

 **Planning Committee Map**  
Site address: Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks  
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This map is indicative only.

**RECEIVED:** 26 March, 2012

**WARD:** Queen's Park

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

**LOCATION:** Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks

**PROPOSAL:** Demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by TfL) within a part 4, part 5, part 6, part 8 and part 9 storey building. Application includes the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane and Salusbury Road/Carlton Vale

**APPLICANT:** Brent Council

**CONTACT:** Maccreeanor Lavington

**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 or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

## **SECTION 106 DETAILS**

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 28.5% Affordable Housing (39 dwellings).
- A contribution of £608,400 (£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 further contribution (tbc) due on material start and index-linked from the date of committee for the provision of new and improvements to existing open space to mitigate the underprovision in the scheme.
- Contribution of £15,000 for installation of Legible London wayfinding scheme.
- 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.
- Implementation of the Framework Travel Plan dated March 2012 as submitted with the application
- Submission and approval of a Car Park Management Plan, including further details of electric car charging provision, Car Club space, the allocation of spaces between users (uses and tenures of accommodation) and the monitoring of the use of disabled spaces with a view to increasing provision if the demand requires;
- A Delivery & Servicing Plan shall be submitted and approved within three months of the commencement of works and approved prior to first occupation.
- Submission and Approval of a Construction Logistics Plan;
- A S38/S278 Agreement to undertake the implementation of the highway works as broadly set out in drawing 1627/010/001C, to also include (unless expressly rejected by the City of Westminster) the provision of pedestrian crossing facilities on the Fernhead Road arm of the junction, including all

associated lighting, signing, drainage and accommodation works and works to statutory undertakers' equipment at the developers' expense;

- 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.
- Allow future connection of the site to any Decentralised Heat/Energy Network

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 subject site comprises a surface car park, the Falcon public house, the disused Keniston Press building, Premier House (TfL offices) and Cullen House which is a residential building.

The site is bounded by the railway line to the north, Salusbury Road to the east including the gyratory system, Kilburn Lane to the south and Claremont Road to the west.

The site is not in a conservation area and does not include any listed buildings.

The site has been identified as a potential location for a tunnel vent shaft with respect to High Speed 2. It is expected that HS2 safeguarding will be confirmed in August 2012.

## **PROPOSAL**

See description above

## **HISTORY**

05/1317 Withdrawn

Phase 1 of mixed-use development - one 26-storey, one 18-storey, one 5-storey and one 3-storey building comprising 128 residential flats; commercial/retail and office-use floor space over ground, first and second floors; municipal car-parking and servicing in the basement

The proposal was designed to generally relate to the Queens Park Planning Brief however this application attracted a very large number of objections leading to the submission being withdrawn. The planning brief has been superseded and replaced with the Queens Park Station Area SPD which recommends a much scaled down form of development and the current application is proposed to respond to this document.

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

### **London Plan 2011 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)

- Queens Park Station Area Supplementary Planning Document
- The London Plan 2011
- Site Specific Allocation DPD

## **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

PS16 Bicycle Parking

### **Core Strategy**

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A balanced Housing Stock

### **Site Specific Allocation DPD**

SK1. Queens Park Station Area

### **Queens Park Station Area SPD**

### **SUSTAINABILITY ASSESSMENT**

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

- Achieves the Code for Sustainable Homes Level 4. Therefore meets the requirements for major proposals to achieve a minimum rating of Code for Sustainable Homes level 4 rating in growth areas (South Kilburn Growth Area) in the Core Strategy Policy CP19.
- Achieves BREEAM for Offices pre-assessment 'Excellent' rating (75.77%) which meets the requirement for non residential development proposals to achieve BREEAM 'Excellent' in Policy CP19.
- Achieves BREEAM for Retail pre assessment 'Very Good' rating (55.24%) which does not meet the requirement for non residential development proposals to achieve BREEAM 'Excellent' in Policy CP19 - this will be required in the legal agreement.
- Achieves 25% over Part L of the Building Regulations therefore meets the London Plan Policy 5.2 requirements to minimise carbon dioxide emissions. The total cumulative carbon dioxide savings is 37.5%
- Meets the London Plan presumption that major developments will reduce carbon dioxide by at least 20% through the use of on site renewable energy generation
- The energy strategy uses a very high level insulation and a centralised community heating system incorporating heat pumps (Continuous Mechanical Extract, Exhaust Air Heat Pump and Low Temperature Heat Bank)
- Includes a green tenancy agreement requiring tenants to connect to central air extract systems

#### **SUSTAINABILITY CHECKLIST**

A score of 54.3% is achieved however there are a few queries regarding some of the points and evidence supporting these points will be required - 3.1 f) involve community/occupant participation in its planning, implementation or future management, 4.6 a) the proposal creates useable new public open space, 5.2 b) site waste management plan and 6.4 k) the proposal incorporates a centralised waste collection and recycling facilities e.g. Envac

#### **ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

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

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

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

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

As the proposal is for the redevelopment of an urban site with existing buildings and some housing this proposal, even when taken cumulatively with permissions already granted in South Kilburn, is unlikely to give rise to the level of impact where it is considered that an EIA is necessary.

## DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. As the site area of 1.0319ha triggers the requirement for a Flood Risk Assessment (FRA) an assessment has been submitted as part of the application documents. This concludes that the proposed development does not increase flood risk on site or off-site subject to a sustainable drainage system. The proposals are therefore robust in terms of flood risk and comply with PPS 25 and the SPD

## CONSULTATION

### External

The public were consulted in accordance with SPG2. 1415 letters were sent out by 26th April and a further 1010 on 1st June 2012. The delay in the second set of letters was partly due to the time taken to receive addresses for consultation from Westminster and the time taken to subsequently manually input all addresses.

Site notices were posted around the site and a press notice was published. To date 3 objections have been received along with 2 comments and a letter of support.

