is considered to be limited impact and no harm to the conservation area.

97. The most prominent view of the new development would be seen at the bottom of Mapesbury Road looking (Eastwards) near the junction with Shoot-Up Hill. This is a key road and entry to the conservation area. The Heritage Statement considers this impact in the proposed sightline from the junction of Teignmouth and Mapesbury Road. The Statement points out that the new development would mark the end of the older houses and townscape, and forms a moderating transition to the scale and height of the existing Windmill Court building, albeit of a much improved design quality. It goes on to state that the development acts as a bookend to the conservation area and forms a transition to the much larger and more prominent Windmill Court building. This assessment is considered justified in terms of scale and massing, although the final view would depend on the use of good quality design and materials, which is assessed in more detail in earlier sections of the report.

98. Overall, officers consider that while views of the development would be more apparent from certain neighbouring residential properties, the development has been sensitively designed in order to comply with SPD 1 guidance and any perceived harm could be mitigated against with additional tree screening and the public benefits resulting from the scheme. It is considered that there would be no loss or substantial harm to the significance or setting of the Mapesbury Conservation Area, and the proposals comply with Local Plan policy BHC1 in this regard. Even if one was to contend that there was a degree of harm, it would be less than substantial and significantly outweighed by the benefits of the development.

## **Transport and highways**

### *Car parking*

99. As the site has very good access to public transport services, there is an expectation under Local Plan Policies BT2 that proposed residential development are car free, with standards following the table in Policy T6.1 of the London Plan. There are 138 existing homes at Windmill Court would currently be allowed up to 103 off-street parking spaces, so the existing provision of about 89 spaces would accord with maximum allowances.

100. This proposal will result in a net increase to 182 dwellings (71 x 1-bed, 92 x 2-bed, 18 x 3-bed & 1 x 4-bed). None of the new flats are to be allocated any parking though, either within Windmill Court or on the surrounding highways, in line with the Local Plan standards for 'car-free' development. Any off-street car parking retained on site will therefore be solely for the use of existing residents. In this respect, the proposed reduction in parking provision to 53 spaces would accord with maximum allowances.

101. Policy BT2 also requires that consideration is given to the potential impact of any overspill parking on-street in the area, particularly as the site fronts two distributor roads that cannot accommodate on-street parking without disrupting traffic flow.

102. To gauge this, overnight surveys of existing parking within the estate were undertaken in February and December 2020. This identified up to 67 cars parking within the estate, with a further six of the garages known to be used. However, 13 of the observed parked cars were abandoned vehicles that have since been removed, giving an overall demand for 60 spaces. This closely matches the number of parking permits issued to residents (57 no.) and suggests average existing car ownership at Windmill Court to be in the region of 0.41-0.43 cars/flat.

103. In addition to the 122 flats that will be retained, it is understood that residents of eight of the flats that are to be demolished will be rehoused on site and will retain their right to park. This gives a total of 130 households remaining on site. Applying the upper estimated car ownership figure of 0.43 cars/flat to the 130 households suggests demand for about 57 parking spaces.

104. The proposed provision of 53 spaces within the estate would therefore be broadly sufficient to cater for the needs of the existing residents and if necessary, there is space to accommodate three further cars along the access road and convert some of the disabled spaces to standard width spaces to increase overall parking provision by 4-5 spaces. Officers consider that the proposal would provide sufficient parking within the estate to cater for the future needs of existing residents, and that the proposal will not lead to any noticeable overspill parking on surrounding streets.

105. A Car Park Management Plan has also been submitted with the application, which is welcomed. This confirms that a parking permit system will continue to operate for the spaces within the site and that eligibility for permits will be restricted to existing residents and/or Blue Badge holders. Visitor permits will also be issued upon application for specific time periods for residents that require access by maintenance vehicles etc. Arrangements for the enforcement of the parking, using CCTV and wardens, are also set out. A condition is attached requiring the measures outlined in the Car Park Management Plan to be fully implemented for the lifetime of the development.

106. With regard to Blue Badge parking, London Plan standards require an initial provision of six wide spaces to be reserved for disabled Blue Badge holders (potentially increasing to 18 in future if demand rises). The proposed provision of eight such spaces within the site meets this requirement. The ratio of disabled and standard width spaces can also be amended as necessary to increase general parking supply if needed at the outset (as outlined above) or to increase the provision of wide bays in future if demand arises.

107. At least 20% of spaces (11 no.) must also have active electric vehicle charging points, with all remaining spaces having passive provision and the Car Park Management Plan confirms this requirement will be met. A further condition is attached to ensure the electric charging points are provided before occupation of the new units.

#### *Cycle parking*

108. In terms of bicycle parking, the London Plan requires at least 116 secure bicycle parking spaces for the new flats, with 329 spaces required for the estate as a whole. A further five spaces are required for visitors. The two new blocks are shown with a total of four secure stores providing 116 spaces on a mixture of two-tier racks, Sheffield stands and wide bays for non-standard bikes, so standards are fully complied with for the new flats.

109. With regard to visitor cycle parking, four external bicycle stands (eight spaces) are proposed around the site for visitors, which more than meets standards.

#### *Parking layout and vehicular access*

110. The layout of the car park access road for the site has been adjusted to keep the vehicular access and parking spaces to the western side of the site. This is welcomed, as it keeps vehicular traffic separate from pedestrian routes and away from the three housing blocks.

111. The layout of the road provides sufficient width for two vehicles to pass and for cars to manoeuvre into and out of parking spaces, with the arrangement of the parking spaces at the southern end of the access road providing a natural informal turning head for delivery vehicles. Whilst there are two tight bends along the access road, which will help to keep speeds low, tracking has been provided to demonstrate that refuse and fire vehicles are able to travel along the length of the access road and turn around at the end of the cul-de-sac.

#### *Servicing and deliveries*

112. Refuse vehicles would be able to gain access to within 10m of the bin stores for each block and all of the bin stores are shown with suitable storage capacity. Similarly, fire appliances would be able to access each block. One of the proposed parking bays within the site is also shown to larger dimensions in order to accommodate small delivery vans for residents, which is welcomed.

113. A Delivery and Servicing Management Plan has also been submitted with the application to attempt to manage delivery times to avoid peak hours and to ensure vehicles are FORS accredited. It is noted that co-ordinating deliveries to residential flats is difficult though, so a delivery scheduling system is only proposed for consideration if delivery volumes escalate. Nevertheless, the site layout and arrangements and DSP are sufficient to ensure deliveries associated with the development will not have any adverse impact on the local highway network.

#### *Pedestrian access*

114. Pedestrian access will be largely confined to the eastern side of the site, with the existing entrances from Shoot Up Hill and Mapesbury Road retained. A footway will also be retained along the eastern side of the vehicular access road, so the estate will retain good pedestrian permeability from all directions. In terms of materials, the main access road, footway and parking spaces will be surfaced in contrasting coloured 80mm thick block paving, which is welcomed.

115. The works will also incorporate improvements to the footway crossover from Mapesbury Road to include a raised entry treatment, flush kerbs and tactile paving. A Stage 2 Road Safety Audit has been undertaken for the revised access and four minor issues were identified (two of which relate to the adjoining property at No.50). These will largely be addressed when the access works are undertaken (bearing in mind that the access already exists and is in a poorer condition than the future junction layout). The footpaths within the site are to be generally resurfaced in resin bound gravel, which is also welcomed.

#### *Transport Impact*

116. Although the net increase in the number of flats (44 no.) falls below the TfL threshold for a Transport Statement, a Transport Statement has been submitted by the applicant anyway. This considers the cumulative impact of the proposal alongside the similar redevelopment proposals for the nearby Claire Court and Watling Gardens site (ref: 21/2473).

117. Surveys of existing trips to and from the estate were carried out in December 2020, although the on-going Covid-19 pandemic restrictions in place at the time meant that peak hour trips were lower than might otherwise be expected. These surveys showed 8 arrivals/ 14 departures in the morning peak hour (8-9am) and 9 arrivals/11 departures in the pm peak hour (5-6pm) by car.

118. As the above rates would have been affected by Covid restrictions though, data from four other Local Authority housing estates in outer London was used to predict future journeys to and from these 44 additional flats. On this basis, the development is estimated to generate an additional 5 arrivals/24 departures in the am peak hour (8-9am) and 15 arrivals/10 departures in the pm peak hour (5-6pm) by all modes of transport.

119. The Transport Statement then considers the increase in vehicular trips alone and using the survey data, has estimated that the new housing units would generate 1 arrival/4 departures in the am peak hour and 2 arrivals/2 departures in the pm peak hour by vehicles (these are net increases to existing trips to and from the estate). These totals are not significant enough to have a noticeable impact on the local highway network and given that overall on-site parking is to be reduced in total by the proposal and largely restricted to use by existing residents only, even these modest predicted increases in traffic flow may not materialise in practice.

120. For other modes, the number of additional passengers on public transport services (5-7 per hour) is also not considered to be significant enough to have any noticeable impact on capacity, with less than one additional passenger per bus and train passing the site. This remains the case when additional trips are added to those estimated for the nearby Claire Court/Watling Gardens development.

121. To assess the impact of walking and cycling trips, a Healthy Streets Assessment has been conducted for the area. This examined the quality of the pedestrian routes to six key destinations in the area. No major issues around the site were identified. It is noted that works have recently been undertaken at the junction of Shoot Up Hill/Exeter Road outside Kilburn station to provide a wider footway and raised table (in place of the pedestrian refuge) and this has therefore already addressed one of the main issues identified through the earlier complementary Healthy Streets Assessment undertaken for nearby Watling Gardens under application 21/2473.

122. The Healthy Streets Assessment also examined the road accident record in the vicinity of the site over the six year period ending 2020. This did reveal a large number of personal injury accidents along Shoot Up Hill, particularly at the signalised junction with Mapesbury Road/Mill Road, commensurate with the high

volume of traffic carried. A high proportion of the accidents close to the site involved motorcycles, with rear-end shunts for northbound traffic also featuring in a number of cases. Two accidents involving pedestrians were noted at the junction with Shoot Up Hill and Mill Lane. There were also a handful of slight injury accidents in Mapesbury Road.

123. However, none of the recorded accidents involved vehicles turning into or out of the Windmill Court estate and there are no elements of the development proposals that would be likely to worsen the accident record in the area.

#### *Travel Plan*

124. To help support the 'car-free' nature of the development, a Framework Residential Travel Plan has been submitted with the application. This proposes series of measures to promote non-car use through the provision of information and incentives, managed by a Travel Plan Co-ordinator.

125. The principal aim of the Travel Plan will be to reduce the proportion of trips made by car drivers from an estimated 18% of trips at the outset down to 8% after five years. This will be monitored through biennial surveys using the i-TRACE or TRICS survey methodology, with the first survey to establish the baseline modal share to be undertaken within six months of the development reaching 75% occupation.

126. One measure proposed is the provision of free Car Club membership for incoming residents and this should be secured for a minimum period of three years for each new resident through the S106 Agreement. Otherwise, the Travel Plan is of good quality and its implementation should be secured as a condition of any approval.

#### **Ecology**

127. An Extended Phase 1 Habitat Survey Report has been submitted with the application. The report confirms that there was little evidence of protected species on site or the site forming a suitable habitat for most protect species. Whilst the report notes that the buildings proposed to be demolished held some potential roosting features suitable for bats, they offered low roosting potential. Most trees were also found to have negligible potential for bats, given they are well maintained and only semi-mature in nature. There are also limited foraging opportunities, since bats could utilise the site for commuting and feeding due to the proximity to the adjoining green space on Wiltern Court and Watling Gardens Estate.

128. On this basis, a preliminary bat roost assessment has also been undertaken and submitted with the application. The survey findings of the report conclude that the existing block at Windmill Court and the two new blocks would have a 'low habitat value' for supporting roosting bats, with no internal voids of soffit boxes for bats to exploit.

129. The Phase 1 report also indicates that the trees groups on site and the ornamental vegetation provided limited suitable habitat for a range of common nesting birds during breeding season, although no nesting birds were observed during the time the survey was undertaken. The report makes a number of recommendations in relation to further surveys and timings. A condition is attached ensuring these recommendations in the report are carried out.

#### **Trees and Landscaping**

130. The applicant has submitted an arboricultural assessment which identifies 39 trees on site, with a further group of 4 trees largely to the south-west corner of the site. 4 of these trees are identified as Category A trees (3 x London Plane and 1 x Ash), which would all be retained. A total of 13 trees and one tree group (all Category B) would be removed, predominantly to the central areas of the site in order to accommodate the two new blocks.

131. The proposed landscape plan submitted with the design and access statement indicates that there would be 40 new trees planted across the site, including large trees to the central green space defining the new central path. This ensures there would be no net loss of trees across the site. The landscape plan submitted showing the replacement provision has incorporated a diverse range of species around the existing and new buildings, which will replace the loss of trees in the long term.

132. As well as new tree planting, soft landscaping across the site has also been enhanced. Not only is the planting intended to improve visual amenity and provide more colour and seasonal interest (as requested by existing residents) but the location and types of planting proposed is also sought to provide shading,



screening and wind mitigation as well as to enhance biodiversity and to establish a sequence of easily accessible and functional character areas.

### **Urban Greening**

133. Policy G5 of the London Plan requires that major development proposals contribute towards the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees) green roofs, green walls and nature based sustainable drainage. It goes on to recommend that a target score of 0.4 for predominantly residential developments.

134. An Urban Greening Strategy (including Biodiversity Management Plan) has been prepared by Ecology Link and confirms that the development would have an urban greening score of 0.7, comfortably exceeding the target of 0.4 in the London Plan policy G5. This is mainly achieved through the use of green roofs, and the increased amount of landscaping (including tree planting) and permeable surfacing proposed surrounding the blocks.

### **Air Quality**

135. The site is located within an Air Quality Management Area (AQMA). In accordance with London Plan Policy SI1 and Local Plan Policy BSUI2, an Air Quality Assessment and Air Quality Neutral Assessment has been submitted with the application.

136. The Air Quality Impact Assessment considers the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. The Air Quality Neutral Assessment confirms that there would not be a significant increase in pollutant concentrations from resulting additional transport emissions and therefore no specific mitigation measures are necessary. However it is pointed out that the installation of electric vehicle charging points, increased cycle parking provision and improved landscaping and tree planting all assist in enhancing local air quality levels. On this basis the proposals comply with London Plan Policy SI1 and Local Plan Policy BSUI2.

### **Energy**

137. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

138. An Energy Assessment has been submitted and the development would achieve a 61% improvement over Part L of the 2013 Building Regulations through 'Be Lean, Be Clean and Be Green' measures set out in the London Plan based on SAP 9.0. Based on SAP 10.0 the carbon reduction is 71.1% and using SAP 10.1 the reduction is calculated as 82.5%. This is fully compliant with London Plan Policy SI2 and Local Plan Policy BSUI1.

139. The proposed blocks would utilise a district heating scheme incorporating air source heat pumps (ASHPs) to satisfy both the space heating and hot water requirements in addition to U Values and design targets specified to exceed Part L 2013 compliance. It is proposed that the development will also benefit from a site wide PV panels installed to the roofs of both respective blocks, which would be orientated south and split into two systems across the blocks.

### **Overheating**

140. London Plan Policy SI 4 states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for overheating and reliance on air conditioning systems in accordance with a cooling hierarchy.

141. The application has been accompanied by an overheating assessment which outlines the measures to be taken to meet the requirements of the policy. As set out above, the majority of units would be dual aspect and very few are single north facing or south facing, which in itself should reduce reliance on mechanical heating and cooling with the blocks.

## **Flood Risk and Drainage**

142. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is at low risk of tidal or fluvial flooding, and that the majority of the site would also have a very low risk from surface water flooding. However there is an area along the north and east elevations of the existing car structure which has a low to medium risk of surface water flooding. In order to mitigate these risks, design features including new landscaping and a step up in the finished floor level for the ground floor of Block A will be incorporated to ensure surface water run-off is channelled away from the proposed buildings.

143. London Plan Policy S113 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. A drainage strategy has been submitted as part of the FRA, and this sets out that increased landscaping and the installation of tanked permeable paving would take place to areas surrounding the two new buildings. The drainage strategy identifies that these areas would be maximised, and therefore the proposal would comply with the requirements of S113.

144. Thames Water have also commented on the proposals, raising no objections to the proposals subject to a condition ensuring that further details are submitted to demonstrate that sufficient surface water network infrastructure has been implemented to meet the requirements of the additional units within the site. This has been attached as a condition to the draft permission.

## **Fire Safety**

145. Policy D12 of the London Plan states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor and requires the statement to demonstrate how consideration has been given to such matters as fire appliance access and features which reduce the risk to life.

146. A Fire Statement prepared by FCS Live has been submitted with the application which demonstrates how the criteria of D12 have been considered. Key measures which are to be implemented in the proposed blocks include the following:

- Fire evacuation lifts installed to both blocks from ground to sixth floor, opening onto staircase lobby on each of the floor levels
- Fire resistant materials to all external balconies/ terraces and external walls
- Unless advised by the Fire and Rescue Service, a stay-put evacuation strategy to be put in place for each residential block, as these floors will be protected by fire resisting construction
- A sprinkler system will be provided throughout the development and within habitable rooms of all apartments, as well as to ancillary accommodation and plant
- Each building served by a firefighting staircase and natural smoke ventilation systems within the corridors

147. Due regard has therefore been given to fire safety and the development complies with D12 of the London Plan.

## **Equalities**

148. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has also been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

## **Conclusion**

149. The development would provide substantial benefits in terms of the provision of 60 good quality residential units all for social rent/LAR, and represents an uplift of 44 units across the site. The proposed landscaping would visually enhance the estate and there would be benefits for existing residents in terms of more improved and functional external amenity space. The proposed height, scale and massing of the blocks is appropriate to its surroundings and respects the local context, while not harming the character or setting of the Mapesbury Conservation Area. Any impact on light to neighbouring properties is considered acceptable when considering the wider benefits of the scheme.

150. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions.

## CIL DETAILS

This application is liable to pay **£1,269,824.01** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 2252 sq. m.

