

 **Planning Committee Map**  
Site address: Argo Business Centre, Kilburn Park Road, London, NW6 5LF  
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This map is indicative only.

**RECEIVED:** 13 September, 2011

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Argo Business Centre, Kilburn Park Road, London, NW6 5LF

**PROPOSAL:** Demolition and redevelopment of the site to provide a part 5-, 4- (at southern end only) and 3- storey mixed use development comprising 93 residential flats; new replacement Class B1 office space (1406sq.m) including one commercial unit for flexible B1/A1 business use; 51 car parking spaces; cycle spaces, hard and soft landscaping and revised access

**APPLICANT:** Starprop LLP

**CONTACT:** Rolfe Judd Planning

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

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### **RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning 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
- Community Infrastructure Levy of £275,765
- Affordable Housing - 23 units to be offered at new homes target rent for households decanting from properties in South Kilburn selected by the council, 5 units to be sold on a fixed equity basis to existing Leaseholders in South Kilburn to be agreed by the council (of no more than 60% of the value and with no rent payable on the remainder) these will be offered for 6 months prior and 6 months after completion (unless otherwise agreed by the council) before they are cascaded to standard shared ownership.
- A contribution of £459,000 (£3k/£2.4k per additional private/AH bedroom), index-linked from the date of Committee, and for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, which may include but not be limited to works to children's play facilities in the local area.
- A contribution of £40,000 to enable the planting of 20 Street Trees along Kilburn Park Road and Stuart Road.
- A contribution of £21,949 due on material start and index-linked from the date of committee for the provision of new and improvements to existing open space.
- Sustainability - submission of and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, BREEAM 'Excellent' for the commercial space, Code for Sustainable Homes Level 4, in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Join and adhere to the Considerate Contractors scheme.
- Permit Free- Remove the rights of residents to apply for parking permits.
  - 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.
  - Enter into a S278 Agreement to secure highways works to provide the proposed pavement build out, the removal of redundant crossovers, provision of new vehicular crossovers together with alterations to marked on-street parking bays.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To sign up Registered Social Landlords to the measures in the local employment/ training scheme.

And, to authorise the Head of Area 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.

## **EXISTING**

The existing site consists of a 2 and 3-storey pitched roof building on the west side of Kilburn Park Road. The building provides 2363sqm of office accommodation and 73 parking spaces.

The opposite side of Kilburn Park Road falls within Westminster and is characterised by 3-storey terrace buildings running the whole length of the road. Stuart Road to the rear of Argo Business Centre also consists of 3-storey terrace buildings.

## **PROPOSAL**

### **HISTORY**

87/2348      Granted

Conversion of existing car park to general industrial units, light industrial units, studios and offices with central facilities and car parking.

96/0645      Granted

Retention of 2.4m high galvanised metal fence around the car park adjoining the park Business Centre

### **POLICY CONSIDERATIONS**

#### **National Planning Policy Framework**

The NPPF was published on 27<sup>th</sup> March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. 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.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy 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 and Mayor's Community Infrastructure Levy (CIL)**

This applies to relevant developments from 01/04/2012

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)
- 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 2011

#### **Brent Unitary Development Plan 2004**

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

- BE1      Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2      Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should

- improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).
- H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.
- H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.
- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN23 Parking Standards – Residential Developments
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Car Parking Standards – Residential Development
- PS15 Parking for Disabled People

## **Core Strategy**

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A balanced Housing Stock

## **SUSTAINABILITY ASSESSMENT**

### **CODE FOR SUSTAINABLE HOMES & ENERGY ASSESSMENT**

A code for sustainable homes preassessment has been submitted achieving Code Level 4 with minimum score of 70.6 and possible score of 76.7 (68 is required for Level 4).

The submitted Energy statement includes the following:

- Code for Sustainable Homes Level 4 – as the site is within the South Kilburn Growth Area the Core Strategy requires this above the usual Code Level 3.
- 25% reduction in CO2 emissions beyond the Target Emissions Rate of Building Regulations 2010 (mandatory for Code Level 4) for the residential part of the development – this is a requirement of the London Plan policy 5.2.
- The proposal includes the use of communal CHP and Gas Boilers as well as 40sqm of PV panels.

The London Plan adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation wherever feasible but this is not now a requirement, some on-site renewable energy generation will be provided through the proposed PV panels. This would only result in 6% reduction in carbon dioxide emissions but the target for the overall reductions is nevertheless met and the proposal on this basis is acceptable.

