

**LONDON BOROUGH OF BRENT****Executive - 12 April 2005****Report from the Director of Environment**

For action/information

Wards affected: Kilburn

Report Title: **103-123 Kilburn High Road & Kilburn Square Market  
Supplementary Planning Document**

Forward Plan Ref: ES-04/05-308

**1.0 Summary**

- 1.1 This report seeks approval for adoption for a Supplementary Planning Document (SPD) which has been prepared by the Planning Service in conjunction with local residents, community groups. The SPD provides a comprehensive approach to the re-development of the site and guidance to the developers on the form of the development that the Council considers acceptable. The SPD also sets out the planning justification for a Section 106 Agreement associated with any future planning application for the site.
- 1.2 Planning Committee on 16<sup>th</sup> March 2005 supported its adoption by the Executive as a Supplementary Planning Document to Brent's UDP. The Committee also recommended that the Executive give preference for the widest possible approach to development rather than on site specific basis.

**2.0 Recommendations**

- 2.1 That the Kilburn Square SPD incorporating revisions following consultation (as set out in Appendix 1) be agreed and adopted as a Supplementary Planning Document to Brent's Unitary Development Plan.
- 2.2 That the Sustainability Appraisal incorporating revisions following consultation (as set out in Appendix 2) be agreed.
- 2.3 That the Consultation Statement (as set out in Appendix 3) be agreed.

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### 3.0 Detail

- 3.1 The current owners of the site (Sandpiper Securities Ltd) submitted a planning application on the site in 2000. This application was subject to a public inquiry in December 2003/January 2004 due to non-determination by the Council.
- 3.2 The Inspector dismissed the appeal in his report of 19<sup>th</sup> April 2004, due to a number of reasons including failure to make the communal amenity area available to all residents, the loss of footway and the quality of replacement public space. He recommended that the Council produced a planning brief for the site.
- 3.3 Planning Committee on 26<sup>th</sup> January 2005 approved a draft Supplementary Planning Document (SPD) and accompanying Sustainability Appraisal for public consultation from 31 January 2005 to 2nd March 2005.
- 3.4 The aim of the draft SPD is to promote regenerative development on the site while at the same time protecting the public space and the amenity of neighbouring residents. The SPD sets out a number of development options for the site:

#### Option (B) Partial Redevelopment

- 3.5 This allows for refurbishment of the existing building and new development on part of the footway.

#### Option (C) Complete Redevelopment

- 3.6 This option allows development within the existing building envelope only. It therefore protects the existing public space and allows for the retention of existing trees.

#### Option (D) Complete Redevelopment including Kilburn Square Clinic and 11 -15 Brondesbury Road

- 3.7 This option allows for a wider site to be included within the development. It again protects the existing public space and allows for the retention of existing trees.
- 3.8 Following initial comments from residents, the SPD also identifies that the neighbouring buildings at 127 -131 Kilburn High Road & vacant toilet block could be included in either option C or D.
- 3.9 The Consultation Statement (attached as Appendix 3) sets out how the local authority consulted on the preparation of the SPD and summarises comments received during the formal public participation process of the SPD and Sustainability Appraisal, how the Council considered the representations and any changes made to the draft SPD and Sustainability Appraisal as a result of representations made during the consultation period.

- 3.10 In summary, the main issues raised through consultation were related to the development options, the proposed uses including residential, the height and scale of development, the bridge link, the loss of footway on Kilburn High Road, the loss of trees and the colonnade.

#### Development Options

- 3.11 Local residents generally supported Option C – Complete Redevelopment option. By contrast, both Option C and Option D were not considered viable by the current site owners.

#### Housing and other uses

- 3.12 Residents and local organisations sought a mix of town centre uses on the site including community uses, leisure, education, office and administration. Some residents did not support any significant residential development on the site.

#### Height and Scale of Development

- 3.13 Local residents generally only wanted development to a maximum of 5 storeys.

#### Bridge Link

- 3.14 Local residents were concerned about the scale of development on the bridge link allowed in Option B and the potential affect on their amenity.

#### Loss of Footway

- 3.15 Residents did not support the loss of footway on Kilburn High Road. The current site owners however state that bringing the building line forward is important to facilitate making the best use of that part of the site through the construction of additional floors of residential accommodation.

#### Loss of Trees

- 3.16 Residents did not support the loss of trees especially on the High Road.

