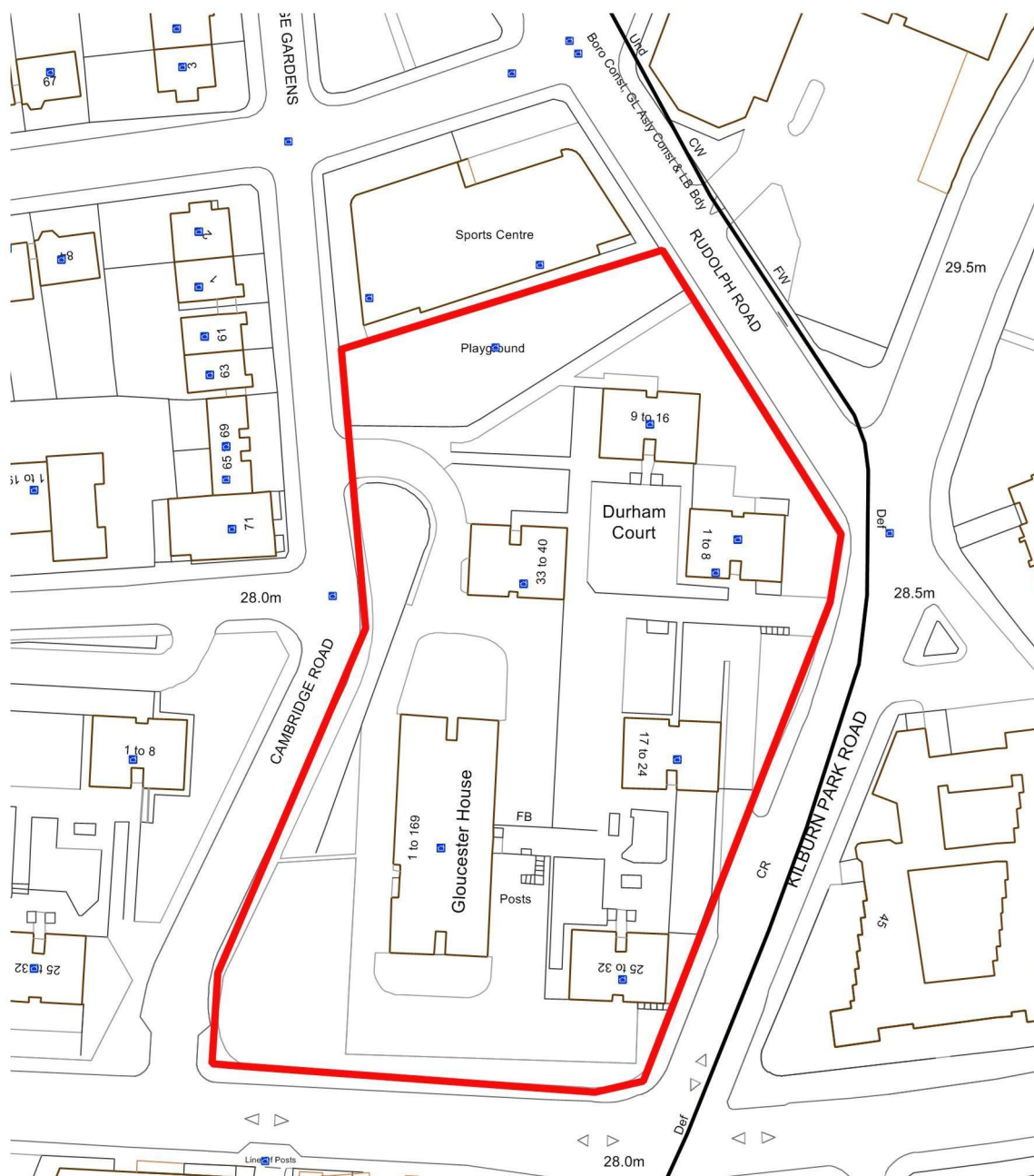




Planning Committee Map

Site address: Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6

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This map is indicative only.

RECEIVED: 9 May, 2014

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6

PROPOSAL: Demolition of 209 existing dwellings and garages at Gloucester House and Durham Court and erection of 4-8 storey blocks comprising of 236 flats (134 private and 102 affordable (social rent)), an energy centre for the South Kilburn Neighbourhood Decentralised Heating System, basement car-park, associated landscaping and general amenity space, provision of replacement public play space and stopping up of existing public footpath between Cambridge Road and Kilburn Park Road.

APPLICANT: The London Borough of Brent

CONTACT: Feilden Clegg Bradley Studios LLP

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the conditions and reasons set out after paragraph 56 and completion of a satisfactory Section 106 or other legal agreement in accordance with the Heads of Terms set out below and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 43% Affordable Housing (102 units at social rent, 35x1-bedroom, 35x2-bedroom, 31x3-bedroom 1x4-bedroom)
- A contribution of £849,600 (£3600 per unit), index-linked from the date of Committee, to provide connections to the Decentralised Energy Network and allow future connection of the site to any Decentralised Heat / Energy Network.
- Energy - achieve a minimum 40% reduction in regulated Carbon emissions on the target emission rates set out in the Building Regulations 2010 (or a 35% reduction on the 2013 Building Regulations)
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Tree survey upon Material Start, 5:1 replacement of trees within the site and adjoining roads prior to Occupation for any reduction in the number of Trees.
- Join and adhere to the Considerate Contractors scheme.

- A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation. Adherence with the approved Travel Plan.
- Prior to Material Start, submit and gain approval for an Employment and Training Action Plan to deliver a total of fifteen (15) Education Links, Apprentices/Local Labour and Workforce Development to be delivered.

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£2,041,729.23** of which **£1,736,482.14** is Brent CIL and **£305,247.09** is Mayoral CIL.

Following the grant of any permission it may be possible for the applicant to claim social housing relief from CIL to exempt the payment of CIL on any eligible affordable housing within the scheme. This would result in a reduction to the CIL liability indicated above.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site has an area of 1.3ha and is bound by Carlton Vale to the south, Cambridge Road, to the west, Kilburn Park Road to the east and the St Augustine's School Sports Hall to the north. The site is currently occupied by Gloucester House, an 18-storey tower block comprising of 169 residential units, located towards the south-western side of the site, and Durham Court, a series of five 4-5-storey blocks comprising of 40 residential units, which are arranged around the eastern and northern side of the site. The areas around these residential buildings comprise of a podium access deck with garages underneath, surface car-parking and landscaped areas. The site also includes the existing children's play area, located to the north of Durham Court and the south of the adjacent St Augustine's Sports Hall.

The site is located adjacent to the borough boundary with Westminster which runs along Rudolph Road and Kilburn Park Road to the east of the site.

There are a significant number of heritage assets both on, and in close proximity to, the site. The northern edge of the site, which is currently occupied by a children's play area, is located within the South Kilburn Conservation Area. Within the South Kilburn Conservation Area, on the opposite (western) side of Cambridge Gardens, there are four residential villas which are Grade II Listed Buildings. The South Kilburn Conservation Area extends towards the areas to the north and west of the site and is characterised by similar Grade II Listed villas to those located close to the site on Cambridge Gardens.

Towards the east, within Westminster, stands St Augustine's Church which is a Grade I Listed Building. Within the grounds of St Augustine's Church also stands the memorial of Richard Carr Kirkpatrick with is a Grade II Listed Building.

Other notable buildings within the vicinity of the site includes the recently completed development on South Kilburn regeneration site 3C (the former roundabout site). Along the southern edge of Carlton Vale this residential development is predominately 7-storeys in height. Towards the west lies Hereford House and Exeter Court which are a similar form of development to Gloucester House and Durham Court, comprising of a large tower block and a series of smaller mid-rise blocks. Exeter Court and Hereford House are also identified for redevelopment within a later phase of the South Kilburn Regeneration programme.