### **SUSTAINABILITY CHECKLIST**

The application is a Major Case proposing in excess of 10 residential units and consequently reference needs to be had to the Council's SPG19. As such, the applicant is required to complete the Council's Sustainability Checklist and achieve a score of at least 50%. This will be secured by way of a s106 legal agreement to ensure that the development would realise the required sustainability benefits of the proposal.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

The proposal is for residential development with reduced commercial floorspace within the South Kilburn growth area – the principal of which is supported within the Local Development Framework Core Strategy. Officers have considered whether the application requires an Environmental Impact Assessment by virtue of its probable environmental effects, although it is a smaller site than that normally required to be assessed by the EIA regulations. While the development of this site is not referred to specifically within the SK Masterplan, it is considered that the scale of development will not significantly effect the conclusions about the potential impact of cumulative developments over the wider area.

### **DRAINAGE & FLOODING**

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. The site area of 0.35 hectares does not trigger the requirement for a Flood Risk Assessment (FRA).

### **CONSULTATION**

Neighbouring occupiers were consulted on 11th October, 15 representations were received including 1 in support:

- The height of the building would severely cut out light and sunshine to the neighbours opposite as well as vista and privacy.
- Object to the height of the building - the Council are spending a lot of money demolishing high-rise buildings and replacing with 3-story buildings hugely improving the character of the area impacting on the environment and social issues. A 5-storey building is in direct conflict with this.
- The proposed building will completely overshadow existing residential houses and is clearly aimed at

maximising the financial return of the developer.

- It is not set back from the road as well as design this will increase reflected traffic noise.
- From visuals provided it is very poor quality compared with many more attractive developments taking place in London.
- The design is not in keeping with the houses on Kilburn Park Road and the area in general.
- Buildings opposite are Edwardian/Victorian era - the design is not in any way sympathetic to these with no aesthetic quality at all.
- No attempt to screen the building with a green area.
- It will result in increased traffic and congestion.
- Inadequate parking provided within the site and will put undue pressure on surrounding area.
- This proposal does not contribute to the community in any way.
- Very concerned about overcrowding and lack of parking spaces.
- There is no need for more residential and commercial space.
- This part of Kilburn will lose its residential charm and would become a concrete jungle worsened by the loss of trees.
- Before the tower blocks were built the street pattern allowed alternative access to Carlton Vale - restoring this would relieve pressure on Kilburn Park Road which is essentially residential.
- Plans are being presented in a piecemeal way and it is difficult to assess the impact of each in isolation.
- This development will further add to noise and air pollution.
- The development will be detrimental to the quality of life of neighbours.
- Concern about the stability of ground - subsidence.
- Surrounding homes will suffer a depreciation in house prices.
- This would be of benefit to the area and make it a nicer place to live.

Westminster Council have objected to the original proposal for the following reasons:

- Barrel roof and 6th storey projection fail to respect the prevailing character
- Insufficient on-site parking to serve new residential development
- The proposal does not adequately assess the consequence of the cumulative impact of the additional traffic resulting from the implementation of the proposed development in light of the overall Master Plan.
- A construction management plan should be required.
- Consider that in combination with other sites identified in the SK SPD an EIA is required.
- Insufficient capacity in the sewer network which would lead to increased risk of flooding.

Following a significant redesign of the proposal consultation letters were sent on 21st February 2012, 4 additional objections, 1 comment and 1 letter of support have been received:

- Stuart Road residents association wrote advising that they did not receive the original consultation in October and were not able to leave comments on the application webpage, the area already suffers from overcrowding and the structure would obscure natural light which would impact upon the quality of neighbours lives.
- A separate comment was received from a resident on Stuart Road representing 4 properties as the landlord stating that the building, higher than Stuart Road properties will block light.
- Would not want to see more takeaway businesses as this leads to further decline
- Some concern about width of the pavement.
- Support the development as it will bring more young professionals improving the quality of shops.

#### **Internal**

Highways: No objection subject to s106 - comments discussed below.

Landscape: No objection subject to contributions - discussed further below.

Environmental Health: Conditions required.

#### **REMARKS**

#### **APPLICATION BACKGROUND**

While this proposal is a private development Members will be aware about the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. As mentioned elsewhere in this report, the New Deals for Communities (NDC) programme is no longer in existence and an alternative approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

#### **SOUTH KILBURN CURRENT PLANNING CONTEXT**

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish.

