

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

23 March, 2022
04
21/4690

SITE INFORMATION

| | |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RECEIVED | 22 December, 2021 |
| WARD | Mapesbury |
| PLANNING AREA | Brent Connects Kilburn |
| LOCATION | Windmill Court and car park, 52 Mapesbury Road, London, NW2 |
| PROPOSAL | <p>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.</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&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> |
| PLAN NO'S | See condition 2 |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_158312</p> <p><u>When viewing this as a Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search typing "21/4690" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab |

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

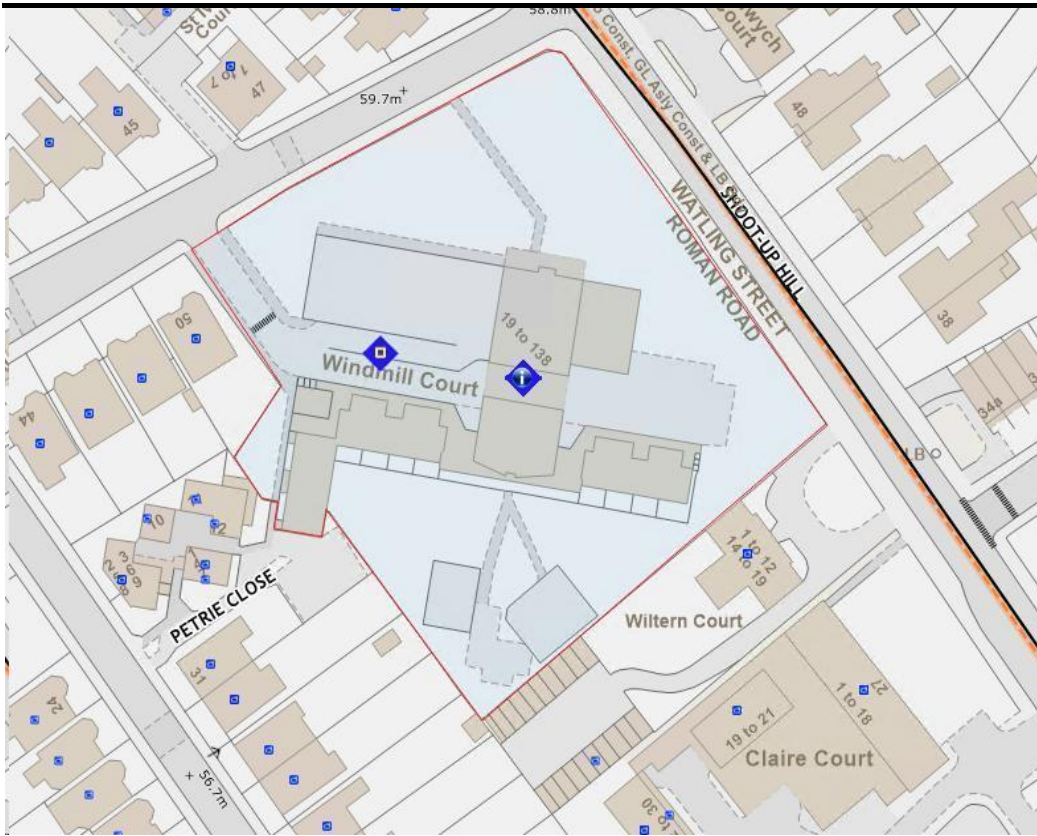


Brent

Planning Committee Map

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

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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 |
| Total private space | 4360 | 998 | 3362 |
| Communal space | | | |
| Less proposed | | 4677 | |

| | | | |
|----------------------------------------------------|------------------|------------------|----------------------------|
| communal space (all existing and proposed blocks) | | | |
| Overall total external space | 4,360 sqm | 5,675 sqm | +1315 sqm (Surplus) |

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 | |
| TOTAL CHARGEABLE AMOUNT | £1,051,135.71 | £218,688.30 |

*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.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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 st 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 th 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 st 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.
- 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
- 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

- 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

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. 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