Total amount of floorspace on completion (G): 5798 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	5798		3546	£200.00	£0.00	£1,051,135.71	£0.00
(Mayoral) Dwelling houses	5798		3546	£0.00	£60.00	£0.00	£218,688.30

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	332	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£1,051,135.71</b>	<b>£218,688.30</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Application No: 21/4690

To: Royston  
Jones Lang LaSalle Limited  
30 Warwick Street  
London  
W1B 5NH

I refer to your application dated **22/12/2021** proposing the following:

Demolition of car park and 1-2 & 5-18 Windmill Court maisonettes and redevelopment to provide 60 flats (Use Class C3) in two separate buildings rising to 7 storeys with car parking, cycle parking, access routes, refuse and recycling storage, amenity space, landscaping, boundary treatments, a substation and other associated works.

Internal reconfiguration of the ground and first floors of the existing Windmill Court block and the creation of private terraces to 2 x ground floor (3&4 Windmill Court) flats alongside associated external works including new brickwork and cladding, windows and doors.

Extension of the community room and associated external works including the provision of a new entrance and windows.

and accompanied by plans or documents listed here:  
See condition 2

at **Windmill Court and car park, 52 Mapesbury Road, London, NW2**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 15/03/2022

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG



SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework (2021)  
London Plan (2021)  
Brent Local Plan (2019-2041)  
SPD 1-Brent Design Guide

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

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 material accordance with the following approved drawings and documents:

Existing Site Location Plan	WCK-PTE-ZZ-ZZ-DR-A-10100 C2
Existing Site Plan	WCK-PTE-ZZ-ZZ-DR-A-10001 C3
Demolition Plan	WCK-PTE-ZZ-ZZ-DR-A-10002 C2
Existing Site Sections 01	WCK-PTE-ZZ-ZZ-DR-A-10200 C2
Existing Building Elevations 01	WCK- PTE-ZZ-ZZ-DR-A-10300 C2
Existing Building Elevations 02	WCK- PTE-ZZ-ZZ-DR-A-10301 C2
Existing GA Plan - Ground Floor	WCK- PTE-VC-00-DR-A-10102 C1
Existing GA Plan - Ground Floor	WCK- PTE-VC-01-DR-A-10103 C1
Site Plan – Ground Floor	WCK-PTE-ZZ-00-DR-A-10100 C3
Site Plan – 1 <sup>st</sup> Floor	WCK-PTE-ZZ-01-DR-A-10101 C2
Site Plan – 2nd to 5th Floor	WCK-PTE-ZZ-XX-DR-A-10102 C2
Site Plan – 6th Floor	WCK-PTE-ZZ-06-DR-A-10103 C2
Site Plan – Roof	WCK-PTE-ZZ-RF-DR-A-10104 C2
Site Plan – 9th to 12 <sup>th</sup> Floor	WCK-PTE-ZZ-XX-DR-A-10105 C2
Site Sections/Elevations 01	WCK-PTE-ZZ-ZZ-DR-A-10302 C2
Site Sections/Elevations 02	WCK-PTE-ZZ-ZZ-DR-A-10303 C2
Block A – GA Plan – Ground to 5th Floor	WCK-PTE-VA-ZZ-DR-A-10100 C2
Block A – GA Plan –6th Floor and Roof Plan	WCK-PTE-VA-ZZ-DR-A-10101 P2
Block A – Sections	WCK-PTE-VA-ZZ-DR-A-10201 C2

Block A – Elevations 01	WCK-PTE-VA-ZZ-DR-A-10300 C2
Block A – Elevations 02	WCK-PTE-VA-ZZ-DR-A-10301 C2
Block B – GA Plan – Ground to 6th Floor	WCK-PTE-VB-ZZ-DR-A-10100 C2
Block B – GA Plan – Roof Plan	WCK- PTE-VB-RF-DR-A-10101 C2
Block B – Sections -	WCK-PTE-VB-ZZ-DR-A-10201 C2
Block B – Elevations – 01	WCK-PTE-VB-ZZ-DR-A-10300 C2
Block B – Elevations – 02	WCK-PTE-VB-ZZ-DR-A-10301 C2
Block C – GA Plan – Ground Floor	WCK- PTE- VC-00-DR-A-10100 C2
Block C – GA Plan – 1 <sup>st</sup> Floor	WCK-PTE-VC-01-DR-A-10100 C2
Block C – Sections – 01	WCK-PTE-VC-ZZ-DR-A-10200 -C2
Block C – Sections – 02	WCK-PTE-VC-ZZ-DR-A-10201 C2
Block C – Elevations – 01	WCK-PTE-VC-ZZ-DR-A-10300 C2
Block C – Elevations – 02	WCK-PTE-VC-ZZ-DR-A-10301 C2
Hard Landscape	GW - BR031- WI - P - 4000
Hard Landscape	GW - BR030- WI - P - 4001
Hard Landscape	GW - BR031- WI - P - 4002
Hard Landscape	GW - BR031- WI - P - 4003
Hard Landscape	GW - BR031- WI - P - 4004
Tree Planting Plan	GW - BR031- WI - P - 6000
Planting Plan 1	GW - BR031- WI - P - 6001
Planting Plan 2	GW - BR031- WI - P - 6002
Planting Plan 3	GW - BR031- WI - P - 6003
Planting Plan 4	GW - BR031- WI - P - 6004

Affordable Housing Statement prepared by JLL

Statement of Community Involvement prepared by JLL

Planning Statement prepared by JLL

Statement of Community Involvement prepared by JLL

Equalities Impact Assessment prepared by JLL

Design and Access Statement prepared by PTE

Urban Greening Assessment Strategy (including Biodiversity Management Plan) prepared by Ecology Link

Arboricultural Survey and Impact Assessment prepared by Ecology Link

Extended Phase 1 Habitat Survey Report prepared Ecology Link

Preliminary Roost Assessment Survey prepared by Arbtech

Heritage Statement prepared by Cogent Heritage

Desk Study and Preliminary Risk Assessment Report prepared by Southern Testing

Energy Assessment prepared by Norman Bromley

Overheating Assessment prepared by Norman Bromley

Sustainability Statement prepared by Norman Bromley

Foul Drainage and Utilities Assessment prepared by Norman Bromley

Circular Economy Statement prepared by Hodkinson

Whole Life Cycle Carbon Emissions Assessment prepared by Hodkinson

Daylight and Sunlight Report prepared by EB7

Noise Impact Assessment prepared by Hawkins Environmental

Air Quality Assessment prepared by Hawkins Environmental

Transport Assessment prepared by RGP

Travel Plan prepared by RGP

Car Park Management Plan prepared by RGP

Delivery and Servicing Management Plan, prepared by RGP

Flood Risk Assessment and Drainage Strategy, Tully De'Ath

Fire Strategy, FCS

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

- 3 The development hereby approved shall contain 125 residential units and shall comprise the following, unless otherwise agreed in writing by the Local Planning Authority

60 x C3 units

8 units for Social Rent (25 habitable rooms) (3 x 1 bed, 2 x 2 bed, 2 x 3 bed and 1 x 4 bed)

52 units for London Affordable Rent (166 habitable rooms) (6 x 1 bed, 30 x 2 bed, 16 x 3 bed)

For the purposes of this condition, the following definitions are stipulated:

- Social Rent means rented housing owned and managed by [local authorities or] Affordable Housing Providers and let at Target Rents.
- London Affordable Rent means rented housing provided by an Affordable Housing Provider that has the same characteristics as Social Rented Housing except that it is not required to be let at Target Rents but is subject to other rent controls that require it to be offered to eligible households in accordance with Part VI of the Housing Act 1996 at a rent that is:

(a) including Service Charges, up to 80 per cent of local market rents; and

(b) excluding Service Charges, no higher than the benchmark rents published by the GLA annually in accordance with the Mayor's Funding Guidance.'

Reason: In the interests of proper planning.

- 4 The development hereby approved should be built so that 90% of the residential units achieve Building Regulations requirement M4(2) – 'accessible and adaptable dwellings' and that the remaining 10% of the residential units achieve Building Regulations requirement M4(3) – 'wheelchair user dwellings' with the exception of the relevant disabled car parking spaces which shall provide a 1200mm space on one side of the parking space.



Reason: To ensure that the development achieves an inclusive design in accordance with London Plan D7

- 5 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: In order to ensure a sustainable development by minimising water consumption

- 6 A communal television aerial and satellite dish system for each building shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. No further 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

- 7 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby of each building, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 8 The proposed development shall be occupied in full accordance with the submitted Car Parking Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient levels of parking are provided for existing residents of the development and those who hold blue badges.

- 9 Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: To ensure the development is constructed in an acceptable manner.

- 10 No less than 20% of the proposed car parking spaces shall be provided with electric vehicle charging points (ECVPs) with passive EVCPs provided for all remaining parking spaces.

Reasons: In the interests of sustainable transport and to comply with Policy T6 of the London Plan

- 11 The proposed development shall be occupied in full accordance with the submitted Delivery and Servicing Plan

Reason: To ensure the development provides a safe and efficient environment in respect of the

interplay between pedestrians and delivery/servicing vehicles.

- 12 Unless alternative measures are agreed in writing by the Local Planning Authority the mitigation measures outlined in section 5 of the submitted 'Extended Phase 1 Habitat Survey Report' shall be implemented in full during the site clearance process.

Reason: In the interest of safeguarding wildlife habitats

- 13 Details of materials for all external work, including samples which shall be made available for viewing, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the relevant part of the development, excluding demolition, site clearance, laying of foundations or any other below ground work. The work shall be carried out in accordance with the approved details.

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

- 14 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall identify:

- a) All plant species, densities of planting as well as species and soil densities for all proposed trees and plants.
- b) Details of any new habitat created.
- c) Detailed plans of the child play spaces.
- d) Details of green roofs
- e) External lighting locations, fixtures and lux levels

The approved landscaping shall be completed prior to first occupation of the development 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.

- 15 Prior to the commencement of development an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect all trees shown for retention throughout the duration of works

- 16 Where photovoltaic panel arrays are proposed on the roof, detailed drawings showing the photovoltaic panel arrays shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of development. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the relevant phase.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy S11

- 17 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to 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 written report is subject to the approval in writing of the Local Planning Authority.

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

- 18 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, 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).

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

- 19 Prior to the occupation of the development hereby approved, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The proposed Travel Plan shall include a measure to provide three years' free membership to a local Car Club for all new residents. Once approved the travel plan shall be implemented in full for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures

- 20 Notwithstanding the submitted details, prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (
- a) damping down materials during demolition and construction, particularly in dry weather conditions,
  - b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
  - c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
  - d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
  - e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
  - f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
  - g) the use of demolition equipment that minimises the creation of dust.

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

- 21 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 (or lowest practicable levels) when measured at the nearest noise sensitive premises. 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 the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect acceptable local noise levels

- 22 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 Policy SI1 of the London Plan

- 23 Prior to the occupation of the development a Nominations Agreement to define nominations criteria and arrangements shall be entered into with the Council, and submitted to and approved in writing by the Local Planning Authority. The Nominations Agreement will set out the policies and procedures for the nomination by the Council of prospective tenants to the development and shall be implemented on occupation and shall remain in effect for the lifetime of the development.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to the Affordable housing when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of

the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

- 5 The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include:
- (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways;
  - (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips);
  - (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order;
  - (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway;
  - (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site;
  - (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

- 6 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
- [https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!EoEvwXgui6kvx1uGjO\\_inOM3Jeb\\_rwYFpo4I2FqNFHo2i9ALcVo1bKyx8AIYyhQucnNyMo\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!EoEvwXgui6kvx1uGjO_inOM3Jeb_rwYFpo4I2FqNFHo2i9ALcVo1bKyx8AIYyhQucnNyMo$). Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!EoEvwXgui6kvx1uGjO\\_inOM3Jeb\\_rwYFpo4I2FqNFHo2i9ALcVo1bKyx8AIYyhQucnNyMo\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!EoEvwXgui6kvx1uGjO_inOM3Jeb_rwYFpo4I2FqNFHo2i9ALcVo1bKyx8AIYyhQucnNyMo$)

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow

development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

- 7 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 8 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

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## Addendum Report for Planning Committee on 23 March, 2022

### Case No. 21/4690

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Location: Windmill Court and car park, 52 Mapesbury Road, London NW2

Description: Demolition of car park and 1-2 & 5-18 Windmill Court maisonettes and redevelopment to provide 60 flats (Use Class C3) in two separate buildings rising to 7 storeys with car parking, cycle parking, access routes, refuse and recycling storage, amenity space, landscaping, boundary treatments, a substation and other associated works.

Internal reconfiguration of the ground and first floors of the existing Windmill Court block and the creation of private terraces to 2 x ground floor (3&4 Windmill Court) flats alongside associated external works including new brickwork and cladding, windows and doors. Extension of the community room and associated external works including the provision of a new entrance and windows.

**Agenda Page Number: 17-52**

#### **Public Consultation**

A total of 879 addresses within Windmill Court, Watling Gardens, Shoot Up Hill, Petrie Close, Exeter Road, Mapesbury Road, Dartmouth Road and Teignmouth Road were initially notified of the development on 07/01/2022. The Mapesbury Residents Association were also consulted.

A Site Notice was displayed 31/01/2022  
A Press Notice was published 13/01/2022

A total of 52 written objections were received to the proposals at this stage, from adjoining residents and interested parties. The grounds for objection are summarised in the table below:

<b>Objection</b>	<b>Response</b>
Proposals would result in displacement of existing tenants from maisonettes being demolished, upheaval and distress caused to them	See paragraphs 1-5 of detailed considerations section below for further discussion of this issue, which explains that existing occupiers have been given the Right to Return, in line with London Plan policies and the Mayor's Good Practice Guide to Estate Regeneration.
Proposals at resident consultation stage stated that new units would be social rent, but have been proposed as London Affordable Rent so not genuinely affordable	See paragraphs 8-13 for assessment of proposals in terms of affordable housing.
Lack of increase in social rent properties, only replacement – new units would be made available at London Affordable Rent	See paragraphs 8-13
Lack of family sized homes within proposed units	See paragraph 14
Loss of daylight, outlook and aspect to existing residents in Windmill Court and adjoining properties as a result of the proposed 7-storey blocks	See paragraphs 15-56
Increased overshadowing to adjoining amenity spaces, particularly St Ives Court	See paragraph 57
Loss of privacy and increased overlooking to	See paragraphs 58-59

properties in Windmill Court and adjoining properties	
Poor quality of proposed accommodation	See paragraphs 61-80
Loss of playspace provision / inaccurate re-provision of recreational and play space	See paragraphs 78-80
Proposed blocks unacceptable in terms of their height, scale and massing	See paragraphs 81-92
Impact of proposed blocks on skyline	See paragraphs 81-92
Proposed blocks would be out of keeping and have a detrimental impact on the adjoining Mapesbury Conservation Area	See paragraphs 93-98
Proposals result in a loss of on-site parking bays and increased demand for on-street spaces	See paragraphs 99-126
Proposed change to waste arrangements unacceptable	See paragraphs 112-113
Proposed bat roost assessment not undertaken at right time of year	See paragraphs 127-129
Proposals do not comply with fire safety regulations and requirements of London Plan Policy D12	See paragraphs 145-147
Restricted access for servicing and emergency vehicles	See paragraph 112
Access issues from removing existing path to Shoot-Up Hill, harder to reach public transport	See paragraphs 99-126
Proposals would result in poorer local air quality	See paragraphs 135-136
Increased emissions from boilers to neighbouring blocks	See paragraphs 135-136
Proposals overly dense for their location, represent over-development of the site	The principle of development is considered within paragraphs 1-7 of the report. However the sections on urban design (paras. 81-92), impact on neighbouring amenity (paras. 15-56) and the quality of residential accommodation provided (paras. 61-80) are relevant in setting out how the quantum of development is appropriate in this location.
Statement of Community Involvement is a misrepresentation of resident consultation	Officers consider the level of consultation with local stakeholders and interested groups has been extensive and appropriate to the scale of the proposals, and has adequately taken into consideration the impacts of the Covid-19 pandemic on the consultation process. More details are set out within the Statement of Community Involvement section of the report below.
Increased light pollution/ light spill to adjoining properties (particularly due to tree removal)	Officers consider that the proposals would not cause material harm in terms of light spill to neighbouring residents. However a lighting strategy has been requested by condition, as part of the wider landscaping details still required if development is granted.
Increased risk of crime and anti-social behaviour	The development has been designed with SBD principles in mind and there are not

	considered to be any specific concerns in this regard.
3D model of proposed scheme not made available for residents to view before application submitted	Officers consider the level of consultation with local stakeholders and interested groups has been extensive and appropriate to the scale of the proposals.
Consultation period took place over Christmas and New Year, giving residents less time to respond	The consultation period was undertaken in line with statutory guidelines, and officers consider sufficient time has been provided for comments to be made on the application. The level of consultation with local stakeholders and interested groups before application submission has been set out within the Statement of Community Involvement section of the report.
Consultation process a "tick-box exercise"	The level of consultation with local stakeholders and interested groups as been set out within the Statement of Community Involvement section of the report.
Impact on viability of existing block at Windmill Court	This is not considered to be a material planning consideration on which permission could reasonably be refused.
Lack of primary health and education facilities to support uplift in residential units	The application site has a good PTAL rating with access to amenities and key local services, in an area with a predominantly residential character. There are not considered to be any reasons to suggest local infrastructure capacity could not support additional residential homes here.
Impact on foundations and structural damage to adjoining properties	This is not considered to be a material planning consideration on which permission could reasonably be refused.
Increased litter and vermin as a result of proposed additional homes	It is not considered that the proposals would directly result in any increase in additional litter generation given the existing building is being used as a college. Refuse arrangements for the proposed uses are considered acceptable.
Certain statements suggests existing maisonettes are poor quality, which is inaccurate	Officers consider the level of supporting information to be detailed and accurate, and an assessment has been made based weighing up the benefits of the wider scheme, rather than just an assessment of the quality of existing housing stock.
Planning statement replicates statement submitted for other applications	Officers consider the level of supporting information to be detailed and accurate in relation to this particular application site.
Proposed drawings don't correctly show boundary between car park and Petrie Close	Officers consider the existing and proposed drawings are accurate and have enabled a robust assessment of the proposals.