PROPOSAL

See description above.

HISTORY

In March 2009, planning permission (ref. 08/3293) was granted for the erection of the St Augustine's Sports Hall which now stands to the north of the site. The development of the sports centre also included the

reprovision of the existing children's play area which is now located on the subject site. This play area was provided to replace a former play area which was lost due to the reconfiguration of the site that was required to deliver the sports hall.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)

The NPPF was published on 27th March 2012 and replaced Planning Policy Guidance and Planning Policy Statements as the planning policy framework for England. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication. The NPPG supplements the NPPF and provided further guidance on the interpretation on the policies contained within the NPPF.

Where the LDF Core Strategy, SPD's, SPG's and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF

London Plan 2011 (with 2013 Alterations)

The London Plan sets out the strategic planning framework for Greater London. Local plans and local planning decision are required to have regard to the London Plan. The following policies are considered to be of particular relevance to the current application.

- 2.14 Area for Regeneration
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.14 Existing Housing
- 5.2 Minimising Carbon Dioxide Emissions
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.9 Overheating and Cooling
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight
- 7.3 Designing out Crime
- 7.5 Public Realm

Mayor's Housing SPG 2012

The Mayor's Housing SPG sets out design guidance and standards for new residential development.

Brent's Local Development Framework Core Strategy 2010

The Council's LDF Core Strategy sets out the Council's strategic vision for delivering sustainable growth within the borough. The following policies are considered to be of particular relevance to the current application.

- CP1 Spatial Development Strategy
- CP2 Housing Growth
- CP5 Placemaking
- CP6 Design and Density in Place Shaping
- CP9 South Kilburn Growth Area
- CP15 Infrastructure to Support Development
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 A Balanced Housing Stock

Brent's Unitary Development Plan 2004

The UDP contains more detailed policies which seek to shape development proposals to deliver the Council's objectives. The following policies are considered to be of particular relevance to the current application.

BE2 Townscape: Local Context and Character
BE3 Urban Structure: Space & Movement
BE4 Access for Disabled People
BE5 Urban Clarity & Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE25 Development in Conservation Areas
BE28 Open Space in Conservation Areas.
EP3 Local Air Quality Management
H12 Residential Quality – Layout Considerations
TRN3 Environmental Impact of Traffic
TRN10 Walkable Environments
TRN11 The London Cycle Network
TRN22 Parking Standards – Non-residential Developments
TRN23 Parking Standards – Residential Developments
TRN34 Servicing in New Development

The following supplementary planning guidance is considered to be relevant to the application.

Supplementary Planning Guidance 17: 'Design Guide for New Development'

Supplementary Planning Guidance 19:- 'Sustainable Design, Construction and Pollution Control s106 Planning Obligations Supplementary Planning Document (July 2013)

SUSTAINABILITY ASSESSMENT

ENERGY ASSESSMENT

The proposed development would involve the delivery of a Decentralised Energy Centre which would power a district energy network for South Kilburn. This network would result in significant carbon emission savings not only for the proposed development but all developments that connect to the network. Further discussion on the Decentralised Energy Centre is contained within the remarks section of this report.

The submitted energy statement sets out that the development would achieve 51% reduction in regulated carbon emissions on the baseline requirements of the Building Regulations 2010. This saving is achieved through the use of passive measures (approximately 10%) and connection to the energy centre (approximately 41%). This exceeds the requirements of the London Plan which sets a minimum reduction of 40% on the 2010 Building Regulations. It is recommended that compliance with the London Plan standard is secured through a s106 planning obligation.

CODE FOR SUSTAINABLE HOMES & SUSTAINABILITY CHECKLIST

The application is accompanied by a Sustainability Statement which includes a completed Brent Sustainability Checklist, Code for Sustainable Homes pre-assessment report and a Sustainability Action Plan.

The reports conclude that the following is achievable:

- Achieves the Code for Sustainable Homes Level 4, meeting the requirement in the Core Strategy Policy CP19 for growth areas..
- Achieves sustainability checklist list scoring of 55%.

Officers recommend that compliance with these standards is secured through a s106 legal agreement.

ENVIRONMENTAL IMPACT ASSESSMENT

The screening opinion was provided having taken account of the Government's guidance on the types of case in which an EIA is likely to be required. This is contained within Annex A of Circular 2/99, Environmental Impact Assessments.

It is clear from this that only where potential impacts are judged to be significant, especially very large schemes in particular circumstances, require an EIA. Section A18 states that:

“EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature...”

The guidance provided by section A19 is even more pertinent which states that:

Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

*the site area of the scheme is more than 5 hectares; or
it would provide a total of more than 10,000 m² of new commercial floorspace; or
the development would have significant urbanising effects in a previously non, urbanised area
(e.g. a new development of more than 1,000 dwellings*

As the proposal is for the redevelopment of an existing housing site which will result in only a modest increase in dwellings, then this proposal, even when taken cumulatively with permissions already granted in South Kilburn, is unlikely to give rise to the level of impact where it is considered that an EIA is necessary.

DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where the probability of flooding due to its proximity to any waterway is at its lowest. As the site area of 1.3ha hectares triggers the requirement for a Flood Risk Assessment (FRA) an assessment has been submitted as part of the application documents. This concludes that the proposed development does not increase flood risk on site or off-site. The Environment Agency have been consulted and have raised no objections to the proposal subject to securing proposals within the FRA by condition.

CONSULTATION

PUBLIC CONSULTATION

Given the scale of the proposed development the planning application has been subject to widespread public consultation. Consultation letters, dated 29th May 2014, were sent to 1855 local residents, within both Brent and Westminster. Letters were also sent to Kilburn Ward Councillors, Westminster Councillors in the adjacent Ward, the Acorn Residents Association, the Queen's Park Residents Association and the Paddington Waterways & Maida Vale Society.

The application was also advertised by way of a number of site notices erected around the site on 30th May 2014. These notices advertised the application as being in the public interest, affecting a Conservation Area and affecting the setting of a Listed Building. A local press notice publicising the application was also published on 5th June 2014.

In response 28 letters of objection and 15 letters with comments on the proposals were received. This included letters of objection from representatives of the Acorn Residents Association, St Augustine's Church and St Augustine's School. The following issues were raised by the objectors.

Impact on St Augustine's Church

The proposed development would harm the structural stability of the St Augustine's Church (Grade I Listed). Residents of the new development may complain about the bells ringing at St Augustine's Church. St Augustine's Church will suffer a loss of earnings during construction as noise, vibration, dust and fumes will mean that recordings and concerts cannot be held.

Disturbance associated with the construction of the development will interfere with Church services, including weddings and funerals.

The scale, siting and design of the development will harm the character and appearance of St Augustine's Church.

Impact on School and Sports Hall

The proposed development would reduce light into the St Augustine's Sports Hall.

Construction works would cause disturbance to users of the sports hall, particularly when examinations are taking place.

The proposed development would overbear the nearby school playground.

Energy Centre

The Energy Centre Flue will obscure the church spire
The Energy Centre will cause, and concentrate, air pollution within the vicinity of the site.
What guarantees are there about energy prices
The Energy Centre would harm the character of the Conservation Area
Are there more appropriate locations for the energy centre?
Concerns that there might be more appropriate locations for the energy centre
Concerns as to whether air quality will be monitored and the results published.
Concerns over what would happen if there are technical problems with the energy centre

Impact on Conservation Area

The development would overshadow and harm the setting of the Grade II Listed Buildings on Cambridge Gardens.
The proposed development would harm the character of the South Kilburn Conservation Area.
The proposed development would result in the loss of important trees on Cambridge Gardens.
The submitted Heritage Statement incorrectly assumes that there is no adopted Character Appraisal for the South Kilburn Conservation Area.