In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession meant the Consortium was no longer able to deliver the regenerative development programme. As a result, the Council itself has been leading the regeneration programme bringing individual sites forward with a number of different partners with a wide range of different funding opportunities, but the key objective is delivery

In 2012 the South Kilburn redevelopment is going well; the first phase of over 350 homes has or will be completed this year, 208 further homes have been approved and will start on site in the summer. A planning application for 229 units has been submitted on the Bronte and fielding Houses site, just to the north of the Argo site and the council is considering how it can bring forward the redevelopment of the Stuart Road block immediately to the south of the Argo site. This would mean an almost complete transformation of the outward face of the South Kilburn estate along Kilburn Park road and send a strong signal of the council's firm intent to provide high quality homes set in a first class public realm.

While this application is a completely private site and not in partnership with the council it has the potential to play an important role in the provision of affordable units to assist in the decant process to enable the continued regeneration of South Kilburn, this is discussed in more detail below.

**MASTERPLAN & PRINCIPLE OF REDEVELOPMENT**

The 2005 South Kilburn Supplementary Planning Document does not identify Argo Business Centre, given that it is a private commercial site, as a site to be redeveloped. There is however no objection to the principle of redevelopment.

**COMMERCIAL SPACE**

The existing building provides sqm while the proposal seeks to rationalise the layout resulting in less wasted circulation space resulting in sqm.

	Existing Building	Proposed Building	Difference
Gross Internal Area	2363sqm	1406sqm	-957sqm
Net Internal Area	1669sqm (or 1459 discounting 210sqm currently vacant space)	963sqm	-706sqm (496sqm)

Policy EMP9 states that the loss of employment floor space cannot be supported unless it is demonstrated that there is a lack of effective demand for the space or else unacceptable environmental problems are associated with an employment use on the site. The applicant is of the opinion that the building is at the end of its commercial life and unsuited for further capital expenditure. In addition the building is very inefficient in terms of its layout and access to natural light and significant work would be required to make the building usable as modern offices.

According to the information supplied by the agent the site is 87% tenanted at the moment but the inefficient floor space arrangement means that out of a GIA of 2363sqm only 1459sqm is in active employment use. The proposed building would provide a useable employment floor area of 963sqm, a reduction of 496sqm reproviding almost 70% of NIA.

As it is known that much of the space is currently occupied, officers enquired what steps would be taken to re-provide for current tenants in the new development. The applicant states that it can be offered that any future developer of the site would take the existing tenants contact details and keep them informed of the redevelopment process and make direct contact with them first and foremost as part of any future marketing campaign for the new workspace.

The proposed space is for small and starter businesses and to be maintained by any future tenant. A statement provided by the applicant advises that the existing serviced accommodation has an average rent of £16 per sq foot. It is envisaged the best value for rents in the new development would be £18 per sq foot but likely less. It is therefore suggested that this is in line with what tenants are currently paying and is comparable for affordability.

The proposed replacement commercial space is of acceptable quantity and quality and it is not considered that application could be refused due to the potential displacement of existing tenants.

A small unit on the corner if proposed for flexible use as A1 of B1 creating a new active front to this corner useage.

## MIXED USE

Policy BE11 of Brent's UDP 2004 states that careful design is necessary in mixed-use developments to ensure that the quality and amenity of individual units/users is preserved. Where the vertical 'stacking' of uses is the most appropriate way of achieving a mix, the issue of the design and arrangement of uses is particularly important. A specific requirement is for residential units to be functionally independent of commercial or business uses and separately accessed at street level.

While the basement car park is shared and spaces are allocated by use (discussed below), officers are satisfied that the residential use can be introduced without impeding the re-provision of the commercial space and that an acceptable quality of residential amenity can be provided.

## HOUSING ISSUES

### AFFORDABLE HOUSING

A viability assessment has been undertaken and a satisfactory proportion of affordable housing proposed as a result. 30% of units and 29% of habitable rooms are proposed as affordable, the arrangement agreed is specific to this scheme and the needs of the South Kilburn area at this point in time in its regeneration.

The units on the Argo site will be particularly helpful in the decant process-23 units (16 x 1-bed and 7 x 2-bed) will be let at target rents, rather than the new affordable rent, and aimed only at existing tenants on the estate moving from soon to be demolished blocks. While on most sites where the council seeks as many family units as possible (3-bed and above), the council has now identified a shortage of 1-bed properties in which to decant existing tenants. The existing buildings in South Kilburn have a high proportion of 1 and 2-bed flats and this needs to be factored into some of the areas new developments.