Objections raised as follows:

- The building is too high for the context of Salusbury Road and out of character with the 2 or 3 storey buildings.
- Concern about impact on traffic of the new junction arrangement - build up particularly south bound in the morning at the signals at Queens Park - more traffic lights will lead to greater congestion.
- Impact of visitors to the site would worsen already difficult parking situation.

Other comments include:

- Community spaces should be provided such as a council gym
- The project is vital for the community.
- It was initially suggested that the Royal British Legion would be accommodated within this site, it is now being temporarily relocated to the Peel Precinct and it is requested that details be provided of which phase of redevelopment will include a new permanent location.

Westminster Council - no comments received.

GLA - Stage 1 comments received and discussed in report below.

### Internal

#### Transportation

Subject to a Section 106 Agreement to secure:-

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- (i) A S38/S278 Agreement to undertake the implementation of the highway works as broadly set out in drawing 1627/010/001C, to also include (unless expressly rejected by the City of Westminster) the provision of pedestrian crossing facilities on the Fernhead Road arm of the junction, including all associated lighting, signing, drainage and accommodation works and works to statutory undertakers' equipment at the developers' expense;
- (ii) A financial contribution of £160,000 towards improvements to non-car access to the site, to include a sum of £15,000 towards Legible London signage;
- (iii) Implementation of the Framework Travel Plan dated March 2012 as submitted with the application;
- (iv) Submission and approval of a Car Park Management Plan, including further details of electric car charging provision, Car Club spaces and allocation of spaces between users (with a view to reducing the number of spaces for the offices);
- (v) Submission and approval of a Delivery & Servicing Plan;
- (vi) Submission and Approval of a Construction Logistics Plan;

together with conditions to secure:-

- (i) Widening of the car park access to 6.1m (incl. 300mm safety margins);
- (ii) Monitoring of the use of disabled spaces with a view to increasing provision if the demand requires;

together with a condition requiring submission and approval of further details of the proposed bicycle storage systems for the site, there would be no objections on transportation grounds to this proposal.

#### **Landscape Design**

No objection in principle to the proposed development but require further details of landscaping proposals by condition.

#### **Urban Design and Regeneration**

Further consideration should be given to emphasise architectural features of the development.

#### **Environmental Health**

No objection to the proposed development but recommend that conditions are attached to the proposed development to relate to construction method statements, contaminated lands with remediations, noise insulation and ventilation for the basement car park.

#### **Policy and Research**

No objections

### **REMARKS**

#### **APPLICATION 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.

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, and just to the south of

this a private development is proposed on the Argo business centre site consisting of a mixed use scheme with 93 residential units.

**MASTERPLAN & PRINCIPLE OF REDEVELOPMENT**

The 2005 South Kilburn Supplementary Planning Document identifies the Queens Park Station site for redevelopment for commercial, office or community uses with residential above in Phase 2. This is reinforced in the Queens Park Station Area SPD and the site is identified as a gateway to Salusbury Road and an opportunity to spread the relative economic prosperity of Queens Park to the north to the area south of the railway.

**COMMERCIAL SPACE**

The existing uses on the site (other the residential) include a public house (458sqm), TFL office space (572sqm) and a Light Industrial unit (628sqm).

At ground floor the proposed development envisages 1270sqm of floor space to be used as retail (A1) and food and drink uses (A3 and A4), 959sqm of replacement office floor space is also proposed. The loss of the light industrial unit is not of concern given that it is vacant and neither the South Kilburn SPD nor the Queens Park Station Area SPD recommended an industrial use be accommodated in the development.

The site is to the south of the primary shopping frontage of Queens Park separated only by the train line and is therefore an acceptable location for additional commercial floorspace. The site will also provide a link between the Salusbury Road and Kilburn Lane shopping parades. Seven individual units of various sizes are proposed, four are identified as A1 (retail) while the unit fronting Salusbury Road and the public space is A1 or A3 and the corner unit including the location of the existing Falcon pub is proposed as A1, A3 or A4 which provides the opportunity for a replacement bar or public house.

**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.

The proposed car park is shared but spaces will be allocated by use to prevent conflict which will be covered by the car parking management plan secured by legal agreement, servicing and cycle parking are proposed separately and officers are satisfied that the residential use can be introduced above commercial space resulting in an acceptable quality of residential amenity.

**HOUSING ISSUES**

**EXISTING & PROPOSED HOUSING**

Cullen House which is located on the existing gyratory system contains 31 flats, 29 of which are social rent, with the freehold held by Brent Housing Partnership. Cullen House consists of 21 studio flats, 7 one bed flats and 1 two bed flat.

The proposed development will result in the provision of 137 new flats, with 39 affordable flats and 98 private flats. The 39 affordable flats represents a fairly small increase in the number of affordable units, however the proposed mix is considerably better and introduces a number of larger family sized flats such that the number of affordable habitable rooms would increase from 38 to 120. The housing mix is detailed below on a unit and habitable room basis.

Housing mix on a unit basis

	1 bed	2 bed	3 bed	4 bed		
Affordable	16	15	5	3	<b>39</b>	<b>28%</b>
Private	41	45	11	1	<b>98</b>	<b>72%</b>
	<b>57</b>	<b>60</b>	<b>16</b>	<b>4</b>	<b>137</b>	
	<b>42%</b>	<b>44%</b>	<b>12%</b>	<b>3%</b>		



Housing mix on a habitable room basis

	1 bed	2 bed	3 bed	4 bed		
Affordable	32	45	25	18	<b>120</b>	<b>30%</b>
Private	82	135	55	6	<b>278</b>	<b>70%</b>
	<b>114</b>	<b>180</b>	<b>80</b>	<b>24</b>	<b>398</b>	
	29%	45%	20%	6%		

The provision of affordable housing equates to 28% on a unit basis and 30% on a habitable room basis, which falls short of the Brent's Local Development Framework Core Strategy policy target that 50% of new homes are affordable. London Plan Policy 3.12 states that the maximum reasonable amount of affordable housing should be sought having regard to issues including affordable housing targets, promoting mixed balanced communities, the size and type of affordable housing needed in different locations but also that negotiation should take account of development viability. In this particular case the economics of the scheme are such that the proposed level of affordable housing is considered the maximum reasonable amount the development can viably bear and this is discussed in more detail below.