Play Area

The proposed development would result in the closure of the existing children's playground to the rear of St Augustine's Sports Hall
The proposed replacement play area would not be of the same quality of as the existing playground.

General Concerns

The provision of a basement car-park will increase traffic within the vicinity of the site.
Concerns that local amenities are insufficient to accommodate the density of development proposed.
The proposed development involves the demolition of affordable housing.
The site address on the consultation letters was partially incorrect.

INTERNAL

TRANSPORTATION - The Council's Transportation Unit raise no objection to the proposals subject to a number of conditions and obligations. Further details are contained within the remarks section of the report.

ENVIRONMENTAL HEALTH - The Council's Environmental Health Officers have considered the proposals in terms of air quality, noise and disturbance, and land contamination. Environmental Health officers have not raised any objection to the proposals in principle but have recommended a number of detailed conditions to be attached to any permission to ensure that any impacts from the development are suitably controlled.

LANDSCAPE - In general, landscape officers have no objections to the proposal other than serious concerns about the loss of trees in the Conservation Area on Cambridge Road. (discussed in the 'remarks' section). A number of conditions have been recommended.

STREETCARE - No response received.

STATUTORY CONSULTTEES

MAYOR OF LONDON/TfL - As the proposed development would involve the erection of more than 150 flats the application is referable to the Mayor of London. The Mayor has issued his stage 1 report which sets out that whilst the proposal is broadly acceptable in strategic planning terms further information is required to demonstrate that the proposal is in full compliance with the London Plan. The areas where further information is required include affordable housing, sustainable energy and transport.

ENGLISH HERITAGE - English Heritage support the proposals and recommend that the application should be determined in accordance with local and national policy guidance.

WESTMINSTER CITY COUNCIL - No response has been received.

ENVIRONMENT AGENCY No objection subject to a condition requiring a detailed surface water drainage scheme.

THAMES WATER - No objections subjects to recommended conditions relating to water and sewerage infrastructure.

METROPOLITAN POLICE - No response received.

REMARKS

ENERGY CENTRE

1. Proposals to deliver a district wide combined heat and power network have been a long term aspiration of the Council and the South Kilburn Regeneration programme. The proposals have also been supported by the GLA. The purpose of the network is to provide heat and power to new developments across South Kilburn in a more efficient and sustainable way than can be achieved by conventional power networks.

2. The proposed decentralised energy scheme for South Kilburn will incorporate one energy centre generating heat through a district-wide combined heat and power (CHP) plant. Electricity is also generated through capturing usable heat that is produced in this process. To meet heating demand at peak times especially in winter, centralised gas boilers are also installed in the energy centre. The hot water generated is pumped through super insulated pipes in the ground to each building (this is referred to as the primary heat network). Heat exchange units are also installed within the buildings to enable the heat to be taken from the network. Each property drawing heat from the heat pipe is metered for heat consumption (for hot water and central heating) and the occupant pays for this heat accordingly. As part of the decentralised energy supply scheme, an Energy Services Company (ESCo) will be formed to install, manage and maintain the system and deliver heat to all the properties developed by the Council as part of the regeneration of South Kilburn. The ESCo will deal with billing and collection of payments from residents. The Council are currently in the process of procuring the ESCo for South Kilburn which will be operated by a private company.

3. An air quality assessment was undertaken in December 2011 by the Council's Environmental Health Officers which confirmed the preferred location for the energy centre, in air quality impact terms, as being within the Gloucester House and Durham Court development site. As such, the proposed development now incorporates the provision of an area of 491sqm within the basement of the proposed development that would be used to accommodate the energy centre for the proposed decentralised energy network. As the proposed energy centre will be located primarily at basement level, the main external sign of its existence would be the flue that would run up through the building before projecting through the roof of the tallest 8-storey element on the south-western side of the proposed development. The proposed flue has been designed as an integral part of the building, being located within the envelope of the building until it projects from the roof. The proposed flue would project 4m above the finished level of the roof but as the roof would have a 1.1m parapet wall around its edge leaving 2.9m of the flue exposed above this parapet wall. The proposed flue would be approximately 6.75m in width and 1.7m in depth, measured externally, and would be set back by approximately 8.5m from the southern elevation onto Carlton Vale and 9m from the western elevation on to Cambridge Road, limiting short views of the flue. Furthermore, the proposed flue would be clad externally with brickwork to match the proposed building which would help integrate its appearance into the development and reduce its visual impact on the surrounding area. Whilst some emission may be seen rising from the flue this is unlikely to be particularly excessive or visually obtrusive given the height and limited size of the flue. It is also noted that the proposed flue is on a part of the development located away from the nearby South Kilburn Conservation Area and Grade I Listed St Augustine's Church. Overall, within the context of the development, the proposed flue is considered to have a relatively minor visual impact on the character and appearance of the surrounding area.

4. In terms of air quality impacts, the site is located within an Air Quality Management Area, and therefore careful consideration of the likely impacts is required. The energy centre is currently proposed to be fuelled on natural gas, Nitrogen Dioxide (NO₂) will be the main emission. An Air Quality Assessment has been submitted as part of the application and this includes dispersion modelling which considers the air quality impacts associated with both the construction and operation of the proposal. The assessment finds that the magnitude of change for long term concentrations of air pollutants across the site results in an imperceptible to small increase, which subsequently results in a 'negligible impact during the operation of the energy centre, in accordance with Environmental Protection UK significance criteria for annual mean NO₂. This assessment has been reviewed by the Council's Environmental Health Officers who have raised no objection to the proposal. However, it is recommended that any permission be subject to conditions requiring the CHP and gas boilers within the energy centre to be tested for compliance with the standards set out in the air quality assessment prior to the full operation of the energy centre.

HOUSING ISSUES

AFFORDABLE HOUSING

5. The proposed development would involve the demolition of 209 existing units and the creation of 236 new dwellings, a net gain of 27 dwellings. The existing units to be demolished consist of 187 social rented

properties and 22 private units that have been bought out by leaseholders. The proposed development would involve the creation of 102 affordable units which equates to approximately 43% of the scheme. Although the proposed development would result in the net loss of 85 affordable units this lost should be considered within the wider Masterplan for South Kilburn that aims to reprovide all of the social housing that currently exists within South Kilburn.

6. An affordable housing statement has been submitted in support of the application. This sets out the position to date on affordable housing within the wider context of the South Kilburn regeneration programme. In terms of the developments that have either been completed or are under construction these will deliver 517 affordable units and 426 private units. Having reviewed the planning consents for these schemes it appears that so far 419 affordable units have been demolished (include 39 bedsit units within Gordon House) resulting in a net addition of affordable housing of 98 units at the current time. The current scheme would erode this increase but the overall position would still be a net addition of 13 affordable units across the regeneration scheme and therefore officers consider that the current scheme would not result in a loss of affordable housing. However, the GLA have requested further information from the applicant including the projected affordable housing figures for future phases of the regeneration programme and details of the position on affordable housing by habitable room and floorspace.

7. The London Plan seeks to achieve the maximum amount of affordable housing on sites, subject to viability. The Council's Core Strategy seeks to achieve 50% affordable housing which is predicated on the former London Plan policy target. Whilst, when considered in isolation, at 43% the proposed development falls short of providing 50% affordable units, regard should be given the viability of the wider South Kilburn Regeneration programme. To date the regeneration programme has delivered an overall proportion of 54% affordable housing across the programme. If the current proposal for Gloucester and Durham goes ahead this figure would still stand at 52.5% affordable housing across the programme, in excess of the Council's 50% target.

