

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2023  
04  
22/3669

## SITE INFORMATION

RECEIVED	21 October, 2022
WARD	Kilburn
PLANNING AREA	Kilburn Neighbourhood Forum
LOCATION	Kilburn Square Estate, Kilburn Square, London
PROPOSAL	Demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide extra care flats (Use Class C3b) and general needs flats (Use Class C3)) in 4 buildings alongside access routes, car parking, motorcycle parking, cycle parking, refuse and recycling storage, amenity space, landscaping, playspace, boundary treatments, alterations to the entrance to Varley House, refurbishment of the existing podium parking area and other associated works.
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162408">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162408</a></p> <p><b><u>When viewing this as an Hard Copy</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "22/3669" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## INTRODUCTION

This application was deferred from the 18 October Planning Committee meeting due to technical issues associated with the PA system within the Civic Centre Conference Hall.

Since that meeting, further comments have been submitted by the Chair of the Kilburn Village Residents' Association. This report header contains a summary of the further comments while the report (as original drafted) follows the report header.

### **Previous Supplementary report**

A supplementary report was published following the publication of the original committee report responding to a number of matters that were raised by the Chair of the Kilburn Village Residents' Association (KVRA), including the following:

In relation to consultation, the KVRA set out that the report did not reflect the actual number of comments received, that the report referred to objections from individuals when many of the comments were from residents' associations (such as KVRA) who represent a number of people, that the KVRA are supported by three neighbouring residents' association and the Kilburn Neighbourhood Forum) and that the report refers to four petitions and does not include the petitions from Barratt House and Kilburn Square Tower residents. The KVRA also questioned the pre-application community involvement/engagement, an error in the block reference within paragraphs 80 and 84 (where block E is referred to as Block C), the level of intensification and that the site allocation doesn't in their view justify the development of blocks C and E together with fire safety concerns regarding the undercroft parking area.

It was recognised within the Supplementary Report that a number of comments were submitted by the KVRA, and that petitions were indeed received from residents of Barrett House and Kilburn Square Tower and that while these petitions were not referred to in the report when they should have been, the matters raised in the petitions were highlighted and discussed.

In relation to pre-application community engagement, it was highlighted within the supplementary report that the details of this were discussed in the consultation section of the committee report and in the Community Involvement Statement submitted with the application.

The typographical error in pages 80 and 84 were acknowledged (where block E is referred to as block C) and it was noted that the comments in this section report continue to apply, and that the overall living conditions for residents of Sandwood Court are considered to remain good.

In relation to the site allocation, it is highlighted that the main report makes it clear that plots C and E are not in the site allocation and the report does not look to justify those blocks through the site allocation. It is also clarified that one part of the report (consultation section) refers to the site being in the Kilburn Growth Area when it is not, and the Detailed Considerations part of the report sets out that it is not in the Growth Area.

A response was provided to the fire safety concerns.

### **Further comments received after the 18 October Planning Committee meeting**

Further comments have been received from the Kilburn Square Residents' Association. A number of the comments set out that KVRA's disagreement with the views contained within the committee report relating to a number of matters that were raised previously, including:

- That it goes beyond the site allocation
- The increase in housing within the estate and over crowding;
- Concern regarding the scale of blocks;
- The loss of green space and trees, and that it would breach Brent's Climate Strategy and other environmental policies
- Breaches of other policy, including parking stress.
- That an assessment of key community services and facilities has not been done;

- Overshadowing and loss of daylight / sunlight
- The pre-application engagement process
- That it has been widely rejected by the local community
- Fire safety
- Regarding the affordability of London Affordable Rent
- About scheme viability and deliverability

These matters were discussed in detail in the main report (below).

A number of other matters have been raised including the following:

Comment	Discussion
<p>The benefits of the development are tempered by affordability issues and the tenure mix and the scheme is unlikely to be deliverable.</p> <p>Concern was also been realised regarding the degree of flexibility that is being applied to policies (as set out in the reports) and that the mitigation that is discussed.</p>	<p>A full consideration of the scheme against adopted policies and guidance was set out in the main report (below). It is common for there to be a divergence from some policies and guidance and it is for members to weigh the benefits of the scheme against any harm associated with a divergence from policy. The view of officers on this balance is set out within the report.</p>
<p>KVRA continue to be unhappy with the way in which the comments from the KVRA have been represented as responses from individuals given that they represent the combined local community.</p>	<p>This is noted and it is certainly acknowledged that KVRA represent a number of local residents rather than being comments from one individual.</p>
<p>That one key objection in the Barrett House petition has not been discussed in the report, relating to the displacement (by block C) of the access road to Varley House from a position away from buildings to one right outside Barrett House windows. It is highlighted that those flats already have "Central Street" on their other side.</p>	<p>It is acknowledged that the access road to the car parking area will be moved to a location in front of Barrett House and that this will result in a degree of impact due to the activity associated with vehicles. A landscaped frontage has been incorporated along this road, and levels of use are not likely to be significant. Nevertheless, a degree of impact will occur.</p>
<p>KVRA remain unhappy with the pre-application consultation that was undertaken, considering that it is not in line with requirements. They consider that the application provides no evidence of community support but shows that the applicant has failed to secure trust from the local community.</p>	<p>It is noted that the KVRA remain unhappy with the pre-application engagement process that was undertaken. The Local Planning Authority must consider the application having regard to adopted policy and guidance and the recommendation that has been made is based on this.</p>
<p>That the KVRA consider that the impacts on daylight and sunlight are excessive.</p>	<p>These impacts are discussed in the main report (below).</p>
<p>That the final sentence in paragraph 2 of the main report refers to the site allocation map and has no relevance to the development of Blocks C and E, and could be misleading.</p>	<p>It is not considered that Paragraph 2 is misleading as the extent of the site allocation is clearly set out within this paragraph.</p>
<p>That the justification for scale are externally driven and ignore the mental and physical wellbeing of estate</p>	<p>The layout, design and scale of the proposal is discussed in detail in the main report, and officers do not agree</p>

regeneration and the estate's sense of place. That the location per se does not justify intensification, with higher PTAL necessary for car-free development but does not provide justification for a given density.

that this ignores the mental and physical wellbeing of existing or future residents, or the sense of place.

Concern was raised over the restricted fire escape from the disused car park area which is proposed to be reutilised. It was noted that the current physical escape route is up 21 steps, culminating in a narrow exit at the base of the tower, partially blocked by a pillar. The objection notes that this arrangement is hardly safe even for an able-bodied person, still less so for someone with impaired mobility. Concern was raised that the Health and Safety Executive and London Fire Brigade have not had access to information to assess the safety compliance of this area and the applicant wishes to defer the issue to Building Regulations. In addition, it was noted that this is considered to be a land use matter and therefore should be considered in the determination of the application.

Beyond assessment of the Health and Safety Executive and the planning assessment using policy D12, there is legislation which ensure that the development is appropriately constructed, and fire safety assessments are carried out for the existing buildings.

The detailed requirements for fire safety of existing buildings are a matter for the Fire Risk Assessment regime within the Regulatory Reform (Fire Safety) Order 2005 including where applicable the Fire Safety (England) Regulations 2022 and Section 156 of the Building Safety Act 2022, which came into effect from the 1st October 2023 with the changes affecting all buildings and premises that are in the scope of the Regulatory Reform (Fire Safety) Order 2005. The detail of this legislation would go beyond the considerations within a planning assessment.

The agent has confirmed further fire design details would be set out in a design fire strategy report or Design Note where applicable and necessary in subsequent reporting on for example; any additional exits & widths, fire suppression system, smoke ventilation, fire alarm, emergency lighting where applicable. The matter of existing fire exit signage, a reported locked exit, blocked by a pillar, is as stated above, for the Fire Risk Assessment regime of the existing building. The fire engineer for the applicant has been consulted and considers these changes to be feasible. The possible changes also would not materially affect the scheme if planning permission is granted. Therefore, in summary, the existing ground floor enclosed car park area is not currently in use, the appointed design team are aware and understand that to re-utilise the car park, the area will need to comply with Building Regulations (fire safety) and achieve Building Control approval prior to being

re-opened as a car parking facility.

When considering the legislation that would require the parking area to be brought up to an appropriate standard in terms of fire safety and the possible changes in its construction. It has been demonstrated that this area would not be unsafe once the development has been carried out and the other regimes would ensure that alterations are appropriately constructed.

Officers continue to recommend that permission is granted subject to the conditions set out within the report.