The point is also made in the Planning Statement submitted with the application that the proposal should be seen within the wider context of the redevelopment of South Kilburn. A clear example of this is the housing mix which is being provided by developments within Phase 1 of the South Kilburn regeneration, including the proposed mix in the subject application. Of 631 proposed units, 349 are identified to be affordable, equating to 55.3%.

**ECONOMIC VIABILITY**

A Three Dragons Toolkit has been submitted to justify the proposed lower than policy target level of affordable housing provision to be delivered by the scheme on economic viability grounds. The key viability issues surround site acquisition costs and exceptional development costs. On the former point, the Salusbury Road scheme will require the acquisition of a number of landholdings, including Keniston Press, the Falcon Public House and two Cullen House leaseholders. An allowance of £3 million has been made for these land acquisitions. On the latter point, existing London Underground offices must be re-provided at zero cost as part of the redevelopment and major junction and utilities works undertaken. An allowance of £4.7 million has been made for these exceptional development costs. Assumed land acquisition and exceptional costs therefore total £7.7 million.

Given the development economics of the Salusbury Road scheme, the proposed level of affordable housing is considered the maximum reasonable amount the scheme can viably deliver. The GLA have requested further comfort with respect to an independent appraisal of the Three Dragons Toolkit and the applicant is prepared to submit to such an appraisal if required. The above information is being relayed to the GLA and any further response will be provided in the supplementary report.

**LOCAL HOUSING NEEDS**

The proposed unit size and tenure mix of the affordable housing element of the scheme has been determined to ensure that the pipeline supply of new homes meets the needs of the existing tenants within the regeneration programme. This housing need is determined by assessments carried out by housing allocations officers who seek to understand the needs of tenants well in advance of the process of moving house so that the design process can be informed. Whilst the unit size mix proposed for Salusbury Road falls short of the overall targets for family sized homes set out under in the Brent's Local Development Framework Core Strategy and the London Housing Strategy, consideration should be given to the local needs of the South Kilburn regeneration programme as follows:

- The existing baseline of 1 and 2 bedroom households within South Kilburn
- That the overwhelming majority of South Kilburn tenants wish to stay within South Kilburn and the council has committed to accommodating residents wishes
- The programme must ensure that it continues to provide an appropriate 'profile' of housing mix to ensure the programme can continue

It should also be noted that currently no larger family sized homes are provided on the existing site, whilst the

proposed new development provides 26% three and four bedroom homes on a habitable room basis, including 36% three and four bedroom homes on a habitable room basis within the affordable element of the scheme.

New affordable homes within South Kilburn area will be offered to tenants under the new homes Target Rent regime. This is in line with the position of paragraph 4.20 of The Homes and Communities Agency Affordable Homes Programme 2011 – 2015 which identifies that “social rent provision will only be supported in limited circumstances. For example, social rent could be considered in regeneration schemes where decanting existing social tenants into new homes is necessary.” Paragraph 7.11 states that “Providers will be expected to deliver a range of rents across their development proposals from homes let at target rents up to a maximum of 80% of the market rent. In order to maximise the number of new homes, it is expected that most will be let at, or close to, the 80% limit. However, there will be circumstances where rents may need to be set at lower levels. This may include areas where market rents are exceptionally high, in the provision of supported housing or in regeneration schemes where there is a clear pre-existing commitment to the re-provision of homes at target rent levels.”

The South Kilburn Regeneration Programme sets a commitment to provide new homes to tenants at rents that they can afford. Development Agreements with developer partners are engrossed on the basis of the South Kilburn tenancy and rent assumptions based upon the new homes target rent regime and this was agreed by the Council's Executive in February 2012 due to the particular circumstances for South Kilburn, those being that the programme is decanting tenants on a social rent regime to new homes; there has been a commitment to residents; local market rents are very high. One should also note that no GLA grant funding is currently assumed to subsidise the development of Salusbury Road.

## **UNIT SIZE**

All homes within the proposed development meet or exceed the internal space standards of the London Plan and London Housing Design Guide.

10% of homes in the development are designed to be wheelchair adaptable.

## **URBAN DESIGN**

### **LAYOUT & ACCESS**

The proposals are a significant intervention and repair what is at present a rather incoherent and disparate urban landscape. The proposal reinforces the historic grain and creates a more legible streetscape both locally and from further afield. The area, currently separated by the gyratory system, is proposed to be brought together as a single site with a carefully designed public realm proposed between the 2 blocks.

It is envisaged that the majority of pedestrians coming from Kilburn Lane to the south and west of the site will use the public space to reach Queens Park Station. Good quality materials will make this an attractive space along with street trees. Another route around the site includes the walkway between the railway and the northern elevation of the building, stairs from Claremont Road lead up to the space and a ramp leads down to Salusbury Road to the eastern end. The inclusion of stairs is a limitation for public accessibility however this is not an existing pedestrian route and therefore does not result in a restriction compared to the existing situation. A very small number of pedestrians are expected to choose this route, most likely only those from Claremont Road. The TfL offices wrap around the corner of Claremont Road onto the northern walkway, and there are 3 residential units, a bike store and bin store and a commercial unit on the corner of the walkway and Salusbury Road which should create a good level of activity through the day. The residential units have a small private curtilage for privacy and a landscaped strip is proposed between the walkway and railway.

Entrances to TfL offices as well as residential entrances are proposed on Claremont Road which officers consider to be a significant improvement compared to the existing redundant light industrial building. A good quality of design will be required to the entrances of the bin and bike stores as they account for a significant stretch and laser cut decorative screen treatment is proposed. More prominent residential entrance features are being considered on Claremont Road.

