

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

5 July, 2016  
05  
16/1191

## SITE INFORMATION

**RECEIVED:** 18 March, 2016

**WARD:** Kilburn

**PLANNING AREA:** Brent Connects Kilburn

**LOCATION:** 5-9 Chippenham Gardens, London, NW6 5LH

**PROPOSAL:** Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and construction of part-four, -five and -six storey building comprising 52 self contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens

**APPLICANT:** London Borough of Brent

**CONTACT:** PRP Planning

**PLAN NO'S:** See condition 2

**LINK TO  
DOCUMENTS  
ASSOCIATED TO  
THIS  
APPLICATION**

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Please click on the link below to view **ALL** document associated to case

[https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_127158](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_127158)

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## SITE MAP



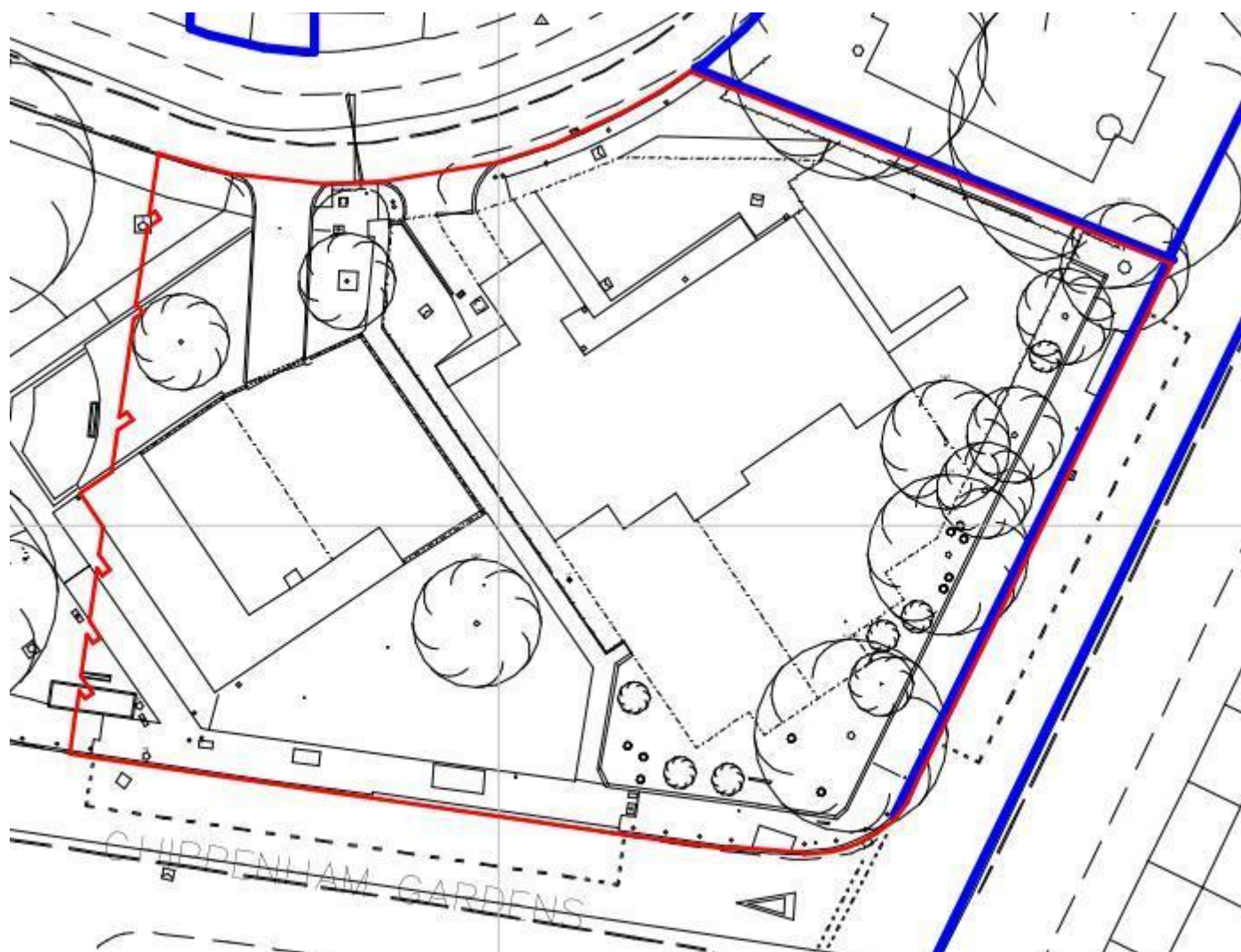
### Planning Committee Map

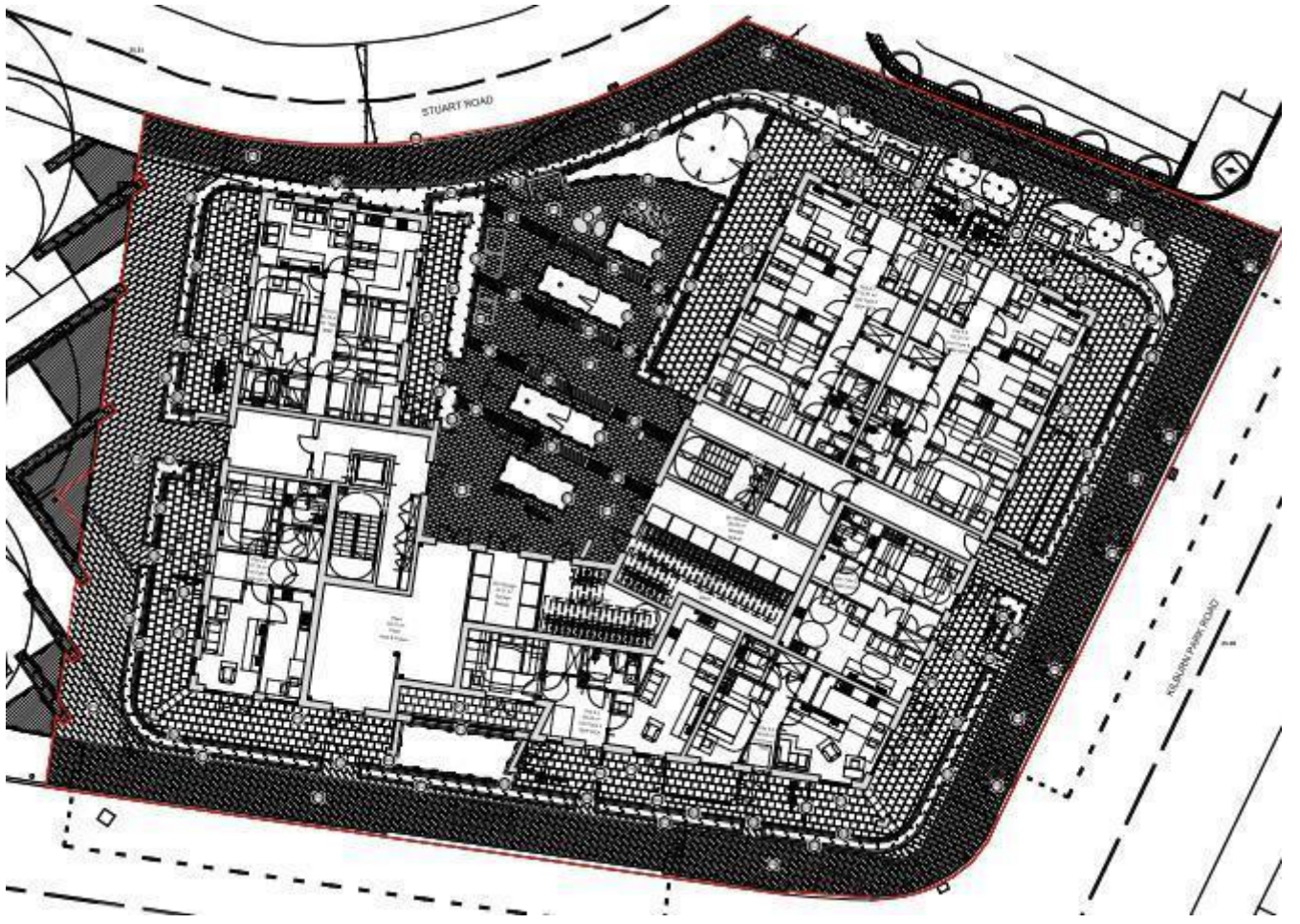
Site address: 5-9 Chippenham Gardens, London, NW6 5LH

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This map is indicative only.