The original report (as published for the 18 October meeting) is as follows:

## RECOMMENDATIONS

A. Resolve to **grant** planning permission subject to conditions.

B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit for commencement (3 years)
2. Approved drawings
3. Mix of homes and Affordable Housing
4. Affordable Housing mortgagee exclusions
5. Extra Care units Use Class restriction
6. Provision of blue badge parking, cycle storage and bin stores
7. Water consumption
8. Accessible homes
9. Carbon offsetting
10. Overheating mitigation
11. Highways works
12. Delivery and Servicing Plan
13. Car Park Management Plan
14. Tree protection
15. Landscaping
16. Parking permit restriction
17. Ecological appraisal
18. Drainage strategy

19. Air quality positive
20. Construction Management Plan
21. Construction Logistics Plan
22. Training and Employment Plan
23. Contaminated land
24. External materials
25. Digital connectivity
26. District Energy Network connection
27. Electric vehicle charging
28. External lighting
29. PV panels
30. Plant noise
31. Energy assessment review
32. Travel Plan
33. Nominations agreement
34. Play space
35. Community TV / satellite
36. Sound insulation
37. "Be Seen" energy monitoring
38. Archaeology
39. Thames Water supply

Informatives:

1. CIL liability
2. Party wall information
3. Building near boundary information
4. Fire statements
5. Thames Water development near water mains
6. Thames Water development near water assets
7. Any other informative(s) considered necessary by the Head of Planning

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



## PROPOSAL IN DETAIL

The proposal would result in the demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide 139 units within four blocks situated within the Kilburn Square estate together with a range of associated works. The blocks would range in height between 5 and 8 storeys with associated works including access routes, car and motorcycle parking, cycle parking, refuse storage areas, amenity spaces, landscaping and boundary treatments, alterations to the entrance to Varley House and the refurbishment of the existing podium parking area.

A total of 99 of the homes would be provided as general needs flats with Use Class C3. This includes the following mix of homes:

- 34 x 1-bedroom (34.3 %)
- 38 x 2-bedroom (38.4 %)
- 27 x 3-bedroom (27.3 %)

A total of 40 Extra Care units would be provided as New Independent Assisted Living (NAIL) accommodation, with the following mix:

36 x 1-bedroom (90 %)  
4 x 2-bedroom (10 %)

The mix of units by block is as follows:

Type	No. units
<b>Block A- Extra Care (Local Housing Allowance)</b>	
1 bedroom flat (1 bed, 2 person)	18
1 bedroom flat (1 bed, 2 person)	18
2 bedroom flat (2 bed, 3 person)	4
<b>Block B-General Needs (London Affordable Rent)</b>	
1 bedroom flat (1 bed, 2 person)	13
1 bedroom flat (1 bed, 2 person) WCH	7
2 bedroom flat (2 bed, 3 person)	18
2 bedroom flat (2 bed, 4 person)	15
<b>Block C – General Needs (London Affordable Rent)</b>	
1 bedroom flat (1 bed, 2 person)	8
1 bedroom flat (1 bed, 2 person) WCH	5
2 bedroom flat (2 bed, 3 person)	5
3 bedroom flat (3 bed, 4 person)	9
3 bedroom flat (3 bed, 5 person)	10
<b>Block E – General Needs (London Affordable Rent)</b>	
1 bedroom flat (1 bed, 2 person)	1
3 bedroom flat (3 bed, 5 person)	8
<b>Total New Units (Extra Care)</b>	<b>40</b>
<b>Total New Homes (General Needs)</b>	<b>99</b>
<b>Total Number of New Units</b>	<b>139</b>

Blocks C and E would be 5-storeys in height whilst block A would be 6-storeys and Block B 7-8 storeys.





Figure 5.3: Proposed Heights and Layout

## EXISTING

The site contains a number of apartment blocks of varying heights comprising 268 homes in total, together with a nursery school and the Kilburn Square Clinic unit, within a landscaped setting including a play area and the public open space of Kilburn Square itself.

The clinic unit

was vacated by the NHS as a part of the Trust Estates' Regeneration Strategy with healthcare services relocated to other premises. The unit was refurbished in April 2020 to provide temporary offices and studios for the Brent Council Culture Team and this is currently occupied by Metroland Cultures Ltd (an arts based charity) under a licence agreement.

The Square is at podium level above a row of garages, and is currently accessed by a set of external steps. The site is bounded on three sides by residential side streets (Brondesbury Road, Algernon Road and Victoria Road) and sits behind a terrace of properties with ground floor commercial frontages on Kilburn High Road, which forms part of the Primary Shopping Frontage of Kilburn Town Centre.

The site is not in a conservation area and does not contain any listed buildings. However, the site is opposite Kilburn Conservation Area, to the southern boundary beyond Brondesbury Road and to the south west partially beyond Algernon Road, with those properties on Brondesbury Road and their gardens being encompassed by Kilburn Conservation Area.

Number 10 Brondesbury Road is a locally listed building south of Brondesbury Road. To the front of the site is number 125 Kilburn High Road is a locally listed building.

Part of the site (the clinic, Kilburn Square and 11-15 Brondesbury Road) are within the BSESA20 site allocation. The site allocation also includes some of the properties on Kilburn High Road, and seeks mixed use redevelopment including a new market and public square, and the replacement of the health centre with an alternative use that meets community needs.

Part of the site is affected by flood zone 3a at high risk of surface water flooding. The site is within an air quality management area. Part of the site is located in a creative cluster.

The site is located in the Kilburn Neighbourhood Forum Area.

## SUMMARY OF KEY ISSUES

## Summary of key issues

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application.

**Representations received:** 117 letters of objection were received. Further details of the comments received are discussed within the “consultation section” below.

**Principle:** The principle of the redevelopment of the site for intensification of residential development on site and loss of Kilburn Square Clinic is acceptable and the development would contribute 139 additional units (40 extra care and 99 general needs units) to meet borough housing targets.

**Housing / Affordable Housing mix:** The submission indicates that the development would provide 100% affordable housing which would significantly exceed the 50% affordable housing required by adopted policy. The policy requirement in terms of tenure split is for 70 % of the affordable homes to be at London Affordable Rent (LAR) or Social Rent (SR) and 30 % to be Intermediate affordable homes. The proposal would accord with this 99 (71.2 % of the total) homes intended to be provided at London Affordable Rent and 40 homes (28.8 %) as New Independent Assisted Living (NAIL) units with rents capped at Local Housing Allowance (which would therefore be considered to be Intermediate homes). The provision of affordable housing is recommended to be secured through condition. It should be noted that conditions should be attached where they are "necessary" to ensure that a proposal accords with policy, and the condition will therefore require the delivery of the amount of affordable housing required by planning policy (50 %, with a 70:30 ratio of LAR/SR to Intermediate). It is set out within Local Plan Policy BH6 that 1 in 4 homes should be family sized (3 or more bedrooms) and this has been proposed for the general needs (Use Class C3) homes. No 3-bedroom NAIL units are provided. However, the size of the units has been specified to respond to the needs of the intended occupier groups and the housing will therefore meet an identified need. The absence of family sized NAIL units is considered to be acceptable.

**Design:** The proposed blocks, which range from between 5-8 storeys high, would be appropriate given the local context and are a proportionate response in close proximity to the existing 16-storey tower at within the site. The buildings have been designed to reflect the within and immediately surrounding the site.

**Heritage Assets:** The site is located adjacent to Brondesbury Road which is within the Kilburn Conservation Area, with Blocks A and E directly opposite this. No.10 Brondesbury Road is locally listed. The application has been accompanied by a Heritage Statement which considers a number of contextual views from the Kilburn Conservation Area and wider locality. Block E would be seen in context with Sandwood Court and Morland Court which would be in keeping with the general scale and character. It is acknowledged that Block A would cause some harm to the setting of the conservation area, however the harm would be 'less than substantial' within the meaning of the NPPF and is considered to be outweighed by public benefits. Otherwise, all other blocks proposed are considered to have limited impact and would preserve the character and appearance of the conservation area.

**Quality of accommodation:** The proposed dwellings would be of a good quality, meeting

minimum internal space standards and with all units having the benefit of good light, outlook, and cross ventilation. The existing homes would also continue to benefit from a good quality and sufficient quantity of communal amenity space.

**Impact on neighbouring properties:** The development would have some impact on neighbouring properties, mostly in terms of loss of daylight and sunlight and some overshadowing as set out in more detail in the report (below). There would be some slight shortfalls against BRE guidelines both to some existing residential units within the Kilburn Square site itself and outside of the site. However, it is considered that the impact is of a scale and nature that could be accepted in a dense urban area such as this. BRE guidelines largely relate to a suburban context and in order to achieve the level of affordable housing proposed, shortfalls against BRE targets are considered justified given the high level of overall compliance. The benefits of the proposal are considered to outweigh these impacts.

**Transport:** 86 car parking spaces would be retained on site which would cater for existing residents and 19 of these spaces would be catered for disabled residents, a significant increase on the existing. New dwellings would be subject to a 'car free agreement'. The submitted Transport Statement confirms that existing trip generation would be limited and would not have a noticeable impact on the local highway network.

**Environmental and Sustainability:** Consideration has been given to ecology and the sustainable development principles and the proposal is considered to accord with policy.

## RELEVANT SITE HISTORY

There are a number of previous planning applications relating to the Kilburn Square site and adjoining sites, but none are considered material to the consideration of this application.

## CONSULTATIONS

In total, 747 neighbouring properties have been notified of the proposal by letter. The proposal has also been advertised within the local press and site notices were placed in various places outside of the site.