In addition to the 23 rented units, 5 x 2-bed shared ownership units will be provided. These will be offered in the first instance to existing Leaseholders on a fixed equity basis. This will allow current leaseholders to move from their flats and use their equity to purchase a proportion of the new flat. They will not however pay rent on the remainder of un-sold equity as in a normal shared ownership deal. This means that the leaseholder's outgoings will not increase - the unsold equity is then apportioned when the leaseholder sells or vacates their flat. If existing leaseholders do not take up these units then they will be offered firstly to tenants in South Kilburn and then on normal general shared ownership terms.

The London Plan proposes that of affordable housing, 60% should be for social rent and 40% for shared ownership, the offer in this development includes 18% of units as shared ownership (20% by habitable room). However, given the specific detail discussed, the requirements of South Kilburn regeneration and the viability of the scheme the proposed quantity and mix of affordable housing is acceptable.

### UNIT MIX

Unit size (no. beds)	Private	Affordable	Total
1	23 (34%)	14 (50%)	37 (38%)
2	35 (52%)	14 (50%)	49 (51%)
3	9 (13%)	-	9 (11%)

Policy CP21 of Brent's Core Strategy requires the maintenance and provision of a balanced housing stock in the borough, including the provision of family sized houses on suitable sites providing 10 or more homes.

As described above, the mix of units in the affordable housing offer is identified as targeting a specific need in South Kilburn, so while it does not provide a mix including family size units in this specific location and at this specific point in time in the regeneration of South Kilburn the proposed unit size in terms of bedroom numbers of the affordable units is acceptable.



The site constraints and the siting of the building within the site, as discussed further below, has a significant impact on the amenity space and there is no scope for the on-site provision of dedicated children's playspace impacting on the appropriate mix of units within the development. On the upper floors 3-bed duplex units are proposed where a reasonable quantity of amenity space is provided, otherwise the development consists of 1 and 2-bed units.

## UNIT SIZE

Brent's guidance for new development, SPG17, includes minimum space standards for residential units and this is applied across the borough. The London Plan in 2011 introduced more generous space standards which officers now also have regard to and aim to achieve in all new developments. Members will be aware that the original South Kilburn SPD sought larger flat sizes in order to compensate for the proposed higher overall densities in the area. The internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the both SPG17 and the London Plan.

Property Size	SPG17 (m <sup>2</sup> )	London Plan (m <sup>2</sup> )	South Kilburn SPD (m <sup>2</sup> )
1-bed	45	50	52
2-bed (3 person)	55	61	80
2-bed (4 person)	65	70	80
3-bed	80	74+	98

The internal sizes of the private units all achieve SPG17's standards as a minimum, just 9 of the 65 units (all 1-beds) do not achieve the space standards of the London Plan, these units are between 46sqm and 48sqm and are considered to provide an acceptable quality of internal space.

The units in the affordable core all meet or exceed the standards set in the London Plan, 16 of the 28 units also meet the target sizes set out in the South Kilburn SPD.

## URBAN DESIGN

### LAYOUT & ACCESS

Most of the ground floor of the building is proposed as commercial space for use as flexible work units, each of these units has an entrance either from Kilburn Park Road or Stuart Road. This will change the character of the site and on-street activity to both sides to the benefit of the vibrancy of the area. On Stuart Road where the footprint is currently right up to the boundary a private front curtilage and softlandscaping will be introduced improving the visual amenity of the public highway on this side of the street.

At the northern end of the site where the affordable housing core is proposed the use at ground floor is residential. These units have small private front gardens which will be protected by hedges around the entire perimeter, access to this core will be via a single and reasonably defined communal entrance on the corner of Cambridge Road and Kilburn Park Road. The existing pavement width, particularly on a junction, is insufficient for the location of an entrance in close proximity to the site boundary but subject to the build out of the pavement this entrance is acceptable, this work will be secured through the s106 agreement.

Access to the residential units above the commercial space will be via one of three entrances on Kilburn Park Road.

Vehicular access for residents or to the commercial parking spaces is at the southern end of the building on Stuart Road. Currently this can only be reached from the northern end of Stuart Road as there is a barrier to vehicles at the southern end, a report is being produced by the New Initiatives Team to take to the South Kilburn Board proposing the removal of the barrier. This would then be undertaken subject to public consultation. The basement parking arrangement as well as commercial servicing is discussed in more detail below.