**SELECTED SITE PLANS**  
**SELECTED SITE PLANS**







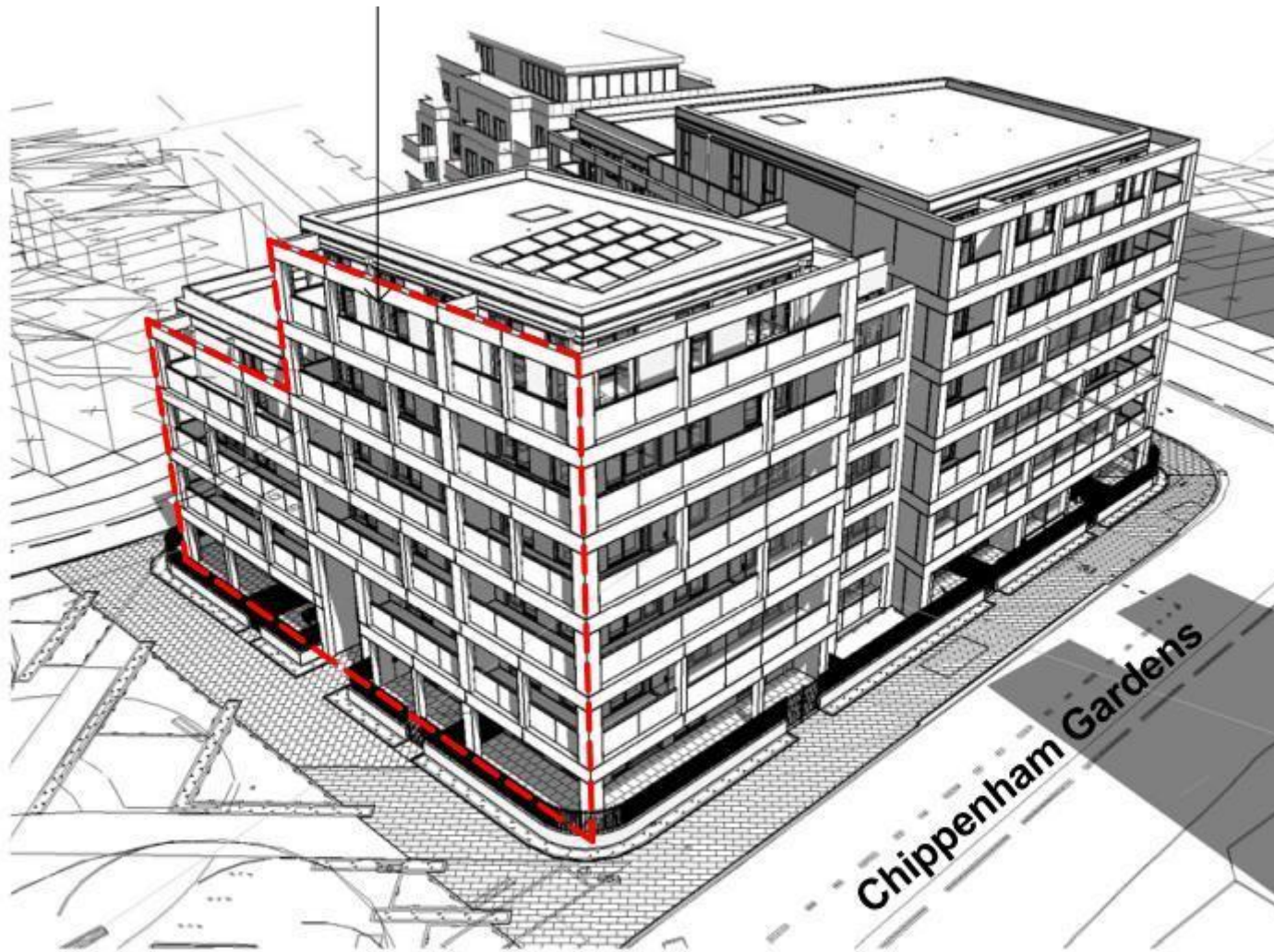
8 - Footpath Elevation  
1 : 100



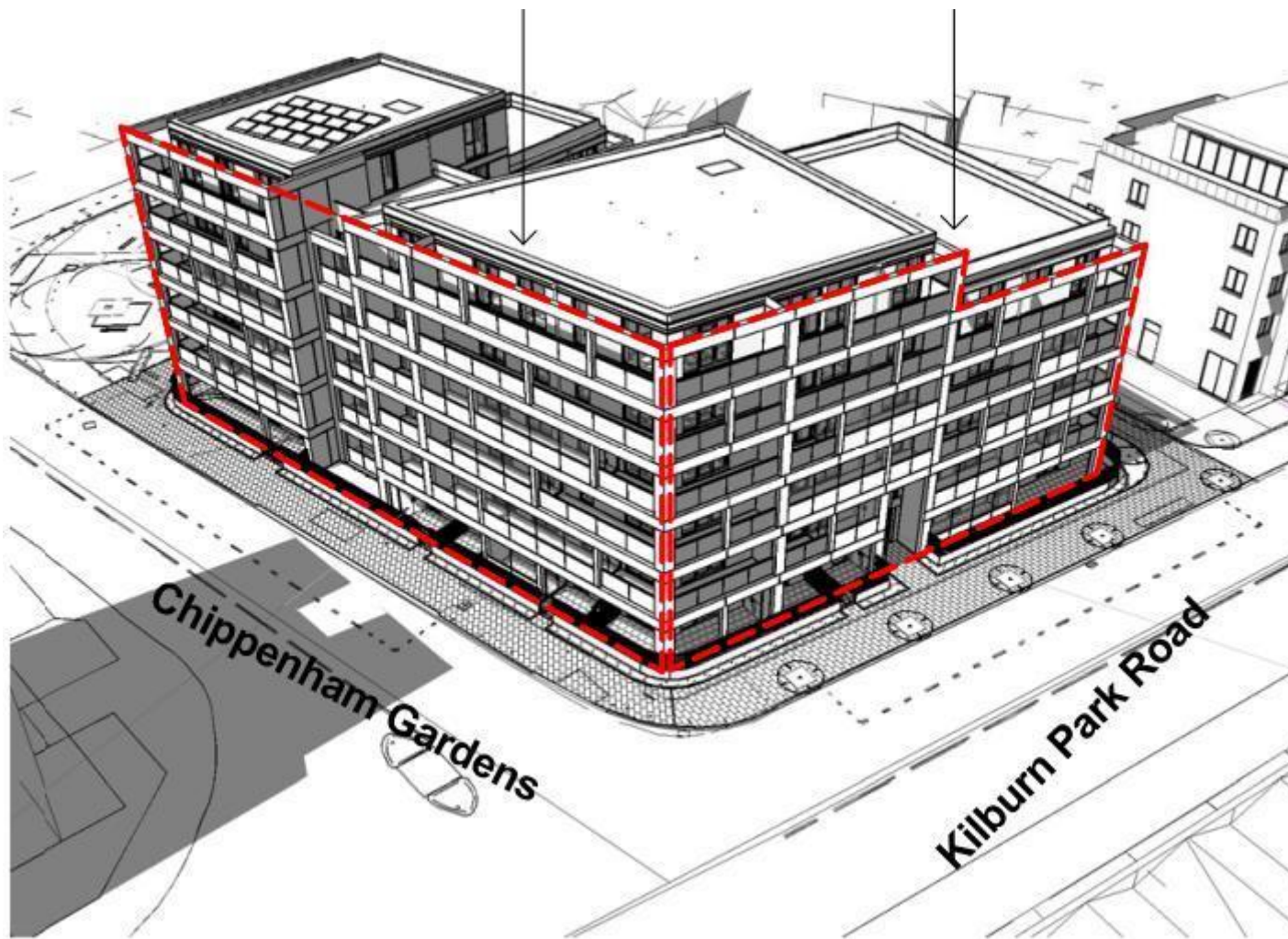
3 - Chippenham Gardens Open Space Elevation  
1 : 100