### Objections summary

Following public consultation, objections from a total of 117 people have been received. One objection has been received from MP Tulip Siddiq for Hampstead and Kilburn (objection reflects concerns of residents within this constituency), as well as an objection from the Campaign to Protect Rural England (CPRE) charity and an objection from the Brent Parks Open Space Forum. One objection has also been received from Sian Berry who is a green party member within City Hall.

Four (4) petitions have also been received against the development. These include:

- Petition containing 21 different signatures representing objections from residents of Algernon Road
- Petition containing 103 different signatures representing objections from residents of Brondesbury Road, Brondesbury Villas and Donaldson Road
- Petition containing 14 different signatures representing objections from residents of Sandwood Court
- Petition containing 176 different signatures representing objections from residents of Victoria Road, Victoria Mews and Hazelmere Road

The objections have been summarised in the below table together with officer comments in

response to these objections:

Summary of reasons for objecting	Officer Comment
Lack of provision of homes to most needy families/lack of clarity on affordable housing. Concerns most will be shared ownership or sold to be bought for private renting.	This is addressed in the principle of development section of this report.
Compromise to/loss of green space and trees.	The proposal includes a detailed landscaping plan for the site and amendments to provide high quality open spaces. This is assessed under the landscaping and trees section of this report.
Reduction in employment and community spaces	This is addressed in the principle of development section of this report.
No plans for a community centre as part of the development.	The scope of development relates to intensifying the housing development on the existing site. While some community infrastructure has been lost as a result, this is justified and weighed against the planning benefits of the scheme as assessed against relevant planning policy. Please see the principle of development section of this report.
Security and fire safety issues linked to undercroft space. Fire safety issues in general.	The application has included a fire statement and has been assessed by the Health and Safety Executive. Further details are set out in the fire safety section of this report.
Loss of daylight/sunlight and overshadowing and impact on overall living conditions.	This is assessed under the neighbouring amenity section of this report. A sunlight and daylight assessment has been submitted with the application. Overall the impact on the neighbouring occupiers living conditions are considered to be acceptable.
Overly dominant, excessive scale, massing and design and layout concerns.	This is assessed under the design and visual appearance section of this report.
Loss of privacy/overlooking.	This is assessed under the neighbouring amenity section of this report. The proposal has been designed to retain acceptable distances between properties.
Additional pressure on local	The proposal is not considered likely to result

<p>infrastructure such as schools, doctors, community facilities or daytime parking.</p>	<p>in a significant impact on infrastructure in terms of the services to the building. This development would be subject to the Community Infrastructure Levy which may be used to fund infrastructure required to support new development.</p>
<p>Loss of visual amenity and sense of openness.</p>	<p>This is assessed under the design and visual appearance section of this report. The proposed buildings are considered to be appropriately sited and designed. The site would not result in a significant increase in sense of enclosure to the existing resident's properties.</p>
<p>Increased pressure on parking and concerns of the methodology to the parking survey.</p>	<p>This is assessed under the transport section of this report. The development help reduce reliance on car use and is not likely to result in any significant overspill of parking.</p>
<p>Adverse impact on local ecology.</p>	<p>This is assessed under the ecology section of this report.</p>
<p>Further stress on existing water system.</p>	<p>This is addressed under the sustainability section of this report. The new properties would be required to have efficient fixtures.</p>
<p>Overcrowding</p>	<p>Kilburn Square is listed as an allocated site in the Brent Local Plan which has identified the opportunity for further residential intensification on this site, considering the sites location within the South Kilburn Growth Area. The site has excellent public transport accessibility and access to local amenities. Thus, while there would be significant intensification, it is considered that the sites location would be conducive to the level of intensification proposed.</p>
<p>Out of character with wider locality, would harm heritage value of wider area.</p>	<p>This is assessed under the heritage section of this report.</p>
<p>Poor quality of accommodation.</p>	<p>This is assessed under the quality of accommodation section of this report. The new dwellings would meet the London Plan design requirements.</p>
<p>Excessive air and noise pollution/disruption during</p>	<p>This is assessed under the air quality section of this report. Some disturbance is expected with most construction projects. Reasonable</p>

construction.	working and construction hours are set through the Control of Pollution Act. A Construction Management Plan has been submitted and is accepted-compliance of this will be secured by planning condition.
Lack of improvement to the Kilburn Market and High Road connected to the site.	This is assessed under Principle of Development section of this report.
Concerns with environmental impact of new development.	A sustainability assessment has been provided which demonstrates measures to reduce CO2 emissions.
Lack of four-bedroom homes/larger homes provided.	There is not a policy requirement for four bedroom homes. The unit sizes are assessed under the dwelling mix section of this report.
Object to the removal of the Direct Access Bridge from the low rise which would leave worsened access for emergency vehicles.	This is assessed under the transportation and Equalities sections of this report. The existing bridge has defects and its low height restricts access for emergency vehicles below.
Lack of compliance with Urban Greening Factor minimum.	This is addressed in the landscaping and trees section of this report. The conclusion of the report also addresses this comment.
Lack of adequate play space provided.	This is addressed in the landscaping and trees section of this report.
Concerns over potential increase to flood risk.	This is assessed in the flood risk section of this report.
Increase in anti-social behaviour.	There are known issues within the estate, and the proposal looks to respond to these. Amendments have also been made to improve the security of the site for existing and future residents. This is addressed in the Secured by design section of this report.
Lack of engagement/consultation with community prior to application.	The Council has undertaken extensive consultation to residents including through letter, email and through site notices and

	advertisement through the local paper. Public consultation and community involvement workshops have been undertaken prior to submission.
Concerns that the development is not what the residents want.	The residents have been consulted on the application. It has been noted that there have been concerns raised and all issues must be balanced with the potential benefits of the proposal.
Concerns that the proposal would not be viable.	The cost of construction is not a material planning consideration.
No pedestrian wind survey submitted.	It is not a validation requirement for this to be submitted for the subject development.
No equalities impact assessment or full issues in terms of mobility and older residents.	An amendment to the Design and Access Assessment was submitted which makes an equalities assessment. It is considered that the proposal is acceptable in terms of meeting accessibility requirements as stipulated under M4 (2) and M4 (3) standards.

#### In support summary

In addition, three (3) representations from different residents have been received in support to the proposed development while two (2) comments from different residents have been received which neither support nor object to the proposal. The reasons for support are summarised as per the below:

- Providing more affordable and energy efficient homes which help address housing needs
- Would improve the visual amenity of the wider estate
- New play space would be an improvement compared to the existing

The comments within the neutral representations are summarised as per the below:

- Concerns over noise issues during construction
- Concerns over devaluation of the property
- Identifies the need to regenerate the wider area/public realm

Officers note that issues of noise have been addressed within the objection table above. Issues relating to devaluation of properties within/outside of the site are not planning considerations and thus will not be addressed further in this report. Officers also consider that the proposal would lead to improvements to the public realm and is considered in context with the Kilburn Market re-development.

#### Statutory/external consultee responses

#### **Transport for London (TFL)**

No objections to the principle of development, however, have made the following comments/requests for further information. A summary of the key points is provided below:

- Development should be car-free, with the exception of disabled person parking spaces, given the sites excellent public transport accessibility
- A Parking Design and Management Plan (PDMP), construction logistics plan (CLP) and delivery and servicing management plan should be provided
- A detailed cycle parking plan should be provided. Revisions should be made to allow for more accessible cycle access arrangements for Blocks A and B

Officer Comment- Parking issues are addressed in the transport section of this report. Officers will attach conditions as requested by TFL.

### **Health and Safety Executive (HSE)**

Initial concerns raised with connection of single staircases in multiple blocks to ancillary accommodation by way of lobbies, which would not offer a safe means of escape in the event of a fire.

Revised plans have been received, and the HSE confirm the revised drawings are acceptable. Please see the Fire Safety section of this report.

### **London Fire Brigade**

No objections.

### **Metropolitan Police (Secured by Design)**

The following initial comments/recommendations were made by the Met Police:

- Concerns raised with the lack of overlooking into the proposed entrance from the market place into Kilburn Square, which would encourage crime and antisocial behaviour.  
Recommendations to improve safety
- Concerns with low-level fencing to boundaries, in particular with pedestrian access points which would have no access control and would become permeable and at higher risk of crime and antisocial behaviour
- Further details of vehicle gates needed
- Anti-skateboard measures should be introduced
- CCTV and appropriate signage should be added to the undercroft car park

Amendments have been made to address the above concerns, which are addressed further in the secured by design section of this report.

### **Thames Water**

No objections. Condition should be attached to require confirmation that the local water network would have sufficient capacity to deal accommodate the proposed development. This should be provided prior to development.

### Internal Consultation

### **Environmental Health**

No objections. See main body of the report for full details.

### **Transport**

No objections, but the following conditions/agreements should be made:

- S106/condition required to cover car-free agreement which limits parking permits to future occupiers, submission and approval of a residential travel plan and 3 years free membership of a local car club for new residents.
- Construction of two new vehicular accesses to the site from Victoria Road and Brondesbury Road, removal of two redundant accesses and their reinstatement to footway, together with associated amendments to car parking bays and restrictions and bicycle hangers, prior to occupation of blocks C and E
- Minor amendments to widen kerbed margin with Block E and widen access doors to all bike stores

Conditions are recommended to cover the transportation requirements and amendments have



been received to address the comments.