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### **Statutory/ External Consultees**

#### Thames Water

No objection subject to conditions requiring confirmation that sufficient surface water network upgrades have been implemented before any of the flats are occupied, and that no construction would take place within 5m of the strategic water main. Also recommend informatives relating to the proximity of the development to underground wastewater assets.

#### LB Camden

No comments received to date.

#### Health and Safety Executive (HSE)

No objections raised. Some areas of concern are raised in relation to the fire statement, but these largely relate to the existing Windmill Court block, or are set out as advice for the applicants to consider as the final design evolves.

### **Internal consultation**

#### Environmental Health

Environmental health raises no objections to the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact, and contaminated land. See detailed considerations section of report for further comments on these issues.

Comments have also been raised by the Council's urban design, planning policy, heritage and transportation teams. The comments raised are set out and addressed in detail within the main considerations section of the report.

### **Statement of Community Involvement**

A Statement of Community Involvement has been submitted with the application, sets out the public consultation and level of engagement undertaken before submitting the application, as required through the Localism Act (2011) and also following the advice set out in the Mayor's Good Practice Guide to Estate Regeneration (2018). A range of consultation methods were utilised, including 6-8 consultation events (a combination of one-to-one meetings, drop in sessions and wider panel events) were carried out between January 2020 and November 2021, as well as meetings and presentations given to the ITLA and Residents Panel. Information on the evolving proposals has also been published in newsletters on a regular basis (at least four a year), and details have been provided online (with the opportunity to provide feedback) in light of restrictions during the Pandemic.

Feedback received through the course of this consultation programme has been taken into consideration when finalising the proposals and is evident in the final planning application.

These consultation events are considered appropriate to the scale of the development and reflect the recommended level of pre-application engagement set out in Brent's SCI, as well as the Mayor's Good Practice Guide.

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

23 March, 2022  
05  
21/2473

## SITE INFORMATION

<b>RECEIVED</b>	29 June, 2021
<b>WARD</b>	Mapesbury
<b>PLANNING AREA</b>	Brent Connects Kilburn
<b>LOCATION</b>	Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2
<b>PROPOSAL</b>	Demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class: C3(b)) in three separate buildings ranging from 3 to 14 storeys, alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works
<b>PLAN NO'S</b>	See condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_155865">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_155865</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/2473" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

Resolve to **grant** planning permission subject to conditions.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit for commencement (3 years)
2. Approved Plan
3. Approved number of residential units
4. Accessible dwellings compliance with Building Regulations M4
5. Adherence to maximum water consumption per dwelling
6. Communal TV aerial and satellite provision
7. Carbon offset contribution to be secured via MoU
8. Training and Employment Plan to be submitted
9. Highways works to be agreed/ s278 agreement
10. Parking permit restriction to be secured
11. Widening of pedestrian access to southern end of site to be secured
12. Car park management plan to be implemented in full
13. Construction logistics plan to be submitted
14. Electric Vehicle Charging Points (active and passive) to be secured
15. Delivery and Servicing Management plan to be fully implemented
16. Measures within approved Habitat Survey Report to be fully implemented
17. Material samples to be submitted
18. Full details of landscaping strategy (including green roofs) to be submitted
19. Tree protection measures to be submitted
20. Details of PV panels to be submitted
21. Land contamination and remediation report to be submitted
22. Soil verification report to be submitted
23. Residential Travel Plan to be submitted
24. Construction method statement to be submitted
25. Plant noise levels to be limited
26. Non-road mobile machinery restriction
27. Nominations Agreement to be submitted
28. Affordable housing monitoring to be submitted to GLA
29. Circular Economy Statement details to be submitted
30. Whole Life Carbon Assessment to be submitted
31. 'Be Seen' energy assessment indicators to be submitted

### Informatives

1. CIL liability
2. Party wall information
3. Building near boundary information
4. Noise and vibration control
5. Notify highways service of intent to commence works
6. Guidance notes from Thames Water
7. London Living Wage
8. Fire safety advisory note
9. Any other informative(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

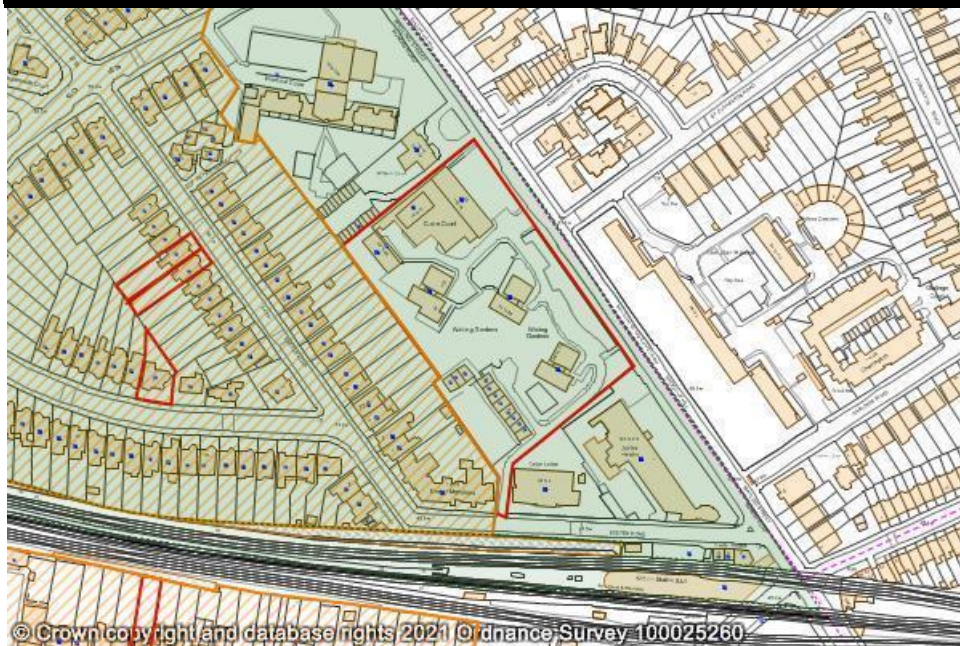
# SITE MAP



## Planning Committee Map

Site address: Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2

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This map is indicative only.

## PROPOSAL IN DETAIL

Demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class: C3(b)) in three separate buildings ranging from 3 to 14 storeys, alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works

## EXISTING

The site is approximately 1.4 Hectares and is bounded by Shoot Up Hill to the east, Wiltern Court to the north, Exeter Road (forming part of the Mapesbury Conservation Area) to the west and Cedar Lodge and Jubilee Heights to the south. The site currently comprises 164 residential units in a number of buildings varying from 2 to 12 storeys.

In addition to the existing buildings on site, the estate contains a playground, a multi games use area (MUGA) a small community room on the ground floor of 97-135 Watling Gardens and a Housing Management Office.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application.

**Representations received:** 9 letters of objection were received. Further details of the comments received are discussed within the “consultation section” below.

**Principle:** The principle of the redevelopment of the site for residential purposes is acceptable and the development would contribute an 80 additional Affordable homes to meet borough housing targets.

**Design:** The development proposes a tall building outside of a designated zone, however there are already a number of tall buildings within the existing estate and in the immediate locality and the buildings have been designed to reflect the context within and immediately surrounding the site.

**Heritage Assets:** The site borders Mapesbury Conservation Area. The application has been accompanied by a Heritage Statement which considers a number of views from the Mapesbury Conservation Area. As views of the development it would be viewed in the context of the Tower Block group and therefore would only be seen as a 'backdrop' in oblique views and therefore the development would not result in harm to the offsetting of the Conservation Area.

**Affordable Housing/unit mix:** The development would provide 100% affordable housing and therefore would be in excess of 50% affordable housing required by adopted policy. In terms of unit mix, 33% of the general needs homes are proposed to be family homes. If the NAIL units are included the percentage would fall to 21%, however the application has provided adequate justification of why the NAIL units have been provided as 1 beds only.

**Quality of accommodation:** The proposed dwelling would be of a good quality, meeting minimum space standards and with all units having the benefit of good light, outlook and cross ventilation. All general needs units would have access to private balconies/terraces and the NAIL units would have access to a communal garden and roof terrace. The existing units would also benefit from an improved communal amenity space.

**Impact on neighbouring properties:** The development would have some impact on the neighbouring properties, largely in terms of loss of daylight and there would be some shortfalls against BRE guidelines. This would be particularly true for some of the existing dwellings within existing block 57-96 Watling Gardens. However, the applicant has demonstrated in their submission that existing building features already restrict access to light. It should also be noted that BRE guidelines largely relate to a suburban context and in order to achieve the level of affordable housing proposed, shortfalls against BRE targets are unavoidable.

**Transport:** 59 car parking spaces would be retained on site which would cater for existing residents and provide some disabled parking for the wheelchair units. New dwellings would be subject to a 'car free



agreement'. The submitted Transport Statement confirms that existing trip generation would be limited and would not have a noticeable impact on the local highway network.

**Environmental and Sustainability:** Consideration has been given to ecology and the sustainable development principles and the proposal is considered to accord with policy.

## RELEVANT SITE HISTORY

21/0927 - Construction of a new substation, alongside a temporary access ramp to Claire Court, temporary car parking spaces, temporary vehicular access route and other associated works – Granted 10/06/2021

## CONSULTATIONS

### Public Consultation

A total of 851 addresses within Watling Gardens, Shoot Up Hill, Petrie Close, Exeter Road, Mapesbury Road, Dartmouth Road, Teignmouth Road, St Cuthberts Road and Kingscroft Road were initially notified of the development on 19/07/2021. The Mapesbury Residents Association were also consulted.

A Site Notice was displayed 20/07/2021

A Press Notice was published 22/07/2021

A total of 8 written objections were received to the proposals at this stage, from adjoining residents and interested parties. The grounds for objection can be summarised as follows:

Objection	Response
Proposals too skewed towards affordable homes, should be a better mix of private which would improve viability	See paragraphs 9-14 for affordable housing considerations.
Loss of daylight and outlook for existing residents	See paragraphs 16-39 for impact on residential amenity considerations.
Proposed poorly designed in terms of reduced play space for children, impacts on well-being	See paragraphs 68-72 for playspace considerations.
Tower block is too tall and will have an undesirable impact on area	See paragraphs 73-83 for design considerations.
Buildings are bulky and lack 'finesse' especially due to the lack of roof detail and skyline interest	See paragraphs 73-83 for design considerations.
Too many non-specimen type trees that do not grow or form a good structured large tree	See paragraphs 92-93
Concerns with surface water flooding and lack of adequate geotechnical investigation, in particular need to mitigate risk of surface water flooding to Exeter Road properties	See paragraphs 97-98 for flood risk and drainage considerations.
Better walking route required from Petrie Close should be included in the proposals	See paragraphs 115-161 for transport and highways considerations.
Increase in traffic on Exeter Road due to new open entrance	See paragraphs 115-161 for transport and highways considerations.
Removal of car park will result in parking on Exeter Road	See paragraphs 115-161 for transport and highways considerations.
Lack of sufficient detail / consideration within Construction Management Plan submitted	See paragraphs 115-161 for transport and highways considerations.
Loss of greenery as a result of the development	See paragraphs 92-93 for consideration of trees and landscaping issues.

Impact on foundations, subsidence etc	This is not considered to be a material planning consideration on which permission could reasonably be refused.
Impact Assessments submitted fail to consider the effects of the pandemic, in particular increase in home working and are therefore inaccurate	There are not considered to be any material planning reasons why the Covid 19 Pandemic could not be managed in a block of this nature in the same way as many other blocks across the borough. The principle of residential development and quality of accommodation is discussed within the main sections of the report.

### **Statutory/ External Consultees**

#### **Greater London Authority (Stage 1 response):**

The GLA has commented on a number of strategic issues raised by the scheme, which are summarised as follows:

**Principle of estate regeneration:** The proposals would re-provide all existing low cost rented units and secure a significant increase in like-for-like affordable housing floorspace, generally according with the Mayor's key principles for estate regeneration schemes, though further clarity is required on consultation, consideration of alternative options, phasing and the decant strategy. The demolition of some existing homes, and the proposed estate infill redevelopment to deliver an increase in affordable housing can be supported (covered in more detail within paragraphs 16 to 38 of GLA's response).

**Land use principle:** The principle of the estate regeneration and uplift to deliver additional housing and affordable housing is supported (paragraphs 41 to 51).

**Affordable housing:** The scheme proposes 72% affordable housing by habitable room across the site, all of which comprises a low-cost rented tenure (Social Rent and London Affordable Rent). The proposed extra care unit units are provided at a local housing allowance, which is not considered to genuinely affordable in compliance with the London Plan. Affordability levels should be secured with a S106 agreement (paragraphs 55 to 67).

**Urban design:** The site is not identified in the development plan as suitable for tall buildings; however, subject to addressing the criteria in Policy D9(C), the proposed tall buildings could be acceptable, on balance. Further information is required to demonstrate that the play space requirements for both future and existing residents are met. The provision of safety features on balconies should be considered to provide private amenity and improve the residential quality for extra-care residents (paragraphs 68 to 106).

**Transport:** The numbers of car parking spaces to be retained for returning residents should be clarified. Further reductions in the level of car parking, through the CPMP, are supported. Highway improvements along the Shoot Up Hill frontage and Exeter Road are supported. Future residents should be prevented from obtaining CPZ permits. EVCPs, Travel Plan, DSP and CLP should be secured (paragraphs 135 to 147).

Strategic planning issues on energy, circular economy, sustainable drainage, air quality, biodiversity and urban greening require resolution prior to the Mayor's decision-making stage.

***Officer comments:*** *The issues raised are considered to have been satisfied during the course of the application, following receipt of revised drawings and additional information, or can be dealt with by specific conditions. These are considered in more detail within the relevant sections of the main body of the report. It should be noted that the scheme now comprises 100 % Affordable housing.*

#### **Thames Water**

No objection subject to conditions requiring confirmation that sufficient surface water network upgrades have been implemented before any of the flats are occupied, and that no construction would take place within 5m of the strategic water main. Also recommend informatives relating to the proximity of the development to underground wastewater assets.

#### **LB Camden**

No objections raised.

## **Internal consultation**

### **Environmental Health**

Environmental health raises no objections to the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact, and contaminated land. See detailed considerations section of report for further comments on these issues.

Comments have also been raised by the Council's urban design, planning policy, heritage and transportation teams. The comments raised are set out and addressed in detail within the main considerations section of the report.

### **Statement of Community Involvement**

A Statement of Community Involvement has been submitted with the application, sets out the public consultation and level of engagement undertaken before submitting the application, as required through the Localism Act (2011) and also following the advice set out in the Mayor's Good Practice Guide to Estate Regeneration (2018). 6-8 consultation events (a combination of one-to-one meetings, drop in sessions and wider panel events) were carried out between September 2019 and June 2021, as well as meetings and presentations given to the Watling Gardens TMO Board and Residents Panel. Information on the evolving proposals has also been published in newsletters on a regular basis (at least four a year), and details have been provided online (with the opportunity to provide feedback) in light of restrictions during the Pandemic.

Feedback received through the course of this consultation programme has been taken into consideration when finalising the proposals and is evident in the final planning application.

These consultation events are considered appropriate to the scale of the development and reflect the recommended level of pre-application engagement set out in Brent's SCI, as well as the Mayor's Good Practice Guide.

## **POLICY CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041\*

The key policies applicable to this proposal are:

### **London Plan**

GG1 Building Strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering New Homes Londoners need  
GG5 Growing a Good Economy  
GG6 Increasing Efficiency and Resilience  
D1 London's Form and Characteristics  
D2 Delivering Good Design  
D3 Inclusive Design  
D4 Housing Quality and Standards  
D5 Accessible Housing  
D6 Optimising Housing Density  
D12 Fire Safety  
D13 Noise  
G1 Green Infrastructure  
G5 Urban Greening  
G7 Trees and Woodlands  
H1 Increasing Housing Supply

H12 Housing size mix  
HC1 Heritage Conservation and Growth  
SI1 Improving Air Quality  
SI5 Water Infrastructure  
SI7 Reducing Waste and Supporting the Circular Economy  
SI12 Flood Risk Management  
SI13 Sustainable Drainage  
T4 Assessing and Mitigating Transport Impacts  
T5 Cycling  
T6 Car Parking  
T7 Deliveries, servicing and construction

### **Brent Local Plan**

DMP1 Development Management General Policy  
BD1: Leading the Way in Good Urban Design  
BH1: Increasing Housing Supply in Brent  
BH5: Affordable Housing  
BH6: Housing Size Mix  
BG12: Trees and Woodlands  
BH13: Residential Amenity Space  
BSUI2: Air Quality  
BSUI4: On Site Water Management and Surface Water Attenuation  
BT1: Sustainable Travel Choice  
BT2: Parking and Car Free Development  
BT4: Forming an Access on to a Road

The following are also material planning considerations:

National Planning Policy Framework

National Planning Policy Guidance

#### Supplementary Planning Documents/Guidance (SPD/SPG):

Brent SPD1: Design Guide for New Development (2018)  
Mayor's Housing SPG  
Mayor's Sustainable Design and Construction SPG  
National Design Guide  
Brent Waste Planning Guide

#### \* Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

## **DETAILED CONSIDERATIONS**

### **Principle**

#### *Housing*

1. Policy H1 of the London Plan seeks to increase the supply of housing in the capital and sets Brent an annual housing target of 2,325. The scheme proposed to deliver 125 homes, including 45 for extra care. As the scheme includes 41 replacement homes, there is an uplift of 84 new homes within the site, which would contribute to the above housing targets. The principle of the use of the site for residential land uses

is well established and therefore the principle of additional homes in this location is supported.