1 - Kilburn Park Road Elevation  
1:300



## Chippenham Gardens Open Space



## RECOMMENDATIONS

### RECOMMENDATION

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

#### Conditions

1. Time
2. Approved Plans
3. Cycle parking
4. Satellite dishes
5. Green roof
6. Considerate Contractor
7. Water
8. Wheelchair Units
9. Residents Parking Permit
10. Materials
11. Highway works under S38 and S278
12. Noise (installed plant)
13. Construction Logistics Plan, Construction Method Statement



14. Air Quality Mitigation Measures
15. Soil Contamination Measures
16. Remediation Works
17. Energy Assessment Review
18. PV Roof Plan
19. Further details of windows, reveals, winter gardens, balcony treatment
20. Sustainable Drainage
21. Refuse Management Plan
22. Affordable Housing
23. Social Rent Properties
24. Review Mechanism
25. Landscaping
26. Trees
27. Any other planning conditions considered necessary by the Head of Planning

#### Informatives

1. Party Wall
2. Asbestos
3. Any other informatives considered necessary by the Head of Planning

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

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

#### **A) PROPOSAL**

The proposal seeks to firstly demolish the existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers). Following that, the proposal seeks the construction of part-four, -five and -six storey building comprising 52 self contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens public realm

#### **B) EXISTING**

The site is located within the southern most part of South Kilburn and is close to the border with the London Borough of Westminster. The site is approximately 0.25ha in size and presently comprises of number 5-9 Chippenham Gardens and 4-26 Stuart Road (even numbers) totalling 12 residential properties and a Post Office on the ground floor. The general height and massing of the existing buildings are 2 storeys (Post Office) and 4 storeys (4-26 Stuart Road). The existing buildings do not fill the entirety of the site and there is a small buffer between the existing properties and the footpath.

The Maida Vale Conservation Area (LBW) is located on the opposite side of Kilburn Park Road however does not comprise of the frontage of the properties facing onto Kilburn Park Road.

## **C) AMENDMENTS SINCE SUBMISSION**

The applicant has submitted further information to better explain some parts of the scheme.

- 1) Revised elevations
- 2) A diagram to show open space retention
- 3) Revised floor plans

## **D) SUMMARY OF KEY ISSUES**

The key issues for consideration are as follows:

- The sites opportunity to deliver new private and affordable homes as part of the continued redevelopment of South Kilburn. Your officers give great weight to the viable delivery of private and affordable housing, in line with the adopted Development Plan and South Kilburn Master Plan.
- The loss of the Post Office and retail to facilitate the development. Your officers have concluded that its retention would reduce the number of affordable properties delivered and is at the risk of lying vacant therefore there are no compelling reasons to require its replacement.
- The effect of the development on the public realm, adjacent to the subject site. Your officers consider that the proposal successfully integrates into the public realm by virtue of better defining the immediate space, improvements to the hard and soft landscaping along the eastern edge of the public realm and through active frontages facing towards this space.
- The transport impacts of the proposed development. Your highway officers consider that the proposal addresses all highway concerns.
- The quality of the proposed residential accommodation. Your officers consider that proposal provides a good standard of accommodation, within a building showing good design credentials, which is in line with the adopted Development Plan
- Impact on Living Conditions of Neighbours, which your officers believe are negligible.

## **RELEVANT SITE HISTORY**

No known relevant or recent site history.

## **CONSULTATIONS**

### *Pre Application Consultation by Applicant*

The Brent Council Regeneration Team have produced a consultation programme to identify to formal stakeholder groups and informal stakeholder groups the sites objectives, the background and project outlined.

As outlined in the Statement of Community Involvement, the team did several presentations, public exhibitions and design workshops with residents in order to positively engage with the local community.

### *Application consulting by Planning*

During the application process, the following groups/individuals were sent consultation letters.

#### *Brent/Kilburn Councillors*

Cllr Rita Conneely

Cllr John Duffy

#### *City of Westminster Councillors*

Cllr Bush, Cllr McKie, Cllr Roca (Harrow Rd)

Cllr Begum, Cllr Crockett, Cllr Prendergast (Maida Vale)

#### *Statutory Consultees*

Transportation Unit- *Raised no objections subject to conditions covering highway works, permit free*

*arrangement and servicing arrangements for refuse.*

Environmental Health- *Raised no objections subject to conditions covering remediation, noise, air quality and construction management.*

*Internal Consultees*

Principal Heritage Conservation Officer- *Advice recieved and conditions required for further details on materials Policy and Regeneration Unit- Advice recieved*

Landscape and Design Team- *Advice recieved and conditions required for further details on landscaping and materials*

*External Consultees*

City of Westminster Planning Office- *Objection recieved (below)*

North West Team, Transport for London

Thames Water Utilities Ltd (Development Planning)

Met Police - Secured By Design- *Has had previous scheme involvement*

Paddington Waterways and Maida Vale Society

North Paddington Society

Between the London Borough of Brent Council and the City of Westminster Council, a total of 844 addresses have been consulted surrounding the site.

4 x Site Notices were placed around the site on 05/04/2016.

The application was advertised on 07/04/2016.

There have been 13 comments on the application. 11 x objection letters. 1 x neutral. 1 x support. The City of Westminster Council has objected to the proposals.

*Objecting*

*Reason for objecting*

*Paragraph response*

Height and extent of the new development leading to a loss of daylight and sunlight.

The increased extent of the site and removal of trees will cause the new flats and building to overlook into other neighbouring properties, especially on Kilburn Park Road

The development will be taking away services from the community (post office)

Loss of valuable open space

Poor design of the building

Parking impacts of the proposed development

Proposed building is too large and too bulky

*Neutral*

*Reason for commenting*

*Paragraph Response*

Supportive of the proposal overall however the car parking permits need to be properly enforced and there should be a better renew strategy for the open space

*Supporting*

*Reason for supporting*

The proposal will provide much needed social and private housing.

The City of Westminster Council has also objected to the proposal.

1) The loss of the retail shop as part of this redevelopment is regrettable in land use terms and is likely to have an adverse impact on the retail character and function of the neighbouring local centres. The City Council requests the proposal is amended to incorporate a Class A1 retail unit on part of the ground floor.

2) Whilst the City Council welcomes the amount of affordable housing being provided, the lack of car parking for the whole development is an area of concern to the City Council. The proposal is likely to increase pressure on the availability of on street car parking spaces in the vicinity of the development. It is not considered that the proposed mitigation measures will satisfactorily address this additional parking demands this application will generate and this adversely affect people already living in the area.

The report responds to these concerns in the "Principle" and "Transportation" sections.

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework**

*Section 7- Requiring Good Design*

### **London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)**

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent Unitary Development Plan 2004 (UDP)
- London Borough of Brent Core Strategy 2010 (CS)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- The Masterplan for the Regeneration of South Kilburn (2004)

The London Plan 2015 (amended)

## **DETAILED CONSIDERATIONS**

### **1. Application Background**

1.1. Members will be aware of the ongoing regeneration of the South Kilburn Estate by the Council.

1.2. The regeneration of South Kilburn is approximately half way through a 15 year programme that aims to transform the area into a sustainable and mixed neighbourhood and create a real sense of place. The programme will re-build around 1,200 affordable homes and deliver a similar number of additional market homes to help cross subsidise the building of new high quality homes for existing secure Council tenants.

1.3. The Council's stated aims of the programme are to deliver:

- 2,400 new high quality homes of which 1,200 will be made available to existing South Kilburn secure tenants for social rented accommodation;
- A new larger high quality urban park;
- A new local primary school;
- New health facilities;
- Improved environmental standards;
- An improved public realm;
- A site wide energy solution.

### **2. South Kilburn Policy Context**

2.1. The Council, with the South Kilburn NDC partnership, developed a masterplan in 2004 followed by the South Kilburn SDP in 2005 that set out the parameters and sought to transform the area into a number of distinctive neighbourhood quarters characterised by mixed and integrated tenures, and a legible, secure and high quality public-realm. The Council are conducting a Masterplan Review and SPD review this year that will

eventually replace the current Masterplan and SPD 2005.

2.2. Your officers have given regard to the background to the South Kilburn Regeneration Programme and its wider objectives and the role of Land North of Chippenham Gardens (the subject site) in delivering these objectives.

### **3. Key Considerations**

3.1. The key issues for consideration are as follows:

3.1.1. The sites opportunity to deliver new private and affordable homes as part of the continued redevelopment of South Kilburn. Your officers give great weight to the viable delivery of private and affordable housing, in line with the adopted Development Plan and South Kilburn Master Plan.