### **SCALE & MASSING**

On Claremont Road the development appears as 2 distinct blocks, starting at the northern end of the road opposite Claremont House the first block is 3-storeys with a set back fourth while the second block leading to Kilburn Lane is 4-storeys with a set back fifth. This second block continues along Kilburn Lane until the

building ends at the public space. The Salusbury Road elevation also appears as 2 blocks leading towards Queens Park Station, the first is 6-storey with a set back seventh and the second at the north east corner is 6-storeys with a set back seventh and eighth.

The block on the corner of Kilburn Lane and Salusbury Road is 6-storeys.

The scale, height and massing of the proposed scheme diverges from the development brief in that it removes the 12 storey element from the north east corner and redistributes the mass more evenly across the site. This results in a larger overall mass but delivers a lower building within the overall local context. In addition the progression of scale down Kilburn Lane westwards helps the larger scale at the junction sit comfortably within the 3 to 4-storey context of the shopping parades and flats.

It is considered the junction location presents an opportunity for architecture of a landmark value, it is not considered that the design achieves this at present but further detail has been sought. Glazed brickwork is proposed above windows at upper levels and a three dimensional brick pattern or weave has been suggested. This will be considered further prior to the committee.

## ELEVATIONAL DESIGN

The elevational design is simple with an ordered geometric grid of fenestration however it is considered that the result is quite commercial while the use of the building above ground floor is residential. It has been recommended that some more distinction between uses, ground floor and above, be created through materials and detailing as apparent in the historic shopping parades on Kilburn Lane. This detail could be conditioned.

The ground floor is designed to be active with shop windows and residential entrances, the scale of the buildings and its organisation is designed to reflect a mansion block style.

The design is predominantly brick in keeping with the surrounding buildings, the set back levels will be expressed with a different brick with the intention of reducing the visual impact of the building heights. It is also proposed that the courtyard elevations will be in a different brick creating a distinction between front and back.

## SECURED BY DESIGN

The building creates an active environment around its perimeter and the uses proposed should mean that there will be street level activity for long periods of the day. Residential entrances are located around the building adding to the spread of activity.

The communal amenity space is separated from the public realm giving a relatively secluded feel and making it safe from intrusion.

## OPEN SPACE

### TREES & LANDSCAPING

Trees are proposed in both the communal amenity area, on the public highway and in the public space between the 2 blocks of the proposed development.

Officers have reviewed the proposed species and have recommended some alterations which are required by condition. The type of tree recommended for the public space is Prunus Maackii Amber Beauty and to achieve continuity it is recommended that the street tree at either end (one on Salusbury Road and one on Kilburn Lane) be of the same type. A minimum girth of 18-20cm will be required for the trees by condition.

Eight further street trees are proposed around the corner of the site and the proposed species, Alnus Spaethii, is considered to be appropriate. The proposed cast iron tree grilles are not acceptable in public areas for adoption by Brent, permeable resin bound gravel would be required for tree pits.

The finished design quality of the public route through the site will be very important to the overall success of the scheme and therefore further detail of the proposed arrangement is sought by condition. Landscape officers query the random zigzag pattern and wonder whether a continuous pattern as well as an identified route for vehicular deliveries should be included.

Within the landscaped courtyard 14 trees are proposed, Birch and Rowan, these are native species and are considered to be acceptable for the location and should be planted at size 10-12 cm girth. A condition is recommended regarding the minimum soil depth and irrigation for the courtyard to ensure tree survival.

Officers understand the landscape concept of Birch moorland and wild grass however there is concern about how well this will work in an enclosed courtyard. It is likely that the scale of grass could become dominating in the enclosed space but it does not respond well to being cut and this is not the design intention. A condition is recommended that the potential for a wildflower meadow be explored. This would add the value of flowers in summer and can be mown shorter for winter.

## AMENITY SPACE & CHILDRENS PLAY AREA

For the number of units proposed the amount of amenity space required by SPG17 (at 20sqm per unit) is 2740sqm, 1554sqm is provided within private balconies and gardens along with 887sqm of communal amenity space. Public space measuring 606sqm is proposed however this is considered to be a route rather than a space in which people will spend amenity time. There is an under provision of amenity space of 299sqm.

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 under provision.

The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the under provision of amenity space and the proportion of different unit sizes in the development a contribution will be sought. This amount will be included in the Heads of Terms.

Some children's play facilities are proposed and in particular timber animals are agreed as good elements for toddlers play however landscape officers are not satisfied with the overall quality and useability, a condition is recommended to ensure satisfactory provision is made for play in terms of quality and quantity.

## RESIDENTIAL AMENITY

### DAYLIGHT/SUNLIGHT & OUTLOOK

A comprehensive daylight/sunlight report has been provided with the application considering the neighbouring residential buildings in detail. The methodologies undertaken include measurement of the Vertical Sky Component (VSC) which calculates the angle of vertical sky at the centre of each window, No Sky Line which assesses the changes in position and Average Daylight Factor (ADF) which considers the amount of sky visibility on the window as well as the window size, room size and room use making it a more detailed assessment. A summary is provided below and the conclusion is that taking all 3 measurements into account and with some flexibility given the urban environment the impact is acceptable.

#### *Claremont Road*

52% of the openings satisfy the guidance for VSC (a VSC level of 27% and a reduction of less than 20%). Of the windows which do not comply they are either in restricted locations meaning they have below target or very low existing levels and any alteration will appear disproportionate and in other cases the non-compliant levels are marginal.

The ADF measurements show that 3 of the 6 living rooms maintain a value above the 1.5% target, to the remaining room the reductions are relatively small and to rooms which already have an ADF below the target level.

Compared to the existing situation which is a relatively low rise building providing little obstruction and with some flexibility given the urban environment the study author considers that the impacts discussed above are acceptable.