### *Estate Regeneration*

2. The overarching objectives for estate regeneration, as set out in the Mayor's Good Practice Guide to Estate Regeneration are to: deliver safe and better quality homes for local people; increase the supply of new and affordable homes; and to improve the quality of the local environment through public realm improvements and the provision of social infrastructure.
3. Policy H8 ("Loss of existing housing and estate regeneration") together with the Mayor's Estate Regeneration Good Practice Guide confirms that existing affordable housing should be retained where possible and appropriate, except where there are acceptable plans for its replacement. The redevelopment of affordable housing should only be permitted where it is replaced by better quality accommodation, providing at least an equivalent floorspace.
4. The scheme proposes the demolition of 1,469.9sqm of Social Rent floorspace but a provision of 7864sqm of floorspace for Social Rent and LAR resulting in a floorspace uplift of 6394.1sqm. The development therefore complies with Policy H8 of the London Plan in this respect.
5. In relation to units, 34 Social Rent units are proposed to be demolished and 125 units for Social Rent and LAR are to be re provided. This would include an uplift of 91 units which would include a like for like reprovision of Social Rent based on based on households returning. In terms of habitable rooms, the proposal would result in the demolition of 57 social rent habitable rooms but facilitating the provision of 326 Social Rent and LAR rooms and therefore an uplift of 269.
6. The development would therefore deliver an uplift of genuinely affordable general needs housing in terms of floorspace, habitable rooms and units.

### *Principle of NAIL (New Accommodation for Independent Living) units*

7. The proposed development would provide 45 extra care units. The London Plan sets Brent an annual benchmark for specialist older persons housing for 2017 to 2029 of 230 units per annum. Whilst Local Plan policy BH8 sets criteria where specialist older person housing will be required in growth areas and on developments over 500 units, this does not preclude the provision of specialist older persons housing elsewhere in the borough. London Plan Policy H13 and Local Plan Policy BH7 supports such developments in locations that are well served by public transport and other amenities. The site has a PTAL of 5/6 and is less than 100m from Kilburn Town Centre.
8. In light of Brent's identified need and the site characteristics, the principal of NAIL on the site is supported.

### **Unit type and tenure**

#### *Affordable housing*

9. Brent's adopted local Policy BH5 set out the requirements for major applications in respect of affordable housing provision, and stipulate that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The policy also allows for a reduction in affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). It does not require all schemes to deliver 50% Affordable Housing.
10. London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and requires the following split of affordable housing provision to be applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need.

11. Brent's Local Plan policy BH5 sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split. This is with the exception of Estate Regeneration schemes which are required to comply with the Mayors Affordable Housing and Viability SPG and Policy H8 of the London Plan which set out that all development proposals that includes the demolition and replacement of affordable housing are required to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement of affordable housing floorspace.
12. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both policies as 70% for low cost rented homes (social rent or London Affordable Rent) and 30% for intermediate products.

Policy context	Status	% Affordable Housing Required		Tenure Split	
London Plan	Adopted	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough
Local Plan	Considerable weight	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	

In terms of affordable housing, the following is proposed

	Affordable Housing		Total Units	% by unit	%by habitable room
	Social Rent	London Affordable Rent			
1 Bed	11 (22)	64 (128)	75	60	46
2 Bed	1 (3)	23 (69)	24	19	22
3 Bed	1 (4)	25 (100)	26	21	32
Subtotal	13 (29)	112 (297)	125 (326)	100%	100%
Affordable Percentage (by habitable room)	8.9%	90.1%			
Affordable Percentage (by unit)	10.4%	89.6%			

13. The proposed development provides an overall level of 100% affordable housing, therefore significantly exceeding the London Plan and Local Plan target. In accordance with London Plan policy, the priority is to re-provide existing affordable housing and deliver an uplift. Discounting the 34 existing social rent units (57 habitable rooms) that must be provided in accordance with Policy H8 of the Mayors London Plan, the housing proposals demonstrate an uplift of 91 (269 habitable rooms). This equates to 82% affordable housing by habitable room on the uplift.

14. Whilst the proposal does not include intermediate homes, the focus on social and affordable rented

homes reflects the fact that the site already contains this form of affordable housing. Given that this is a council-led scheme it is a good opportunity to provide affordable housing for which there is a significant need in Brent, as identified by the Brent Strategic Housing Market Assessment. The proposal would make a significant contribution to meeting Brent's identified need for social and affordable rented homes, which would assist in better achieving the 70% social/LAR target of all affordable homes across the borough, which more recent monitoring indicates has been skewed more towards intermediate products as a result of viability constraints on other sites.

### *Mix*

15. Policy BH6 of the Local Plan outline that at least 25% of new homes within the borough should be family sized (3 bedrooms or more). In terms of family sized dwellings, 33% of the general needs homes are larger family sized homes. With the NAIL homes included, the total percentage of family sized homes proposed across the development is 21%. The supporting text to Local Plan Policy BH6 clarifies that where there is a compelling case that family housing is incompatible with the development proposed, such as specialist older person housing, an exception may be allowed to the 25% rule. It is accepted in this circumstance that it is not suitable for the NAIL homes to incorporate family housing, given these units are to provide specialist older persons housing. In addition, it is likely that the provision of NAIL dwellings would allow for some of its occupants to be moved out of affordable family dwellings that they currently under occupy, thus making them available to be allocated to families.

### **Impact on neighbouring properties**

#### *Impact of the development within the site*

##### *97-135 Watling Gardens*

16. Given the positioning of Block B within the site, its impact would be most greatly experienced by existing buildings within the Watling Gardens Estate. As the area at ground level forms communal space it is not considered appropriate to apply the 45 degree rule, however, it is noted that there would be a mutual breach of the 30 degree rule between Block B and two of the existing tower blocks (97 -135 Watling Gardens and 57-96 Watling Gardens). Nevertheless, the extent of the breach would be minimised through the positioning of the building relative to the existing tower blocks. In order to demonstrate that the development would not have an adverse impact on the existing residents of Watling Gardens, a daylight/sunlight report.
17. 97 -135 Watling Gardens sits to the rear of Block B. Both the VSC and NSC have been used to assess the retained levels of daylight with the new block in place. The results show that losses of light would be experienced most acutely from ground to first floor. There would then be isolated losses from ground to tenth floor to the kitchen windows, whereby the retained levels of VSC would be in the region of 0.4 and therefore well below the target 0.8. However, it should be noted that the windows serve functional kitchens (with flats having separate living/dining areas) and in all cases the windows are set below the balconies which restricts their access to daylight, which is evidenced by the existing low VSC levels. A further assessment has been carried out with the balconies and overhangs removed, and this results reveal that the windows would be above or close to the BRE target.
18. In terms of NSC assessment reveal that in all locations, the habitable rooms of this building would retain good levels of daylight entirely consistent with BRE target values.
19. Block B would be positioned at its closest point, 15m from the 97-135 Watling Gardens. SPD 1 states that in order to ensure good levels of privacy directly facing habitable rooms will normally require a separation distance of 18m. Whilst there would be a shortfall on the required distance, the windows to Block B have been sensitively placed in order to avoid any direct overlooking. The privacy of the existing units would therefore not be affected as a result of the development. Whilst outlook would undoubtedly be affected by the proposed development, as the building has particularly good outlook due to the openness of the site, retained outlook would still be to a good standard given the landscaping proposed and the distance between neighbouring buildings.

##### *57-96 Watling Gardens*

20. In terms of daylight/sunlight impacts, the development would most severely impact the residential units contained within 57-96 Watling Gardens. Each floor contained 4 units, all units within this building are

dual aspect. The units to the windows to the south and western elevations are of primary concern given their views and proximity to the proposed new buildings.

21. It should be noted that at ground floor, all windows are recessed under the façade of the building and kitchen windows at all floors are recessed under balconies. Two assessments have been carried out in relation to the impact of the development on this building. The first with the windows as they are and a second assessment excluding the balconies and overhangs, to better understand the extent to which loss of light can be attributed to the development itself, rather than the restrictive design features of the existing building.
22. The first assessment shows acute loss of light to the assessed windows at ground floor with the vast majority of assessed windows falling below BRE targets. The affected windows would fall retained levels of between 0.2-1.0 of their former value. In terms of NSC the proportion retained would be better although there would be two windows than would retain levels below the 0.8 target. The results of the further assessment (which considers the windows without balconies and overhangs) the VSC results would be far improved, with all windows retaining no less than 0.6 times their former value. Whilst this would still be below BRE targets, the losses would be far less acute and this demonstrates that the impact to light can be partially attributed to the design of the existing building, rather than solely to the proposed development.
23. In terms of loss of light, the most concerning results would be to the ground to third floor. It should be noted that there is one unit on all floors that has both primary windows serving both bedrooms and the living room facing the 14 storey tower block which are most severely affected by the development. However, the bedrooms would generally retain VSC of 0.6 times its former value and also affected living rooms would be served by secondary openings that would retain full value. The kitchens would retain VSC of 0.5 times the former value, but when considered the very low VSC that already exists for these windows (due to the recessed position of the windows and the location under an overhang) the results are considered acceptable.
24. When the windows from first to fourth floor are considered the vast majority of windows the retained levels of daylight would be far closer to BRE targets. At first floor the windows would almost consistently be 0.6 times their former value. The only case where the figure would be lower, would again relate to a kitchen whereby the windows are recessed below balcony and overhangs. As you go up the building, the values would get closer to BRE targets with the majority of assessed windows at second floor achieving 0.7 times the former value and the majority of windows at third floor achieving the BRE target of 0.8 times the former value. Whilst not all windows would meet the 0.8 target value even at the upper levels, the losses would largely be experienced to the recessed kitchen windows and bedrooms and the shortfall over the targets would be limited. It is important to note that, where shortfalls do occur these are to individual rooms rather than units as a whole and a large proportion of the assessed rooms are dual aspect.
25. Therefore whilst noting that there would be quite significant losses of light to the lower floors of this neighbouring building (four units at ground to third floor), the applicant has demonstrated that some of the impact can be attributed to the design features of the existing building which are self-inhibiting and restrictive and places constraint on the windows behind and beneath them. Whilst there are still shortfalls on BRE targets at the upper floor levels, these are far less acute and generally to individual rooms which ensures that the overall standard of accommodation with the units is not adversely affected.
26. In terms of privacy, Block B would sit forwards of this neighbouring residential building. At its closest point the buildings a distance of 15m would be retained. However, given the orientation of the building and the positioning of the balconies/windows, there would be no direct overlooking and the privacy of the existing residents of 57-96 Watling Gardens would be safeguarded.
27. Block C would sit to the rear of the building and would achieve the full 18m separation distance from 57-96 Watling Gardens.

#### *13-56 Watling Gardens*

28. In respect of this building, the daylight sunlight/sunlight assessment shows much positive results for this building. Again the ground floor would experience the greatest losses, although the retained levels of VSC at this level would be greater than elsewhere on the site, with the majority of windows assessed at



this level falling just below BRE targets at 0.7 times the form value. At the upper floor levels, the result would generally show compliance with BRE targets, the windows that would fall well below targets would again be the recessed kitchen windows which would retain values slightly below, however this can again be attributed to their design resulting in already low levels of VSC, which would mean that any obstruction would have a more severe impact. Nevertheless, whilst there may be isolated losses to individual rooms in individual flats, the good levels of light would be retained to this block.

29. In terms of privacy, Block C has been positioned so that there would be no direct overlooking.

### **Impact on neighbouring properties outside of the site**

#### *Daylight/Sunlight*

30. The Daylight/Sunlight Report prepared by EB7 has assessed the impacts of the proposal on neighbouring properties.
31. Block A is located directly along the boundary with Wiltern Court. The results show that the majority of windows to this neighbouring building would retain VSC levels no less than 0.8. Whilst two windows show levels retained as 0.7, these are not the sole windows serving habitable rooms and therefore any losses would be unnoticeable.
32. Exeter Road borders the rear of the site (1-19. odds). The daylight/sunlight results show that all windows assessed to these properties would retain no less than 0.9 their original value and therefore the results would be fully compliant with BRE guidance. This would be the same with all assessed windows at Exeter Mansions.
33. Jubilee Heights is an eight storey residential block located to the south east of the site. Windows to the flank northwest elevation and windows to the rear southwest elevation have been assessed. The results confirm that in all locations, the VSC, NSC and APSH would retain levels of daylight and sunlight above the standard BRE targets.
34. Cedar Lodge is a five storey residential block located to the south of the site. It has a number of windows within its rear, north facing elevation which have a direct view of the development site. The results confirm that in all locations, the VSC, NSC and APSH would retain levels of daylight and sunlight above the standard BRE targets.
35. A number of properties on the adjacent side of Shoot Up Hill in the London Borough of Camden have also been assessed. This includes the Red House, 2 St Cuthberts Road, 32 and 34 Shoot Up Hill, and Templar House. The results confirm that in all locations the VSC, NSC and APSH would retain levels of daylight and sunlight above the standard BRE targets.

#### Block A

#### *30 and 45 Degree Rules*

36. This building would be located directly along the boundary with Wiltern Court. The existing lower rise buildings which are proposed to be demolished are clustered towards the boundary with this property, although they are not located directly along the boundary. The rear of the site forms communal amenity space, however there is an access road running parallel to the subject site which leads to a rear carparking area.
37. The proposed building would sit on a similar front building line to the existing. It has a C shape form meaning it would extend to five storeys to the same depth as the neighbouring building and then would be set in from the boundary by approximately 10m at the upper floors and then extend directly along the boundary at 5 storeys again.
38. SPD1 states that where the proposed development adjoins private amenity/garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The neighbouring space forms communal space and as the area immediately adjacent the boundary forms a vehicular access, it is reasonable to take the 45 degree rule from the useable garden space. When the 45 degree rule is applied from the useable amenity space, the building would be compliant. Whilst there is a small area of grass to the rear of the site directly adjacent the proposed building where the 45 degree would be breached, as this is severed from the main communal

space and appears to currently contain a shed, the breach which would occur here is considered acceptable and would not affect the quality of the existing communal space to the rear of Wiltern Court.

39. In terms of the 30 degree rule, Wiltern Court has a T shaped form and therefore there are windows to the side of the rear projection which serve habitable rooms. The windows contained within the rear projection and facing the subject site are a secondary window to a living room and primary window to the bedroom. Given that the 5 storey element would be well set back from the boundary adjacent these windows, there would be a separation distance of approximately 20m between the window and the new building . There would be a slight breach of the 30 degree rule when considered from the ground floor windows only. However, given the separation distance of approximately 20m and the fact it would be just one primary window affected which would retain good levels of daylight, the impact is considered acceptable when considering the wider benefits of the scheme,

#### *Privacy*

40. Building A has been designed so that main habitable room windows are located to the flank elevations so that main views are within the site itself. The rear elevation allows for deck access to the flats, and openings to the rear are predominantly entrance doors and windows serving non habitable rooms which are located at high level. One unit from first to fifth floor has primary windows facing the site serving a kitchen/dining area and one units at first to fifth floor has a secondary window serving a living/kitchen/dining area. The deck access would be located approximately 9m from the boundary with Wiltern Court and the habitable room windows would be located 11m from the boundary. There would be total separation distance of approximately 20m between directly overlooking rear windows and therefore the development would be fully compliant with SPD 1 guidance in this respect.

#### Block C

##### *30 and 45 degree rules*

41. Block C is positioned to the rear of the site and is located adjacent the rear boundaries of 1-9 Exeter Road which form private dwellinghouses and Exeter Mansions which is an apartment block with a rear communal amenity space. Block C is 5 storeys but reduces to the 3 to the rear of the site in order to comply with the 45 degree rules from the rear boundary of the adjoining residential gardens.
42. There would be a separation distance of approximately 35m between the rear elevations of the properties on Exeter Road and Block C and the development would also comply with the 30 degree rule.

#### *Privacy*

43. At its closest the development would be positioned 9m from the rear boundaries of the properties on Exeter Road and the overall separation distance would be well in excess of the 18m between overlooking rear facing windows given the generous rear gardens to the properties on Exeter Road.
44. Block B
45. Given the positioning of Block B, the impacts of the development would largely be experienced by existing blocks within the Watling Gardens development, rather than residential premises outside of the red line boundary, with the exception of daylight/sunlight which has already been assessed above.

#### **Quality of accommodation**

##### *Internal*

46. London Plan Policy D6 now sets out minimum standards for new dwellings. All of the units proposed either meet or exceed minimum internal space standards.
47. The Mayors Design Guide states that in order developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing or which contain three bedrooms or more should be avoided.
48. The following table provides the proportion of dual aspect units per block

	Single Aspect	Dual Aspect	Percentage Dual Aspect
Block A	2	28	93%
Block B	0	50	100%
Block C	20	25	55%

49. The number of dual aspect units have therefore been maximised across the development and where single aspect units exist, these are 1 bedroom units.
50. A daylight/sunlight assessment has been submitted to demonstrate that the proposed units would receive adequate daylight. The ADF method has been used to assess daylight, the BRE sets a target ADF value of 1% for bedrooms, 1.5% for living/dining rooms and 2% for kitchens. For sunlight, the APSH test calculates the percentage of probably hours of sunlight, received by a window or room over the course of a year. The guidelines suggest that the main living rooms within new buildings should achieve at least 25% of annual sunlight hours, with 5% during the winter period.
51. When using the ADF method, the results show that out of the 354 windows assessed 287 (81%) surpass the BRE guidance criteria. There are however, 1 living room, 9 open plan living/kitchen/dining areas, 16 bedrooms and 20 kitchens that fall below the target levels. The majority of rooms that fall below the target values are located within Block A and the values can largely be attributed to their location below overhanging walkways/balconies. It is therefore accepted that there would need to be some trade-off between the provision of external space and the receipt of light to all habitable rooms. Nevertheless, the majority of habitable rooms would receive good levels of light within individual apartments and the daylight results therefore show that the development would the daylight would contribute towards achieving good quality accommodation internally.
52. In terms of sunlight, the results are also positive and the focus is mainly on the receipt of sunlight to living rooms (it is viewed as less important in bedrooms and kitchens). The results of the sunlight assessment have shown that 72 (91%) of main living rooms and living/kitchen/dining rooms achieve the recommended levels of 25% APSH and 5% WPSH. Those rooms that do not meet the targets are again found in Block A and are located beneath an overhang serving an external walkway.
53. All of the units would benefit from good outlook. Generous separation distances would be retained between proposed and existing buildings and residents would have the benefit of views over a well landscaped and active communal gardens.
54. Future occupants would also enjoy good levels of privacy. There are slight pinch points, particularly between Block A and Block B. However, where overlooking distances are less than 18m, care has been taken to stagger opposing windows with the contrasting orientation ensuring views are directly obliquely. For the units located at ground floor level, privacy is secured through the use of soft landscaping around the perimeter of the building, thereby ensuring an area of defensible space.
55. The proposed units would therefore be afforded good levels of light, outlook and ventilation and overall a very high standard of accommodation would be provided internally.