### SCALE & MASSING

The proposed building is about 150m in length and the footprint fills the majority of the plot. However officers have ensured that the building is sufficiently set within the boundary of the plot to ensure that it respects the surrounding streetscene. The footprint of the building achieves a set in from the boundary of 2m from the boundary with Kilburn Park Road, this becomes tighter where the boundary begins to curve around towards Cambridge Road and the pavement currently follows this curve. However, the application proposes a build

out of the pavement at this junction which will balance out this tightness, officers are in support of this pavement building out which will make the junction of Kilburn Park Road and Cambridge Road safer for pedestrians.

The footprint of the tallest point of the proposed building where an architectural feature has been created is set in from the boundary on Cambridge Road by at least 2m at all points. The footprint on Stuart Road also ensures an acceptable set in, this is generally at least 2.4m though towards the southern end of the plot the site boundary steps in by 0.3m while the proposed building line continues resulting in a tighter relationship between footprint and boundary. However the pavement depth does not differ and therefore for this relatively small stretch the relationship is considered to remain acceptable.

At the southern end of the plot where the proposed building is adjacent to 4-26 Stuart Road an average set in from the boundary of 4m is proposed. Given the length of the building, officers consider that it is important for there to be the allowance for a generous break between the proposed building and the existing site to the south.

The massing of the building has reduced significantly since the original submission. The proposal consists of four 5-storey blocks with the top floor set back from the main front elevation by 1.5m, the blocks are linked by 3-storey elements. The breaks through the 3rd and 4th floors create 4 distinct blocks, this has notably reduced the massing of the building in comparison to the original submission. The main 4-storey elevation of the blocks, which is set back from the site boundary on Kilburn Park Road by at least 2m, is broken up by 3 and 4-storey projections along the elevation.

On Stuart Road the scale and massing of the proposed building is further reduced by the increased set back proposed at upper floors. A set back from the main elevation of 1.8m has been introduced at third floor and the fourth floor is proposed to be set back by 6m. To a large extent from Stuart Road it is considered that the impact of this will be that the building appears as 4 rather than 5-storeys, given the proximity of the Stuart Road dwellings officers consider this relationship is more appropriate.

## ELEVATIONAL DESIGN

There are established rhythms running through the elevations and elements of differing heights in the proposed building. The forward projecting 3 and 4-storey parts of the building and the recessed 3-storey elements which link the 4 blocks together are proposed to be clad with a pre-cast material with a Portland stone appearance, balconies are proposed at each level of these features. A traditional style yellow brick is proposed for the main 4-storey elevations and the recessed upper floor is proposed with a lightweight appearance being mainly glazed. The elevations as a whole are quite generously glazed preventing large expanses of brick without elements of interest. A sample board has been submitted for planning committee.

An architectural tower feature is proposed at the northern end of the site. This reaches just 2m higher than the flats roof of the top storey but creates a prominent feature to highlight this corner and identify the start of the building.

The building on the site currently lacks any defined building line, street presence or character. The proposal will significantly alter the character of the site with the erection of a contemporary building with a prominent building line presenting good quality architecture within a difficult and constrained plot.

## SECURED BY DESIGN

Secured by design advisors were consulted by the applicants during the pre-application stages, this resulted in the physical breaks in the building on the site being removed.

## OPEN SPACE

The depth of the site is a significant constraint on the ability of the development to provide amenity space. In order to provide a building which has activity fronting both roads, rather than presenting a 'dead' elevation on Stuart Road, there is scope only to provide a front garden type curtilage around the perimeter meaning that the majority of amenity space is provided at upper floors through balconies and terraces.

## TREES

The council's Tree protection officer has not identified any of the 13 trees on site as being of a quality which requires their specific retention however the value that the trees provide as a whole must be replaced and

therefore their loss is subject to a satisfactory re-provision of trees in association with the development.

The applicants have sought to provide trees within the limited curtilage of the site surrounding the building. Officers are of the opinion that given the limited root space (basement car park), the rain shadow that projecting parts of the building would create as well as the proximity of the proposed trees to residential windows and balconies (which in the long term is likely to result in requests from residents for the removal or significant pruning), it is unrealistic to expect trees within the curtilage of the site to have a long life span or add significantly to the character of the site and streetscene in their size.

The perimeter of the site will be defined by a hedge and other soft landscaping of good quality will be required within the curtilage of the site including large shrubs. In addition to this officers have sought a contribution of £40,000 for the provision on-street (within the pavements) of 20 trees on Kilburn Park Road and Stuart Road. Given the minimal scope for large scale planting on-site this is required both to mitigate the loss of the existing trees and to enhance the site and proposed building.