3.1.2. The loss of the Post Office and retail to facilitate the development. Your officers have concluded that its retention would reduce the number of affordable properties delivered and is at the risk of lying vacant therefore there are no compelling reasons to require its replacement.

3.1.3. The effect of the development on the public realm, adjacent to the subject site. Your officers consider that the proposal successfully integrates into the public realm by virtue of better defining the immediate space, improvements to the hard and soft landscaping along the eastern edge of the public realm and through active frontages facing towards this space.

3.1.4. The transport impacts of the proposed development. Your highway officers consider that the proposal addresses all highway concerns.

3.1.5. The quality of the proposed residential accommodation. Your officers consider that proposal provides a good standard of accommodation, within a building showing good design credentials, which is in line with the adopted Development Plan

3.1.6. Impact on Living Conditions of Neighbours, which your officers believe are negligible.

### **4. Principle of Development**

4.1. The principle of the development rests on the acceptability of the loss of the post office and whether the site is appropriate for residential accommodation. Once this principle has been established, then consideration can be given to the finer points of the development as outlined below.

#### *4.2. Loss of Post Office and Residential Use*

4.2.1. The 2005 South Kilburn SPD (South Kilburn masterplan) provides specific advice to developing the subject site. It states *"The Council considers the site appropriate for residential development with the post office re-provided in it. The design of the ground floor should ensure that the entrance to the post office faces the neighbourhood square to facilitate activity in the square and link this use to the local centre across the road."*

4.2.2. The Masterplan's aim to re-provide the Post Office was consistent with Planning Policy that existed at that time (PPS1 and 4) which saw such facilities as key to the vitality and viability of shopping centres. Although in relation to benefits or other payments from the State in particular, the role of post offices has diminished significantly since 2005, Post Offices are still for the most part considered an important element of local infrastructure, albeit with a reduced role in serving the local community.

4.2.3. Notwithstanding the location of the existing premises outside any identified centre, the policies in the Core Strategy CP23 and Policy 4.8 of the London Plan are of relevance and in the usual course of events your officers would seek to replace the Post Office unless there is a compelling reason not to. The A1 retail unit, however, is afforded no policy protection and its loss would not be contrary to the Development Plan, therefore there would need to be a compelling reason to require its replacement.

4.2.4. In this situation, the cost of operating a Post Office function from this site is relevant. It is understood that the existing Post Office operator has indicated that he may be willing to reoccupy any premises however

this would be in association with the wider operation that he currently operates in the existing premises. Commercially, such an outcome would mean that the Council, as site owner, would have to subsidise the unit to such an extent that it would materially impact on viability and in turn the subsidy available to provide affordable housing. Therefore your officers have weighed the merit of additional affordable housing against the harm of the loss of the Post Office.

4.2.5. There are two alternative Post Offices within 800m (a ten minute walking time) of the site and as such the harm of the loss of the Post Office is considered to be diminished. There are, in the adjacent local centre on Malvern Road, other retail premises that could accommodate a Post Office should local demand require it. On balance your officers consider that the loss of the Post Office without replacement, whilst resulting in some moderate harm, is offset by the merit of providing additional affordable housing units within this scheme.

4.2.6. In terms of the retail unit, there are no compelling reasons to require its replacement. The application site is on the periphery of a local centre that appears to be struggling (away from the principal routes such as Shirland Road) and there is a risk that a new unit could lie vacant for some considerable time as there is no guarantee that the existing tenant would return. Incorporating a retail unit would also materially alters the composition of the scheme, particularly in relation to the provision of dwellings and amenity space, as a significant area of the rear of the property would have to accommodate servicing activities. Your officers, therefore, consider the loss of the retail unit to be acceptable.

#### 4.3. Summary

4.3.1. Your officers consider that the loss of the Post Office/ and that of a retail unit acceptable, when considering the alternative Post Offices in the local area and the wider benefits that the scheme will bring in terms of affordable housing delivery and its contribution to the provision of residential units in a sustainable urban location.

### 5. Quality of Accommodation

#### 5.1. Unit Mix and Unit Sizes

5.1.1. A good standard of accommodation is a combination of several factors including basic space standards (as defined by the London Plan policy 3.5); outlook; privacy; daylight and sunlight; and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

5.1.2. The proposal consists of 22 social units and 30 private units. This is an approximate percentage of 42% affordable housing and 58% private housing.

5.1.3. The majority of the affordable properties are in the block facing Chippenham Gardens open space. The majority of private units will be in the block facing onto Kilburn High Road however there will be 3 x affordable units within this block too.

#### *Affordable (social rent)*

Unit	Number	Unit Sizes	Percentage
1b2p	10	55sqm – 59sqm	55%
1b2p (wheelchair adaptable)	2	68sqm-69sqm	
2b4p	4	73sqm	18%
3b5p (wheelchair adaptable)	2	112sqm	27%
3b6p	4	99sqm	

#### *Private Sale*

Unit Type	Number	Unit Sizes	Percentage
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1b2p	11	50.5sqm	40%
1b2p (wheelchair adaptable)	1	61sqm	
2b4p	15	73sqm – 83sqm	50%
3b6p	3	104sqm	10%

*Total*

Unit Type	Number	Unit Sizes	Percentage
1b2p	21	50.5sqm - 59sqm	46%
1b2p (wheelchair adaptable)	3	61sqm – 69sqm	
2b4p	19	73sqm – 83sqm	36%
3b5p	2	104sqm	18%
3b6p	7	99sqm – 104sqm	

5.1.5. All properties reach the minimum requirements for London Plan (Supplementary Housing Guidance 2015) and Technical Housing Standards (March 2015). All units have ample storage and are laid out in a sensible arrangement with the majority of units having dual aspect outlooks. Your officers note that the proposal does not have any single aspect, north facing units.

5.1.6. The proposals include five x wheelchair accessible units which broadly meets the target for 10% adaptable units identified in the London Plan.

**5.2. Density**

5.2.1. National, regional and local policies seek to maximise the potential of the site, with the NPPF and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to maximise the potential of a site taking account of local context, London Plan design principles and public transport capacity. Brent's Core Strategy policy CP6 seeks to ensure developments have proper regard to policy 3.4 and states that "a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important".

5.2.2. The proposal has a total of 153 habitable rooms, which totals approximately 600 habitable rooms per hectare (hr/ha). The Sustainable Residential Quality (SRQ) density matrix within the London Plan (table 3.2) suggests that between 200-700 hr/ha is appropriate for this location and the proposed amount fits into these guidelines appropriately.

5.2.3. The affordable units have a 27% percentage of 3 bed dwellings, which exceeds requirements outlined in the UDP. 25% is not achieved across the whole scheme however. Officers consider this to be acceptable in this case

**5.3. Amenity Space**

5.3.1. The proposal provides private amenity space in the form of external balconies and winter gardens which are integrated within the frame.

Floor	Sqm of balcony
Ground floor	338sqm
First floor	198sqm
Second Floor	210sqm
Third Floor	210sqm
Fourth Floor	169sqm
Fifth Floor	120sqm
Courtyard	235sqm

5.3.2. The proposed balconies would provide effective space for the use of future occupants and the extent of these balconies is relatively generous. Your officers consider that the space given to these balconies is generous and provide a good standard of amenity space for residents on a constrained site.

5.3.3. SPG17 states that there should be a minimum of 50sqm for a three bed ground floor flat although allowances can be given for developments in more urban areas. Your officers consider this to be the case and have taken this into consideration when assessing the scheme.

5.3.4. Based on the calculations held within SPG is a requirement for 1130sqm of external, private amenity space on site (three x 50sqm for ground floor three bed units and 49 x 20sqm for all others). Within the courtyard, there is 245sqm of shared amenity space and the upper floors have approximately 900sqm of external balcony provision bringing the total to 1145sqm. Officers recognise the limited amenity contributions of external space (especially that facing onto Kilburn Park Road and Chippenham Gardens) to the ground floor units of the scheme and therefore this has not been included in the calculations. Your officers consider that the provision of generous balconies is an appropriate form of amenity space in this instance.

5.3.5. Within the proposal, there is acceptable degree of privacy for and outlook from each unit. The closest habitable room distances are approximately 17m, which is below the SPG17 minimum guidance of 20m, however these rooms are angled away from each other whilst the glazing of the balconies and the inset from the protective frame will aid privacy too.