#### *External amenity*

56. Policy BH13 establishes that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
57. The BH13 requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". It goes on to state that where there is not strict compliance with these requirements, factors such as accessibility of dwellings to their own amenity space and its quality, the amount and quality of communal space, proximity to other areas of open space nearby and internal

amenity spaces.

58. With regard to quality of the space, Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
59. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and width of 1.5 m is set out in London Plan policy.
60. Private amenity space would be provided in the form of terraces and balconies. In relation to Block A, all units would have access to private terrace/balconies. In all cases the private amenity space would fall below BH13 requirements but would be in excess of London Plan D6 requirements.
61. All of the units within B would also have access to their own private terrace/balcony. All of which would again meet or exceed the London Plan D6 requirements for amenity space, but would fall below the requirements of BH13.
62. In relation to Block C (NAIL building) no private amenity space would be provided for the upper floor units. The applicant has justified this on the basis of balconies being considered inappropriate for the potentially vulnerable resident group, particularly those suffering from dementia. The proposed dwellings are therefore 6-7sqm larger than minimum space standards, with private amenity space instead provided as additional internal living space within each dwelling. This is with the exception 3 ground floor homes, which have private amenity space in the form of a ground floor terrace. Communal space, accessible only to the residents of the NAIL units, is found in the form of a communal garden, internal courtyard garden and sheltered roof terrace totalling 667sqm.
63. Overall a total of 951sqm of private amenity space has been provided for the new homes in the new blocks. As the scheme would provide 99 x 1 and 2 bed dwelling and 26 x 3 bed dwellings, the development would be required to deliver 3280sqm of private amenity space, which the development would fall significantly below at 925.7sqm. However, as above, the supporting text to the policy clarifies that where “sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space”.

<b>Private space</b>	BH13	Provision	Shortfall
<b>Existing Blocks</b>			
A	900	90.72	809.28
B	820	82.08	737.08
C	800	79.92	547.28
Total	2520	252.72	2093.64
<b>Proposed Blocks</b>			
Block A	980	447.4	532.6
Block B	1400	468.9	931.1
Block C	900	34.8	865.2
Total	3280	951	2329
<b>Total private space shortfall existing and proposed</b>			<b>4422.64</b>
<b>Communal space</b>			
Less proposed communal space (all existing and proposed blocks )		3196	1226.64
Less communal space accessible for Block C only		667	559.64
<b>Cumulative shortfall</b>			<b>559.64</b>

64. Therefore when taking into account all amenity space and all existing and proposed units, there would be a shortfall against Local Plan policy BH13 policy standards of 559sqm. However, it should be noted that it would be unreasonable to require the new development to make up the existing shortfall on site and therefore this should be borne in mind when considering the shortfall figure.
65. Whilst Policy BH13 provides target figures in terms of area, the quality of external amenity space should also be carefully considered when considering whether the provision is sufficient. The existing communal space is predominantly lawn and the MUGA and playground require updating.
66. The proposed communal area seeks to provide various different functions catering to all residents of Watling Gardens. A new MUGA is proposed and a new playground for younger children (discussed in greater detail below). There is also an adult exercise area, picnic terrace/lawn areas, BBQ area and planted courtyard and an extended Chelsea Garden. Therefore whilst there is only a modest uplift on communal space (6.5sqm) and the space is proposed to be shared by all existing and future residents, the space can be considered to be more useable, functional and inclusive than the existing arrangement.
67. Given that the wording of Local Plan Policy BH13 requires the amenity space to be of a sufficient "size and type", it is considered that the proposed private and communal space would satisfy proposed and existing resident's needs.

### *Playspace*

68. Policy S4 of the London Plan states that development proposals for schemes that are likely to be used by children and young people should increase opportunities for play and informal recreation and incorporate good quality, accessible play provision for all ages and specifies that at least 10sqm of playspace should be provided per child.
69. The existing site currently benefits from two designated play spaces that are sited at opposite ends of the site. The applicant's statement suggests that the play areas are poor quality and in need of upgrading and this was confirmed during the site visit.
70. The proposal seeks to re-locate and upgrade site play facilities. Using the GLA child yield calculator, the required playspace for the proposed and existing dwellings would be 1888sqm based on the requirement of 10sqm per child. The proposed MUGA has a total area of 315.5 sqm and is larger than the existing fenced pitch which is 142.4sqm. There is also another designated play area for younger children totalling 288.5sqm. The total area of the spaces that specifically target children therefore totals 603sqm.
71. However, although the development would provide targeted playspace of 603sqm, a number of other areas across the site also allow for incidental play areas including grassed areas to the south of Block C and 13-56 (385sqm) and between Block C and 57-96 Watling Gardens (656sqm) for incidental play, as well as between Blocks A and B for informal doorstep play.
72. Overall a total of 1948sqm of formal and informal play space is proposed on site exceeding play requirement by 60sqm.

### **Design, siting and massing**

#### *Block A*

73. Block A is located close to the boundary with Wiltern Court and replaces the low rise garages and maisonettes.
74. The proposed building is five storeys with deck access to the rear. The rear central area of the block has been cut away in order to preserve the amenity of Wiltern Court. The building is of a simple design and of modest scale when considering the others that exist within the wider estate.
75. In terms of appearance, the elevations of Block A take their cue from surrounding architecture of red brick, and cream and white banding/details. All elevations benefit from large openings and large spacious balconies are orientated towards the communal garden area. Coloured screen detailing adds interest to the front elevation and the break in the screening ensures the communal entrance is clearly legible.

### *Block B*

76. Block B is a general needs block extending to 14 storeys with a total height of 45m. London Plan Policy D9 (b) states that tall building should be directed to areas identified as tall buildings zones in the Development Plans. Whilst the emerging Local Plan does not identify the site as a tall building zone, it is acknowledged that the wider estate already includes three tall buildings rising to 12 storeys. Equally, Windmill Court to the north stands at 17 storeys. The presence of these blocks is material when considering the principle of a tall building outside of a designated zone.
77. All tall buildings are subject to the criteria set out in Policy D9(c) of the London Plan relating to the visual, environmental, functional and cumulative impacts of tall buildings. These matters will be discussed throughout the report, however in terms of its visual impact, the 14 storey development is considered to sit comfortably within a cluster of tall buildings. The application has been accompanied by a Townscape and Visual Impact Assessment which confirms that the proposed tall building would not be an obtrusive addition given the immediate context in which it sits.
78. Block B has also been designed to reference the existing tall buildings on site and has been orientated in the same way. The elevations are proposed to be predominantly white brick referencing the light render used on the existing tower blocks with darker grey brick proposed to form the horizontal bands between the windows. The windows themselves are more modestly sized than those found on Block A and C again more closely referencing the proportions of the existing tower block. The entrance is well defined due to the use of the grey brick at ground and first floor, recessed under the upper floors.
79. Therefore, although there is a conflict with the policies relating to tall buildings, when considered overall the design and siting of the proposed tall building would be acceptable and not harm the character and context of the site.

### *Block C*

80. Block C is a part 5, part 3 storey building which is arranged around a central courtyard and located to the rear of the estate adjacent the rear gardens of the properties on Exeter Road.
81. As with Block A, the elevations take their cue from the surrounding architecture of red brick and white details. A simple grid of repeating, generously proportioned windows are proposed with an inset brick soldier course detail at the window heads to add interest to the elevations.
82. The ground floor utilises a different brick tone to create a defined base with the main entrance inset from the building line above to create a clearly legible entrance which is particularly important given the nature of the building.
83. Attached to the main building is a resident's lounge which has been designed to be a different, albeit complementary addition which has a curved form and is tile clad.

### **Heritage**

84. Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Furthermore, paragraph 189 recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness. This is reflected in Local Plan Policy BHC1.
85. The site is situated on the boundary of the Mapesbury Conservation Area, the considerations therefore relate to the size, height and bulk of the development and its impact on the views into and out of the Mapesbury Conservation Area.
86. The application has been accompanied by a Heritage Statement which considers a number of views from the Mapesbury Conservation Area and also from the Brondesbury Conservation Area. Most views of the site would be long views which would be obstructed by existing housing or would be very limited given the height of the proposed development. In most far views the existing tower blocks would be the dominating feature, particularly Windmill Court. Whilst Block B is a 14 storey building, it would be viewed in the context of the Tower Block group and therefore would only be seen as a 'backdrop' in oblique views. In

this respect there would limited impact and no harm to the conservation area.

87. The most prominent view of the development would be through some gaps between the properties on Exeter Road, for example between Exeter Mansions and Cedar Lodge to Block C. However, views of the development will only be glimpsed from these viewpoints and given the relative length of the gardens to the properties on Exeter Road, existing and proposed planting and tree screening and the overall design quality of the proposed buildings, there is not considered to be any harm to the Conservation Area in this respect.
88. Whilst views of the development would be more apparent from the rear of the properties on Exeter Road, the development has been sensitively designed in order to comply with SPD 1 guidance and any perceived harm could be mitigated against with additional tree screening and the public benefits resulting from the scheme.

## **Ecology**

89. An Extended Phase 1 Habitat Survey Report has been submitted with the application. The report confirms that there was little evidence of protected specifics on site or the site forming a suitable habitat for most protect species.
90. Whilst the report notes that the buildings proposed to be demolished (Clare Court and the terraced bungalows in the southwest corner) held some potential roosting features suitable for bats, they offered low roosting potential. Most trees were also found to have low negligible potential, although the report notes that the mature London Plane and horse chestnut trees adjacent to Shoot up Hill did hold some feature of low bat potential but are to be retained.
- The report also indicates that the trees groups on site and the ornamental vegetation provided suitable habitat for a range of common nesting birds during breeding season, although no nesting birds were observed during the time the survey was undertaken.
91. The report makes a number of recommendations in relation to further surveys and timings and the recommendations in the report will be subject to a condition.

## **Trees and Landscaping**

92. There are 45 existing trees on site. There are 9 Grade B trees and 4 Grade C semi mature trees that are proposed for removal, and there are 75 trees proposed to be planted, resulting in a net increase in trees on site. Apart from a single tree to be removed from the northern boundary, the trees proposed for removal are predominantly located within the central areas of the site. The landscape plan submitted showing the replacement provision has incorporated a diverse range of species around the existing and new buildings, which will replace the loss of trees in the long term.
93. As well as new tree planting, soft landscaping across the site has also been enhanced. The existing site consists predominantly of lawn and the submission includes a detailed planting schedule. Not only is the planting intended to improve visual amenity and provide more colour and seasonal interest (as requested by existing residents) but the location and types of planting proposed is also sought to provide shading, screening and wind mitigation as well as to enhance biodiversity and to establish a sequence of easily accessible and functional character areas.

## **Air Quality**

94. The site is located within an Air Quality Management Area (AQMA) and in accordance with London Plan Policy S11 and Local Plan Policy BSUI2, an Air Quality Assessment and Air Quality Neutral Assessment has been submitted with the application.
95. The application has been accompanied by an Air Quality Impact Assessment that considers the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. The submitted Air Quality Assessment is considered suitable however, the air quality neutral assessment identifies that the development would not be air quality neutral in terms of transport emissions and no specific mitigation measures were proposed.
96. A revised Air Quality Neutral Assessment was subsequently submitted demonstrating that the development would be Air Quality Neutral in terms of transport emissions and therefore no specific

mitigation measures are necessary.

### **Flood Risk**

97. The site is in Flood Zone 1 and is greater than 1 hectare in area. A Flood Risk Assessment (FRA) has been submitted as required under the NPPF. The FRA has been submitted as required under the NPPF. The FRA adequately assesses the risk of flooding from fluvial/tidal, pluvial, sewer, ground water, and reservoir flooding, which is considered to be low. The FRA for the proposed development complies with Policy SI12 of the London Plan.

### **Sustainable drainage**

98. The proposal includes the implementation of an attenuating tank and additional green rooms with permeable paving which equates to a volume size of 278.5m<sup>3</sup>. Through this avenue of grey and green SuDs the proposal has demonstrated a significantly reduced discharge rate from the current site which will offer an improvement to flood risk locally. The SuDs measures includes attenuation tanks, extensive use of green roof (totalling 1779m<sup>2</sup>), permeable surfacing, new planting and the use of rainwater butts.

### **Energy**

99. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

100. An Energy Assessment has been submitted and the development has been designed to achieve a 42.9% improvement through the 'Be Lean, Be Clean and Be Green' measures set out in the London Plan.

101. The reduction has been achieved through the use of the energy efficient design measures. The proposal also makes provision for a site wide heat network supplied by a centralised energy centre located in Block A, to include air source heat pumps to serve Block A as well as Blocks B & C. Furthermore extensive provision of PV on the roofs of the new buildings totalling 327m<sup>2</sup> is proposed to help achieve the carbon reduction.

### **Overheating**

102. London Plan Policy SI 4 states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for overheating and reliance on air conditioning systems in accordance with a cooling hierarchy.

103. The application has been accompanied by an overheating assessment which outlines the measures to be taken to meet the requirements of the policy.

### **Urban Greening**

104. Policy G5 of the London Plan requires that major development proposals contribute towards the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees) green roofs, green walls and nature based sustainable drainage. It goes on to recommend that a target score of 0.4m for predominantly residential developments.

105. The applicant has provided an Urban Greening Factor calculation which demonstrates a score of 0.4 and therefore meeting the London Plan target. The score has been achieved through green roofs, species-rich grassland, over-sowing, hedgerows, flower-rich perennial planting, bulbs and trees which will result in a biodiversity net gain

### **Fire Safety**

106. Policy D12 of the London Plan states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor and requires the statement to demonstrate how consideration has been given to such matters



as fire appliance access and features which reduce the risk to life.

107. A Fire Statement prepared by FCS Live has been submitted with the application which demonstrates how the criteria of D12 have been considered.
108. Due regard has therefore been given to fire safety and the development complies with D12 of the London Plan.

### **Wind and Microclimate**

109. A Pedestrian Wind Environment Study has been submitted with the application which measures the wind conditions of 58 selected critical outdoor trafficable areas in respect of pedestrian safety and pedestrian comfort. The critical areas include points at ground level including along pedestrian footpaths, entrances and play areas, the terrace of Block A and private balconies on Block B.
110. A number of tested areas were found to not satisfy the comfort/safety conditions with the proposed development in place (although reported failings were also found with the existing situations) and as such mitigation measures are proposed. The mitigation measures include hard and soft landscaping measures, 1.7m balustrades on balconies and evergreen hedges of 1.8m to the south of Block B
111. A further test was carried out with the proposed mitigation measures in place. The test revealed that with the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development would be safe and comfortable through the year.
112. A condition ensuring the mitigation measures are carried out in full prior to the occupation will be attached to the permission.

### **Flood Risk**

113. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is at low risk of tidal or fluvial flooding however flood risk from surface water has historically been a problem in the area and there are also historical problems with waste water. The existing site has previously been confirmed as being 100% impermeable due to the presence of large amounts of concrete.
114. London Plan Policy SI13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible

### **Transport**

#### *Car Parking*

115. As the site has very good access to public transport services, the lower residential car parking allowances set out in Table 6.1 of the London Plan apply.
116. The 164 existing homes on the site would therefore be allowed up to 131 off-street parking spaces under current standards and the existing provision of about 70 spaces would therefore accord with maximum allowances.
117. The proposed increase to 203 dwellings (55 x 1-bed, 104 x 2-bed & 44 x 3-bed) would raise the parking allowance to 172 spaces under current standards, with a further four spaces allowed for the 45 assisted-living units (one space per 10 units). The proposed reduction in parking provision to 59 spaces and an ambulance bay within the site would therefore still accord with maximum allowances.
118. However, consideration also needs to be given to the potential impact of any overspill parking on-street in the area, particularly as the site fronts a major distributor road that cannot accommodate on-street parking without disrupting traffic flow.
119. To help to better understand existing car parking demand, an overnight survey of existing parking within the estate was undertaken by the applicant on a weekday night in December 2020. This identified 69 cars parking within the estate, of which two vehicles were abandoned. It was also known that two of the garages were used for parking (the majority being used for storage). These results correspond with the number of permits issued to residents of Watling Gardens (68 no.).

120. The survey results therefore suggest average car ownership of about 0.43 cars/flat in the estate. To verify the accuracy of the surveys, car ownership data held on the 2011 Census has been examined. This also suggests that car ownership for flats in the estate averages about 0.4 cars/ flat.
121. If these figures are applied to the 123 flats that are to be retained within the site, then about 50-53 cars could expect to be owned by the residents that would remain on-site. The proposed provision of 59 spaces within the estate would therefore be sufficient to cater for existing residents, leaving some surplus for disabled parking for the wheelchair units in the new flats.
122. In this respect, at least seven spaces will need to be widened and reserved for disabled Blue Badge holders (potentially increasing to 20 in future if demand rises) and these should be distributed evenly around the site. The submitted site layout plan shows a total of eight wide disabled spaces; all at the northern end of the site adjoining the new blocks. Some provision at the southern end, particularly in the vicinity of the extra care units, should therefore also be made, although the Transport Assessment does note that there is no demand amongst existing residents for Blue Badge spaces in this area.
123. At least 20% of spaces (12 no.) must also have active electric vehicle charging points, with all remaining spaces having passive provision. This has been confirmed within the Car Park Management Plan.
124. With all of the proposed spaces being required to meet existing parking demand and disabled parking requirements, there would be no surplus space available for the 125 new flats that do not have disabled Blue Badges. To ensure that residents of these new flats do not cause on-street parking problems in the wider area, a 'car-free' agreement will need to be secured for all new flats, withdrawing the right of future residents to both on-street and off-street parking permits (the latter being to ensure they do not occupy off-street parking spaces and displace existing residents onto surrounding roads).
125. The above arrangements have been set out in a Car Park Management Plan for the estate, which confirms that existing residents will retain a right to park within the estate and that additional disabled parking will be provided as required by Blue Badge holding residents. Incoming residents of the new dwellings will not be entitled to parking permits either within the estate or on the surrounding public highway and neither will staff working at the extra care facility. Details of enforcement have also been provided to ensure that the car parking arrangements are not abused.
126. Please note that whilst the applicant's Transport Note suggests that there is spare on-street parking capacity in the wider area, the nearest streets to the site are too far away to be considered convenient.
127. The London Plan requires at least 379 secure bicycle parking spaces for the 203 total flats, plus about five spaces for the assisted-living units. A further six spaces are required for visitors.
128. The submitted plans show internal storerooms in the two new housing blocks to provide 150 spaces for the new flats, with four spaces (plus 12 mobility scooter spaces) shown in a storeroom for the assisted-living building. A suitable mixture of two-tier stands, 'Sheffield' stands and large adapted spaces are shown to ensure all types of bicycle are catered for. Subject to the access doors to the stores being widened to at least 1.2m, this would meet the required standard for the new dwellings.
129. A further external stand is shown in front of the new housing Block A for visitors, which is fine.
130. For the existing flats, two existing bicycle hangers offering 12 spaces are to be retained on site, whilst four new 'Sheffield' stands (8 spaces) are to be provided adjacent to 97-135 Watling Gardens for visitors, which is welcomed.
131. With regard to servicing, tracking diagrams have been provided to show that refuse vehicles are able to access and turn within the site at various locations, including for the assisted-living access from Exeter Road. As such, they will be able to access within 10m of the bin stores for each block.
132. It is also confirmed that each of the refuse stores has adequate storage capacity to meet Brent's standards. Fire appliances will also be able to access each of the new blocks.
133. A Delivery and Servicing Plan has been submitted with the application to manage deliveries. This will include attempts to co-ordinate a delivery schedule which will minimise deliveries during peak

hours and to direct deliveries towards four marked drop-off bays, with use of these bays limited to 20 minute intervals. This will help to ensure the proposal does not lead to any servicing issues on the adjoining highways.