#### *Kilburn Lane*

305

The majority of windows comply with the VSC guidance and for those that don't the reduction is considered marginal (reductions not exceeding 24%) and against the no sky line only one room experiences any alteration of direct skylight.

The ADF levels as existing are all below 1.5%, of the 3 which begin above 1% they all remain above 1%.

Other rooms with very low existing levels experience reductions which appear significant in percentage e.g. a level of 0.09 reduces to 0.01 which is a 84.62% but related to a target of 1.5% a reduction of 0.08 is small. The consultant is of the opinion that given the very good results for the no sky line study the impact is acceptable.

307

The vast majority of windows comply with the VSC targets, those that experience greater than recommended decreases maintain actually VSC levels of no less than 20% against the 27% target. Three of these rooms which are below VSC target achieve ADF targets, a single room does not comply which is a kitchen at ground floor, nevertheless the consultant does not consider that the impact would be significant enough to materially affect the room.

332-348

These properties are fully compliant with VSC and no sky line methods of assessment.

350-354

The data for VSC shows that 3 properties will experience a minor breach of the 27% target but ADF and no sky line measurements show full compliance.

William Dunbar House

All but 2 windows on the main elevations comply with VSC targets, however there are 20 windows, all located below overhanging balconies which fail. The existing balconies have the impact of restricting VSC levels as the windows as existing have a level below the 27% target, the reductions experienced however do not exceed the 20% maximum set by BRE and therefore the scheme is regrettable but not considered to have an unacceptable impact.

## PRIVACY

Separation distances between the proposed development and neighbouring residential buildings are established by the width of public highways as recommended by SPG17 with the proposed buildings positioned on the back of the public highway as is characteristic of Kilburn Lane and Salusbury Road commercial frontages.

Within the site there are some points of tightness between the 2 blocks across the public space and across the amenity courtyard. Across the courtyard there are 90 degree or more oblique angles at corners where the separation is limited however the position of stairwells on internal corners prevent the relationships from being unacceptable. Directly facing windows have a minimum separation of 24m which complies with SPG17.

Across the public open space the minimum separation distance, with a slightly off-set relationship, is 14m. All units affected by this relationship are designed to benefit from at least one other window with outlook with a more open aspect.

## NOISE & AIR QUALITY

Both noise and vibration have been assessed within the application submission and mitigation measures proposed, the submission has not identified which options for mitigation would be selected but a condition is recommended requiring the identification of the specific measures to be implemented along with post completion testing.

The Air Quality impact assessment demonstrates relatively little impact on surrounding sensitive locations of the re-design of the road junction. The study indicates no need for mitigation against the operational the operational effects of the building.

Measures to mitigate the effects of construction and demolition on surrounding premises are recommended in the proposal and will be secured by condition requiring a construction method statement.

## TRANSPORTATION

### HIGHWAY WORKS

This application proposes the comprehensive redevelopment of the site, to include the removal of the gyratory traffic system and its replacement with a 4-arm signal controlled junction with pedestrian crossing

facilities at the Kilburn Lane/Salusbury Road/Carlton Vale/ Fernhead Road junction.

In order to assess the operation of the new junction layout, detailed traffic surveys, including pedestrian movement surveys, were undertaken in July 2011 (n.b. for interest, flows through the junction were observed to have fallen by 20% and 10% in the morning and evening peak hours respectively since previous surveys were undertaken in 2004). The latest surveys included automatic number plate recognition to accurately establish traffic routing through this complex gyratory system.

Predicted vehicle trips to and from the retail and residential elements of the development were then estimated through comparison with other similar developments in parts of London with high levels of public transport accessibility. No assessment of trips to and from the London Underground offices was undertaken though, as these were assumed to remain as existing, given that the new floorspace and car parking facilities simply replace existing accommodation.

This exercise produced predicted vehicular flows to and from the development of 8 arrivals/17 departures in the morning peak hour (8-9am) and 12 arrivals/11 departures in the evening peak hour (5-6pm). Given the highly restrained level of parking for the residential units (0.26 spaces per flat) and the absence of any parking for the retail units (which means retail trips are likely to be predominantly local trips on foot or vehicles passing or visiting the area anyway), these estimates are considered to be reasonable. These predicted levels of additional traffic are not considered great enough to warrant assessment of the impact of the development on any road junctions remote from the site.

The projected flows were then tested through the proposed new junction layout, using recognised industry-standard traffic modelling software (LINSIG3). The results of this assessment showed the junction operating with at least 20% practical reserve capacity (prc) during both the morning and evening peak periods, with an acceptable cycle time of 90 seconds.

Flows were then tested for a future year scenario for the year 2022, assuming traffic growth in the intervening period of 11% (in addition to the predicted increases in traffic arising from the South Kilburn redevelopment proposals). This exercise showed practical reserve capacity falling to about 8% for the two peak hour assessments, which is still within an acceptable range. As such, there are no concerns with regard to the capacity of the proposed new junction, although this will also need to be vetted by TfL's Traffic Signals Unit (LSTCC). Initial comments from TfL suggest that the signal design is acceptable.

One consequence of the removal of the gyratory system is that traffic emerging from Albert Road will no longer be able to use the circulatory system to travel northwards along Salusbury Road. To accommodate this change, the junction will need to be amended to allow traffic to turn right out of the junction, with the central island in the bellmouth of the junction requiring removal.

There is a minor concern in respect of this, in that the visibility splay northwards is restricted to about 2.4m x 60m by a boundary wall, which falls slightly below standards for a 30mph distributor road. However, the affected wall forms the boundary to South Kilburn development site 11b, for which designs are currently being drawn up ahead of a planning submission in the coming weeks. The indicated design currently involves the widening of the footway along Salusbury Road to incorporate a loading bay and as such, sightlines will increase to about 2.4m x 70m, which is acceptable. As it is likely that site 11b will be developed ahead (or simultaneously with) this development site, the issue of sightlines from Albert Road is not considered to be significant.