8. In order to demonstrate that the current application is delivering the maximum viable amount of affordable housing the applicants have submitted a financial appraisal of the scheme. Officers consider that the appraisal adequately demonstrates that the scheme will provide the maximum quantum of affordable housing,

9. It should also be noted that the proposed development would contribute towards the wider rebalancing of the affordable unit mix across South Kilburn where the aim is to provide a greater proportion of larger, 3-bedroom, units. Only 16% of the existing affordable housing on site has 3-bedrooms, whereas 31.4% the proposed affordable housing would have either 3 or 4 bedrooms. The demand for larger family sized units is specifically identified in policy CP21 of the Core Strategy.

10. The affordable dwellings will be 100% social rented as the decanting needs of the existing tenants within the South Kilburn area outweigh the demand for intermediate housing. Within the context of the regeneration programme this is considered acceptable.

UNIT MIX

11. The proposed development would consist of the following unit mix.

Property Size	Affordable	Private	Total
1 bed flat	35 (34%)	57 (42.5%)	92 (39%)
2 bed flat (3 person)	7 (7%)	11 (8%)	18 (7.6%)
2 bed flat (4 person)	28 (27.5%)	39 (29%)	67 (28.4%)
3 bed flat	28 (27.5%)	21 (16%)	49 (20.8%)
3 bed maisonette	3 (3%)	0	3 (1.3%)
4 bed flat	1 (1%)	0	1 (0.4%)
4 bed maisonette	0	6 (4.5%)	6 (2.5%)

The proposal is considered to respond to Brent's wider housing needs, including the desire for larger family sized units. as set out in policy CP21 of the Core Strategy. 25% of all new dwellings (59 in total) will have 3 bedrooms or more with the majority of these units (32 in total) providing affordable housing.

RESIDENTIAL QUALITY

12. The proposed units, both affordable and private, have been designed to comply in all respects with the standards set out in the Mayors Housing SPG 2012. Whilst the South Kilburn SPD 2005 sought larger flat

sizes than the Council's standards set out in SPG17, in previous schemes in South Kilburn this has rarely been achieved due to impact of these larger units on the density and viability of development. The space standards set out in the Mayors SPG still constitute an significant increase on the standards set out in SPG17 but are considered to strike a more appropriate balance between residential quality and the viability of development than those contained in the SPD. The units within the proposed development have been designed to meet or exceed the space standards set out in the Mayors SPG and, on balance, this is considered acceptable. All of the units would have an acceptable layout and sufficient forms of outlook and light.

ACCESSIBILITY

13. All of the proposed units will be constructed to be Lifetime Homes compliant. 10% of all units will be designed to be wheelchair accessible, or easily adaptable, and will be provided on the following mix of units/tenures

	1-bed	2-bed	3-bed	Total
Market	10	3	1	14
Affordable	2	2	6	10
Total	16	5	7	24

All of the proposed wheelchair units will be within the southern half of the development in order to be located in close proximity to the provision of disabled parking spaces which are located within the basement car-park.

HERITAGE

14. The subject site is located partially within the South Kilburn Conservation Area, which is predominantly characterised by a number of Grade II Listed residential villas, and in close proximity to the Grade I Listed St Augustine's Church, which also has a Grade II Listed memorial of Richard Carr Kirkpatrick within its grounds. The impact of the proposed development on these heritage assets requires careful consideration and the applicant has submitted a Heritage Statement as part of the application. When considering the impact of the proposed development on the setting of these heritage assets regard should be given to the impact of the existing buildings on site to the setting. English Heritage have been consulted on the proposals and indicated their support for the application.

THE CHURCH OF ST AUGUSTINE

15. The Church of St Augustine lies approximately 30m towards the east of the site on the opposite side of Kilburn Park Road within Westminster. The church was designed by the architect John Loughborough Pearson and was built between 1870 and 1877, with the spire completed in 1898. It is notable as the church with the tallest spire in London, at 254 feet, and for the richness of decoration and complexity of the internal space. The church has been described as Pearson's best work, as one of the best examples of its type and age in the country, and as a work of genius. A memorial to Richard Carr Kirkpatrick, (priest, founder of St Augustine's Church and its first vicar from 1870 to 1907) that stands about 10 yards to north-west of church is grade II listed.

16. The proposed development seeks to respect the setting of these important heritage assets both through its scale and siting. The proposed central public square/play area has been designed to address the church and open up new direct views of the church along Granville Road. Some views of the church spire, which is an important element of the character of the church, are currently obscured by the 18-storey tower block on site and the proposed development seeks to address this issue by reducing the overall height of development on site. In particular, the height of the proposed development along Kilburn Park Road, opposite the church, would be set at 6-storeys. This would result in a development of a similar height to the main body of the church but would not compete with the church spire. Whilst, it is noted that in general the proposed development would be located closer to the church than the existing blocks of Durham Court, this would help to create a more defined street edge and an more legible streetscape around the area in front of the church. The general architecture of the blocks opposite the church is of a simple yet high standard and would be treated with sensitive materials. Overall, it is considered that the architecture of the block responds appropriately to the Listed Buildings and does not seek to compete or dominate the streetscene.

17. Concerns have been raised regarding the impact on the church during construction, both in terms of structural stability and in terms of noise and disturbance. Issues relating to the structural impacts of development are normally beyond the remit of planning as these would normally be considered to be a civil matter, if any damage were caused during construction. However, it is also noted that the church stands approximately 35m from the nearest part of the site. In terms of noise and disturbance it is inevitable that any

large scale construction project will cause some degree of disturbance. However, officers are recommending conditions to be placed on any permission to ensure that any disturbance is kept to reasonable levels (see para 38-39).

SOUTH KILBURN CONSERVATION AREA AND LISTED BUILDINGS

18. The northern edge of the site, which is currently occupied by a children's play area lies within the South Kilburn Conservation Area. The conservation area is located in South Kilburn's historic quarter and is part of the historic Kilburn Park estate that dates from 1861-1873. The significance of the area stems from its origins as part of the historic development of this part of London, in the second half of the 19th century. The area contains many fine examples of 19th century villas and represents a high quality area of historic townscape. Architecturally, it is the overall quality and intactness of the formal, mid 19th century villas that is of the greatest significance.

19. In wider townscape terms it is considered that the proposed development constitute a significant improvement over the existing buildings on site and that this would have some benefit to the setting of the Conservation Area. In more localised terms, the proposed development would have its greatest impact on the setting of the Conservation Area in the northwest corner of the site where a 4-storey block would be erected along Cambridge Road. This block would sit opposite the Grade II listed villas at 61-63 Cambridge Road.

20. The proposed 4-storey blocks would result in the removal of two London Plane trees within the existing children's play area which forms part of a more established run of trees along this side of Cambridge Road. The loss of these trees is discussed in more detail below (see para 27), but in general the loss of these trees in their own right is considered to detract from the streetscene. However, the proposed block would form a new street edge of a scale that is compatible with the existing buildings on the opposite side of Cambridge Road. The architecture of the block would also seek to respect the local heritage assets through its materiality, proportions and detailing. As such, on balance, it is considered that the proposed 4-storey block would maintain an acceptable setting for the Grade II Listed Buildings on Cambridge Road and the South Kilburn Conservation Area.

URBAN DESIGN

LAYOUT & ACCESS

21. The proposed development generally comprises two perimeter blocks set on either side of a central public square and play area. The use of perimeter blocks means that residential entrances are located directly onto the street or the new public square. Although separate cores would be provided for affordable and private housing, the entrances to these blocks would be of a similar quality in terms of design and access. The general form of the developments would help to re-establish the street edges within the main streetscenes along Cambridge Road and Kilburn Park Road.