## **POLICY CONSIDERATIONS**

### Policy Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan, relevant to this proposal, is comprised of the:

London Plan 2021

Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

GG1: Building strong and inclusive communities

GG2: Making the best use of land

GG3: Creating a healthy city

GG4: Delivering the homes Londoners need

D1: London's form, character and capacity for growth

D3: Optimising site capacity through the design-led approach

D4: Delivering good design

D5: Inclusive design

D6: Housing quality and standards

D7: Accessible housing

D8: Public realm

D11: Safety, security and resilience to emergency

D12: Fire safety

D13: Agent of Change

D14: Noise

H1: Increasing housing supply

H4: Delivering affordable housing

H5: Threshold approach to applications

H6: Affordable housing tenure

H7: Monitoring of affordable housing

H10: Housing size mix

S4: Play and informal recreation

HC1: Heritage, conservation and growth

G1: Green Infrastructure

G5: Urban greening

G6: Biodiversity and access to nature

G7: Trees and Woodland

SI1: Improving air quality

SI2: Minimising greenhouse gas emissions

SI3: Energy Infrastructure

SI4: Managing heat risk

SI6: Digital Connectivity Infrastructure

SI7: Reducing waste and supporting the circular economy

SI13: Sustainable drainage

T2: Healthy streets

T3: Transport capacity, connectivity and safeguarding

T4: Assessing and mitigating transport impacts

T5: Cycling

T6: Car parking

T6.1: Residential Parking  
T6.5: Non-residential disabled persons parking  
T7: Deliveries, servicing and construction

Brent Local Plan 2019-2041

DMP1: Development management general policy  
BSESA20: BCGA1: Kilburn Square Site Allocation  
BD1: Leading the way in good urban design  
BD2: Tall buildings in Brent  
BH1: Increasing housing supply in Brent  
BH2: Priority areas for additional housing provision within Brent  
BH5: Affordable housing  
BH6: Housing size mix  
BH7: Accommodation with shared facilities or additional support  
BH13: Residential amenity space  
BSI1: Social infrastructure and community facilities  
BE1: Economic growth and employment opportunities for all  
BE3: Local Employment Sites and Work-Live  
BHC1: Brent's Heritage Assets  
BHC2: National Stadium Wembley  
BG11: Green and blue infrastructure in Brent  
BG12: Trees and Woodlands  
BSUI1: Creating a resilient and efficient Brent  
BSUI2: Air quality  
BSUI3: Managing flood risk  
BSUI4: On-site water management and surface water attenuation  
BT1: Sustainable Travel Choice  
BT2: Parking and car free development  
BT3: Freight and servicing, provision and protection of freight facilities

The following are also relevant material considerations:

The National Planning Policy Framework 2021  
Planning Practice Guidance

Brent guidance documents

Key SPDs include:

SPD1 Brent Design Guide 2018  
Sustainable Environment and Development SPD  
Brent Residential Amenity Space and Place Quality SPD  
Planning Obligations Supplementary Planning Document - June 2022  
Brent's Waste Planning Guide 2015

Greater London Authority Supplementary Planning Guidance

## **DETAILED CONSIDERATIONS**

### **Principle of Development**

1. London Plan Policy H1 sets out housing targets across London, with the target for Brent being 23,250 new homes over the ten-year plan period. Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations. As such, the proposal would help to meet the policy objectives relating to the provision of new homes to meet an identified (and significant) need.
2. The site is not within a growth area but part of the application site is within site allocation

reference BSESA20. This site allocation includes the locations of proposed blocks A, B and Kilburn Square and also includes an adjacent area comprising the Kilburn Market, retail units fronting Kilburn High Road and the forecourt area up to the public highway. The allocation seeks to deliver a mixed use development to include residential uses, retail including a new market and public square. It notes that the existing layout is dated, does not make efficient use of the land and has poor connectivity.

3. The allocation also outlines the intention for a new market and to maintain an active frontage to Kilburn High Road. The site allocation gives an indicative capacity of 100 dwellings. It seeks to improve accessibility and connectivity between Kilburn High Road and Kilburn Square via potentially reconfigured market area, and consideration of access to the residential areas through Brondesbury Road.
4. Adjacent is Brondesbury Road, part of Kilburn Conservation Area comprising 2 to 3 storey brick villas built pre-1865 whilst no. 10 is locally listed. Any development of the site should integrate well with the surrounding context and consider character, setting, and the form and scale of neighbouring buildings. The site allocation outlines a number of intended design principles, including the enhancement of Kilburn Square to function as a single public space, suitable for resident's amenity, events and modern market facility as a focal point for residents within the adjacent estate and Kilburn High Road.
5. As discussed above, the indicative residential capacity set out within the site allocation of around 100 dwellings together with the provision of a community use to replace the former health centre, provision of a new public square and integration with the Kilburn Market site, the adjacent conservation area, surface water flooding and retention of mature trees on site.
6. Whilst 139 homes are proposed within the scheme in total (including 40 extra care units), a total of 53 general needs homes and the 40 extra care units would be situated within the site allocation area. When taking account of the potential for the adjacent retail site, it is likely that the indicative residential numbers capacity will be exceeded, nevertheless the Plan is clear that such scenarios are anticipated and that the capacity should not be used as an arbitrary ceiling if more detailed design work shows that greater levels of housing on site that overall meets policy considerations can be delivered.
7. In relation to the provision of a new public square, the policy is imprecise in terms of location or intent, but it is assumed it relates to the area around the market and is likely to include the Kilburn Square open space. The applicant has been encouraged to work to ensure the scheme is complementary to Kilburn Market site. The proposal for Kilburn Square open space will change it from what is a fenced off space with no current access to one which residents will have access to and pass through to go to the majority of the dwellings on the estate. An additional access point from the market area is also being provided for residents to access block B.
8. Wider access to the public however, appears to be limited by access gates and the existing fence. This reflects concerns raised by local residents about security. Undesirable access to the estate and buildings for undesirable criminal or anti-social activities by non-residents was previously a significant problem that was rectified through the implementation of more stringent access measures. The approved application for the market site effectively keeps it as is, and limits views to the amenity space square behind and access to the residential to relatively small passages.
9. While the policy encourages public access, given the previous anti-social issues that arose on the estate through open access to non-residents and the fact that public access is not currently present, the proposed treatment of this application in retaining the space solely for residents to access is considered to be accepted. The proposed landscape treatment, active overlooking and frontages of buildings, plus access for use as recreational space and the proposed movement across the square will increase its vitality and animation and are welcomed.

10. The design principles outlined within the site allocation are assessed within the relevant sections of this report. It is considered that the proposed development and area which it covered with regard to the whole site broadly aligns with the intentions for the site allocation. Furthermore, it is not considered to negatively impact the delivery of the wider site allocation in future and how the whole allocation site could function collectively.
11. Policy BH2 of the Brent Local Plan (2019-2041) outlines priority areas for additional housing provision within Brent. Policy BH2 states that in addition to growth areas and site allocation, that town centres, edge of town centres sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where additional housing will be supported.
12. The site is in a highly accessible location with a Public Transport Accessibility Level (PTAL) of 6 and is located adjacent to Kilburn Town Centre. The site is therefore consistent with Policy BH2 of the Brent Local Plan (2019-2041).

### **Existing Social Infrastructure & New Independent Assisted Living**

13. Local Plan Policies DMP1 and BS11 protect social infrastructure and community facilities and require their retention unless it can be demonstrated that they are no longer required and their loss would not result in a shortfall in provision. Policy BS11 notes that where there is no longer a community need for the facility's current use, the potential of re-using or development the existing site for an alternative social infrastructure use, particularly educational, religious, sports and leisure facilities or specialised housing must be considered before other uses are pursued.
14. London plan Policy H13a states that 'Boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing' having regard to a number of factors, including location and accessibility. Table 4.3 of the London Plan also sets out an annual Borough benchmark for specialist older persons housing for 2017 to 2029. For LB Brent, the benchmark is set at 230 units per annum. Brent Local Plan Policy BH7 refers to accommodation with shared facilities or additional support and outlines a number of criteria, this is discussed in more detail within the standard of accommodation section of this report. Policy BH8 relates to specialist older persons housing, it states that in locations such as this outside of growth areas, a minimum of 10% of provision on sites with a capacity of 500 or more dwellings should be delivered. The site's capacity is less than the 500 threshold yet provides 40 NAIL units for older persons (aged 50 +).
15. The proposal includes the demolition of the former Kilburn Square Clinic and number 13-15 Brondesbury Road. The former Kilburn Square Clinic building (approximately 704 sqm, with a usable area of 407 sqm) was vacated in August 2018 as part of the Trust Estates' Rationalisation Strategy, with the healthcare services being relocated to other nearby premises (mainly in Willesden) or passed to other providers. Planning permission was granted under 20/2276 for change of use to a community and creative hub space. In April 2020 the building was refurbished to provide temporary offices and studios for the London Borough of Brent Culture Team. Metroland Cultures Limited, an arts charity based in Brent, are currently occupying the premises.
16. 13-15 Brondesbury Road is a 3 storey building (approximately 2,287 sqm). It was previously used by the NHS to provide mental health services and has been vacant since Autumn 2021. The NHS Trust relocated its service teams previously based at Brondesbury Road to a number of their existing locations within the Borough where they had capacity. In relation to the replacement of the health centre with a community facility, discussions occurred with the health providers on whether replacement floorspace was necessary, and there was no need for such space.