The proposed signalised junction will provide safer pedestrian crossing facilities (particularly for the elderly, disabled and partially sighted) between Salusbury Road and Fernhead Road/Carlton Vale, which together with the proposed pedestrian refuge on Salusbury Road north of the Albert Road junction is particularly welcomed.

The only concern with regard to pedestrian facilities is that no pedestrian signal phase has been included across the Fernhead Road arm of the junction, with pedestrians instead having to cross through gaps in the traffic flow (as they currently do). However, it would be a relatively simple matter to include a "with-flow" crossing facility on this arm with little adverse impact on junction capacity. To achieve this would require the enlargement of the existing triangular island in the mouth of the junction to accommodate signal control equipment and guardrailling, which would in turn require the trimming back of the kerblines on the eastern side of the junction by 2-3m, affecting a landscaped area behind. As these works all lie within the jurisdiction of the City of Westminster, their agreement would be required.

This issue is not considered significant enough to justify rejection of this proposal, but if Westminster do

support for the incorporation of a pedestrian crossing phase on this arm and are willing to allow the kerblines to be adjusted accordingly, then this additional work should be incorporated into the scope of the highway works. It is noted that TfL have also suggested that the pedestrian crossing facilities be improved at the junction.

The revised location and design of the bus stops on Kilburn Lane and the bus stands on Claremont Road have been confirmed as being acceptable by London Buses.

The design of the revised highway layout has been subjected to a Stage 1 Safety Audit, which has raised nine issues. The majority of these are minor design matters that can be addressed as the detailed construction drawings are progressed.

The one significant issue concerns the staging of the right-turning movements from Salusbury Road to Kilburn Lane and Fernhead Road and its potential to confuse pedestrians using the crossing on this arm. However, due consideration has been given to the alternative suggestion of running the right-turn movement in Stage 1, but this is considered to be a more hazardous arrangement, due to the conflict between right-turning traffic and westbound traffic from Carlton Vale. It would also have a major negative impact on junction capacity if a formal crossing is provided on Fernhead Road. It is therefore recommended that the signal staging arrangements remain as proposed.

The highway works will need to be carried out by (or under the supervision of) Brent Council's Highway & Transport Delivery Unit under an agreement under S38/S278 of the Highways Act 1980 and will also entail the stopping up of the western arm of the gyratory system under S247 of the Town & Country Planning Act 1990. All costs associated with this need to be borne by the developer.

#### Non-Car Access

With regard to journeys by other modes of transport, the Transport Assessment has provided estimates on how trips would be divided between various modes of transport, based upon data collected for the 2001 Census and data held for similar developments across London. This suggests that 63% of trips would be by rail/tube, 19% by bus, 11% by foot and 1% by bicycle (the remainder being by car/taxi). The high proportion by rail/tube is a reflection of the location of the site adjacent to Queens Park station and the resultant levels of pass-by footfall for the shops associated with the station.

These figures result in 92 and 113 bus trips to and from the site in the morning and evening peak hours respectively, which averages approximately 1.5 passengers per bus passing the site. Even on the busiest routes to and from Central London (6 & 36), the average increases amount to only two passengers per bus. These totals have been considered by London Buses and are considered to be acceptable, with adequate spare capacity available on the affected services.

For rail and tube services, predicted movements total 166 arrivals/189 departures in the morning peak hour and 204 arrivals/183 departures in the evening peak hour, with 96.5% of journeys by tube and 86.5% of journeys by London Overground being to and from Central London. This results in an average of 7-8 extra passengers per Bakerloo line train to/from Central London and 11-12 extra passengers per Overground train to/from Euston. Again, these figures have been examined by TfL and have been confirmed to be acceptable, with adequate spare capacity available on services from Queens Park to meet this demand. It is in any case likely that a large proportion of the trips associated with the retail units are already passing the site on their way to and from the station, so are not actually new trips on the rail services.

With regard to walking and cycling, a PERS assessment has been carried out of the local pedestrian environment and crossing facilities, which show no major areas of concern, given the shortcomings in crossing facilities adjacent to the site will be addressed through the revised junction layout anyway.

The only issue that was picked up on was the shortage of directional signing in the area and to this end, TfL have requested a sum of £15,000 towards Legible London wayfinding signage and this request is supported.

Accident records in the area over the three year period to July 2011 identified 11 personal injury accidents around the gyratory system, four of which involved pedestrians. The alterations to the road layout should help to regulate speeds through the area and thus reduce the accident rate.

#### CAR PARKING

With regard to the site layout, the car park access from Claremont Road is a little tight at 4.5m (with no

protective margins) to accommodate two cars passing one another and it is recommended it be widened to 6.1m (including 300mm margins). This will be secured by condition or an update will be provided in a supplementary report.

The location of the site within a Controlled Parking Zone with very good access to public transport services means reduced residential and office allowances apply to the site. In terms of residential parking, 0.7 spaces are permitted per 1-2-bed flat and 1.2 spaces per 3+bed flat, whilst offices are permitted only one parking space per 300sqm.

As such, up to 105.9 spaces would be permitted for the new flats, with two spaces allowed for the offices. Each of the retail/food and drink units would be permitted a space, giving a total allowance of 115 spaces. The proposed provision of 51 spaces would therefore accord with standards.

Of these, 15 spaces are proposed to be allocated for the use of London Underground staff, with the remainder for residents (leaving none for the retail units). The number of spaces proposed for the offices greatly exceeds standards and has been queried by officers. However it is recognised that these spaces replace spaces lost within the existing car park and also that the spaces are used by the 120 drivers operating out of Queens Park depot (whose shifts commence from 5am and finish from 1am) in addition to office staff.

Standard PS15 requires each of the 13 wheelchair units to be provided with a disabled parking space. At present, only six such spaces are shown, which would fall short of standards. However, the layout of the car park includes some fairly generous aisle widths, so it should be a simple matter to include a further seven wide spaces for disabled use if required. This issue should be monitored as part of the Travel Plan for the development.