5.3.6. The pinch point of the building, where the two blocks taper towards each other, (within the courtyard) is sensitively designed and both lift shafts/stairs ensure that the distance is as great as possible between habitable rooms.

5.3.7. A Daylight and Sunlight assessment has been submitted with the proposals to ensure future occupants of the proposed units will benefit from good levels of light. As expected, there is some constraint on light levels to habitable rooms facing onto certain parts of the courtyard due to overshadowing, however this constraint is limited in both the number of flats affected (five) and the degree to which they are affected.

5.3.8. A internal Acoustic Report, prepared by Adnitt (Reference 1451/EN/R1e), was submitted with the application and was considered by the Council's Environmental Health department. The report followed the methodology used for the noise assessment of the internal noise levels of the dwellings (BS8233:2014) and found that due to the design of flats shows there will be mixed uses on differing floors e.g. kitchen above bedrooms. These mixed uses have the potential to cause noise disturbance to occupiers of the dwellings therefore Officers recommend that a condition requiring a post completion sound test be carried out prior to occupation to ensure sufficient internal sound insulation is provided. Further, though related to external noise, your Officers recommend that a condition is attached to any approval granted that specifies the target rated noise level from plant/machinery that may be required by the development.

5.3.9. Your officers are confident the overall standard of accommodation provided for future occupants of this proposal will be satisfactory.

#### *5.4. Affordable Housing*

5.4.1. As stated above, the proposed housing scheme provides for 22 social rented flats, with rents set at target rent levels, and 30 private flats. This represents 42.3% affordable housing on a unit basis, and 42.5% on a habitable room basis. The social rented flats will be earmarked for decant accommodation for existing council tenants living on the South Kilburn Estate, as part of the South Kilburn Estate Regeneration Programme.

5.4.2. The level of affordable housing fall slightly below the Local Plan target that 50% of new homes should be affordable. A Financial Viability Assessment (FVA) has therefore been submitted to demonstrate that the level of affordable housing represents the maximum reasonable and viable amount the proposed scheme can deliver, in line with planning policy.

5.4.3. Your officers have examined the FVA and consider that most of the assumptions underpinning the development appraisal are broadly reasonable. It is noted that assumed residential sales values are slightly lower than those achieved for some other new build flatted developments in the area. The build cost estimate (after stripping out abnormal costs) also sits around the upper quartile of the Building Cost Information Service



(BCIS) average build rates. Accepting the FVA assumptions are broadly reasonable, the scheme deficit is minimal, and sensitivity analysis shows that realistic prospects for residential sales value growth over the course of the development would be expected to generate a surplus, which could contribute towards additional affordable housing obligations. More generally, residual valuations are highly sensitive to changes in costs and values, and the Council typically secures financial viability reviews to determine whether deferred affordable housing planning obligations can be provided in order to ensure that the maximum reasonable and viable amount of affordable housing is delivered in line with planning policy.

5.4.4. Officers recommend that 42% social rented housing is the maximum and reasonable amount of affordable housing in this case only, on condition that residential sales values are reassessed post implementation, and prior to occupation of all of the private flats, such that half of any surplus generated over the agreed FVA viability benchmark be secured as an additional affordable housing provision in South Kilburn, such additional affordable housing provision capped at a level commensurate with the achievement of 50% affordable housing delivery on the scheme. Suitable conditions to secure this will be added to any future permission.

## *5.5. Summary*

5.5.1. Your officers consider that the 42% affordable housing is a reasonable and appropriate contribution in light of the scheme's viability, subject to a viability review to secure additional affordable housing in line with local and national policy.

## **6. Impact on Character and Appearance of the Area**

### *6.1. Surrounding Character*

6.1.1. Kilburn Park Road, the fronting road of the development, is comprised of 2.5-3.5 storey Victorian terrace dwelling houses (some which have been split up into flats) where the majority of the properties have a lower ground floor. All of the properties have frontages to Kilburn Park Road and have attractive features including wooden sash windows and generous bays. The materiality of this road is generally brick and render.

6.1.2. Malvern Road is also characterised by traditional Victorian terraces however it has a variety of commercial units on the ground floor. There is no direct interaction with Chippenham Gardens due to Malvern Road separating the two. Although built in a similar period with similar design features, the quality of Malvern Road is notably lower than on Kilburn Park Road and some of the commercial units lack quality frontages.

6.1.3. Stuart Road comprises of three storey semi detached housing, built during the 1970's. Built in brick, the properties lack architectural interest and the large expanses of blank facades do little to address the street.

6.1.4. John Ratcliffe House is a nine storey residential block which stands across from Chippenham Gardens. There is little to note in terms of its architectural merit and is the tallest building in the vicinity.

6.1.5. The properties surrounding the site have heights of three and four/five storeys to the north, three storeys to the east, five and nine to the south and three/four to the west.

6.1.6. Your officers consider that the proposal has the ability to better address some of poorer aspects of design in the immediate vicinity, to create a legible pattern of development using enhanced frontages and differing boundary treatments to differentiate private and public realm.

### *6.2. Scale and Massing*

6.2.1. The proposal is part six storey, part five storey and part four storeys in height and comprises of a significantly bigger building, both in height and general massing, than the existing two and four storey buildings on the site.

6.2.2. In the wider context of the site, the general massing of four-six storeys has been a consistent approach along Kilburn Park Road with the majority of new buildings being of this similar height.

6.2.3. The proposal continues the strong existing building line along Kilburn Park Road, following on from the recent Argo development to the north at five (four plus a lightweight top floor) storeys in height. The proposal

then steps up to six storeys in height along Chippenham Gardens (road) to better address the significant larger and dominating building at John Ratcliffe House. The 'connecting block' between the two main parts of the proposal is at a height of four with a set back fifth floor. This helps to decrease the perceived massing of the development.

6.2.4. The proposal, on the western block, steps down to four storeys towards Stuart Road and the northern most side of Chippenham Gardens (public realm). Again, officers feel that this is a sensible approach given that the height of the three storey properties that presently exist on Stuart Road. Whilst being noticeably taller (the floor to ceiling heights will be greater within the proposed building) the relationship is similar to the one seen at Argo which has previously been found acceptable.

6.2.5. Your officers consider the height, massing and size of this block to be acceptable in this location's context.

### *6.3. Layout*

6.3.1. The proposed building fills the majority of the site and is split into two main blocks with a connecting block in the middle.

6.3.2. The proposal also does not differentiate between entrances for the affordable section and the private section of the buildings as the elevation design is exactly the same. Your officers consider this to be an adequate solution.

6.3.3. The ground floor flats proposed within the development have their own entrance doors from the street, in accordance with the Mayor's Housing SPG, promoting activity between the pavement and private amenity space. Access to the upper floors is through a larger entrance door which leads to a lobby and lift. In addition, the shared courtyard to the rear serves the cycle stores and refuse stores.

6.3.4. The perimeter wall will be built in the same brick as the main building which shows a consistent approach to materials.

6.3.5. Officers consider that the layout of the scheme is acceptable and terminates the line of buildings along the west side of Kilburn Park Road, responds to the need to overlooking towards Chippenham Gardens and has acceptable relationships with the surrounding buildings.

### *6.4. Elevation Design*

6.4.1. The elevation design is broadly made up for two parts- the brick inner structure and the frame. The main part of the building is proposed to be brick and will form the primary mass of the building. This reflects the general make up of the dwelling houses on Kilburn Park Road. There are areas of recessed brick and windows/balconies with deeper reveals (as shown within the elevation sheets).

6.4.2. The frame will form a grid around the development and has been proportioned to show the subdivision of the different dwellings. To vary the design and appearance of the frame further, and to combat the acoustic issues the proposal encounters from the bus stand and bus stops, winter gardens are proposed.

6.4.3. The balustrading is proposed to be frameless obscured glass with brushed aluminium handrails. Officers are in agreement with this as it will also improve privacy aspects, especially between the elevations in the courtyard and also create a cleaner finish to this aspect of the proposal.

6.4.4. The cladding of the frame is proposed to be a composite stone, to reflect the white render of the terraced properties opposite.

6.4.5. The windows and doors of the building will be mainly aluminium and the required windows (such as bathrooms) will be obscured appropriately.

6.4.6. Officers consider that the materiality and fenestration details have the ability to blend in well with the existing environment. Any future consent will have a condition to show the exact materials.