17. The proposal includes 40 New Independent Assisted Living (hereafter abbreviated to NAIL) units. The proposed extra care building (Block A) falls within Use Class C3b and is defined within the supporting text to policy BS11 as a type of social infrastructure. The flats will form part of Brent's 'Brent Supported Living' programme, which seeks to provide 40 extra care flats suitable for older persons aged 50+ years with varying levels of care needs.

18. It is considered that the extra care facility is an appropriate alternative community use of benefit to the local population and thus consistent with the site allocation policy. The proposed 40 NAIL units will meet an identified priority need within borough, noting that opportunities for its provision on available sites have proven to be difficult to achieve within the borough.

#### Housing mix and Affordable Housing

19. The London Plan policies H4, H5 and H6 establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:

- 35 % Affordable Housing; or
- 50 % Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.

\* other criteria are also applicable.

\*\* industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.

20. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:

- A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
- A minimum of 30% intermediate homes;
- 40% to be determined by the borough based on identified need.

21. Policy BH5 of the Brent Local Plan relates to affordable housing, it asserts that in Brent the strategic affordable housing target that will apply is 50% of new homes. It further states that the London Plan Policy H5 Threshold Approach to applications will be applied. It outlines that the affordable housing tenure split required to comply with London Plan Policy H5 for major developments is:

- 70% Social Rent (SR) / London Affordable Rent (LAR) and;
- 30% intermediate products which meet the definition of the genuinely affordable housing including London Living Rent, affordable rent within Local Housing Allowance limits and London Shared ownership. These must be for households within the most up to date income caps identified in the London Housing Strategy or London Plan Annual Monitoring Report

22. The threshold approach permits development proposals to be supported without scrutiny of financial viability where at least 35% of the proposed habitable rooms are affordable, with those affordable habitable rooms meeting the borough's required tenure split outlined in Policy BH5 above.

23. As outlined above Policy BH5 asserts that the affordable housing tenure split required to comply with the London Plan Policy H5 is, 70% social rent/London Affordable Rent and 30% intermediate products including Affordable Housing Allowance.

24. The submission sets out the intention to provide all (99) of the Use Class C3 homes within the London Affordable Rent (LAR) tenure and 40 extra care units at affordable rents capped at Local Housing Allowance (LHA) levels. The proposed development therefore meets the policy requirement as it provides at least 50 % Affordable Housing. On that basis, the proposal meets the H5 threshold and delivers a sufficient proportion and type of affordable housing such that scrutiny of financial viability is not required in policy terms.

25. The proposed housing mix is as follows:

Size	General needs (Use Class C3)	Extra care units
1-bedroom	34 (34.3 %)	36 (90 %)
2-bedroom	38 (38.4 %)	4 (10 %)
3-bedroom	27 (27.3 %)	0

26. In terms of affordable housing tenure split, the policy requires 70 % of the Affordable Housing to be at London Affordable Rent or Social Rent and 30 % to be as Intermediate affordable housing. The proposal complies with this tenure split as applied to the policy requirement of 50 % affordable housing.

27. Affordable Housing is normally secured through Section 106 legal obligations, but in the case of applications on Council owned land, it must be secured through conditions attached to the planning consent. Both conditions and obligations must only secure matters that are necessary to ensure that the development will accord with planning policy and guidance. As such, a condition is recommended which secures the provision of at least 50 % Affordable Housing, with 70 % of that provided at London Affordable or Social Rents and 30 % provided as Intermediate Affordable housing.

28. Brent Local Plan Policy BH6 relates to housing mix, it states that the council will seek to deliver a target of 25% of new homes as family homes (3 bedrooms or more). For every four dwellings, at least one must be 3 bedrooms or more.

29. A total of 27 of the general needs (i.e. Use Class C3) homes are proposed to have 3-bedrooms, comprising 27.3 % of the general needs homes. As such, the proposed general needs homes accord with policy BH6.

30. In relation to the Extra Care homes, 36 of the units are proposed to have 1-bedroom while 4 are proposed to have 2-bedrooms. No 3-bedroom homes are proposed. While the housing mix does not accord with the 1 in 4 target set out in policy BH6, the housing mix is designed to reflect the identified need for this type of housing in accordance with policies BH7 and this is considered to be acceptable.

31. In summary, the scheme would accord with policy targets to include at least 50 % Affordable housing with 70 % of that being for Social or London Affordable Rent and 30 % being Intermediate. The proportion of family sized general needs housing (Use Class C3) exceeds the target (of 1 in 4 homes) and whilst the extra-care accommodation does not achieve this, in this case, the priority need of older people for assisted living including those with dementia.

## **Design, scale and appearance**

### Policy background

32. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development.

33. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use, while Policy D5 seeks inclusive design without disabling barriers.

34. Brent DMP1 states that development should complement the locality in terms of siting, layout

and scale. Brent's, whilst Policy BD1 seeks the highest quality of architectural and urban design. The Site Allocation BSESA20 asserts that development should integrate with the surrounding context. SPD 1 outlines key design principles and advocates that new development should respond to local context and respect the existing character.

35. Section 16 of the NPPF advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance". Any harm to designated heritage assets requires clear and convincing justification. With regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Brent's Policy BHC1 requires new developments to demonstrate and justify any impacts on heritage assets.

#### Height, mass, bulk and layout

36. A total of four separate buildings are proposed within the existing Kilburn Square Estate and would vary in height from 5-8 storeys. As discussed above, the former Kilburn Square Clinic and number 11-15 Brondesbury Road located on the south east corner of the site would be demolished to make way for Block A and B.
37. Block A (NAIL Accommodation) would be a 6 storey building located on the south west side of the site, fronting Brondesbury Road, however the main entrance to these extra care units would be from the west elevation and from what is referred to as 'Central Street'.
38. Block B is located north of Block A by and would be part 7, part 8 storeys in height. The communal entrance would be located on the north side of the block adjacent to the square, beyond which is the existing 17 storey residential block (known as Kilburn Square).
39. Block C would be located on the north west side of the site with the main entrance fronting Victoria Road, Block C would be a 5 storey L-shaped building. This block would be located on an area currently occupied by a play area, landscaping including trees and car parking area.
40. Block E would be 5 storeys in height and located on the south side of the side fronting Brondesbury Road adjacent to Sandwood Court and Moreland House, with the main residential entrance located on the south side at Brondesbury Road. It would be located on an area currently used for car parking.
41. The proposed development would utilise a number of areas within the wider estate currently occupied by grass/amenity, landscaping and play space.
42. Improvements are proposed to the wider estate including quality, functional amenity space for both existing and proposed residents. Railings enclose the current Kilburn Square green space which would be removed to allow the space to be used as amenity space whilst also allowing more pedestrian permeability through the site.
43. The topography of the site is proposed to be rationalised with the higher and lower parts of the site being linked via a new ramped access as well as stepped access. A one way road is proposed to facilitate access between the higher and lower square and would be paved and tree lined.
44. The current courtyards located north and south of 1-28 Varley House would be re-developed and re-configured, the space currently consists of lawn and landscaping, hardstanding for parking, as well as an enclosed/gated ball court north of 1-28 Varley House. The proposal includes the re-configuration of these areas to include a new ball court, outdoor gym and play space as well as associated landscaping and parking to the north of Varley House. To the south would be reconfigured to a communal amenity area which would be landscaped, this has been labelled as Brondesbury Courtyard, to the south beyond this would be a re-configured

hardstanding area for parking and access.

45. In addition the footbridge to Varley House would be demolished and a new entrance is proposed.
46. The proposed configuration and layout of buildings and associated spaces is considered to respond well to the context within which they will sit, which includes the existing buildings within the estate and those which surround it.

#### Architectural detailing and materials

47. A simple but robust approach has been taken to materiality and façade detailing. The proposed building would be in a light coloured buff brick, the building façade includes peach colour stone cills and it is indicated that the window framing would be a cream/off white colour. Projecting balconies have been used to provide articulation in the facades, whilst brick detailing has been used to provide visual interest.
48. Building entrances have been defined through the use of canopies or in some instances, arches. Louvred windows have been used to mitigate solar gain for the extra care block and also help to reinforce the appearance of the window.
49. The proposed approach to materials and detailing is well considered, responding well to their context and complement the existing buildings within the vicinity.