On-street tree planting will be part of a coordinated approach along Kilburn Park Road.

## AMENITY SPACE & CHILDREN'S PLAY AREA

The various amenity spaces are in the form of small private gardens at ground floor (given their proximity to the public highway officers would prefer to view these only as defensible space rather than usable amenity space), private balconies and private and communal terraces.

Balconies to the 1 and 2 bed units are a minimum of 3sqm but more often about 6sqm. The duplex 2 and 3-bed units have a good provision of amenity space in the form of terraces at fourth floor, the minimum private amenity provision to a 3 bed is about 15sqm in one instance but otherwise 20sqm is achieved. Three communal terraces of about 40sqm each are proposed on the recessed 3-storey parts of the building, it is not clear whether these will be accessible to all occupants of the private blocks or just the third floor units, clarity will be sought on this point.

The minimum amenity space provision which would be sought on site would be 1860sqm (93 units x 20sqm), while the proposal in total provides 1580sqm. The calculated shortfall is 280sqm. Officers are of the opinion that the development would still provide a satisfactory quality of accommodation but it would result in additional pressure on open spaces in the area so a further contribution is sought to mitigate this impact of an underprovision.

The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the underprovision of amenity space and the proportion of different unit sizes in the development a contribution of £21,949.40 is offered to mitigate the impact of the development.

## RESIDENTIAL AMENITY

### DAYLIGHT/SUNLIGHT & OUTLOOK

Following officers considerable concerns about the original submission the scheme was revised and a new daylight/sunlight report has been submitted. The findings of the report have been scrutinised by an independent professional.

Our understanding is that:

#### Stuart Road

There would be noticeable reductions in daylight/sunlight for 4 ground floor windows between 9 – 31 and 5 ground floor rooms between 45 - 59, this is represented in the reduction in the measurement of the Vertical Sky Component (VSC). However, the rooms would all retain a reasonable level of daylight as demonstrated by the No Sky Line and Average Daylight Factor values.

#### Kilburn Park Road

The development would reduce VSC marginally more than the 20% threshold for ground floor rooms between 157 – 167 and 1- 8 Kilburn Park Rd but these retain relatively good daylight values as above. There are a number of basement properties (approx 14) between 177 - 211 which would experience a loss of VSC above 20% but other assessments indicate that retained daylight would be either reasonable or good.

On balance, it is not considered that the changes above would be able to be sustained as a reason for refusal

on appeal.

## PRIVACY

Regarding the proposed residential units the only area of concern is around the northern end of the site where there are residential units at ground floor. A 2m set back from the boundary is achieved in most cases, also screened by hedges, and where this is tight the units also benefit from rooms with a greater set back within the staggered elevation.

The separation distance between the proposed development and the facing buildings on Stuart Road and Kilburn Park Road are defined by the existing road widths, this is as per the advice of SPG17 which does not set a minimum distance between front elevations but advises that this should be determined by the character of road width in the area. The very minimum distance between balconies and elevations containing habitable room windows on Stuart Road is 15.5sqm and 22m on Kilburn Park Road.

## NOISE AND AIR QUALITY

Environmental Health officers have provided a condition to be attached to any permission to ensure acceptable noise levels are achieved within habitable rooms, post completion testing will be required to demonstrate this. Within the development the stacking of units does not always achieve the stacking of like uses (i.e. bedrooms over bedrooms), in order to ensure that this does not lead to disturbance between neighbouring occupiers a condition is recommended to demonstrate a high quality of noise insulation in walls and floors between neighbours.

A condition is recommended regarding the basement car park. While the applicant proposed only natural ventilation officers need confirmation that this will result in safe conditions within the enclosed car park and that carbon monoxide levels will not become excessive. A condition is recommended seeking predicted carbon monoxide levels.

Since the original submission, further details of the proposed CHP has been submitted and the route through the building from the basement plant room shown on drawings to demonstrate its feasibility. However, the Air Quality Impact Assessment does not adequately consider the impact of a CHP, given the status of the site within an Air Quality Management Area this needs to be addressed by condition. As such a condition is recommended to require the submission of an AQIA demonstrating that the CHP will have no more than a negligible impact, otherwise alternative measures or means for mitigation will be necessary.