### *6.5. Secured By Design*

6.5.1. During the evolution of the application, the proposal has been reviewed by the applicant and a Secured by Design team working with the met police. Feedback from SBD Officers have included scheme enhancements such as securing the rear courtyard, securing the cycle storage and providing front doors onto the connection between Kilburn Park Road and Stuart Road.

6.5.2. No concerns have been raised and all areas that required addressing have been done prior to the submission of this application.

## **7. Neighbouring Residential Amenity**

### *7.1. Privacy and Overlooking*

7.1.1. The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

7.1.2. Your officers have assessed the proposal to ensure there would not be an undue loss of privacy or any unjustified overlooking from the proposed development.

7.1.3. The separation distance (some of which is described in the layout chapters) to neighbouring properties is generally good in all directions. The block plan of the proposals show a 24m separation distance to the properties opposite on Kilburn Park Road (east), a 24m separation from John Ratcliffe House and 13.5m from the properties on Stuart Road.

7.1.4. The frame, described in the previous section, wraps around the brick building which means the rooms are set back from the façade. This reduces the scope for overlooking towards neighbouring properties.

### *7.2. Daylight and sunlight*

7.2.1. The development, by virtue of the height of the proposed building, has the potential to affect the sunlight of neighbouring occupants; a Daylight & Sunlight Report was prepared by the Applicant and submitted with the application. The report was prepared in accordance with the standard measure of daylight and sunlight, the Building Research Establishment (BRE) report and considered the impact of the development on neighbouring properties including John Radcliffe House, those on Stuart Road, Argo House (new development nearing completion) and Kilburn Park Road. The report found that impact on surrounding properties in terms of both daylight and sunlight would be minimal although some change to the existing situation is to be expected and the same is the case for over-shadowing; in such a situation it is appropriate to have regard for the character of the area, which is a relatively dense urban environment where some degree of overshadowing is to be expected, and the degree of overshadowing demonstrated in the Applicant's report is not considered to be materially harmful to the living conditions of neighbouring residents.

Your officers accept the conclusion of the report that the and find the scheme acceptable in terms of daylight and sunlight.

## **8. Sustainability**

8.1. The Council seeks to ensure new development contributes to sustainable development including climate change adaptation and mitigation. Core Strategy policy CP19 stipulates that London Plan policy 5.2 be followed, which requires carbon dioxide emissions from new development to be minimised in accordance with an Energy Hierarchy to Be Lean (use less energy), Be Clean (supply energy efficiently), Be Green (use renewable energy). The development appears to meet the London Plan target of a 35% reduction in carbon dioxide emissions from the Building Regulations Part L 2013 baseline Target Emissions Rate. The savings are mainly met through Be Clean measures.

Be Lean - The proposal incorporates high-levels of thermal insulation and low energy lighting and utilises passive low-energy design measures

Be Clean – The design incorporates a communal heating system with gas fired combined heat and power (CHP) and backup gas boilers. Individual dwellings will also have a heat interface unit. This appears to show the majority of the saving across the scheme.

Be Green – The design utilises solar photovoltaic (PV) panels for this section

8.2. Your officers consider that due to the unique and constrained nature of the site, the storm relief sewer and denser urban environment, flexibility is required for the mayoral hierarchy in this instance.

8.3. The London Plan target of a 35% reduction in CO2 emissions subject of a restrictive condition, along with further details of connection to a Decentralised Heat / Energy Network system where possible, should Members resolved to grant planning permission.

## **9. Ecology**

9.1. The ecology value of the existing site is low, nevertheless an Ecology Report has been submitted with the application to assess the small areas of foliage within the existing site and surrounding area. Our officers are in agreement with the assessment methodology and scope of the report. The report concludes that there is no signs or evidence of protected, priority or rare species on the site. The site was considered low in ecological value with minimal potential to support rare species.

9.2. Your officers are in agreement that development could proceed on the site with a minimal risk of harm or impact to protected, priority or rare species, habitats or local conservation value.

## **10. Landscape/Open Space**

### *10.1. Integration with Chippenham Gardens Public Realm*

10.1.1. Local residents have raised concerns that the proposal results in the loss of open space. The proposal would result in a building with a different footprint to the existing building, effectively rotating the existing footprint through approximately 45 degrees to provide a north-south frontage along the eastern side of Chippenham Gardens, as opposed to the existing situation which presents a corner to the space. In doing so, there would be a minor (3.5%) reduction in the public realm, from 1115sqm to 1075sqm.

10.1.2 Your officers have given this matter a great deal of consideration and it has been the subject of much discussion with the Applicant. The status of Chippenham Gardens is as adopted highway and whilst it provides both visual amenity and a space for local residents to sit, it is not public open space in the sense that it is given statutory protection. Furthermore, your officers consider that the proposal would better address Chippenham Gardens with the change to the orientation and proposed resurfacing works and some relatively minor improvements to the eastern part of the space so that the new surfacing is integrated into the space in a satisfactory manner.

10.1.3. Your officers, on balance, consider the public realm at Chippenham Gardens would be improved by this proposal, by virtue of better defining the space, improvements to the hard and soft landscaping along the eastern edge of the public realm and by providing active frontages of front gardens and front doors with passive surveillance given by the new residential units.

### *10.2. Pathway between Kilburn Park Road and Argo House*

10.2.1. Officers have given significant weight to the scheme's proposed enhancement of the connection between Kilburn Park Road and Stuart Road. It would provide a well-lit, well-surveilled through-route which would help to improve pedestrian safety and assist the flow of nearby residents through to the commercial shopping parade on Malvern Road.

### *10.3. Rear Amenity*

10.3.1. The private courtyard, comprising of approximately 245sqm, between the aforementioned blocks will

serve as amenity space for the proposal and will comprise of paving, benches, landscaped areas and incidental play equipment for children. Your officers consider this to be an appropriate use of space.

## **11. Trees**

11.1. An assessment of all existing trees on site has been undertaken to assess the extent of tree loss as a result of the proposals. The proposal will see the removal of nine trees: eight to facilitate development and one because it is dead. The proposal seeks to replace these trees with three within the courtyard area and six adjacent to the public footpath to the north of the site. In addition, the proposal will provide replacement trees within the street planting programme led by Brent Council by a planning condition.

11.2. Of the trees to be removed, all are categorised as either B (A being the highest quality, C being the lowest and U to be removed), C or U. The four category A trees, which are within Chippenham Gardens, are to be retained.

11.3. The trees lost provide some amenity value presently, however officers consider that the loss of some lower value trees is acceptable to accommodate new development subject to their replacement at a ratio of four new trees to each lost, either by direct planting on site or elsewhere in the Kilburn regeneration area.

## **12. Environmental Health**

### *12.1 Construction*

12.1.1. Officers acknowledge that that the proposed demolition and construction of the residential dwellings will be carried out within close proximity to existing residential and commercial premises and there is a risk of short term harm to amenity arising from construction in terms of noise, dust, pollution and other disturbances. These matters are, however, covered under separate legislation and therefore it is not appropriate to seek to limit development because of these likely impacts nor to control their impacts under Planning legislation. Officers therefore recommend that an informative be imposed to advise the Applicant to proceed in accordance with relevant Environmental Health legislation and that a condition be imposed that the developers of the site and their contractors be signed up to the Considerate Contractors Scheme.

12.1.2. Due to the proposal including the demolition of a building built before 1985, officers recommend that an informative is added to consider the risks of asbestos on site.

### *12.2. Air Quality*

12.2.1. Officers have reviewed the Air Quality Assessment submitted with the application. There is agreement with the methodology used within the assessment and the conclusions of the report. The report concluded that the air quality impacts from traffic generation and from the proposed CHP plant will not have an impact on local air quality. Therefore provided the proposed CHP plant as described in the report is installed there is have no objections to this element of the application.

### *12.3. Contamination*

12.3.1. Officers have reviewed the RSK Preliminary Risk Assessment and the Phase II Geo-environmental site assessment. There is agreement with the conclusions of this report and agree that further gas monitoring will be required, when there is low and falling atmospheric pressures. In addition there is agreement that the elevated levels of zinc, lead, mercury and benzo-a-pyrene need to be considered in terms of appropriate remediation.

12.3.2. Therefore due to there being a requirement for some further investigative works officers would recommend conditions stipulating further works, should the application be approved.