134. The two vehicular accesses to the site currently comprise simple crossovers with no tactile paving, which is substandard for the number of units served. In addition, the access from Shoot-Up Hill is excessively wide, which presents a further hazard for pedestrians.
135. Despite pre-application advice stating that improvements would be required to the accesses, the application still suggests that only minor amendments are proposed and this is not considered to be sufficient. The two accesses therefore need to be upgraded to include the provision of suitable radius kerbs (~4m), raised entry tables and tactile paving, along with a significant reduction in the width of the main access to Shoot-Up Hill to 5.5m through the widening of the footways on either side. The improvements to the Exeter Road entrance were also suggested within a Road Safety Audit for the site. The works can be secured as a condition of any approval.
136. The tracking diagrams for refuse vehicles also show a need to remove parking bays to either side of the Exeter Road access to facilitate the swept path of such vehicles and this is confirmed as being acceptable in principle. Otherwise, the proposed relocation of the access gates at the Exeter Road access 50m into the site is welcomed.
137. The proposals will sever the existing vehicular link through the site, particularly for emergency vehicles. This is acceptable in principle, as long as an unobstructed pedestrian access between the Exeter Road entrance and the general needs housing blocks is retained, which is the case.
138. Otherwise, the proposed enhancement of the landscaping within the site will generally improve pedestrian permeability across the site, which is welcomed.
139. However, the access roads have been designed as a shared surface in 80mm thick coloured block paving, with the pedestrian 'footways' defined through the use of contrasting colours. The kerblines between the 'carriageway' and the 'footway' are therefore shown as flush. This is a concern, as it gives no guidance to partially sighted pedestrians, who rely on a kerb upstand for orientation. In particular, the layout in the vicinity of the main site entrance, with the wide expanse of hard paving and lack of continuous footways to guide people towards the new housing blocks, appears particularly difficult to navigate for a partially sighted person.
140. To address this, more clearly defined pedestrian routes are required with upstand kerbs, particularly between new Blocks A and B and the main site entrance, which follows on from comments above about the need to amend the site access anyway to reduce its width. The kerb upstands need not be substantial (50-60mm or chamfered kerbs) and can still allow occasional over-running by vehicles, if necessary. However, caution is raised over the encouragement of driving over 'pedestrian' areas to access the drop-off bay between Blocks A and B, as this may encourage unauthorised and obstructive parking in this area.
141. As advised during the pre-application process, pedestrian accesses onto Shoot-Up Hill should be widened to at least 3m to allow shared use by cyclists, whilst the gates at both pedestrian accesses must open into the site, rather than out over the footway of Shoot-Up Hill as shown.
142. Otherwise, the use of 80mm block paving for all roads, parking spaces and footways is considered appropriate.
143. *Transport Impact*
144. The submitted Transport Statement has considered the likely trip generation from the additional accommodation, based upon survey data from four other housing developments and four other care homes in London.
145. Surveys of existing trips to and from the estate were also carried out in December 2020, although the on-going Covid-19 pandemic restrictions in place at the time meant that peak hour trips were much lower than might ordinarily be expected, so these results have not been used in the analysis.
146. The development will result in a net increase of 39 general needs housing units and these are estimated to generate 5 arrivals/21 departures in the am peak hour (8-9am) and 13 arrivals/9 departures

in the pm peak hour (5-6pm) by all modes of transport. No “all modes” trip generation figures have been presented for the 45 extra care units, but Brent’s officers have estimated that these would generate between 10-20 peak hour trips by all modes.

147. The Transport Statement then considers the increase in vehicular trips alone and using the survey data, has estimated that the new housing and extra care units would between them generate 4 arrivals/5 departures in the am peak hour and 2 arrivals/2 departures in the pm peak hour by vehicles (these are net increases to existing trips to and from the estate). These totals are not significant enough to have a noticeable impact on the local highway network and given that overall on-site parking is to be reduced in total by the proposal and largely restricted to use by existing residents only, even these modest predicted increases in traffic flow may not materialise in practice.

148. For other modes, the number of additional passengers on public transport services is also not considered to be significant enough to have any noticeable impact on capacity, with less than one additional passenger per bus and train passing the site.

149. To assess the impact of walking and cycling trips, a Healthy Streets Assessment has been conducted for the area. This examined the quality of the pedestrian routes to six key destinations in the area.

150. For four of the key destinations, a common problem that was identified is the poor quality of the pedestrian facilities at the junction of Shoot-Up Hill and Exeter Road, where ponding of rainwater is a regular occurrence alongside the central pedestrian island. Whilst a gully could be installed to address this, the junction itself is overdesigned and would actually benefit from the removal of the island altogether and the building out of the kerbs in front of Kilburn station instead to provide a wider footway, with a raised entry table provided across the bellmouth of the junction to retain a safe pedestrian crossing and deal with any ponding issues. It is therefore recommended that funding to undertake these works (or a S278 agreement for the developer to undertake them directly) is secured through the S106 Agreement.

151. The Healthy Streets Assessment also examined the road accident record in the vicinity of the site over the five year period ending November 2019. This did reveal a large number of personal injury accidents along this stretch of road, commensurate with the high volume of traffic carried. Of some concern is the high number of accidents involving motorcycles, and to a lesser extent, bicycles.

152. However, none of the recorded accidents involved vehicles turning into or out of the Watling Gardens estate and there are no elements of the development proposals that would be likely to worsen the accident record in the area.

#### *Travel Plan*

153. To help support the ‘car-free’ nature of the development, a Framework Residential Travel Plan has been submitted with the application. This proposes series of measures to promote non-car use through the provision of information and incentives, managed by a Travel Plan Co-ordinator.

154. The principle aim of the Travel Plan will be to reduce the proportion of trips made by car drivers from an estimated 18% of trips at the outset down to 8% after five years. This will be monitored through biennial surveys using the i-TRACE or TRICS survey methodology, with the first survey to establish the baseline modal share to be undertaken within six months of the development reaching 75% occupation. One measure proposed is the provision of free Car Club membership for incoming residents and this should be secured for a minimum period of three years for each new resident through the S106 Agreement.

#### *Construction*

155. Finally, a draft Construction Management Plan has been submitted with the application setting out provisional arrangements for the construction works, which are programmed to take place between 8am-6pm on weekdays and 8am-1pm on Saturdays between autumn 2021 and early 2024.

156. The plan confirms that a detailed Construction Logistics Plan will be submitted prior to works commencing. This is welcomed and a condition should be applied to ensure this is done.

157. In the meantime, the buildings are all well set back from the highway and there is plenty of space around the site to ensure the construction works can be contained clear of the public highway. The only direct impact on the public highway would therefore be the need to temporarily suspend some parking

bays in Exeter Road to facilitate HGV's turning into the site during the building of the extra care units. This will need to be agreed through Brent Council's Parking Services.

158. The other major impact will be on parking for existing residents during the construction works and every attempt will be made to retain as much residents' parking within the site as possible throughout the contract. It is therefore important that contractors staff are not offered parking at residents' expense and a Staff Travel Plan will be expected to encourage staff to use public transport or walking/cycling.

159. An initial assessment of vehicle numbers suggests that up to three deliveries per day can be expected during the peak construction period and these will be scheduled to avoid peak hours and school opening/closing times. The location of the site adjoining the A5 means direct access from the strategic road network is available (other than along Exeter Road).

160. The broad parameters set out for the Construction Logistics Plan are therefore acceptable and there are no particular concerns at this stage with the proposals for construction works.

### Equalities

161. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has also been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

### Conclusion

162. The development would provide substantial benefits in terms of the provision of 125 good quality residential units all for social rent/LAR. The proposed landscaping would visually enhance the estate and there would be benefits for existing residents in terms of more improved and functional external amenity space. The development would result in a tall building outside of a designated zone and therefore is contrary to Part B of Policy D9. Whilst the height of the building would result in some light impacts to existing homes on the estate, the existing character of the area, which consists of a number of taller building is considered suitable justification for a larger building in this location and the proposed tall building is considered to be acceptable having regard to the considerations set out within Part C of Policy D9. Furthermore, any impact on light to neighbouring properties is considered acceptable when considering the wider benefits of the scheme.

## CIL DETAILS

This application is liable to pay **£2,993,157.11** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): 3362.57 sq. m.

Total amount of floorspace on completion (G): 11721 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	11721		8358.43	£200.00	£0.00	£2,477,677.46	£0.00
(Mayoral) Dwelling houses	11721		8358.43	£0.00	£60.00	£0.00	£515,479.65

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	332	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£2,477,677.46</b>	<b>£515,479.65</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



**Brent**

**DECISION NOTICE – APPROVAL**

Application No: 21/2473

To: Royston  
JLL  
30 Warwick Street  
London  
W1B 5NH

I refer to your application dated **29/06/2021** proposing the following:

Demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class: C3(b)) in three separate buildings ranging from 3 to 14 storeys, alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works

and accompanied by plans or documents listed here:  
See condition 2

at **Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 15/03/2022

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework (2021)  
London Plan (2021)  
Brent Local Plan (2022)  
SPD 1-Brent Design Guide

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

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 material accordance with the following approved drawings and documents:

Existing Site Location Plan	WGK-PTE-XX-XX-DR-A-10100 P2
Existing Site Plan	WGK-PTE-XX-XX-DR-A-10101 P2
Demolition Plan	WGK-PTE-XX-XX-DR-A-10102 P2
Existing Site Sections 01	WGK-PTE-XX-ZZ-DR-A-10200 P3
Existing Site Sections 02	WGK- PTE-XX-ZZ-DR-A-10201 P3
Existing Building Elevations 01	WGK- PTE-XX-ZZ-DR-A-10300 P3
Existing Building Elevations 02	WGK- PTE-XX-ZZ-DR-A-10301 P2
Indicative Levels Plan	GW-BR030-WG-P-500 Rev B
Indicative Levels Plan	GW-BR030-WG-P-506 Rev B
Site Plan – Ground Floor	WGK-PTE-ZZ-XX-DR-A-10100 P3
Site Plan – 1 <sup>st</sup> to 2 <sup>nd</sup> Floor	WGK-PTE-ZZ-XX-DR-A-10101 P2
Site Plan – 3 <sup>rd</sup> Floor	WGK-PTE-ZZ-XX-DR-A-10102 P2
Site Plan – 4 <sup>th</sup> Floor	WGK-PTE-ZZ-XX-DR-A-10103 P2
Site Plan – 5 <sup>th</sup> to 8 <sup>th</sup> Floor	WGK-PTE-ZZ-XX-DR-A-10104 P2
Site Plan – 9 <sup>th</sup> to 12 <sup>th</sup> Floor	WGK-PTE-ZZ-XX-DR-A-10105 P2
Site Plan -13 <sup>th</sup> Floor	WGK-PTE-ZZ-XX-A-10106 Rev P2
Site Plan – Roof	WGK-PTE-ZZ-XX-DR-A-10107 P2
Site Sections/Elevations 01	WGK-PTE-ZZ-ZZ-DR-A-10300 P3
Site Sections/Elevations 02	WGK-PTE-ZZ-ZZ-DR-A-10301 P3
Block A – GA Plan – Ground to 3 <sup>rd</sup> Floor	WGK-PTE-VA-ZZ-DR-A-10100 P3



Block A – GA Plan –4 <sup>th</sup> Floor and Roof Plan	WGK-PTE-VA-ZZ-DR-A-10101 P2
Block A – Sections 01	WGK-PTE-VA-ZZ-DR-A-10200 P2
Block A – Sections 02	WGK-PTE-VA-ZZ-DR-A-10201 P2
Block A – Elevations 01	WGK-PTE-VA-ZZ-DR-A-10300 P3
Block A – Elevations 02	WGK-PTE-VA-ZZ-DR-A-10301 P3
Block B – GA Plan – Ground to 11 <sup>th</sup> Floor	WGK-PTE-VB-ZZ-DR-A-10100 P2
Block B – GA Plan – 12 <sup>th</sup> Floor to Roof Plan	WGK- PTE- VB-ZZ-DR-A-10101 P2
Block B – Sections - 01	WGK-PTE-VB-ZZ-DR-A-10200 P2
Block B – Elevations – 01	WGK-PTE-VB-ZZ-DR-A-10300 P3
Block B – Elevations – 02	WGK-PTE-VB-ZZ-DR-A-10301 - P3
Block C – GA Plan – Ground Floor	WGK- PTE- VC-00-DR-A-10100 - P3
Block C – GA Plan – 1 <sup>st</sup> to 2 <sup>nd</sup> Floor	WGK-PTE-VC-ZZ-DR-A-10100 - P2
Block C – GA Plan – 3 <sup>rd</sup> Floor	WGK-PTE-VC-03-DR-A-10100 - P2
Block C – GA Plan – 4 <sup>th</sup> Floor	WGK-PTE-VC-04-DR-A-10100 - P2
Block C - GA Plan - Roof Plan	WGK-PTE-VC-RF-DR-A-10100 - P2
Block C – Sections – 01	WGK-PTE-VC-ZZ-DR-A-10200 - P2
Block C – Sections – 02	WGK-PTE-VC-ZZ-DR-A-10201 - P3
Block C – Sections – 03	WGK-PTE-VC-ZZ-DR-A-10202 - P3
Block C – Elevations – 01	WGK-PTE-VC-ZZ-DR-A-10300 - P3
Block C – Elevations – 02	WGK-PTE-VC-ZZ-DR-A-10301 - P3
Hard Landscape	GW - BR030- WG - P - 402- REV B
Hard Landscape	GW - BR030- WG - P - 403- REV B
Hard Landscape	GW - BR030- WG - P - 404 - REV B
Hard Landscape	GW - BR030- WG - P - 405 - REV B
Hard Landscape	GW - BR030- WG - P - 406 - REV B
Tree Planting Plan	GW - BR030- WG - P - 600 - REV E
Planting Plan	GW - BR030- WG - P - 604 - REV E
Planting Plan 5	GW - BR030- WG - P - 605 -REV B
Planting Plan 6	GW - BR030- WG - P - 606 - REV B
Affordable Housing Statement prepared by JLL	
Planning Statement prepared by JLL	
Statement of Community Involvement prepared by JLL dated June 2021	
Equalities Impact Assessment prepared by JLL dated June 2021	
Design and Access Statement prepared by PTE dated June 2021	
Design and Access Statement Addendum by PTE dated January 2022	

Urban Greening Assessment Strategy prepared by Ecology Link

Arboricultural Survey and Impact Assessment prepared by Ecology Link dated 12 April 2021

Extended Phase 1 Habitat Survey Report prepared Ecology Link dated January 2021

Heritage Statement prepared by Cogent Heritage dated March 2021

Desk Study and Preliminary Risk Assessment Report prepared by Southern Testing dated 1st June 2021

Energy Assessment prepared by Norman Bromley dated October 2021

Overheating Assessment prepared by Norman Bromley dated April 2021

Sustainability Statement prepared by Norman Bromley dated February 2021

Foul Drainage and Utilities Assessment prepared by Norman Bromley dated January 2021

Circular Economy Statement prepared by Hodkinson (Version 5 dated 23rd Feb 2022)

Whole Life Cycle Carbon Emissions Assessment prepared by Hodkinson dated December 2021

Daylight and Sunlight Report prepared by EB7 dated 12th Feb 2021

Noise Assessment prepared by Hawkins Environmental dated 31st March 2021

Air Quality Assessment prepared by Hawkins Environmental dated 3rd December 2021

Transport Assessment prepared by RGP dated June 2021

Travel Plan prepared by RGP dated June 2021

Car Park Management Plan prepared by RGP dated March 2021

Delivery and Servicing Management Plan, prepared by RGP dated June 2021

Draft Construction Management Plan, United Living dated 18th June 2021

Flood Risk Assessment and Drainage Strategy, Tully De'Ath dated 5th December 2021

Townscape and Visual Impact Assessment, Neaves Urbanism dated 21st June 2021

Pedestrian Wind Environment Study, Windtech dated 25th March 2021

Television and Radio Impact Assessment, GTech Surveys Limited dated 18th May 2021

Fire Strategy, FCS dated 26th May 2021

Bat Emergence Surveys by Arbtech dated 18th August 2021

Preliminary Site Investigation and Risk Assessment Report (Interim) by Southern Testing dated 19th August 2021

Proposed External Lighting by Norman Bromley dated December 2021

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

- 3 The development hereby approved shall contain 125 residential units and shall comprise the following, unless otherwise agreed in writing by the Local Planning Authority
- 80 x C3 units
  - 13 units (29 habitable rooms) for Social Rent (11 x 1 bed, 1 x 2 bed and 1 x 3 bed)
  - 67 units (207 habitable rooms) for London Affordable Rent (19 x 1 bed, 23 x 2 bed, 25 x 3 bed)

45 x C3b units

45 units (90 habitable rooms) for London Affordable Rent (45 x 1 bed)

For the purposes of this condition, the following definitions are stipulated:

- Social Rent means rented housing owned and managed by [local authorities or] Affordable Housing Providers and let at Target Rents.
- London Affordable Rent means rented housing provided by an Affordable Housing Provider that has the same characteristics as Social Rented Housing except that it is not required to be let at Target Rents but is subject to other rent controls that require it to be offered to eligible households in accordance with Part VI of the Housing Act 1996 at a rent that is:
  - (a) including Service Charges, up to 80 per cent of local market rents; and
  - (b) excluding Service Charges, no higher than the benchmark rents published by the GLA annually in accordance with the Mayor's Funding Guidance.'