## TRANSPORTATION

### HIGHWAY WORKS

The acceptability of the proposed development, and its arrangement within the site, is reliant on highway works to narrow the junction of Cambridge Road and Kilburn Park Road with 6m Kerb Radii. This will improve the safety and appearance of the junction and provide more than sufficient pavement width around the proposed development with a residential entrance proposed at this corner. Officers are clear that if this alteration was not secured an alteration to the northern end of the proposed building and residential entrance would be required. The same alteration is also proposed on the opposite corner, this will be shown in the forthcoming Bronte Fielding planning application.

Highways officers are supportive of this proposal, the work will be at the applicants expense and its delivery will be secured through the s106 agreement.

### CAR PARKING

The site is located within Controlled Parking Zone KM, operational between 8am and 6.30pm Mondays to Saturdays. A total of 18 resident permit/pay and display bays are located along Kilburn Park Road site frontage and (when surveyed by Highways officers at 2.30pm on Thursday 20<sup>th</sup> October) 14 cars were parked in this stretch of road (i.e. 78% occupancy). Parking on the eastern side of Kilburn Park Road, which is also restricted to residents permit holders only, was about 50% parked.

Parking on Stuart Road is managed by Brent Housing Partnership through a permit system, with enforcement by a private contractor using clamping. Eighteen of 28 bays adjoining the site were occupied at the time of the site visit.

A total of 42 cars and 2 motorcycles were parked within the two on-site car parking areas for the building.

Car parking is proposed in the basement car park for both the residential units and the commercial premises.

51 parking spaces in total are provided with 43 spaces for residential units (including 6 disabled access spaces) and 8 spaces for the commercial units (including 2 disabled access spaces). Two are also designated for motorcycles.

Car parking allowances for the proposed uses within the site are set out in standards PS6, PS7 and PS14 of the adopted UPD 2004. As the site has very good access to public transport services and is located within a Controlled Parking Zone, a reduced residential standard of 0.7 spaces per 1/2-bed and 1.2 spaces per 3-bed unit applies. The provision of spaces and breakdown between the uses accords with standards for each particular use, at least 10% of the parking spaces would be accessible by wheelchair users.

A permit-free agreement will be applied to all residential units to ensure that there is no increase in on-street parking demand as this could not be accommodated.

Vehicular access to the 2.45m high basement is proposed via a ramp to a maximum gradient of 10% (with transition lengths), with a minimum head room of 2.1m at the entrance into the basement. The proposed width of the ramp is 6m with 600mm margins for the initial 9m, after which it narrows to 3.6m with a traffic signal system proposed to ensure vehicles do not encounter one another on the ramp. The access emerges onto Stuart Road at the southern end of the site with a 4m kerb radii indicated for the crossover. The gradient of the ramp, design of the junction, sightlines and proposed headroom are all fine, as is the layout of the parking spaces and aisles.

## SERVICING

A loading bay is proposed on-site and accessible from Stuart Road, it is positioned in a ground floor undercroft area central within the commercial space and from this space along the central corridor all commercial units can be reached. Highways officers find this arrangement acceptable.

The introduction of the crossover to the servicing space and the basement car park access will both result in the loss of up to 2 on-street parking spaces each. However the removal of the existing crossover at the northern end of the site on Stuart Road permits the reintroduction of up to 3 spaces. When officers surveyed the parking levels the area was not parked at maximum capacity and this balance is acceptable.

In addition, the existing crossover at the southern end of the site on Kilburn Park Road will be redundant and removed. Subject to consultation on a Traffic Regulation Order this can be identified flexibly as an on-street loading bay without a loss of on-street parking.

## TRAVEL PLAN

The submitted Transport Statement notes that the overall level of car parking on the site will fall and on this basis, the amount of traffic generated will also fall. Officers note however that the introduction of residential units on the site will be likely to generate additional traffic at evenings and weekends, this however is not a concern in terms of highway capacity.

A Framework Travel Plan has been prepared as part of the submission as required under the thresholds set by Transport for London. This sets out a number of measures to be implemented to minimise car usage at the development, however in assessing the plan using TfL's ATTrBuTE programme it has scored a FAIL. Key omissions include the absence of baseline targets, a shortage of measures to reduce car use and lack of clarity as to the process and timescales for developing the individual business and residential Travel Plans – the submission of an improved Framework Travel Plan to achieve an acceptable score in TfL's ATTrBuTE programme will be required by the s106 agreement.