#### Townscape and heritage assets

50. Section 16 of the NPPF advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance". Any harm to designated heritage assets requires clear and convincing justification. With regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Brent's Policy BHC1 requires new developments to demonstrate and justify any impacts on heritage assets.
51. Block A and E will be directly opposite the Kilburn Conservation Area. Block A will be opposite a row of brick (painted) and stuccoed villas. Number 10 Brondesbury Road is locally listed.
52. The existing building (15 Brondesbury Road) on the development site does not contribute to the setting of the conservation area but it is of a height and scale which is not out of keeping. Block A replacing this building would be taller than the Villas opposite. It will be noticeably higher when walking from the High Road down Brondesbury Road. Although the road provides some separation and helps partly offset the difference in heights, there will be a noticeable change when travelling along Brondesbury Road. The choice of materials including London Stock bricks a brick banding to provide a degree of interest is considered to be appropriate for the streetscene. When viewing the proposal there is an existing large block of flats (Morland House) further down Brondesbury Road which Block A would be seen in context. Overall, the change in views along Brondesbury Road and the more dominate appearance of block A would result in a feature that would not completely preserve the appearance or character of the conservation area. However, the impact would be relatively modest and is considered to be a low rating on a scale of harm.
53. Block B would be sited to behind Block A. Although Block B would be taller, Block A would provide sufficient screening and the distance from the conservation area would be sufficient to offset its impact and prevent any harm.
54. On Kilburn High Road number 125 is a Local Listed building (The Juniper Public House). Block B would be seen in its backdrop in some views, but it would be seen in the context of the



existing modern development both within the site and the Kilburn High Road. It is considered that the judgement in the Heritage Statement is correct and 'such a juxtaposition would not erode the significance/appreciation of the pub.'

55. Block E will be positioned between Sandwood Court and Morland Court. Opposite is a mixture of post-War housing which does not contribute to the character and appearance of the conservation area. Block E will be seen in context with these buildings and in my view would be in keeping with the general scale and character and thus it would not be considered harmful to setting or streetscene.
56. Block C, facing Victoria Road, is too far away from the Brondesbury Conservation Area to have any impact. The new building will be seen as a backdrop in the distance within the existing milieu. The HS illustrates this impact on page 23. The block will be 5 storeys high and will not be seen from Paddington Cemetery (Listed Grade II).
57. Block C would be seen alongside the terrace of Victorian properties in Victoria Road. These properties could form an extension to the North Kilburn Conservation Area. However, not currently being designated as a Conservation Area means that it is not assessed as a designated heritage asset and the proposal is considered provide an attached new building, which would have an acceptable impact on the current streetscene.
58. When considered against the NPPF this harm would be 'less than substantial' and it is necessary that there are public benefits that would outweigh this harm for the development to be considered acceptable. When considering the provision of new housing and the policy being met to provide affordable housing, along with the improvements that would be made across the estate, the modest level harm identified would be far outweighed by the public benefits that the development would result in.

#### Archaeology

59. The site is not located within an Archaeological Priority Area. Between the site and Kilburn High Road there is an area that forms the Kilburn Village Site of Archaeological Importance which covers numbers 121 to 131 Kilburn High Road. The application has been accompanied by an Archaeological Desk-Based Assessment which concludes the archaeological potential of the site to be low to moderate and it does not present an impediment to the proposed development. The assessment includes a recommendation to ensure that an appropriate program of archaeological works is agreed with the Greater London Archaeological Advisory Service, to determine the extent, depth and significance, or absence of buried archaeological features and deposits across the site. Therefore, a condition is recommended to ensure that this takes place.

#### **Relationship with neighbouring properties**

#### Policy background

60. Development should maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The SPD sets out that buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing rear garden boundaries. Separation distances of 18m to windows and 9m to boundaries with adjoining properties or development sites should be maintained. However, it also sets out that reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land. The SPD also clarifies that for sites within an existing street scene, the distance between front elevations should normally be determined by the character of road widths or set-backs from roads in the area.
61. It should also be noted that this guidance should be balanced against the policy objectives set out in London Plan policy D3 which sets out that site capacity should be optimised through the

design-led approach. It goes on to set out that this requires the consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planning supporting infrastructure capacity.

62. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight (BRE209) 2022 guidance is required where the 25 degree test is not met. This guidance supersedes the 2011 version, however the advice in relation to assessing the impact on neighbouring properties remains consistent with the earlier version.
63. The BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky that is visible to a specific point on the outside of a property, which is directly related to the amount of daylight that can be received. It is measured on the outside face of the external walls, usually at the centre point of a window. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height (850mm height from floor level) from which the sky can be seen.
64. The guidance suggests that the existing daylight may be noticeably affected by the new development if:
  - Windows achieve a VSC below 27% and are reduced to less than 0.8 times their former value; and / or
  - Levels of NSL within rooms are reduced to less than 0.8 times their former values.
65. The 2022 BRE Guidelines are not materially different from the 2011 Guidelines which they have superseded, in respect of the guidance provided for impacts on neighbouring properties.
66. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. The guidance sets a target for windows of 25% of total APSH including 5% in winter months for windows (WPSH), and for amenity spaces to receive at least two hours sunlight on 21 March and not less than 0.8 times their former value.
67. However, the BRE also recognises that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and support the use of a 'mirror image' analysis in such cases. The NPPF 2021 also supports a flexible approach to applying standards in order to make efficient use of sites.

#### Daylight, sunlight and overshadowing

68. A daylight and sunlight report has been submitted in support of this application. The methodology and criteria used is in accordance with the (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 2nd edition, 2022) as discussed above. The assessment considered a number of nearby residential properties, the scope identified and assessed is considered acceptable.

#### 37-61 Victoria Road

69. The above properties are a row of four storey (inclusive of a part lower ground floor), located north of proposed Block C. Many of the properties have been sub-divided into flats. The site opposite these properties is relatively open, which can result in larger proportionate impacts. It is considered important to take into account the character and nature of the area when considering the degree of impact that is acceptable.
70. In terms of daylight, the report states that number 37, 55, 59 and 61 Victoria Road would demonstrate values above 27 % or 0.8 times the former value with reference to the Vertical Sky Component (VSC) measure. All of the windows within the upper floors (first, second and

third floor) within this part of the terrace (37 - 61 Victoria Road) achieve BRE target levels.

71. All of the windows within the terrace located at first floor or above comply with BRE target levels. Of the windows that fail to achieve a 27% VSC or retain 0.8 times the former value as a result of development, the shortfalls vary between 0.68 and 0.77 of the former value. Furthermore, the proposed VSC values vary between 19.3 and 27.4, with only one window falling below a VSC of 20 (value would be marginally less at 19.3). It is noted that all of the windows that experience levels which do not meet BRE targets are located at ground and lower ground floor levels. It is considered that due to the existing very open nature of the site in front of the Victoria Road properties, it would be difficult to increase number of properties within Kilburn Square meaning fully without having some impacts on the neighbouring properties.
72. An excess of 20% VSC is considered good within this urban location, especially given the current relative open character of the opposing side of the road.
73. With regard to NSL values, the report (as summarised in the table below) illustrates that all upper floors within numbers 37 to 61 comply with the BRE NSL targets. A total of 19 habitable windows within 18 properties do not meet the BRE target levels (0.8 times their former value). 11 of these windows would experience losses of 40% yet retain at least 0.6 of the former NSL value and as such whilst these windows would be noticeably affected by the new development, the loss of daylight is not considered significant. 4 windows would retain between 0.4 and 0.6 of their former values, whilst 3 windows would retain less than 0.4 of their former value, with the lowest value being 0.35.
74. The upper floor properties at the first floor and above, all meet NSL and VSC BRE targets.
75. With regard to sunlight, the assessment shows that 77 of the 80 rooms would meet BRE targets for APSH and WPSH. There are three which fall below, situated on the lower ground floor of Nos. 43, 45 and 49. Levels of annual sunlight would accord with targets, but levels of winter sunlight would fall below (3 % to 4 % compared to a target of 5 %).

#### 110-118 Kilburn High Road

76. There are residential properties on the top two floors (second and third floor) of this building which have windows that face the development site. An external walkway at third floor level restricts the light to the second floor windows, placing a greater reliance on the adjoining site in relation to daylight. As such, the BRE guidance sets out that sensitivity testing may be undertaken with these features removed.
77. The submitted assessment shows that 6 of 9 third floor windows and 4 of 9 second floor windows meet BRE guidance levels (with the walkway in place). The three third floor windows only fall marginally below targets for absolute VSC (25 and 26 compared to a target of 27). The second floor windows would experience greater levels of reduction (reducing from between 11.1 and 12.5 to between 7.9 and 9.0, representing 0.69 to 0.76 of the former value. When undertaking the sensitivity test (with the walkway structures removed), the windows would receive absolute levels of VSC of 21.8 to 25.9, which would be considered appropriate for an urban environment. When looking at NSL, 4 of the 18 rooms would retain more than 0.8 their former value, with 7 third floor rooms reducing to 0.59 to 0.77 times their former value. The 7 second floor rooms fall to between 0.22 and 0.73 of their former value. However, they are deep rooms (kitchen-living-diners) which also are affected by the oversailing walkway, and greater levels of impact are expected in such situations. The VSC levels referred to above (with the balconies removed) provide an indication of the degree of impact that these features have on the light received by the associated rooms when affected by development of the adjoining site.
78. The impacts on the levels of sunlight received by the windows would be in accordance with BRE guidance.