SCALE & MASSING

22. The overall scale of the development is predominantly between four and six storeys with the exception of an 8-storey element which is located on the south-western corner of the site, at the junction of Carlton Vale and Cambridge Road. As such, the majority of the development is in accordance with the guidance contained in South Kilburn SPD which sets out that developments will be predominantly 4-6 storeys. The 8-storey element, which contains the flue of energy centre flue and therefore benefits from being at a higher level, has to be considered on its merits within the context of the surrounding area. Carlton Vale is one of the major routes through the South Kilburn Regeneration Area and its importance is reflected in its width in comparison to other side streets within the locality. This width allows a taller building to sit more comfortably within the streetscene, reducing the sense of enclosure that would otherwise be created. A similar effect would be created on Cambridge Road due to the proposed build out of the footpath in front of the 8-storey element. The proposed 8-storey element would also be located opposite the recent development on the former roundabout site which is 7-storey in height.

ELEVATIONAL DETAIL

23. The blocks within the proposed development have been designed by three separate architects which adds an element of variety and interest to the architecture of the scheme. However, the design approaches are not radically different and there is a reasonable degree of commonality between the blocks, in terms of materiality and proportions, that results in a series of cohesive elevational treatments across the development. Overall, the elevations are considered to be well proportioned and detailed in an architectural style that would complement both the nearby new developments within the regeneration programme but also

the existing buildings in the surrounding area.

24. The elevations will be predominantly finished externally with yellow/buff brickwork. The TBS Mystique brick with a lime mortar has been presented by the applicant as the preferred option for the development and this appears to be of suitable quality to ensure a high quality finish to the development. This material would be used without preventing any external differentiation in quality between the affordable and private blocks.

OPEN SPACE

PLAY SPACE & FOOTPATH

25. The northern edge of the site is currently occupied by a public children's play area and a public footpath running east-west through the site. This children's play area was formed following the construction of the adjacent St Augustine's Sports Hall (see 'History'). The proposed development would result in the demolition of the existing play area and the stopping up of the footpath. A new replacement play area and public route would be provided as part of the development. The proposed public route is considered to have a similar utility to the existing.

26. The existing play area is of a reasonable standard comprising of grassed areas with inter dispersed pieces of play equipment throughout that generally cater for smaller children. In order to justify the proposed redevelopment it is important that the replacement facility is of a significantly improved quality. In terms of overall provision of play area, the existing play area has an area of 985m² and the proposed play area would have an area of 986m², and therefore there would little difference in terms of quantum. However, it is worth noting that the proposed play area would sit at the centre of a new public square and that in total the public square and play area would have an area of 1163m². Detailed proposals for the landscaping of the proposed children's play area have been submitted as part of the application. The proposed public square would include area designated for play for the under 5's but also areas designated for play by 5-11 year olds. Other areas would include general amenity areas with seating and a hard public space at the eastern end opposite the church. Overall, the proposals appear to be of sufficient quality to justify the redevelopment of the existing play area and inconvenience that will be caused during construction when no play area will be provided. Given the importance of the quality of the play area and public space it is recommended that this be secured through condition.

TREES

27. The proposed development will require the removal of 20 of the 25 trees throughout the site. The trees to be removed are of varying quality and these proposals have been reviewed by the Council's Tree Protection Officer and the loss of the existing trees is generally accepted, subject to suitable replanting, except for the two large London Plane trees which are located at the western edge of the existing children's play area, close to the boundary with Cambridge Road. These trees, which are Category B trees, form one end of a run of similar mature trees that are planted just inside of the children's play area and the adjacent sports hall, which collectively contributes to the an attractive tree line along Cambridge Road/Gardens. Originally, the development proposals had included the retention of these trees. However, following site investigations which confirmed the exact location of a large sewer which was known to run beneath the site, the proposals were revised by the applicant to move forward the block at the northern end of Cambridge Road to avoid building over the sewer which would require an agreement with Thames Water. It is this relocation of that block which now results in the loss of the two trees. Planning officers had advised the applicant that the loss of such prominent trees would not normally be supported and recommended that alternative options be explored. However, despite lengthy discussions on this issue with the applicant the development has not been amended and the proposal remains to remove these trees.

28. The Council's Tree officer and planning officers do not support proposals to remove the trees from the site. However, in making a recommendation to Members officers are required to make a balanced decision taking into account all relevant facts and issues associated with the proposals. On this basis, officers do not consider that the loss of the trees as an isolated issue would provide sufficient grounds to recommend refusal.

29. The application includes a replacement tree planting strategy which proposes to plant 5 trees for everyone removed, which equates to 100 new trees. The strategy identifies locations where these trees can be planted, taking into account existing services within the ground. However, despite the robustness of this tree planting strategy it is recommended that replacement tree planting be secured as part of a s106 planning obligation and that this obligation include a mechanism for securing mitigation in the form of other suitable landscaping if any of these trees cannot be provided.

AMENITY SPACE

30. The landscaping strategy sets out that amenity space for the development would consist of private balconies/terraces to all upper floor units, private gardens to the ground floor units and two central communal gardens, one for each perimeter block. Each of the communal gardens would include a children's play area for under 5's. Both of these communal courtyards would be shared between residents of both the affordable and private units. Landscaping would also be provided throughout the development, along frontages and within the public realm.

31. In terms of overall, quantum, the guidance contained in SPG17 would require a total amenity provision of 5560m². Taking into account all of the private and communal gardens, terraces and balconies across the scheme the provision of amenity space would be 5005sqm, a deficiency of 555m². However, the development would also include 1163m² of public open space, and whilst public space would not normally be taken into account when calculating amenity standards, it is acknowledged that these public spaces would be easily accessible to residents of the proposed development and would make a positive contribution to the standard of amenity available. As such, on balance, it is considered that the proposed standards of amenity space would be generally acceptable.

32. The landscaping strategy has been examined by the Council's Landscape Design Team and is considered to be generally of a good quality that would provide improved amenity and aid local biodiversity. . A condition securing the details of the proposed landscaping works for the site is recommended

PHYSICAL AND ENVIRONMENTAL IMPACTS

33. There are a number of properties and buildings within the area surrounding the subject site. The following sections consider the physical and environmental impacts of the development on the surrounding area.

DAYLIGHT/SUNLIGHT

34. The applicant provided a daylight/sunlight report as part of the submission. However, the original report focused on the daylight/sunlight standards for the proposed development and lacked detail in terms of assessing the impact of the development on the daylight/sunlight of existing buildings surrounding the site. A revised report has now been submitted which provided the necessary detail. The assessment methodology for daylight and sunlight is based on the Building Research Establishment (BRE) guidelines on "Site Layout Planning for Daylight & Sunlight"

35. The daylight/sunlight study predominantly focuses on the impact on residential habitable room windows. To this extent the report focuses on the impact on residential windows on Cambridge Road, Carlton Dene and the new development on the former roundabout site. The report finds that in terms of the daylight/sunlight impacts the proposed development would be in accordance with the BRE standards in terms of the impact on the properties on Cambridge Road and Carlton Dene. In terms of the impacts of the new development on the former roundabout site, the report finds that whilst there are unlikely to be any significant sunlight impacts due to the proposed development being located towards the north, that there may be some loss of daylight to between 12 and 25 of the 100 windows located on the northern elevation of this building, The reports sets out that the limited daylight to these windows is predominantly due to their locations beneath balconies or overhangs. The affected windows appear to mainly serve bedrooms within units which have an alternative aspect to the living/dining kitchen areas. Whilst this does not fully overcome the impact on daylight to the affected windows, on balance, it is considered that the overall impacts on daylight would not be so severe to outweigh the benefits of the development which are set out in this report.