#### Colonnade

- 3.17 Residents and current site owners did not support a colonnade.
- 3.18 In response to the consultation, the final SPD seeks to maintain a balance between allowing development on the site while protecting amenity of local residents. The final SPD accepts some proposals while rejecting others.
- 3.19 As a result of consultation, the final SPD does not support a colonnade on the High Road frontage. However, it does accept colonnaded development overlooking Kilburn Square Market subject to satisfactory “Secure by Design” principles. It also seeks to protect the majority of the trees on the site and requires that any trees lost need to be re-provided within the development. It also allows for a greater mix of town

centre uses on the site and makes a specific requirement for some community space to be included in the development. A specific section on the affect of any development of the bridge link on neighbouring residents has also been added to the SPD.

- 3.20 However, the revised SPD does allow for some of the footway to be lost if partial redevelopment of the site occurs (option B). Options C and D however requires that all the footway is kept if a more comprehensive development is followed. The SPD promotes 4 storey development including residential uses and recognises that higher development up to 8 storeys may be achievable in certain locations subject to satisfactory design that does not harm the amenity of neighbouring buildings.
- 3.21 Planning Committee on 16<sup>th</sup> March 2005 noted this Consultation Statement and the revised Supplementary Planning Document for 103 -123 Kilburn High Road & Kilburn Square Market and supported its adoption by the Executive as a Supplementary Planning Document to Brent's UDP. The Committee also recommended that the Executive give preference for the widest possible approach to development rather than on site specific basis. Finally the Committee also noted the Sustainability Appraisal incorporating revisions following consultation.

### **S.106 Requirements**

- 3.22 Private Developers would be required to enter into a Section 106 Agreement with the Council to provide the following:
- 50% Affordable housing (70/30% split between rented and shared ownership). A lower proportion would only be acceptable where the applicants clearly demonstrated that 50% proportion was not financially viable
  - Transport improvements including enhancements to the basement car park and bus related improvements
  - Non-car access improvements
  - Support of a City Car Club
  - Inclusion of community facilities
  - Open Space/public realm contribution
  - Possible contribution to school places, depending on number of family sized units and current school capacity
  - Job training depending on employment balance sheet: e.g. contributions to job training;
  - Public Art.

### **4.0 Financial Implications**

- 4.1 The SPD is designed to establish the framework for determining an application(s) for the site. The assessment of the planning application

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will be undertaken in the normal way with costs contained within existing budgets.

- 4.2 There are, however, wider implications arising from any possible development. The associated Section 106 Agreement will secure funding and benefits which will mitigate the impact of the development and contribute to the regeneration of Kilburn.

## **5.0 Legal Implications**

- 5.1 The Planning and Compulsory Purchase Act 2004 has changed the statutory basis for drawing up development plans in England and Wales. Unitary Development Plans and Supplementary Planning Guidance will be replaced by a Local Development Framework. Since there are no provisions under the Act to produce SPGs the Council must now produce SPD.

- 5.2 Planning Policy Statement 12 'Local Development Frameworks' sets out the procedural policy and process of preparing Local Development Documents including Supplementary Planning Documents. The SPD has been prepared in accordance with the guidance contained within PPS12. PPS 12 requires a Sustainability Appraisal and a consultation strategy to accompany a draft Supplementary Planning Document for public consultation.

- 5.3 Supplementary Planning Documents are not subject to independent examination and will not form part of the statutory development plan. However they should be subjected to rigorous procedures for community involvement.

- 5.4 Supplementary Planning Documents are not statutory documents in the same way as the UDP but are material considerations to be taken into account when determining individual planning applications.

## **6.0 Diversity Implications**

- 6.1 The Consultation Statement (set out in Appendix 3) identified how the public was engaged in the preparation of this document.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

Nil

## **8.0 Environmental Implications**

- 8.1 A draft Sustainability Appraisal has been undertaken on the SPD. This is attached as appendix 2. The Sustainability Appraisal will be updated as appropriate following adoption of the final SPD.

## **Background Papers**

- Planning Policy Committee Report 16<sup>th</sup> March 2005 for 103 – 123 (odd) Kilburn High Road incl 92 – 118 Kilburn Square

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- Planning Policy Committee Report 26<sup>th</sup> January 2005 for 103 – 123 (odd) Kilburn High Road incl 92 – 118 Kilburn Square
- Planning Committee Report 3<sup>rd</sup> July 2003 (ref 00/1953) for 103 – 123 (odd) Kilburn High Road incl 92 – 118 Kilburn Square
- The Planning Inspectorate Appeal Decision (ref: APP/T5150/A/03/111703) April 2004
- Kilburn Square SPD Sustainability Appraisal Scoping Report
- Kilburn Square SPD Sustainability Appraisal Initial Report

### **Contact Officers**

Any person wishing to inspect the above papers should contact:

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