### Addison Court, Brondesbury Road, Brondesbury Court and 34 Victoria Street

79. The submitted report confirms full compliance with BRE guidance for VSC and NSL in relation to this property. Sunlight has not been tested as the windows facing the site are not within 90 degree of due south.

### 6-10 Brondesbury Road

80. The submitted report demonstrates full compliance in relation to VSC. For NSL, two lower ground floor rooms fall marginally below targets (0.77 compared to a target of 0.8 times the previous value) and the degree of impact is considered to be minor. Sunlight has not been tested as the windows facing the site are not within 90 degree of due south.

### Sandwood Court

81. There are windows in the side elevation of this building which face Block C. Nearly all of these windows are set beneath external balconies which affect the amount of daylight available to the windows. As such, the development of an adjoining site will have a larger proportionate impact on those windows, and the BRE guidance sets out that sensitivity testing may be undertaken with the balconies removed. Furthermore, it is also appropriate to undertake a "mirror" test to determine whether the proposed development would have more or less of an impact than the development would have upon itself (if a mirror image of the development was constructed).

82. When undertaking the standard BRE test for VSC, 9 of the 28 windows tested would meet BRE targets, with the remainder below and therefore experiencing a noticeable impact. 14 of the 19 windows that fall below targets would experience an impact of 0.5 (times the former value) or worse. When applying the test with the balconies removed, 15 windows would experience losses beyond BRE guidance, with 6 of those being 0.5 or worse. Finally, when looking at the "mirror" test, 13 windows would experience reductions beyond BRE targets, with levels of VSC between 0.64 and 0.79.

83. In relation to the NSL testing, the report shows that 9 of 18 rooms will meet BRE guidance of 0.8 times the former value, with results ranging from 0.17 to 0.49. As with the VSC results, this is affected by the oversailing balconies and the location of this block in relation to the boundary. When applying the mirror sensitivity test, this shows that a mirror of the existing block would result in 10 of rooms meeting BRE guidance. While the number of rooms that would experience an impact is similar, the degree of reduction is lower for the mirror scheme.

84. A further assessment was undertaken to consider how much "massing" could be achieved on block C while fully complying with BRE guidance. The report sets out that that a building of more than 1-2 storeys would cause impacts beyond BRE guidance levels because the facing windows are constrained by the oversailing balconies.

85. With regard to sunlight, there are no affected windows within 90 degrees of due south, so the impacts accord with BRE guidance (as testing is not required).

### Rathbone House

86. The submitted assessment shows that 85 of the 95 windows tested would achieve BRE guidance levels for VSC, with the 10 that go below guidance levels being bedrooms which achieve levels between 0.57 and 0.77. With regard to NSL, 93 of 95 rooms meet the BRE targets, with the two that fall below this being bedrooms immediately adjacent to the development which are only marginally below (0.76 to 0.79).

87. With regard to sunlight, there are no affected windows within 90 degrees of due south.

### Varley House

88. The report confirms full accordance with BRE guidelines for daylight and sunlight.

### Barrett House

89. The submission shows that 194 or the 220 windows tested would achieve BRE targets for VSC. Of the 26 that fall below, 17 achieve absolute VSC levels of 13.9 to 26.9 which have been found to be acceptable in other similar urban schemes. The remainder would achieve VSC levels of between 0.46 and 0.76 times their former value. In relation to NSL, 214 of 220 rooms would meet BRE targets, with 6 rooms at ground to second floor reducing to between 0.65 and 0.79 times their former value. The degree of reduction for the rooms is not considered to be excessive given the context of the site.
90. With regard to sunlight, 148 or 160 rooms would achieve BRE targets for APSH and WPSH. There are 12 which would reduce beyond BRE targets with 0.54 to 0.75 times their former value. These are reported to be set behind balconies or likely to serve bedrooms.

### 11-90 Kilburn Square

91. Of the 336 windows tested, 320 are shown to meet targets for VSC. Those that fall below targets achieve levels of 0.60 to 0.79 times their former value. With regard to rooms, 266 or 272 rooms achieve BRE standards, with the 6 rooms that fall below achieving 0.69 to 0.79 times their former value. Where reductions are experienced beyond BRE targets, those windows are located beneath balconies. When sensitivity analysis is applied with the balconies removed, all windows would meet BRE guidance.
92. In relation to sunlight, 148 of 160 rooms would meet BRE guidance for APSH and WPSH. Those that fall below would achieve 0.54 to 0.75 of the previous value for APSH. Again, these windows are set behind balconies.

### Overshadowing of amenity spaces

93. The impact of the scheme on nearby amenity spaces has been considered, with the submitted report demonstrating that all amenity spaces will accord with BRE guidance.

### Summary

94. Overall given the high density, urban context, the development is considered to achieve a reasonable degree of compliance with regard to overshadowing when assessed against BRE guidance.
95. The sunlight/daylight assessment shows that there would be some unavoidable impacts because of development. In some cases, the impacts would be relatively high, although the overall impact on the living conditions of the neighbouring occupiers would not be excessive, due to the likely use of other parts of the properties.
96. Furthermore, the impacts as a result of the development must be weighed against the regeneration benefits of the scheme, which includes provision of additional housing generally, much needed affordable housing, including social rent homes and family homes, as well as an improved pedestrian public realm. National planning policy supports making effective use of the land when proposing development. Paragraph 125 (c) of the National Planning Policy Framework (NPPF), states that that "*when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*", applications which fail to make efficient use of the land it says, should be refused.
97. The site allocation for Kilburn Square which envisions significant growth within the locality of the site is given significant weight. The expectation for significant development within this growth area, as well as the expected high-density nature of development, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance for new development in this location. As noted above, the undeveloped nature of a large proportion of

the site affords some surrounding buildings access to a higher level of existing sunlight and a generous baseline scenario, however this is a location where change is expected to occur and the existing baseline conditions cannot realistically be maintained.

98. Given the scale of the proposed development and the number of windows impacted (in the context of the number assessed), officers consider that the daylight and sunlight impacts to neighbouring buildings and external areas are acceptable when seen in the context of the scheme's wider benefits. The number of properties affected would be limited and it is considered that the impacts on existing windows are commensurate with the urban context. Officers would note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser town centre locations, such as this. On balance, and taking into consideration the benefits of the proposals, the identified daylight and sunlight impacts are considered acceptable.

### **Quality of accommodation**

99. Policy D6 of London Plan 2021 relates to housing quality and standards. It includes a requirement to meet adequately sized rooms in line with table 3.1 of London Plan 2021. It goes on to say that all new homes should be provided with adequate levels of outlook, daylight, and natural ventilation.

100. All proposed units would be single storey flats and would consist of the following dwelling types:

- 70 x 1-bedroom 2-person units (minimum 50sqm requirement with 1.5sqm built-in storage space)
- 27 x 2-bedroom 3-person units (minimum 61sqm requirement with 2sqm built-in storage space)
- 15 x 2-bedroom 4-person units (minimum 70sqm requirement with 2sqm built-in storage space)
- 9x 3-bedroom 4-person units (minimum 74sqm requirement with 2.5sqm built-in storage space)
- 18 x 3-bedroom 5-person units (minimum 86sqm requirement with 2.5sqm built-in storage space)

101. London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space. Furthermore, each single bedroom would require a GIA of 7.5sqm with a width of at least 2.15m and each double-bedroom should have a floorspace of 11.5sqm and should be at least 2.55m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.

102. In terms of privacy, SPD1 outlines that new development should provide adequate privacy and amenity for new residents and protect those of existing ones. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will require a minimum separation distance of 18m, and habitable room windows should be positioned 9m away from neighbouring rear gardens. Brent's SPD 1 Design guide states that balconies should not overlook the habitable room windows or gardens of adjoining properties.

103. Each proposed block is assessed against these required standards.

### **Block A**

104. Block A would contain 40 extra care units and would be built up to 6-storeys in height, consisting of the following dwelling mix:

- 36 x 1 bedroom 2 person units

- 4 x 2 bedroom 3 person units

105. Each flat would meet the minimum required standards for internal floor-space (GIA) as well as for built-in storage space. Furthermore, all the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

106. The majority of units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. Where single-aspect units are proposed none of these are north-facing. In Block A these are typically south facing so would still receive good levels of light and ventilation.

107. The proposed ground-floor habitable room windows would have defensible space from Brondesbury Road and the proposed Central Street respectively and would also be screened by hedging/defensive planting to prevent direct overlooking.

108. The proposed north-facing habitable room windows in the upper-floors would only be 16m away from other habitable room windows within Block B opposite, which would fall below the 18m standard as set out under SPD1. However, given that this is a minor shortfall, in terms of the number of windows and balconies that would have this separation, and when considering this is in the context of a new development with an internal arrangement, it is considered that there would be limited opportunities for overlooking. Therefore, the overall quality of these units would be acceptable.