Reason: In the interests of proper planning.

- 4 The development hereby approved should be built so that 90% of the residential units achieve Building Regulations requirement M4(2) – 'accessible and adaptable dwellings' and that the remaining 10% of the residential units achieve Building Regulations requirement M4(3) – 'wheelchair user dwellings' with the exception of the relevant disabled car parking spaces which shall provide a 1200mm space on one side of the parking space.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan D7

- 5 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: In order to ensure a sustainable development by minimising water consumption

- 6 A communal television aerial and satellite dish system for each building shall be provided, linking to all residential units within that building unless otherwise agreed in writing by the local planning authority. No further 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

- 7 Prior to the commencement of works the applicant shall enter into a Memorandum of Understanding (MOU) with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the Energy Assessment

No later than two months after practical completion of the development an Energy Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the review of the Energy Assessment.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI 2

- 8 No development shall commence on site until a Training & Employment Plan has been submitted to and approved in writing by the Local Planning Authority which shall include but not be limited to the following:
- (i) the details of the Training & Employment Co-ordinator;
  - (ii) a methodology for meeting the Training & Employment Targets and the Training & Employment Reporting Schedule;
  - (iii) a commitment to offer an interview to any job applicant who is a resident in Brent provided that they meet the minimum criteria for the particular job

The approved Training and Employment Plan shall be implemented throughout the construction phases of the development for the lifetime of the construction of the Development.

Reason: In the interest of providing local employment opportunities. Pre-commencement reason: the condition seeks to exercise control over training and employment of Brent residents throughout the construction phase of the development and therefore needs to be discharged prior to construction.

- 9 No development above ground level shall commence until the developer has entered into an agreement with the Local Highways Authority to carry out the following works under S278 of the Highways Act 1989
- (i) narrow the site access from Shoot Up Hill to 5.5m in width and 4m-6m radius kerbs, a raised entry table and tactile paving
  - (ii) provide 2m-4m radius kerbs with a raised entry table and tactile paving at the site access from Exeter Road

The development shall not be occupied until evidence that the above mentioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment and creates an accessible development.

- 10 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby of each building, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 11 Prior to the occupation of the development hereby approved, the pedestrian accesses from the site to Shoot Up Hill (to the southern access only) shall be widened to 3m to allow for to allow

shared use by cyclists and amendments to the gates to ensure they do not open outwards over the Shoot-Up Hill footway.

Reason: In the interests of highway safety.

- 12 The proposed development shall be occupied in full accordance with the submitted Car Parking Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient levels of parking are provided for existing residents of the development and those who hold blue badges.

- 13 Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: To ensure the development is constructed in an acceptable manner.

- 14 No less than 20% of the proposed car parking spaces shall be provided with electric vehicle charging points (ECVPs) with passive EVCPs provided for all remaining parking spaces.

Reason: In the interests of sustainable transport and to comply with Policy T6 of the London Plan

- 15 The proposed development shall be occupied in full accordance with the submitted Delivery and Servicing Plan

Reason: To ensure the development provides a safe and efficient environment in respect of the interplay between pedestrians and delivery/servicing vehicles.

- 16 Unless alternative measures are agreed in writing by the Local Planning Authority the mitigation measures outlined in section 5 of the submitted 'Extended Phase 1 Habitat Survey Report' shall be implemented in full during the site clearance process.

Reason: In the interest of safeguarding wildlife habitats

- 17 Details of materials for all external work, including samples which shall be made available for viewing, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the relevant part of the development, excluding demolition, site clearance, laying of foundations or any other below ground work. The work shall be carried out in accordance with the approved details.

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

- 18 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall identify:

- a) All plant species, densities of planting as well as species and soil densities for all proposed trees and plants.
- b) Details of any new habitat created.
- c) Detailed plans of the child play spaces.
- d) Details of green roofs

The approved landscaping shall be completed prior to first occupation of the development 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.

- 19 Prior to the commencement of development an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect all trees shown for retention throughout the duration of works

- 20 Where photovoltaic panel arrays are proposed on the roof, detailed drawings showing the photovoltaic panel arrays shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of development. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the relevant phase.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy SI1?

- 21 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to 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 written report is subject to the approval in writing of the Local Planning Authority.

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

- 22 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, 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).

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

- 23 Prior to the occupation of the development hereby approved, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The proposed Travel Plan shall include a measure to provide three years' free membership to a local Car Club for all new residents. Once approved the travel plan shall be implemented in full for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures

- 24 Notwithstanding the submitted details, prior to the commencement of the development a

Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (
- a) damping down materials during demolition and construction, particularly in dry weather conditions,
  - (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
  - (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
  - (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
  - (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
  - (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
  - (g) the use of demolition equipment that minimises the creation of dust.

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

- 25 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 (or lowest practicable levels) when measured at the nearest noise sensitive premises. 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 the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect acceptable local noise levels

- 26 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 Policy SI1 of the London Plan

- 27 Prior to the occupation of the development a Nominations Agreement to define nominations criteria and arrangements shall be entered into with the Council, and submitted to and approved in writing by the Local Planning Authority. The Nominations Agreement will set out the policies and procedures for the nomination by the Council of prospective tenants to the development and shall be implemented on occupation and shall remain in effect for the lifetime of the development.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to the Affordable housing when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

28

As soon as reasonably practicable following completion of the development, the Council shall report to the GLA through the London Development Database the number and tenure of the Affordable Housing Units by units and Habitable Room.

The Council shall report the following information to the GLA through the London Development Database as soon as reasonably practicable:

- (a) the number and tenure of the Additional Affordable Housing Units by unit numbers and Habitable Room (if any);
- (b) any changes in the tenure or affordability of the Affordable Housing Units by unit numbers and Habitable Room; and
- (c) the amount of any financial contribution payable towards offsite Affordable Housing.'

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to the Affordable housing when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

29 Apart from the details set out below in parts a-e, the development shall be completed and subsequently maintained in accordance with the recommendations, proposals and specifications of the Circular Economy Statement prepare by Hodkinson (Version 5 dated 23rd Feb 2022)

- a) Prior to any works commencing on site, a pre-demolition audit to manage demolition waste from a development shall be submitted and approved by the Local Planning Authority in writing.
- b) Prior to any works commencing on site, Notification of the likely destination of all waste streams (beyond the Materials Recycling Facility) and a written confirmation that the destination landfill(s) has/have the capacity to receive waste shall be submitted and approved by the Local Planning Authority in writing.
- c) Prior to any works commencing on site, Scenario Modelling demonstrating adaptability shall be submitted and approved by the Local Planning Authority in writing.
- d) Prior to any works commencing on site, Lean Design Options Appraisal shall be submitted and approved by the Local Planning Authority in writing.
- e) Prior to the occupation [of any phase / building/ 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](mailto: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, in accordance with Policy SI 7 of the London Plan (2021).

30 Prior to the occupation of each building the post-construction tab of the GLA's whole life carbon assessment template should 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](mailto: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.

- 31 a) Within 8 weeks of the grant of planning permission, the applicant shall submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators, as outlined in the 'Planning stage' section / chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA in accordance with the 'Be Seen' energy monitoring guidance using the 'Be Seen' planning stage reporting webform (<https://www.london.gov.uk/whatwe-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/beseen-energy-monitoring-guidance>).
- b) Prior to occupation of any of the units hereby approved, the applicant shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' as-built stage reporting webform (<https://www.london.gov.uk/whatwe-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/beseen-energy-monitoring-guidance>). The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it).
- c) Upon completion of the first year of occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the applicant is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the 'In-use stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' in-use stage reporting webform (<https://www.london.gov.uk/whatwedo/planning/implementing-london-plan/london-plan-guidance-and-spgs/beseen-energy-monitoring-guidance>). This obligation will be satisfied after the applicant has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it) for at least five years. Timings may need to be adjusted to account for the large phased developments, particularly for energy centre reporting, as per the relevant section of the 'Be Seen' energy monitoring guidance document.
- d) In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the applicant should 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' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an

existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

- 5 The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include:
- (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways;
  - (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips);
  - (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order;
  - (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway;
  - (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site;
  - (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

- 6 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
- [https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!EoEvwXgui6kvx1uGjO\\_inOM3Jeb\\_rwYFpo4I2FgNFHo2i9ALcVo1bKyx8AIYyhQucnNyMo\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!EoEvwXgui6kvx1uGjO_inOM3Jeb_rwYFpo4I2FgNFHo2i9ALcVo1bKyx8AIYyhQucnNyMo$) . Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes\\_!!CVb4j\\_0G!EoEvwXguj6kvx1uGjO\\_inOM3Jeb\\_rwYFpo4I2FqNFHo2i9ALcVo1bKyxf8AIYyhQucnNyMo\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!EoEvwXguj6kvx1uGjO_inOM3Jeb_rwYFpo4I2FqNFHo2i9ALcVo1bKyxf8AIYyhQucnNyMo$)

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

- 7 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 8 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

23 March, 2022  
06  
21/3349

## SITE INFORMATION

RECEIVED	2 September, 2021
WARD	Welsh Harp
PLANNING AREA	Brent Connects Willesden
LOCATION	1 Hillway, London, NW9 7LS
PROPOSAL	Proposed demolition of garage and erection of a single storey dwelling comprising a one bedroom house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling
PLAN NO'S	Please see condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156815">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156815</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/3349" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions:

1. Timescales for the commencement of the development
2. Built as per the approved drawings
3. Removal of permitted development rights – to Use Class C4 HMO
4. Obscure glazing for specific windows
5. Removal of permitted development rights - extensions, alterations and outbuildings
6. Water consumption
7. Construction management
8. External facing materials
9. Landscape scheme- submission of details of planting and boundaries

### Informatives:

1. CIL liable; notice will be sent.
2. Party Wall Act 1996.
3. Building near boundary
4. Code of Construction Good Practice
5. Dealing with asbestos

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

## SITE MAP

	<b>Planning Committee Map</b>
<b>Brent</b>	Site address: 1 Hillway, London, NW9 7LS
	© Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.



## PROPOSAL IN DETAIL

The application proposes the demolition of the existing garage situated to the rear of 1 Hillway and the redevelopment of the site to provide one bedroom dwelling house, with associated car parking, cycle storage, refuse storage amenity space and landscaping.

## EXISTING

The application site is approx. 0.015 hectares in size facing onto Kinloch Drive and is close to the junction with Hillway. It comprises a detached garage and part of the rear garden within the curtilage of No. 1 Hillway. Looking through aerial photos it would appear that the garage has been fenced off from the main garden since around 2018.

The site is not located within a conservation area and there are no listed buildings within the sites curtilage.

There are no specific site constraints at the application site.

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

The windows situated above the height of 2.5m were confirmed on the drawings to be obscure glazed.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. Representations received: Representations were received from the owners/occupiers of 8 neighbouring properties on Kinloch Drive and Hillway in response to the consultation. The objections predominantly relate to concerns with the building being out of character with the local area, increased pressure for on street parking, loss of privacy, and building on garden space. Further discussion on the matters raised by the objectors is set out within the "consultation" section of the committee report.
2. Principle: The site is defined as a small housing site within the London Plan and Local Plan. The policy position supports the use of such sites to deliver a net increase of self-contained dwellings through more intensive and efficient use of sites, where consistent with other policies in the development plan. The general principle of a residential development is supported in this location, subject to the evaluation of all other relevant material planning considerations.
3. Design: The proposal is considered to represent a good standard of design within an infill site and would not result in harmful impact on the character and appearance of the local area. The dwelling has been designed to provide a good standard of residential living accommodation. It has overcome the earlier reasons for refusal and matters raised by the Inspector for the scheme that was dismissed at appeal.
3. Neighbouring amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking.
5. Highways and Transportation: The demolition of the garage is acceptable, the level of off street car parking considered is sufficient, and not result in over-spill parking. Whilst there is an area indicated for refuse, vehicular and cycle parking, revisions have been required by Transport. The revised forecourt plan is recommended to be secured through condition.

## RELEVANT SITE HISTORY

### Relevant planning history

21/0516. Full Planning Permission. Refused. 28/05/2021.

Proposed demolition of garage and erection of one 2 bedroom dwelling to rear of 1 Hillway, provision for off-street car parking space, cycle parking and the insertion of a front wall



Refusal Reason:

- (i) *The proposal, by reason of the submerged siting of the dwelling and height of the boundary treatments would appear cramped within the plot due to the dwellings proximity to the neighbouring dwellings and its tight relationship with the site boundaries. The proposal is contrary to CP17 of Brent's Core Strategy, DMP1 of Brent's Development Management Policies 2016 and policy BD1 of Brent's Draft Local Plan 2020.*
- (ii) *The proposal, by reason of the enclosed and submerged external amenity space would result in an inadequate standard of residential accommodation that would be unacceptable for the future occupiers of the dwelling. This is contrary to policy D6 of London Plan 2021, policy DMP19 of the Brent Development Management Policies 2016, and emerging policy BH13 of Brent's Draft Local Plan 2020.*
- (iii) *The proposal, by reason of the poor levels of outlook and light to the proposed dwellings from the ground floor habitable room windows, together with the shortfall in floor to ceiling heights proposed within the two-storey unit would constitute the provision of a substandard unit with poor ventilation, cooling and a cramped sense of space to the detriment of the future occupiers. The proposed units are therefore contrary to Policy D6 of The London Plan and Policy DMP1 of Brent's Development Management Policies 2016.*

20/1190. Full Planning Permission. Refused, 09/06/2020.

Demolition of garage and erection of one 2 bedroom dwelling to rear of 1 Hillway, provision for off-street car parking space and insertion of front wall

Refusal Reason:

- (i) *The proposal, by reason of the height and siting of the dwelling would appear cramped within the plot and incongruous within the wider streetscene due to the dwellings proximity to the neighbouring dwellings and its tight relationship with the site boundaries, failing to pay an appropriate regard to the patterns of development in the locality. The proposal is contrary to CP17 of Brent's Core Strategy, Policy BH4 of Brent's emerging Local Plan and Policy DMP1 of Brent's Development Management Policies 2016.*
- (ii) *The proposal, by reason of size of the unit proposed would constitute the provision of a substandard unit resulting in a poor standard of residential accommodation to the detriment of the future occupiers. The proposed units are therefore contrary to Policy 3.5 of The London Plan and The draft London Plan Policy D4.*

19/2450. Full Planning Permission. Refused – Appeal Dismissed, 06/02/2020.

Proposed erection of a detached, two-storey dwelling comprising one 3 bedroom family house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling

Refusal Reason:

- (i) *The proposal, by reason of the height and siting of the dwelling would appear cramped within the plot due to the dwellings proximity to the neighbouring dwellings and its tight relationship with the site boundaries. The proposal is contrary to CP17 of Brent's Core Strategy and DMP1 of Brent's Development Management Policies 2016.*
- (ii) *The proposal, by reason of the inadequate provision of external amenity space, would provide an inadequate standard of residential accommodation. This is contrary to policies DMP1 and DMP19 of the Brent Development Management Policies 2016.*

Appeal Decision APP/T5150/W/19/3238174 is discussed in more detail within the report, however, the concluding comments are as follows:

*'The proposal would cause harm to the character and appearance of the area and would fail to provide adequate living conditions for future residents on account of the size and configuration of the outdoor space. The proposal is contrary to the relevant policies of the development plan and the Framework in those respects and the harm arising would significantly and demonstrably outweigh the benefits.'*

## CONSULTATIONS

18 nearby properties were consulted on 7th September 2021. Objections have been received from 8 individual addresses. A summary of the objections is set out below:

Grounds of objection	Officer response
Out of character with the surrounding dwellings and local area which predominantly consist of bungalows	Please see paragraphs 11-19
Proposal would set a precedent for others to construct dwellings within their gardens, leading to overcrowding and unsightly buildings	Please see paragraph 9
Proposal would result in a loss of parking, resulting in displacement of parking onto adjoining streets that are already heavily parked.	Please see paragraphs 33-39
Area has existing problems with flooding. The proposal would result in loss of garden space and no "run off".	Please see paragraphs 40-42
Loss of privacy to neighbouring gardens	Please see paragraph 24
Increased pollution from vehicles	Please see paragraph 39
Planning permission already granted to develop the bungalow at No. 1 Hillway	Please see paragraph 25
Foundations will impact on underground spring which the objector has said affects 95 and 97 Wood Lane	Please see paragraph 40-42
Proposal would adversely impact on Welsh Harp SSSI	Please see paragraph 43-45
The development may be rented out and for profit only	Please see paragraph 10

### Internal Consultees

Brent's Environmental Health Officer - No objections subject to conditions.

## POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the  
London Plan 2021  
Brent Local Plan 2019-2041\*

Key policies include:

### London Plan 2021

Policy D3 Optimising site capacity through the design-led approach  
Policy D4 Delivering good design  
Policy D6 Housing quality and standards  
Policy D7 Accessible housing  
Policy D12a Fire Safety  
Policy H1 Increasing Housing Supply  
Policy H2 Small sites  
Policy G6: Biodiversity and access to nature  
Policy T5 Cycling  
Policy T6 Car parking

### Brent Local Plan 2019-2041

DMP1: Development Management General Policy  
BD1 – Leading the way in good design  
BH1: Increasing Housing Supply in Brent  
BH4: Small Sites and Small Housing Developments in Brent

BH13: Residential Amenity Space  
BGI1: Green and Blue Infrastructure in Brent  
BGI2: Trees and Woodlands  
BSUI4: On site water management and surface water attenuation  
BT2: Parking and Car Free Development  
BT4: Forming Access to a road

Other material considerations

The following are also relevant material considerations:

National Planning Policy Framework  
National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

SPD1 "Brent's Design Guide" 2018

\* Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

## DETAILED CONSIDERATIONS

### Principle of Development

1. Hillway is mostly comprised of semi-detached bungalows with front gardens and driveways and well-proportioned rear gardens. The properties are arranged around a perimeter block such that the rear gardens run back to back which gives the area an open and spacious feel.
2. There is no objection in principle to the demolition of the existing garage as it is not considered to make a significant positive contribution to the character of the area. It is noted from google earth and streetview that the garage appears to be have been divided off from the main rear garden around 2018, but remains within the curtilage of the dwellinghouse at No. 1 Hillway.
3. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Local Plan policy BH1 reflects this target.
4. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This policy position is set out in further detail within policy H2 of London Plan which states that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations significantly increase the contribution of small sites to meeting London's housing needs.
5. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out its own policy on small housing sites under policy BH4. This policy relates to small housing sites (below 0.25 hectares or 25 dwellings in size) and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). Outside of priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate.
6. The site is not within a priority location as noted above. Therefore there is a requirement for greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate.

7. It is noted that a number of objectors have raised concerns with the principle of the garden space being developed upon. It is noted that within the National Planning Policy Framework rear gardens are excluded from previously developed land. This does not mean that no development can be carried out within rear gardens but that Local Planning Authorities should include policies that resist inappropriate development of residential gardens. Policy BH4 highlights the need outside of priority area for great weight to be placed on the existing character of the area, when determining the intensity of development within the site.
8. In this case, the site currently partly accommodates a garage for the use of No. 1 Hillway which is disused and in a poor state of repair. There is no objection to the loss of the garage (as outlined above and also in the Transport section of this report) and the net addition of a new self-contained dwelling would provide a minor contribution to the Borough's housing targets. Whilst the site does result in the loss of part of the garden space for 1 Hillway, the reduction in garden space is considered acceptable as discussed in further detail within the "design" and "amenity" sections below.
9. A number of objectors have also raised concerns that this proposal would set a precedent for other dwellings to be constructed in gardens. Each application is assessed on its individual merits in accordance with planning policies and guidance. The redevelopment of this site which fronts onto a street frontage to accommodate a new dwellinghouse would therefore not set a general wider precedent for dwellings to be constructed within garden spaces.
10. An objection has also been received that the proposed home may be rented out in the interest of profit. There is no requirement to provide Affordable Housing for schemes of this size. Private dwellings may be rented or sold, and there are no planning policies which would prohibit the renting of this new dwelling if approved. Nor are there planning policies which prevent profit from being made on new developments.

#### Layout, Design and Appearance

11. Policy BD1 of the Local Plan sets out that all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.
12. Policy BH4 seeks to ensure that the development in suburban areas outside of priority areas should be of a scale and character that respects the suburban character of Brent. A comparison of the design and layout of the earlier applications is summarised below:

Application reference	No.of storeys	Footprint	Distance to boundaries	Key issues raised at appeal/refusal
19/2450	2 storeys with accommodation within the roof	68.76sqm at ground floor	Built up to boundary with remainder garden at No. 1 Hillway at ground floor level with set in of 1.3m at first floor  Set in of 1.26m from boundary with No. 3 Hillway  Set in of 1.4m from garage to the south	Due to limited size of the rear garden, the Inspector highlighted that the proposal would be surrounded by significantly less open amenity space compared to other dwellings. It would have a cramped appearance in contrast to the spacious feel of surrounding plots. Even though set down from existing ground level, the maximum height at two storeys would be significantly taller in contrast to other bungalows in the area.
20/1196	2 storey flatted roof building	44.21sqm at ground floor	Set in of 1.16m to boundary with remainder of rear garden at 1 Hillway	Proposal would appear cramped in the plot due to height and siting of the dwelling

			Set in of 4.28m to boundary with 3 Hillway  Set in of 1.69m to garage site to the south	
21/0516	Single storey with accommodation in steep gabled roof	55.26sqm at ground floor	Set in of 1.2m to remainder of rear garden at 1 Hillway  Set in of 3.12m to boundary with 3 Hillway  Set in of 1.2m to boundary with garage site to the south	Proposal would appear cramped within the plot due to proximity to site boundaries

13. The application has been amended to address the earlier reasons for refusal. It has been designed as a single storey bungalow with a chalet style pitched roof.
14. The new pitched roof dwelling presents a more contemporary design than the surrounding traditional suburban housing nearby. However, given the limitations of the site, it is considered that contemporary designs would be acceptable at this site in order to optimise the sites capacity.
15. It should be noted that the proposed development would be backland infill, and as such it is considered that the building form should be of a scale that reflects the backland nature of the plot, and should appear subservient to the surrounding properties.
16. The building is a single-storey pitched roof building, fronting Kinloch Drive. It is situated to the rear of No. 1 Hillway's rear garden and No. 95 Wood Lane's rear garden. As such, it presents its own distinct character, yet with the pitched roof of the single storey building it draws connections with the surrounding single storey bungalows helping to reintegrate it into the suburban fabric.
17. The building proposes a rectangular with a maximum width as viewed from the streetscene of 7.15m and a depth of 8.5m. The site has a maximum width of 9.2m with a maximum depth of 17.3m. The building is set back a maximum of 5.9m from Kinloch Drive, as the frontage is splayed the reduced set back is 4m, which is still considered sufficient to ensure the building sits comfortably within the plot. The pitched roof has a maximum ridge height of 5.5m and an eaves height of 2.5m, the eaves are set in from both No. 1 Hillway and No. 95 by 1m and 1.16m respectively. Whilst it is noted that the building has not been set in further from the neighbouring boundaries compared to the earlier refusals, it is considered that earlier concerns in relating to the building appearing cramped within the plot have been overcome due to the height of the eaves and top of the roof reading as a subservient feature to the bungalows on either side. The elevations are broken up by the use of glazing which is considered to present an approach that would be visually acceptable.
18. The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. The application form has identified the materials as white render with grey powder coated aluminium windows, with grey roof tiles. Whilst large areas of render is not always supported given its potential to age poorly, the dwellinghouse is proposed to be mostly glazed on the front and rear elevations with a contemporary window design which would sufficiently break up the rendered massing. The materials should be robust and of high quality. The approval of final materials and key construction details is sought via planning condition. The scheme has been assessed by the Council's Urban Design Officer who considers the scheme to be acceptable terms of design.
19. It is acknowledged that objections have been received regarding the design of the proposal which differs

from that of the surrounding houses. However, the design of the homes and gardens responds to the shape of the site and makes effective and efficient use of the land whilst minimising potential impacts to the amenity of neighbours. In this instance a more contemporary design is considered to be an appropriate response to the site specific context and the proposal is considered to represent a high standard of design.

#### Neighbouring Residential Amenity

20. Policy DMP1 of the Local Plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.
21. The flank wall of the proposed dwelling is located 1m from the rear wall of No.1 Hillway and it is located 1.6m beyond the rear extension as existing at No. 3 Hillway. Whilst the dwelling would be visible from the surrounding properties at No. 1 and 3's rear garden, the eaves height of 2.5m with the 5.5m ridge height would be set well within the site as a result of the pitched roof design.

#### *Outlook*

22. SPD1 states that the building envelope of new development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
23. Sectional drawings have been provided with the application which demonstrate that these requirements would be complied with, both in terms of 30 and 45 degree lines when measured from No. 1 Hillway and Nos. 93 and 95 Wood Lane. It is noted that the top of the ridge would marginally breach 45 degree line when measured from the rear garden of No. 3 Hillway (the top 0.6m of the ridge). Given that the breach would be minor and only relates to the highest point of the ridge, the overall impact upon the rear garden of No. 3 Hillway would be acceptable, and the proposal would not appear overbearing.

#### *Privacy*

24. SPD1 requires a minimum distance of 9m from habitable room window and balconies to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. As the accommodation is at ground floor level only, despite being less than 9m from the site boundaries, overlooking will be restricted to neighbouring sites at Nos. 1 and 3 Hillway through the use of 2m high boundary fences. The high level glazing on the western elevation facing No. 3 Hillway is proposed to be obscured glazed and non opening. Such details would be conditioned to any forthcoming consent.

#### *External Amenity Space for No. 1 Hillway*

25. The dwelling is proposed in the existing rear garden of No. 1 Hillway. Policy BH13 highlight that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing. The retained garden would meet the a 20sqm required for a two person dwelling. As such, the proposal is in accordance with BH13. It is noted that objectors have highlighted that No. 1 Hillway has planning permission to be extended. Planning permission was granted on 05/05/2017 for single storey side to rear extension to the bunaglow (LPA Ref: 17/0881). However, this permission has now expired, and the applicant would need to re-apply for planning permission for the wrap around extension.

#### Standard of Accommodation

26. The acceptability or otherwise of any new dwelling is assessed against the requirements of Policy D6 of The London Plan (2021) which requires new housing to be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.
27. A number of the earlier refusals raised concerns with the quality of the accommodation in terms of the dwelling failing to meet internal space standards, minimum headroom heights and poor levels of outlook and natural light. This current scheme has sought to address these concerns. The dwelling proposes a 51sqm GIA which meets the minimum space standards as required by the London Plan for a one bedroom 2 person home, and the unit includes the provision of purpose built internal storage. The new

dwelling has been designed to not be sunken into the ground compared to the earlier refusals, and in turn this has improved outlook from habitable rooms and levels of natural daylight. The scheme has been designed with a front to rear aspect living/kitchen/dining space with full height glazing at ground floor and within a void in the roof space. The bedroom also has full height glazing with a floor to ceiling height of 2.5m.

#### External Amenity Space:

28. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
29. The BH13 requirement for external private amenity space requires for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
30. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
31. London Plan (2021) policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1m<sup>2</sup> should be provided for each additional occupant.
32. The amenity space provided achieves 28sqm, with a depth from the rear wall of 3m allowing for an area of sufficient quality which is sufficient in size and type to satisfy the needs of future residents. The external amenity space is no longer sunken into the ground so it is now enclosed by fence at 2.35m high. The earlier refusals had boundary fences of upto 3m high due to the sunken ground levels. The proposal accords with Brent policy BH13, and London Plan policy D6 in relation to the provision of external amenity space.

#### Transport and Highways:

33. The proposal for the demolition of the garage and the removal of the hardstanding in front of the garage would reduce the provision of off-street car parking for the existing house. The proposal does not include replacement parking within the site.
34. Nevertheless, Kinloch Drive has sufficient spare capacity to accommodate two cars along the property frontage, so displacement of parking from the existing house onto the street would be acceptable.
35. The proposed 1-bed house would be allowed up to one space, so the proposed provision of a space would accord with standards. The position of the space would allow it to use the existing crossover for access. Transport require at least 50% of forecourts to be covered in soft landscaping. Details of soft landscaping and its maintenance have not been included as part of this submission, however, details would be sought through a planning condition.
36. To comply with the London Plan a minimum of 2 cycle spaces should be provided within a secure and covered location to protect against theft and weather. Drawing number P401 proposes a cycle store to the side of the building, which is welcomed.
37. Bin storage has not been indicated on the plan, but appears to obstruct the vehicular access. A front boundary treatment should be provided, within 0.6m from the edge of the crossover, to ensure vehicles do not illegally crossover the footway to access the parking and that pedestrian sight line visibility is still maintained (in compliance with section 6 and 15 of the Crossover Policy. The requirement to provide an updated front forecourt plan incorporating the above will be secured through a planning condition.
38. The transport team have recommended the condition should require the following revisions:
  - i) relocation of bin storage;
  - ii) soft landscaping within the front garden of the new property and;

iii) details of front boundary treatment showing pedestrian visibility splays (2mx2m above a height of 0.8m) at the vehicular access.

39. Comments have been received in relation to the increase in pollution associated with vehicles associated with the development. The development accords with planning policy in relation to parking, with one parking space proposed. The degree of additional pollution associated with this is not likely to be significant.

#### Flooding

40. It is noted that a number of objectors have raised concerns with increased flood risk due to existing flood problems within the area, and lack of provision of run-off from the site, and an objector has commented that they consider that the foundations will affect an underground spring. The objectors have highlighted that the Council's Park Department have undertaken flood alleviation works at Silver Jubilee Park. The works proposed to Silver Jubilee Park have involved the provision of a rain garden and additional drainage was installed on the edge of the car park and by the main pathway. Further planting is still being carried out to improve the appearance of the drainage measures.

41. The site does not lie within a Flood Zone for either fluvial or surface water flooding as identified within the proposal map that forms part of the Local Plan. However, policy BSUI4 sets out planning policy for on site water management and surface water attenuation. It requires proposals for minor developments to make use of sustainable drainage measures wherever feasible, and must ensure separation of surface and foul water systems. It highlights that proposal that would fail to make adequate provision for the control and reduction of surface water run-off will be refused .

42. Policy BSUI4 also requires developments to achieve a target for mains water consumption of 105 litres or less per person per day. This would be conditioned to any forthcoming consent. The submission has demonstrated the extent of permeable paving and has confirmed that the drainage would not be a combined system which is acceptable.

#### Ecological and Biodiversity Considerations

43. Objectors have raised concerns with the potential impact of this development upon the Welsh Harp Site Special Scientific Interest (SSSI). The site itself does not lie within land or adjoins land that is designated for its ecological importance i.e. SSSI, a Site of Importance for Nature Conservation (SNIC) or wildlife corridor. However, given that the site currently occupied a garage with a poor state of repair and is in proximity to the Welsh Harp SSSI, there may be potential for the garage to accommodate roosting bats. Bats are protected under legislation, and therefore it is recommended that an informative is added to remind the applicant to apply for, and obtain, a European Protected Species Licence before works commence.

44. The NPPF specifies the need to protect and enhance biodiversity. London Plan Policy G6 relates to biodiversity and access to nature. Paragraph D asserts that development should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. This is also reinforced in policy BG11 of Brent's Local Plan.

45. The submission includes a plan identifying landscaping through Hornbeam hedging and a semi-mature tree, a calculator has been provided to demonstrate that the UGF score has been improved from 0.076 on site to 0.146 and the planting is therefore considered to increase net biodiversity on site.

#### Fire Safety

46. The application has not been accompanied with the fire safety information set out within D12a of London Plan. However, formal approval under the Building Regulations will be required if the scheme goes ahead, and therefore given the scale and location of the development, the absence of the fire statement does not render the scheme unacceptable.

#### Equalities

47. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

#### Conclusion



48. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.

49. The application is therefore recommended for approval subject to the conditions set out in this report.

## CIL DETAILS

This application is liable to pay **£13,487.85** \* under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 51 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	51		51	£200.00	£0.00	£10,323.64	£0.00
(Mayoral) Dwelling houses	51		51	£0.00	£60.00	£0.00	£3,164.21

BCIS figure for year in which the charging schedule took effect (Ic)	330	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£10,323.64</b>	<b>£3,164.21</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\*Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Application No: 21/3349

To: Mr Borowiecki  
Matthew Borowiecki Architect  
30 Ringmore Rise  
London  
SE23 3DE

I refer to your application dated **02/09/2021** proposing the following:

Proposed demolition of garage and erection of a single storey dwelling comprising a one bedroom house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling

and accompanied by plans or documents listed here:  
Please see condition 2.

at **1 Hillway, London, NW9 7LS**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 15/03/2022

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-  
  
National Planning Policy Framework 2021  
London Plan 2021  
Brent's Local Plan 2019-2041
  
- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.  
  
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 drawing(s) and/or document(s):  
  
One Hillway: Design and Access Statement (September 2021), P401 Rev D - Proposed Plans Elevations and Sections, P403 - Site Sections, P300 - Location Plan, P402 - Block Plan and Street Elevations.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The residential unit hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.  
  
Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space in the front garden to accommodate additional bin or cycle storage.
  
- 4 The windows within the western elevation situated 2.4 m (or greater) above internal finished floor level as denoted within drawing P401D shall be obscure-glazed and non-opening and shall be retained and maintained as such.  
  
Reason: To minimise any overlooking or loss of privacy to neighbouring properties.
  
- 5 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Class(es) A, B, C, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.  
  
Reason: To ensure a satisfactory standard of accommodation, an acceptable level of impact to the amenities of surrounding occupiers and in the interest of the character and appearance of the building and the surrounding area.
  
- 6 The development shall be designed and constructed so as to limit the internal consumption of water to 105 litres or less per head per day, in line with part G, regulation 36 of the Building Regulations.  
  
Reason: To promote water conservation and efficiency measures in all new developments in accordance with Policy SI5 of the London Plan, and DMP9b of the Development Management Policies.

- 7 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the approved statement shall be implemented throughout the construction of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Reason for pre-commencement condition: These impacts can arise at any time from the start of construction works, and adequate controls need to be in place at this time.

- 8 Prior to commencement of works (excluding any demolition, site clearance and laying of foundations), details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 9 Prior to commencement of works (excluding any demolition, site clearance and laying of foundations), and notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works 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. Such a scheme shall include:
- (a) all planting provision including location, species, size, density and number, incorporating native species
  - (b) details of the car parking space;
  - (c) areas of all hard landscaped works including details of materials and finishes, which shall have a permeable construction;
  - (d) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height, with visibility splayed 2m x 2m above a height of 0.8m for the front boundary treatment;
  - (e) details of materials proposed for the bin storage;
  - (f) details of materials for the proposed cycle storage in accordance with London Cycling Design Standards;

The approved hard and soft landscape works shall be implemented in full prior to first occupation of the development or other timescales as agreed by the Local Planning Authority.

Any planting that is part of the approved scheme that within a period of five years after completion is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

4 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:  
Monday to Fridays - permitted between 08:00 to 18:00  
Saturday - permitted between 08:00 to 13:00  
At no time on Sundays or Bank Holidays

For out of hours work/ S61 application, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours.

They should email the noise team at [ens.noiseteam@brent.gov.uk](mailto:ens.noiseteam@brent.gov.uk) to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

5 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

Any person wishing to inspect the above papers should contact Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149