PRIVACY & OUTLOOK

36. The relationships between the proposed development and neighbouring residential properties are between the front elevations rather than the rear. SPG17 advises that acceptable distances between front elevations should normally be determined by the character of road widths in the area. The distances between the site boundary and residential frontages on the opposite side of the road are generally between 17-18m and therefore, the frontage to frontage distances would slightly exceed this. In terms of privacy between front elevations, which are naturally less private than rear elevations, this is considered to be sufficient to ensure reasonable levels of privacy for existing and future residents is maintained. These distances are also considered sufficient to ensure reasonable outlook is maintained from neighbouring residential windows.

37. Window to window relationships within the development are in general accordance with the guidance contained in SPG17 and therefore reasonable standards of privacy and outlook will be provided for future

occupiers of the development.

NOISE

38. The applicants have submitted an Acoustic Reports as part of the current planning application which aims to assess the likely impacts of noise both on occupiers of the proposed development and on the surrounding area. The assessments use various means of acoustic modelling to provide a summary of the likely impacts. These reports and their results have been inspected by the Council's Environmental Health Unit and it is considered that it is unlikely that the development would result in any significant increase in instances of unacceptable noise disturbance.

39. In respect of any noise that may be produced by the proposed energy centre, the submitted acoustic report sets out noise level targets that are to be met. The Council's Environmental Health Officers agree that the proposed targets are acceptable and it is recommended that compliance with these targets be secured through a planning condition.

40. Concerns have been raised that occupiers of the proposed development may complain about the ringing of the bells at the Church of St Augustine. The Council's Environmental Health Officer have confirmed that they would have a duty to investigate any complaint should one be made by a Brent resident. However, the likelihood of Environmental Health taking action is dependant on a number of factors such as frequency, duration and type of noise. In determining whether an issue is a nuisance Environmental Health would also take into account the impacts on those complaining, including undertaking a visit to their property at the time they are affected, to establish whether there is a significant impact on daily life and activities such as watching TV and sleeping. Therefore, if the ringing is not a nuisance and is conducted within reasonable hours the Environmental Health are unlikely to take the matter further. Environmental Health have confirmed that they have no record of any complaints regarding the ringing of the bells from residents of Gloucester House and Durham Court, or any other residents. A condition has been recommended to ensure that the new residential units are sound insulation to a suitable standard.

41. In terms of construction works, it is acknowledged that a temporary increase in noise and vibration is often an inevitable consequence of any significant building work. However, it is important that these impacts are mitigated to ensure that any disturbance is kept to a minimum. As such, it is considered that any permission should be subject to the submission of and compliance with a Construction Method Statement to be secured by way of condition. It is also recommend that permission should be subject to a s106 requirement to join and adhere to the Considerate Contractors scheme.

AIR QUALITY

42. The impact of the proposed development on air quality within the context of the proposed energy centre is discussed above. However, the submitted air quality assessments also consider the impacts on air quality associated with any additional traffic generated by the development. This has been reviewed by the Council's Environmental Health officers and it is not considered that the development will generate a traffic impact that would result in a significant change in local air quality.

43. It is recognised that, in the absence of suitable mitigation, construction and demolition works can give rise to high levels of dust. The applicant has set out suitable mitigation measures within the submitted air quality assessment and it is recommended that these measures be secured by planning condition.

TRANSPORTATION

CAR PARKING

44. The subject site is located within Controlled Parking Zone "K", operational between 8am and 6.30pm Monday to Fridays. The site is also located within an area which has very good public transport accessibility (PTAL 6) and therefore reduced maximum parking standards of 0.7 spaces per 1/2 bedroom unit and 1.2 spaces per 3+ bedroom unit would apply to the proposed development. Under the maximum standards up to 194 car parking spaces would be allowed for the proposed development. Therefore proposals to provide 91 on-site parking spaces at basement level beneath the southern block, which is equivalent to the existing provision of parking on the site, would comply with the Council's parking standards.

45. These 91 spaces are all to be allocated to residents in the southern half of the development, with 46 spaces to be allocated to residents of the 78 private housing units and the remaining 45 allocated to residents in the 74 social rented housing units. This ratio of spaces between private and affordable units is considered appropriate, and further details of how the spaces will be allocated to individual properties and managed have

been provided in a framework Car Park Management Plan. It is recommended that any permission be subject to a condition requiring the submission and adherence to a finalised Car Park Management Plan to ensure that the proposed car-parking spaces are allocated and managed in an efficient way.

46. Although parking is proposed for the development at the ratio of 0.4 spaces per unit, Policy TRN23 requires consideration to be given to the impact of any overspill parking on the free and safe flow of traffic in the area and to ensure that any amount of overspill parking is kept to an acceptable level. To ensure that the impact of overspill parking is properly controlled it is recommended that a 'permit-free' agreement be applied to the majority of the development, restricting future occupiers of the development from applying for on-street parking permits. This will help to prevent excessive demand for the on-street spaces within the vicinity of the site, which could jeopardise the parking provision for future phases of the South Kilburn development.

47. Although the majority of the development would be 'permit-free', it is recognised from the submitted parking surveys that Cambridge Road and Rudolph Road do offer some spare parking capacity along the site frontage, where there would be some 18 on-street spaces, so there is scope to allow some of the units in this development to apply for permits. The Transport Assessment therefore proposes that the 31 flats in Blocks 5.3 and 5.4 (which do not have access to basement parking) be exempted from the car-free agreement, allowing occupants to apply for on-street parking permits. This is considered to be acceptable and will approximately match the supply of spaces to the likely demand generated by these flats.

48. Standard PS15 requires at least 10% of the proposed parking spaces for the affordable units and 5% of the spaces for the private units to be widened and marked for disabled parking. A total of 24 wide disabled spaces have been indicated within the basement, which is sufficient to provide one allocated space to be provided for each of the designated wheelchair accessible units. The concentration of the wheelchair units within the southern half of the development also means that they each have easy access to their allocated parking via lift. The proposed headroom within the basement is sufficient to accommodate 'high-top' conversion vehicles, thus ensuring spaces are accessible to all disabled drivers.

49. The Transport Assessment states that electric vehicle charging points will be provided in line with London Plan standard, although they have not been marked on the basement parking layout. Further details should therefore be sought as a condition of any approval.

SERVICING

50. With regard to servicing, refuse stores are located alongside entrance cores at the front of all of the blocks. This generally allows easy access by refuse vehicles standing on the adjoining highway, with dropped kerbs to be provided in appropriate locations. Blocks 4.1 & 5.3 front the central pedestrian-only route through the site though, making access by refuse vehicles more difficult. To address this, the refuse stores have been positioned as close to the Cambridge Road highway boundary as possible (some 20-25m wheeling distance) and the relaxation to normal maximum wheeling distances has been accepted by Brent Waste & Recycling service. Entrance cores to all units are easily accessible from the adjoining roads for fire access and deliveries of other goods.

51. Servicing of the energy centre is proposed to take place from the basement. The Council's Transportation Unit have confirmed that the basement layout is generally acceptable, with dimensions of spaces and aisle widths meeting standards. Supporting columns have not been shown and these will need to be carefully positioned so as not to obstruct access to spaces. The access ramp is shown to an acceptable width and whilst the proposed gradient is steep, transition lengths have been indicated at either end to reduce the risk of vehicles grounding.

52. The proposed basement access onto Cambridge Road is also acceptable in terms of junction spacing from Carlton Vale and sightlines, with the gates set well back from the highway boundary to allow vehicles to stand whilst they are opened. The two existing site accesses which will become redundant will need to be reinstated to footway and parking bays along Cambridge Road will need to be amended to suit the new access arrangements. These works can be secured by condition.