### *12. 4. Summary*

12.4.1. Your officers have no objections to the application on Environmental Health grounds, subject to appropriate conditions.

## 13. Transportation

13.1. Officers have given consideration to the below when assessing the application:

- Kilburn Park Road – local distributor road and bus route straddling border with Westminster
- Chippenham Gardens & Malvern Road – local residential access roads
- Stuart Road – local access road, maintained by Brent Housing to north of site
- Controlled Parking Zone “KM” 8am-6.30pm Mon-Sat
- Bus stop on KPR frontage & bus stand on CG frontage. No parking at any time at junctions
- Otherwise, two p&d/permit parking bays on MR and private parking enforcement on SR
- Adjoining streets not heavily parked at night, with applicant’s parking surveys showing 65-70% parking bay occupancy in area
- PTAL 5 (very good)

13.2. Car parking allowances for the existing and proposed uses on this site are set out in standards PS7 and PS14 of the adopted UDP 2004. As the site has excellent access to public transport services and is located within a CPZ, a reduced residential allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-/4-bed flat applies.

13.3. The existing Post Office retail unit is therefore permitted up to one off-street parking space, whilst the 12 existing maisonettes (6 x 2-bed & 6 x 3-bed) are permitted up to 11.4 spaces. Under servicing standard PS17, the Post Office also requires servicing by transit sized vehicles.

13.4. The gated yard to the rear of the Post Office provides space for servicing of that unit alongside two parking spaces. However, there is no existing off-street parking available for the maisonettes, which therefore rely on privately managed on-street parking along Stuart Road.

13.5. The 52 proposed flats are permitted up to 40.9 residential parking spaces, although this can be halved for affordable social rented housing – of which 22 units (12 x 1-bed, 4 x 2-bed & 6 x 3-bed) are proposed. With no off-street parking proposed within the site anyway, maximum standards would be complied with.

13.6. However, Policy TRN23 requires consideration to be given to the impact of overspill parking from the site on traffic flow and road safety. This does allow on-street parking to be counted towards standards, but only along the site frontage on lightly parked local residential access roads. In this case, although the site fronts four roads, there is very little available parking space along the site frontages, with bus stops and bus stands on Kilburn Park Road and Chippenham Gardens taking up much of the kerbside space and double yellow lines preventing parking close to junctions. Stuart Road is also restricted in width, which further limits the availability of on-street parking.

13.7. As such, only a handful of cars could be safely accommodated along the site frontage, falling well short of the parking standard referred to above.

13.8. Data from the 2011 Census for flats in the immediate area shows car ownership averaging about 0.38 cars/household, which would equate to about 20 cars. Again, this comfortably exceeds the level of parking that could be safely accommodated along the site frontage.

13.9. To address this, Policy TRN23 does exceptionally allow ‘car-free’ agreements to be used in areas with good public transport access, with a CPZ also being required to enforce this. The location of this site is therefore considered suitable for a car-free development to mitigate concerns regarding parking from the site and a S106 Agreement is recommended to remove the right of future residents to on-street parking permits in the area.

13.10. Standard PS15 requires 5-10% of spaces to be widened and marked for use by disabled persons, with an allocated space for each wheelchair unit. Five wheelchair accessible units are proposed on the ground floor, but with no off-site parking proposed, no off-street disabled parking space can be provided. However, residents with Blue Badges would be exempt from the ‘car-free’ agreement and would therefore be able to purchase permits to park on-street in the area, making use of space along Stuart Road or Malvern Road. Dedicated disabled spaces could also be marked on the ground, although this would only be done on demand.

13.11. Pedestrian access to the building is taken from all sides. To provide a welcoming entrance from the northern side, the existing footpath linking Kilburn Park Road and Stuart Road is to be widened into the site to increase its width to 2.5m, which is welcomed. The footway along the Kilburn Park Road frontage also appears to be widened by 500mm into the site, which is also welcomed.

13.12. It is also proposed through this development to undertake works in Stuart Road to bring it up to an adoptable standard to allow maintenance responsibility to be transferred from Brent's Housing Partnership to the Highway Service. This will include removal of the vehicular access gates from the road and potential implementation of a southbound one-way system. A potential adoption plan has been submitted with the Transport Statement, however it needs very minor revisions to become acceptable. Otherwise, the adoption of Stuart Road following remedial works is fine in principle and any adoption agreement should include the widened footpath and footway of Kilburn Park Road too. The existing Controlled Parking Zone "KM" will also need to be extended into Stuart Road if the adoption of the road does proceed though.

13.13. With no vehicular access required to the new development, the two existing crossovers from Stuart Road will become redundant and will need to be removed and reinstated to footway at the developer's expense as part of the highway adoption works.

13.14. The building also fronts an area of open space bordered by Stuart Road, Malvern Road and Chippenham Gardens, which was fairly recently adopted as publicly maintainable highway following works to improve the landscaping of the area. The new building is proposed to be rotated to face directly onto the open space though (rather than at an angle as at present), which will alter the highway boundary line. This in turn requires part of the existing adopted highway to be stopped up to facilitate the new building and part of the existing site to be offered for adoption in order to reconcile the highway boundary line and building line with one another. These works will need to be pursued under S247 of the Town & Country Planning Act 1990 and S38 of the Highways Act 1980 respectively.

13.15. In terms of trip generation, comparisons with surveys of other similar blocks of flats in Inner London suggest that the development would generate 3-4 vehicular movements during each peak hour (8-9am and 5-6pm). In practice, the recommended 'car-free' restriction would limit trips yet further. These flows are not in any case significant enough to warrant any further consideration of highway capacity in the area.

#### *13.16. Refuse and Cycle Provision*

13.17. Standard PS16 requires the provision of at least one secure bicycle parking space per flat. An internal storeroom for 54 bikes has been indicated to more than meet this requirement for the upper floor flats, with each of the ground floor units additionally having a bicycle stand within its private garden area. Eight further stands are indicated within the shared amenity area.

13.18. Refuse storage for 13 Eurobins is indicated at ground floor level at the rear of the building, fronting the shared courtyard area. The two stores are located about 20m from the Stuart Road boundary though, which exceeds the maximum drag distance of 10m for bins of this size. To address this, a management company will be responsible for bringing the bins to the highway boundary on collection days.

#### *13.19. Summary*

13.20 Subject to conditions to:

- remove the right of all future occupiers of the building to on-street parking permits;
- stopping up of part of the frontage of the site as highway to facilitate construction of the proposed building under S247 of the Highways Act 1990;
- undertaking of remedial works within Stuart Road to bring it up to an adoptable standard, including removal of the vehicular gate from the road and adoption of Stuart Road, the proposed 2.5m wide footpath link between Stuart Road and Kilburn Park Road and the widened footway of Kilburn Park Road as public highway under S38 of the Highways Act 1980

13.21 Your highway officers have no objections to this proposal.

## **14. Summary**

14.1. Your officers see significant wider benefits to the scheme, which includes the continued and viable delivery of both affordable and private housing within a sustainable location, the reconfiguration of the plot to regularise and reinforce the local street pattern and the enhancement of the public right of way between Kilburn Park Road and Stuart Road.

14.2. Whilst your officers acknowledge that the quantum of open space on the adjacent Chippenham Gardens Open Space is slightly reducing, it is the belief that this is necessary to create a development positively responds to Chippenham Gardens Open Space and provides this area with the passive surveillance, active frontages and visual presence that it requires.

14.3. Your officers recommend this proposal for approval.

## CIL DETAILS

This application is liable to pay **£985,582.94\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 1336 sq. m.