## CYCLE STORAGE

A total of 111 secure cycle storage spaces located in five separate rooms on the ground floor and basement level of the development would be provided for potential occupiers of the 93 units and the commercial space. The overall cycle storage provision is therefore considered to satisfy the Council's requirement of one space per unit. The cycle storage specifically for the commercial units needs to be identified.

## S106 AGREEMENT & CONCLUSION

The development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with. Many of these issues have been expanded upon in the above report.

The precise details over what goes into the agreement is set down at the head of this report. Highway works are also required to be agreed with the Highway Authority as part of the development proposal and they should be included in any agreement.

The principle of the redevelopment of the site as a mixed use development including housing is considered to be acceptable in policy terms. The proposed development has been reduced and amended to limit its scale and impact to relate acceptably to its surroundings. It would also provide an opportunity to decant residents from other sites identified for redevelopment within South Kilburn.

The proposals are considered to accord with the policies set out within the Brent UDP 2004 and it does not conflict with the South Kilburn SPD and Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17

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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
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 drawing(s) and/or document(s):

1817-00-P-000-102 D  
1817-00-P-000-109 N  
1817-00-P-000-110 N  
1817-00-P-000-111 N  
1817-00-P-000-112 N  
1817-00-P-000-113 N  
1817-00-P-000-114 N

1817-00-P-000-116 D  
 1817-00-P-000-118 A  
 1817-00-S-000-101 L  
 1817-00-E-000-120 K  
 1817-00-E-000-121 K  
 1817-00-E-000-122 K  
 1817-00-DR-000 E  
 1817-00-DR-140

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

- (3) 'Woodcrete' bat boxes shall be provided on the proposed building.

Reason: To enhance the habitat and include bat roosting opportunities as recommended in the Habitat Survey.

- (4) 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.

- (5) 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 demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building.

Such scheme shall also indicate:-

- (i) Detail of all proposed boundary treatments indicating materials and heights.
- (ii) Screen planting along all street level boundaries (hedge).
- (iii) Screening between balconies/terraces where they adjoin.
- (iv) Detail of all hardstanding
- (iv) Maintenance plan for all areas of planting

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.

All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Criterion	Typical situations	Design range LAeg , T
Reasonable resting conditions	Living rooms	40 dB (day: T=16 hours 07:00-23:00)
Reasonable sleeping conditions	Bedrooms	35 dB (night: T=8 Hours 23:00-07:00) LAmax 45 dB (night 23:00-07:00)

A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

- (6)

- (7) Details of noise insulation between the floors/ceilings of units shall be submitted to the LPA to demonstrate that noise transmission between different adjacent uses will be of minimal levels. The information shall be submitted to and approved in writing by the LPA before the works are carried out.

Reason: To ensure that residential amenity will not be harmed.

- (8) Prior to the commencement of the development the applicant shall provide details of the predicted Carbon Monoxide levels in the underground car park shall not exceed 30 ppm averaged over any 8-hour period and shall also not exceed 90ppm averaged over 15 minutes. If the forecast does not achieve acceptable levels, mechanical ventilation will be needed. This information shall be submitted to and approved in writing by the LPA prior to commencement, and the development shall be undertaken in accordance with the approved detail.

Reason: To protect the amenity of residents of the proposed development.

- (9) Prior to the commencement of the development the applicant shall provide a detailed Air Quality Impact Assessment to include the proposed Combined Heat and Power unit demonstrating that it shall have no more than a 'negligible' impact on Air Quality at the surrounding properties, taking into account proposed developments in the area. If it is not possible or feasible to achieve 'negligible' impact, then details of alternative measures or alternative means by which the impacts of the failure to achieve 'negligible' impact will be mitigated shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details.

NB. Negligible impact refers to the descriptions specified in the EPUK guidance "Development Control: Planning for Air Quality (2010 Update)". All relevant pollutant species should be considered dependant on the fuel and engine type selected for the CHP.

Reasons: To protect the amenity of local residents and minimise impacts on Local Air Quality.

- (10) 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

- (11) A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or construction works on site. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

- (12) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) a scheme to provide designated locations for any future signage for the commercial units.

Reason: These details are required to ensure that a satisfactory development is achieved and to guard against cluttering and harm to the character of the building and streetscene.

#### **INFORMATIVES:**



- (1) 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)
- (2) If, following the projection of carbon monoxide levels, mechanical ventilation is required this needs to be taken into account in the sustainability of the development.
- (3) The applicant is advised that the provision of any water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.
- (4) The applicant is informed that they must contact Thames Water, Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ (01923 898072) before any works commence on the site.

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377