STOPPING UP

53. The proposed development would involve the stopping up of an existing pedestrian footpath running from east to west through the site, adjacent to the existing children's play area. The new central pedestrian route through the site will provide a replacement for the existing footpath. Discussions have been held between Transportation officers and the applicant regarding the potential adoption of the new route as public highway and Transportation officers have confirmed that this would be acceptable, provided it does not include the

central playspace. A S38 Agreement (or suitable internal transfer of liability between Council departments) will be required for the footpath adoption.

TRAVEL PLAN

54. The applicant has submitted a Travel Plan as part of the current planning application which seeks to promote the use of sustainable methods of transportation by potential occupiers of the proposed development. The Travel Plan has been assessed by the Council's Transportation Unit using TfL's ATTrBuTE program but has failed to score pass rating. To score a pass rating the Travel Plan will need to set out clearly how on-site car parking will be managed (even though a permit system is currently used) and how this (along with the car-free agreement) will be communicated to future residents, as well as providing more detail on the level of subsidy to be provided for membership of local Car Clubs. As it is reasonable to assume that the applicant will be able to address these issues it is recommended that the Travel Plan and its exact terms are agreed by way of a s106 legal agreement.

CYCLE STORAGE

55. A total of 290 residential cycle storage spaces are proposed in storerooms alongside each entrance core to the blocks, thus ensuring that parking is secure, covered and convenient. A further ten publicly accessible bicycle parking spaces for visitors are also proposed in the area of open space in the centre of the site, which is also welcomed. The provision of cycle parking for the proposed development complies with both local and London Plan standards.

CONSIDERATION OF OBJECTIONS

56. The following table sets out the concerns raised by objectors and how they are addressed through the report.

Issue	Officers Response
Impact on St Augustine's Church	
The proposed development would harm the structural stability of the St Augustine's Church (Grade I Listed)	See para 17
Residents of the new development may complain about the bells ringing at St Augustine's Church	See para 40
St Augustine's Church will suffer a loss of earnings during construction as noise, vibration, dust and fumes will mean that recordings and concerts cannot be held.	See paras 17, 41. In addition the developer will be required to join and adhere to the Considerate Constructors scheme as part of the s106 agreement.
Disturbance associated with the construction of the development will interfere with Church services, including weddings and funerals.	As above.
The scale, siting and design of the development will harm the character and appearance of St Augustine's Church	See para 15-16
Impact on School and Sports Hall	
The proposed development would reduce light into the St Augustine's Sports Hall.	The daylight/sunlight report referred to in paras 34-35, does not raise any issues in relation to impact on light on St Augustine's Sports Hall as the BRE assessment is only applicable to non-residential premises. No residential buildings are generally sensitive to daylight and sunlight issues. It is noted that the sports hall has clerestory glazing on both the north and south façades and therefore should still receive reasonable levels of daylight. It is also assumed that the sports hall is normally lit by some form of artificial lighting as well as through natural light.
Construction works would cause disturbance to users of the sports hall, particularly when examinations are taking place	See paras 41. In addition the developer will be required to join and adhere to the Considerate Constructors scheme as part of the s106 agreement.
The proposed development would overbear the nearby school playground.	The school playground is approximately 20m from the proposed development. Officers do not consider that the proposed development would be overbearing or would it would have a significantly detrimental impact on the use of the school playground.

Energy Centre	
The Energy Centre Flue will obscure the church spire	See para 16.
The Energy Centre will cause, and concentrate, air pollution within the vicinity of the site.	See para 4
What guarantees are there about energy prices	The issue of energy price is a largely a matter for the Council's procurement process. Officers understand that it is the Councils to negotiate a discount price (to the equivalent cost of gas) against and standard charges during the ESCo procurement process.
The Energy Centre would harm the character of the Conservation Area	See para 3
Are there more appropriate locations for the energy centre?	See para 3
Concerns that there might be more appropriate locations for the energy centre	See para 3
Concerns as to whether air quality will be monitored and the results published.	See para 4. Conditions will be placed on the proposal requiring the energy centre equipment to meet Environmental Health standards.
Concerns over what would happen if there are technical problems with the energy centre	The energy centre has back up gas boilers.
Impact on Conservation Area	
The development would overshadow and harm the setting of the Grade II Listed Buildings on Cambridge Gardens.	See paras 18-20
The proposed development would harm the character of the South Kilburn Conservation Area.	See paras 18-20
The proposed development would result in the loss of important trees on Cambridge Gardens.	See paras 20, 27-29
The submitted Heritage Statement incorrectly assumes that there is no adopted Character Appraisal for the South Kilburn Conservation Area.	Members may be aware that the Council undertook a character appraisal of the South Kilburn Conservation Area in 2006. This document appraised the character of the Conservation Area but it does not constitute a formal guidance.
Play Area	
The proposed development would result in the closure of the existing children's playground to the rear of St Augustine's Sports Hall	See paras 25-26
The proposed replacement play area would not be of the same quality of as the existing playground.	See paras 25-26
General Concerns	
The provision of a basement car-park will increase traffic within the vicinity of the site.	The basement car-park provide no more parking spaces than are available on the site. The traffic impact of the development is covered in the submitted transport assessment. The Council's Transportation Committee and TfL have confirmed that there would be no significantly adverse traffic impact as a result of the development. Traffic issues during construction will need to be addressed within the Construction Method Statement. A traffic management plan will be required by condition.
Concerns that local amenities are insufficient to accommodate the density of development proposed.	The proposed development will be attract a Community Infrastructure Levy. The purpose of the Levy is to fund the infrastructure required to support sustainable development.
The proposed development involves the demolition of affordable housing.	See paras 5-6
The site address on the consultation letters was partially incorrect.	The initial site description contained a typographical error which described the site as "Durham Court and Garages, Kilburn Park Road, London, NW10 2JG & Gloucester House and Garages, Cambridge Road, London, NW10 2JG" (NW10 2JG emphasis). This has since been corrected. It is considered that this is a minor error and that consultees would have been aware of the location of the development, particularly as the postcode for Kilburn Park road is correct. It is confirmed that there is no Cambridge Road in NW10 2JG.

CONCLUSION

56. The principle of the redevelopment of the site for new housing is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting series of buildings in an highly accessible location which provides a key opportunity to provide a good quality sustainable development. The site is one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area and it can play a key role in instigating the regeneration of the South Kilburn area. Although the proposals result in the loss of two significant trees and the existing children's play area, the proposals for the public realm and a new children play area and public square will provide a long term benefit to the area and its residents. Overall, it is therefore considered that the proposals are considered to be in general accordance with the policies set out within Brent's LDF Core Strategy 2010, UDP 2004 and supplementary guidance and on this basis, it is recommended that planning permission is granted, subject to the Heads of Terms, as set out in the s106 details, and planning conditions recommended below..