The Transport Assessment makes reference to the inclusion of a Car Club space and the provision of electric car charging points for 20-40% of spaces. These are welcomed on sustainability grounds and should be secured within a Car Park Management Plan for the site, which should also set out how access to spaces will be controlled and enforced (an electric fob operated barrier has been referred to in the Transport Statement. Allocation of spaces will also need to ensure a reasonable provision is set aside for affordable units.

Consideration also needs to be given to the impact of any overspill parking on traffic flow and highway safety, the immediately adjoining roads do not and will not in future offer any scope to safely accommodate on-street parking. Given the relatively low ratio of parking spaces per dwelling, it is therefore considered essential to limit overspill parking through the provision of a 'car-free' agreement and this will need to be secured through a Section 106 Agreement. Signage within the building to reinforce this message is also recommended.

A further consideration is the loss of the small public car park within the site, which is not proposed to be replaced. To quantify the effect of this, the Transport Consultant has carried out surveys of its use on a weekday and on a Saturday and identified a total of 60 and 29 vehicles using the car park across the course of each day, with maximum observed occupancy levels of 20 vehicles (49%) and 9 vehicles (22%) respectively at any time. On the weekday, nine cars were parked for over 6½ hours, which were reasonably assumed to belong to London Underground staff.

As such, this area of public car parking is not currently well used and if lost, would generally lead to no more than about 5-10 additional cars using of on-street pay and display bays on the surrounding streets at any particular time. The car park is also not considered to be of particular benefit to Queens Park station itself, given that the station is well connected to its local catchment area by local bus services, walking and cycle routes and this has been confirmed by TfL. On this basis, the car park is not considered to be essential and its loss is therefore acceptable when assessed against Policy TRN27 of Brent's UDP 2004.

## SERVICING

In terms of servicing, standard PS17 requires a shared transit sized bay to be provided for every two retail units, with the retail floorspace as a whole generating the need to provide a full-size loading bay. The offices require servicing provision by an 8m rigid lorry.

No off-street servicing space is indicated within the development, which is a shortcoming in the scheme. It is instead proposed to allow small vans access to the central pedestrianized area to service the small shop units between 10am and 4pm, with a new loading bay to be incorporated into the footway along Salisbury Road to accommodate any full-size lorries servicing the site for periods of up to 20 minutes. The surfacing treatment of these areas should be such that it would discourage unauthorised use for parking and would



revert to pedestrian use when not occupied by delivery vehicles, further details of the treatment of the crossover to the central pedestrianized area also need to be agreed.

A further 10m bay in Claremont Road for deliveries between 8am-8pm is proposed to serve the western side of the development, including the London Underground offices, with the bus stands amended accordingly.

The distribution of refuse stores around the perimeter of the building will allow refuse to be collected from the adjoining highways which is acceptable, with fire access requirements being similarly satisfied by the perimeter block arrangement of the site.

There should be adequate overall servicing provision for the development clear of the main carriageways of Kilburn Lane and Salusbury Road and it should therefore be possible to implement "no loading at any time" restrictions along the remaining stretches of Kilburn Lane and Salusbury Road fronting the site, particularly in the vicinity of the new signalised junction where it will be important that traffic lanes are not obstructed by delivery vehicles. Suitable restrictions will also need to be placed on the loading bays to prevent long duration stays and to prohibit parking and appropriate restrictions will need to be determined by the Highway & Transport Delivery Unit through the Traffic Regulation Order consultation process as the associated highway works are adopted.

It is also proposed to produce a Delivery & Servicing Plan for the development to help to manage delivery vehicle movements to and from the site, which will further help to ensure loading facilities are able to cater for future demand.

Similarly, a Construction Logistics Plan will be produced to address delivery arrangements during the three construction phases of the project.

## TRAVEL PLAN

To help to increase the number of trips made by sustainable transport, a Framework Travel Plan has been prepared for the development, with a Travel Plan Manager employed by the freehold owner of the site being responsible for liaising with occupiers of the units to produce individual Travel Plans. The aim is to use a number of measures as set out in an attached Action Plan to promote sustainable transport and thus reduce car use from an estimated initial 5% of journeys down to 3.8% over a five-year monitoring period.

The Framework Travel Plan has been assessed using TfL's ATTrBuTE programme and has scored a PASS rating. As such, it would be acceptable to secure the framework Travel Plan as it stands within the S106 Agreement for the site.

## CYCLE STORAGE

Bicycle parking requirements are set out in standard PS16 of the UDP, these require the provision of secure bicycle space at a rate of 1 per residential unit and the proposed provision of four secure stores with a total capacity of 182 spaces serving the various parts of the site will more than satisfy requirements.

Standards for office use require at least one space per 125sqm giving a total requirement for five spaces, the proposed provision of 23 secure spaces for the offices more than meets requirements.

Standards for retail use require one space per 125sqm for food retail (this attracts the highest standard of the proposed commercial uses), amounting to ten spaces. The proposed provision of 16 on-street 'Sheffield' stands therefore more than meet requirements.

## VIEWS OF THE LONDON MAYOR

The Council has now received the Mayor of London's Stage 1 response to the application. He is largely supportive of the application, save for seven points about which more information or minor amendments are sought in order to lead to the application being compliant with the London Plan.

Policy 7.5 of the London Plan states that development should incorporate local social infrastructure such as public toilets where appropriate and given the new public realm being created and the location adjacent to a transport interchange further discussion on this aspect is deemed appropriate. The applicant has responded by referring to public toilets in the surrounding area including in Kilburn Library on Salusbury Road less than 800m from the site and in Queens Park.

The Mayor needs to be convinced that the proposed level of affordable housing represents the maximum reasonable amount that can be delivered and that the tenure mix reflects local needs. These issues are discussed in some detail above however the applicant is progressing this matter with the GLA with the understanding that it will be resolved. Any further update will be provided in a supplementary report.