Total amount of floorspace on completion (G): 4750 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	4750		3414	£200.00	£35.15	£838,258.93	£147,324.01
			0	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (lc)	224	224
BCIS figure for year in which the planning permission was granted (lp)	275	
<b>Total chargeable amount</b>	<b>£838,258.93</b>	<b>£147,324.01</b>

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

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

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





**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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Application No: 16/1191

To: Mr Black  
PRP Planning  
10 Lindsey Street  
London  
Surrey  
EC1A 9HP

I refer to your application dated 18/03/2016 proposing the following:  
Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and construction of part-four, -five and -six storey building comprising 52 self contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens and accompanied by plans or documents listed here:  
See condition 2  
at 5-9 Chippenham Gardens, London, NW6 5LH

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

Date:

Signature:

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**Notes**

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

NPPF Sections  
Brent Unitary Development Plan 2004 (saved policies)  
The Brent Council Core Strategy  
NPPG Central Government Guidance  
The London Plan (2015)  
Council's Supplementary Planning Guidance SPG17

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Proposed Site Plan A4486-2005 Rev A  
Proposed Ground Floor Plan A4486-2006 Rev A  
Proposed First Floor Plan A4486-2007  
Proposed Second Floor Plan A4486-2008  
Proposed Third Floor Plan A4486-2009  
Proposed Fourth Floor Plan A4486-2010 Rev A  
Proposed Fifth Floor Plan A4486-2011  
Proposed Roof Plan A4486-2012  
Proposed Elevations AA4486-2013  
Proposed Elevations A4486-2014 Rev A  
Revised Landscape Plan AA4486-2017

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

- 3 Full details of secure and covered cycle parking for a minimum 52 bicycles, including the layout of cycle parking areas and details of cycle storage facilities within those areas shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full prior to occupation and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of sustainable transport and highway flow and safety.

- 4 Further details of a communal television system/satellite dish provision shall be submitted to and

approved in writing by the Local Planning Authority prior to the installation of any satellite dish. The approved details shall be fully implemented and retained for the lifetime of the development.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved, in the interests of the visual appearance of the development, in particular, and the locality in general.

- 5 Further details of the areas labelled as "green roof" on the approved plans [no.2010A and 2011] shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details prior to occupation of the development hereby approved and shall be maintained for the lifetime of the development with its vegetative covering comprising sedum and a wild flower mix. Any changes to the green roofing system shall be submitted to the Council for approval prior to any alteration taking place.

No access except for maintenance purpose shall be provided to the external green roofing of the building by way of window, door or stairway and the external flat roof areas of the building hereby approved shall not be used as a balcony or sitting out area.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality

- 6 No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- 7 Prior to occupation of the residential development hereby approved, confirmation from the Building Control body shall be submitted to the local planning authority to demonstrate that the development has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: To ensure the new dwellings are water efficient

- 8 Not less than 10% of residential units shall be wheel chair accessible (in the case of Affordable Rented units) or Easily Adaptable (in the case of Private and Intermediate units) unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

- 9 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 or occupies flat 0.1, 0.6 or 0.7 of the approved ground floor plan [2006 RevA] . For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

- 10 Details of materials for all external work, including samples, 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.

- 11 No part of the development authorised by this permission shall begin until the applicant has entered into an agreement with the Local Highway Authority under Sections 38 and 278 of the Highways Act 1980 to provide the following highway works in general accordance with the approved drawings [AA4486-1176 and 2017.] notwithstanding that a revised Highways Works drawing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works whatsoever in order to show more clearly the extent of the works particularly in relation to the adoption of Stuart Road:

- (i) stopping up of part of the frontage of the site as highway to facilitate construction of the proposed building under S247 of the Highways Act 1990;
- (ii) undertaking of remedial works within Stuart Road to bring it up to an adoptable standard, including removal of the vehicular gate from the road and adoption of Stuart Road; and
- (iii) completing the proposed 2.5m wide footpath link between Stuart Road and Kilburn Park Road and the widened footway of Kilburn Park Road as public highway under S38 of the Highways Act 1980
- (iv) enhancement of landscaping to the area bounded by Chippenham Gardens, Malvern Road and Stuart Road

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as being substantially complete by or on behalf of the local planning authority.

Reason: In the interests of highway and pedestrian safety.

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

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

All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' 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)

A test shall be carried out prior to the discharge of this condition to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

**Reason:** To obtain required sound insulation and prevent noise nuisance

13

- 14 Prior to the occupation of the development, the applicant shall submit to the Local Planning Authority for its approval a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment (prepared by Temple assessment dated 15th March 2016) have been implemented. The mitigation measures shall thereafter be retained for the lifetime of the development

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.

- 15 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

- 16 Prior to occupation of the development any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full and a verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 17 No occupation of the development shall occur unless an Energy Assessment Review has been submitted to and approved in writing by the Local Planning Authority. This review by an approved independent body shall verify that the development has met or exceeded the following:

- (i) Minimum 35% improvement on Part L 2013 Building Regulations Target Emission Rate ("TER") for CO<sub>2</sub> emissions; and
- (ii) Provides details of the future connection to Decentralised Heat / Energy Network

If the review specifies that the development has failed to meet the above levels, appropriate compensatory measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

The approved Energy Strategy (or as amended) shall be fully implemented and maintained for the lifetime of the Development unless otherwise agreed in writing with the Council.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- 18 Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and

shall be installed prior to occupation of the development hereby approved and shall be retained for the lifetime of the development.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- 19 Prior to commencement of development, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

- (i) the window and door manufacturer, model, materials and colour;
- (ii) window and door reveals, headers and sills, including the depth of the reveals;
- (iii) opening arrangement of typical window;
- (iv) details of the winter gardens proposed on the east and south elevations, including materials, doors and external finishes;
- (v) balcony treatment (elevations and section plans including details of the floor level, with any ledges or flat surfaces to be provided on the inside of the balconies only); and
- (vi) junction details of differing materials

The development shall be completed in accordance with the details so approved before the new development is occupied.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 20 Prior to commencement of works above ground level, further details of the sustainable urban drainage measures to achieve a 5l/s discharge rate for surface water in accordance with the London Plan SUDS drainage hierarchy shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To comply with London Plan Policy 5:13 (Sustainable drainage).

- 21 Prior to the occupation of the development, details of a Refuse Management Plan shall be submitted and approved in writing by the Local Planning Authority. Such details will include the design of the bin stores, the quantum and types of bins (to include recyclable waste provision), the refuse holding area and method of collection. The approved details shall be retained for the lifetime of the development.

Reason: To provide adequate refuse facilities for residents and to ensure the effective pick up of waste from the development

- 22 The Owner will shall not occupy or allow occupation of more than 50% of the private flats until it has transferred the freehold, or long leasehold of a minimum of 125 years interest, to a Registered Provider for the affordable housing flats.

Reason: To ensure the delivery of affordable housing for the development

- 23 22 of the residential dwellings hereby approved comprising 12 x one-bed, four x two-bed and six x three-bed units to be affordable housing in perpetuity and shall be delivered as social rented flats with rents set at target rent levels and to which the London Borough of Brent will have 100% nomination rights in perpetuity. In addition, the Owner shall enter into a Nomination Agreement with the London Borough of Brent prior to occupation of the affordable housing flats.

Reason: To secure the social housing element with the development

- 24 Not more than 70% of the private flats shall be occupied unless the Owner has submitted a review

of the actual private residential sales values achieved on the scheme to the Local Planning Authority for its approval which shall agree appropriate arrangements to provide additional affordable housing above the 42% hereby secured either on or off site within the South Kilburn Regeneration Area (or elsewhere in the London Borough of Brent if agreed in writing with the Council) so that the additional 8% additional affordable housing is provided in the event that the total sales values of the private sales flats in aggregate is equal to or higher than a value equivalent to £1,136 per square foot on a Net Internal Area (NIA) basis, such additional affordable housing provision being pro rata'ed down in the event that the total sales values of the private sales flats in aggregate result in a rate between a baseline of £916 and £1,136 per square foot on a Net Internal Area (NIA) basis, so that for each pound per square foot below £1,136 the amount of additional affordable housing provided shall decrease.

Reason: In order to secure the maximum level of affordable housing for the development but to not secure more than 50% affordable housing

- 25 All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any hard or soft landscaping works on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:

- (i) Proposed walls and fencing, indicating materials and heights;
- (ii) Materials used for the hard landscaping
- (iii) Screen planting along all boundaries.
- (iv) Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.
- (v) Mounds existing contours and any alteration of the ground levels, such as earth mounding.
- (vi) Signboards and seating
- (vii) Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.
- (viii) Details of the proposed arrangements for maintenance of the landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 26 The development shall not commence until appropriate arrangements have been made in writing with the Local Planning Authority to replace either by on-site reprovision or other means the trees lost as a result of the development at a ratio of four replacement trees to every one tree removed. The use authorised by this permission shall not begin until the above and the development shall not be occupied until the works have been completed in accordance with the above points .

Reason: To ensure the sustainable replanting of trees lost to this development

## INFORMATIVES

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

- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)



Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration,  
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