RECOMMENDATION: Grant Consent subject to Legal agreement

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

LDF Core Strategy 2010
 Brent Unitary Development Plan 2004
 Council's Supplementary Planning Guidance 17
 Council's Supplementary Planning Guidance 19
 Council's s106 Planning Obligations SPD

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
 Environmental Protection: in terms of protecting specific features of the environment and protecting the public
 Housing: in terms of protecting residential amenities and guiding new development
 Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
 Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

1713 - P - 001 - PL1	1713 - P - 009 - PL1	1713 - P - 010 - PL1	1713 - P - 018 - PL1
1713 - P - 031 - PL1	1713 - P - 030 - PL1	1713 - P - 041 - PL1	1713 - P - 099 - PL1
1713 - P - 101 - PL1	1713 - P - 100 - PL1	1713 - P - 103 - PL1	1713 - P - 104 - PL1
1713 - P - 106 - PL1	1713 - P - 102 - PL1	1713 - P - 105 - PL1	1713 - P - 108 - PL1
1713 - P - 201 - PL1	1713 - P - 107 - PL1	1713 - P - 200 - PL1	1713 - P - 303 - PL1
1713 - P - 300 - PL1	1713 - P - 301 - PL1	1713 - P - 302 - PL1	1713 - P - 304 - PL1
1713 - P - 305 - PL1	1713 - P - 304 - PL1	1713 - P - 401 - PL1	1713 - P - 402 - PL1
1713 - P - 401 - PL1	1713 - P - 401 - PL1	1713 - P - 402 - PL1	1713 - P - 403 - PL1
1713 - P - 411 - PL1	1713 - P - 411 - PL1		

1713 - P - 412 - PL1	1713 - P - 413 - 1 - PL1	1713 - P - 413 - 2 - PL1	1713 - P - 422 - PL1
1713 - P - 452 - PL1	1713 - P - 453 - PL1	1713 - P - 454 - 1 - PL1	1713 - P - 454 - 2 - PL1
1713 - P - 462 - PL1	1713 - P - 463 - PL1	1713 - P - 464 - 1 - PL1	1713 - P - 464 - 2 - PL1
1713 - P - 472 - PL1	1713 - P - 473 - PL1	1713 - P - 474 - 1 - PL1	1713 - P - 474 - 2 - PL1
SKR / 10 - 01 - J	SKR / 10 - 02 - I	SKR / 10 - 03 - I	SKR / 10 - 04 - I
SKR / 10 - 05 - I	SKR / 10 - 07 - I	SKR / 20 - 01 - E	SKR / 20 - 02 - E
SKR / 10 - 06 - I	SKR / 10 - 51 - I	SKR / 10 - 53 - I	SKR / 10 - 54 - I
SKR / 30 - 10 - F	SKR / 10 - 52 - I	SKR / 10 - 58 - I	SKR / 10 - 59 - I
SKR / 10 - 55 - I	SKR / 10 - 57 - I	SKR / 10 - 63 - I	SKR / 10 - 64 - I
SKR / 10 - 56 - I	SKR / 10 - 62 - I		
SKR / 10 - 60 - I			
SKR / 10 - 61 - I			
SKR / 10 - 65 - I			
SKR / 10 - 66 - I			
2365_A_00_101_F	2365_A_01_102_D	2365_A_02_103_D	
2365_A_03_104_D	2365_A_05_106_E		
2365_A_06_107_D	2365_A-XX-0151_E	2365_A-XX-0152_E	
2365_A-XX-0153_E	2365_A-XX-0154_E		
2365_A-XX-0155_E	2365_A-XX-0156_E	2365_A_01_2001_B	
2365_A_01_2002_B	2365_A_01_2003_B		
2365_A_01_2004_B	2365_A_01_2005_B	2365_A_01_2006_B	
2365_A_01_2007_B	2365_A_00_2008_B		

Design & Access Statement
 Transport Assessment
 Air Quality Assessment
 Wind Desktop Study
 Flood Risk Assessment
 Archaeological Assessment
 Affordable Housing Statement
 Planning Statement
 Heritage Statement
 Sustainability Statement
 Ventilation and Extraction Statement
 Utilities Statement
 External Lighting Statement
 Building Services Engineering Report
 Structural Report
 Fire Strategy Report
 Acoustic Report
 Ecology Report
 CDMC Report
 EIA Screening Opinion
 Site Investigation Report
 Daylight and Sunlight Addendum

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

- (3) During all demolition and construction works associated with the development the site specific mitigation measures, to mitigate the impacts of dust and fine particles generated by the construction and demolition works, set out in section 7 of the "Air Quality Assessment" report prepared by Buro Happold dated 8 May 2014 (Ref.N.031990) shall be implemented in full.

Reason: To minimise dust arising from the operation.

- (4) During demolition and construction works associated with the development the following standards shall be adhered to:

- The best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- Vehicular access to adjoining and opposite premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
- A barrier shall be constructed around the site, to be erected prior to demolition;

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance and pollution

- (5) All vehicular crossings that become redundant as part of the development, hereby approved shall be returned to kerb and channel, and new on-street parking bays provided where possible, prior to the occupation of the development.

Reason: To ensure the efficient provision of on-street parking bays for those residents of the development that are entitled to apply for on-street parking permits.

- (6) All parking spaces, turning areas, access roads and footways indicated on the approved plans shall be constructed and permanently marked out prior to the first occupation of the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (7) The District Heat and Power system installed shall meet or improve upon the emissions standards and technical details described in the Brent "South Kilburn Energy Centre Air Quality Assessment" report dated 21 December 2011 (Ref.N.11228/2). Prior to the commencement of the use of the energy centre further details of tests undertaken on the installed unit to demonstrate that the emissions standards and exit velocities have been achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the unit shall be maintained in such a way to ensure that these standards continue to be met.

Reason: To protect local air quality in accordance with Brent Policies EP3 and EP4 and to ensure that users of the surrounding area do not suffer a loss of amenity by poor air quality

- (8) The communal gas boiler units installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall submit details of tests undertaken on the installed units to demonstrate that the emissions standards have been met and these details shall be approved in writing by the Local Planning Authority. Thereafter the units shall be maintained in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (9) All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Prior to the occupation of the development results of a test to show that the required internal noise levels have been met shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance

- (10) a) Prior to the operation of the energy centre an assessment of the expected noise levels from any plant or associated ancillary equipment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the rated noise level from all plant and ancillary equipment shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It should be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities. The plant shall thereafter be installed and maintained in accordance with the approved details.

b) Prior to the operation of the energy centre results of a post completion test shall be submitted to and approved in writing by the Local Planning Authority. The results should demonstrate that 50 dB LAeq is not exceeded at one metre from the grilles of the energy centre facing the internal Courtyard of the development, and a noise level of 55 dB LAeq is not exceeded at one meter from the grilles facing Cambridge Road.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2

- (11) a) Prior to the commencement of construction works, a site investigation shall be carried out by competent person 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 on the Investigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works. The report shall include 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.

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

b) Any soil contamination remediation measures required within the details approved under part a) of this condition shall be carried out in full. A verification report stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for its end use shall be submitted to and approved in writing by the Local Planning Authority prior to any occupation of the development.

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

- (12) No construction works shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- (13) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage and water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage and water utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- (14) The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) 'South Kilburn

Regeneration Phase 2b, Gloucester House and Durham Court, Flood Risk Assessment, 031990, rev 2, 6th May 2014' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include green roofs and a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To ensure compliance with Policies 5.11 and 5.13 of the London Plan and EP13 of your Unitary Development Plan Saved Policies.

- (15) Details of materials for all external work, including samples where required, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (16) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

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

- (17) Prior to any construction works on site finalised landscaping and tree planting proposals, in general accordance with those proposals contained within section 7 of the approved Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development or in accordance with a programme to be agreed within the approved details.

Reason: To ensure a satisfactory standard of amenity, public realm and children's play for future occupiers of the development and local residents.

- (18) An Arboricultural Method Statement, containing details of tree protection works to be undertaken in accordance with BS5837:2005 'Trees in Relation to Construction', in relation to trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or construction works on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure that existing trees are safeguarded where they are to be retained.

INFORMATIVES:

- (1) The additional land contamination investigation is required to quantify the extent of the identified asbestos contamination and investigate areas that were inaccessible due to the presence of buildings. Please note that the quality of any imported soil must be verified by means of in-situ soil sampling and analysis. The Council's Environmental Health Officers do not accept soil quality certificates from the soil supplier as proof of soil quality.
- (2) The developer should be made aware that asbestos fibres were detected in the soil during the site investigation. Furthermore, asbestos may be present in the structures that are to be demolished. The applicant must comply with the appropriate asbestos regulations and follow an asbestos management plan to protect site workers and the resident in the vicinity of the development during construction and demolition works.
- (3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231