The treatment of Claremont Road at ground floor and the concentration of servicing frontages was discussed. Officers have considered this point above, attractive treatments are proposed to the servicing entrances and further consideration is to be given to the prominence of residential entrances, the arrangement remains a significant improvement on the existing streetscape on the eastern side of Claremont Road.

The provision of Children's play space is a point raised by the Mayor which has been discussed in the report above. A condition will ensure that the quantity and quality of provision is appropriate to the child yield requirements in accordance with London Plan policy 3.6 (a minimum of 200sqm of the communal space).

Officers are satisfied that an acceptable number of the proposed units are capable of providing wheelchair accessible accommodation however the Mayor notes that the units are design to be adaptable to this standard and it is required that a commitment be made to providing some of these units as wheelchair accessible from the outset to comply with policy 3.8 of the London Plan. This can be required by condition.

The Mayor has made comments regarding climate change mitigation in the scheme particularly relating to some of the calculations provided, this should be easily clarified by the applicant. Otherwise the measures proposed are acceptable and will be secured by a legal agreement.

A number of minor alterations to the proposed junction have been suggested by the Mayor in line with comments from TfL, while the Council's highways officer was generally happy with the proposal consideration of these points is required and will be reported on in a supplementary. In addition this it is noted that replacement train crew accommodation is required to safeguard London Underground's operation. Officers have confirmed that this is reprovided on site.

Officers expect that these elements will each be satisfactorily addressed by further clarification or conditions.

## **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. There is an increase of 46 bedrooms in affordable units and 166 bedrooms in private units so the total contribution (£2.4/£3k) is £608,400.

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 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  
Central Government Guidance  
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

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

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

Site-Specific Policies

#### CONDITIONS/REASONS:

(1) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works of the non-public areas of the development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) proposed walls and fences including between private garden areas indicating materials and heights;

(b) screen planting along the boundaries of the first floor residential units;

(c) details of drainage, irrigation and water points.

(d) areas of hard landscape works and proposed materials;

(e) details of the tree pits to ensure suitable soil depth (minimum of 600mm)

(f) details of the childrens play space (at least 200sqm) with equipment age range 3- 8 years, play animals, surfacing in play areas, details of new proposals for fixed equipment which may include netting, omission of the large expanse of blackbird netting.

(g) details of the proposed arrangements for the maintenance of the landscape works.

(h) trees within communal courtyard to be planted at size 10-12 cm girth

(i) omission of purple moor grass and inclusion of wildflower meadow or other flowering plants appropriate to size and scale of the courtyard.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

(2) 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.

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

MLA/295/L/001

MLA/295/L/010

MLA/295/L/011

MLA/295/L/020

MLA/295/L/100

MLA/295/L/101

MLA/295/L/102

MLA/295/L/103

MLA/295/L/104  
MLA/295/L/105  
MLA/295/L/106  
MLA/295/L/107  
MLA/295/L/108  
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MLA/295/L/322  
MLA/295/L/323  
MLA/295/L/400  
MLA/295/L/401  
MLA/295/L/420  
MLA/295/L/421  
MLA/295/L/MA/500  
MLA/295/L/MA/501  
MLA/295/L/MA/502  
MLA/295/L/MA/503  
MLA/295/L/MA/504  
MLA/295/L/MA/505  
MLA/295/L/MA/506  
MLA/295/L/MA/507  
MLA/295/L/MA/508  
MLA/295/L/MA/509  
MLA/295/L/MA/510  
MLA/295/L/SR/520  
MLA/295/L/SR/521  
MLA/295/L/SR/522  
MLA/295/L/SR/523  
VO-QP-200-1  
VO-QP-sect250-3-a  
VO-QP-sect250-3-b  
1627/10/001 C  
1627/10/002 C  
1627/10/003 A  
1627/10/004  
1627/20/003

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

- (4) The commercial premises (A1, A3, A4) shall not be used except between the hours of:-

0700 hours and 0000 hours Mondays to Saturdays  
0900 hours and 2300 hours on Sundays and Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (5) The areas approved by the Local Planning Authority for car parking, loading, unloading and

parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (6) During demolition and/or construction works on site:-
- (a) the operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
  - (b) vehicular access to the adjoining and opposite premises shall not be impeded
  - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
  - (c) no waste or other material shall be burnt on the application site;
  - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
  - (e) a barrier shall be constructed around the site, to be erected prior to demolition
  - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
  - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
  - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
  - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
  - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (7) 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.

- (8) Further details of the treatment of public areas in 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 for the landscape works adjacent to the walkway at the northern end of the site (including species, plant sizes and planting densities).
- (b) Omission of Gleditsia and Acer campestre as the tree type in the public space and replacement with Prunus mackii 'Amber Beauty' (single stem) planted at 18-20cm girth.
- (c) Omission of cast iron tree grilles and replacement with tree pits is permeable resin bound gravel, including full specification of tree pit.
- (d) Submission of further design detail including samples of materials for public space.

NOTE - Other conditions may provide further information concerning details required.

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

- (9) 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.

- (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) 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 a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (13) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

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) L <sub>Amax</sub> 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.

(14)

- (15) The demolition/building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- (16) 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) sustainable drainage system to attenuate additional run off from site

NOTE - Other conditions may provide further information concerning details required.

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

- (17) The car park access from Claremont Road shall be increased in width to a minimum width of 6.1m (including 300mm margins).

Reason: To ensure adequate space is provided to accommodate two cars passing one another.

- (18) 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) further architectural detail of corner element of building

(b) detail of proposed window system and depth of reveals

(b) architectural detail to create more distinction between commercial units and residential uses above including a scheme to provide designated locations for any future signage for the commercial units.

(c) further detail of design cycle/bin stores and residential entrances on Claremont Road to create visual interest at street level.

NOTE - Other conditions may provide further information concerning details required.

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

#### **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) 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.

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