#### Block B

109. Block B would contain 53 general needs units and would be built up to 7/8-storeys consisting of the following dwelling mix:

- 20 x 1-bedroom 2 person units
- 18 x 2-bedroom 3-person units
- 15 x 2-bedroom 4-person units

110. Each flat would meet the minimum required standards for internal floor-space (GIA) as well as for built-in storage space. Furthermore, all of the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

111. The majority of units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. Where single-aspect units are proposed none of these are north-facing. In block B these are also typically south facing so would still receive good levels of light and ventilation.

112. The proposed south-facing habitable room windows in the ground and upper-floors would only achieve a 16m distance from the opposite habitable room windows within Block A. Likewise to Block A, this is a minor shortfall and officers consider this acceptable in this instance where it is an internal arrangement of a new development, and the overlooking opportunities are limited.

113. Unit 'B-B4-01-04' at lower-ground floor level to Block B has a side window serving this units kitchen/living/dining area which could potentially be overlooked by other users of the communal garden area, and therefore a condition will be attached for this to be obscure-glazed to mitigate this impact. Notwithstanding, the front windows to both units 1 and 2 at this level offer good outlook and have sufficient defensible space and are partially screened by defensive planting within their own front garden areas.

#### Block C

114. Block C would contain 37 general needs units and would be built up to 5-storeys consisting of the following dwelling mix:

- 13 x 1-bedroom 2-person units
- 5 x 2 bedroom 3-person units
- 9 x 3 bedroom 4-person units
- 10 x 3 bedroom 5-person units

115. Each flat would meet the minimum required standards for internal floor-space (GIA) as well as for built-in storage space. Furthermore, all of the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

116. The majority of units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. Where single-aspect units are proposed none of these are north-facing. In block C these are also typically south facing so would still receive good levels of light and ventilation.

117. None of the windows proposed face other habitable room windows within an 18m radius, which is in accordance with SPD1 requirements in terms of acceptable levels of privacy. Although unit 2 at ground-floor has a side facing window serving the dining area which faces into the block C communal entrance, officers will attach a condition for this to be obscure-glazed to mitigate loss of privacy.

### Block E

118. Block E would contain 9 general needs units and would be built up to 5-storeys consisting of the following dwelling mix:

- 1 x 1-bedroom 2-person units
- 8 x 3-bedroom 5-person units

119. All flats would exceed the minimum required standards for internal floor-space (GIA); but it is noted that the 3-bedroom 5-person flats would fall short of the minimum 2.5sqm built-in storage space requirement. Given that all these units exceed the minimum GIA requirements, the shortfall in this instance is not considered significant, with the floor area giving some flexibility to allow storage space that is not built in. Furthermore, all of the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

120. All units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. None of the windows proposed face other habitable room windows within an 18m radius, which is in accordance with SPD1 requirements in terms of acceptable levels of privacy. The habitable room windows proposed at ground-floor would face into defensive planting to limit loss of privacy/overlooking.

### **Accessibility**

121. A total of 12 homes in the general needs Blocks (12% of the total dwellings) will comply with Building Regulations requirement M4 (3) 'wheelchair user dwellings'. All the remaining homes (88%) will meet Building Regulations requirement M4 (2) 'accessible and adaptable dwelling'.

122. A total of 18 homes in the extra care block (45% of the dwellings) will comply with Building Regulations requirement M4 (3) 'wheelchair user dwellings'. All wheelchair user dwellings will be 1 bedroom, 2 person flats. All units in the extra care block will meet HAPPI design regulations.

### **External Amenity Space**

123. In terms of external amenity space, Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms) that are



at ground floor level.

124. The BH13 requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the 'normal expectation' of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where 'sufficient private amenity space cannot be achieved to meet the full requirement of the policy; the remainder should be applied in the form of communal amenity space'. Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is 'sufficient', even where a shortfall exists in private and/or communal space.
125. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
126. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m are reconfirmed in the policy.

#### Block A

127. While the proposed NAIL units would not have access to their own private amenity space, it is noted that these units are typically 6-7sqm larger than the minimum GIA space standards. The units within this block would have access to a communal garden area at first-floor level of 111.1sqm and a larger communal garden area of 344.2sqm, which officers consider adequate to compensate for the absence of private rear amenity space for these units. Due to the use of this block, private balconies are not appropriate and therefore have not been designed into the scheme. When considering the access to the communal areas the overall living conditions for the occupiers would be good.

#### Blocks B, C and E

128. All the proposed general needs housing units would have access to their own private amenity space in the form of balconies/front gardens which would meet the minimum 5sqm standard as set-out in the London Plan. While the Brent Local Plan BH13 requires a higher minimum, given the provision of the communal garden communal garden area (shared with Block A) of 344.2sqm, this shortfall has a reasonable justification for the NAIL units.

#### Improvements to the existing spaces

129. The existing site benefits from approx. 4920sqm of open space and play space. However, active use of this space is limited to a degree given that some of the areas are fenced off from use by residents, while there is a shortage of recreational facilities offered to residents to use. Also, it is noted that the site is already deficient in open space provision and the applicant stipulates that the current development on site does not meet the minimum amounts normally sought in association with BH13.
130. The proposal would reduce the amount of communal amenity space (4381sqm overall) as a result of the greater building footprints of the new proposed blocks. However, improvements are proposed to the quality and usability of the open space and play space as a result of the proposed development. The external amenity areas would become more active, accessible, and usable by existing and future occupants. Further, the provision of a greater variety of plant and tree species as well as utilising smaller pockets of land (such as railing planting) demonstrates that the proposal has sought to maximise potential for good quality landscaping.
131. When considering the overall size of the external amenity spaces that would be retained within Kilburn Square, which would be balanced with the use of private amenity

spaces. The provision is good and would provide an attractive setting for the residents. In addition to the onsite amenity space, public open spaces within the vicinity include Paddington Cemetery approximately 500m away and Queen's Park, which is approximately 815m from the rear of the site on the Brondesbury Road side.

### Play space areas

132. The existing play provision comprises of a ball court in a small, fenced area adjacent to the car park, which does not meet Sports England Criteria or standard MUGA standards. The site has an existing Playground with an uneven play surface in need of repairs. There are an additional 3 separate spaces that could be classified as free-play / green space, however 2 of these are adjacent to access roads and car parks and are thus not the most appropriate and accessible spaces.
133. The proposal includes 4,608 sqm of communal amenity space which includes play space provision. This would be in areas considered more appropriate and accessible throughout the site, in comparison to the existing. The provision of new play space would provide a considerable uplift in terms of quality and accessibility.
134. Play space areas have been provided throughout the site and have been divided into five typologies:
- Doorstep play- typically between 0-4 and 5-11 years age groups. This area contains play items and scattered equipment as well as pedestrianised, playable, and multifunctional spaces
  - Equipped play space- typically between 0-4 and 5-11 years age groups. Fenced and gated areas offering range of play activities with suitable safety surfacing and seating.
  - Youth space- 12-17 years age groups. Equipped with range of exercise equipment with seating
  - MUGA- 12-17 years age groups. Multi use sports facility containing kickabout as well as basketball court, hoop and line markings set out to Play England outdoor court sizes
  - Informal green space- 5-11 and 12-17 years age groups. landscaped space with trees, planting, seating and grassed areas for informal meeting and play
135. As required under policy S4 of the London Plan, the proposal would meet the requirement of 10sqm of play space provided per child. Play spaces calculations have been provided when assessed against the requirements of the GLA population yield calculator, which has calculated as a minimum requirement the site would need to provide a total of 2655sqm of on-site play space. When considering the provision of the existing and future occupiers, the proposal would result in the provision of 4381sqm, which would be an excess of 1726sqm above the minimum requirement.
136. Within this, the proposal includes 657 sqm of formal play space including;
- Children's equipped play for ages 2 years up to teen (315 sqm)
  - Ball court and climbing frame for 5 to teen (342 sqm)
  - Open play space and informal play (3,241 sqm)
  - Doorstep/informal play (596 sqm)
137. Play structures are proposed for a range of ages to provide climbing, sliding and swinging activities as well as inclusive play items. Elements of natural play and access to wildlife will be an integral part of the design, encouraging exploration and providing safe and stimulating play.
138. It is considered that the proposal will provide a considerable improvements to existing play space, incorporating robust equipment and locating the play areas away from traffic noise and pollution will provide safe, healthy, and stimulating play opportunities.
139. Therefore, when considering the size of the units and the amenity spaces that they residents would have access to. The existing residents would see good improvements. Future residents would have good overall living conditions which meet the requirements of policy

## Transportation

140. In order to facilitate the development, alterations are required to the access and parking arrangements for the estate. The primary change is the removal of the garages alongside the central link road and the low footbridge connecting Kilburn Square with Varley House/Sandby House/Barrett House, to be replaced with a series of steps and ramps with handrails and benches either side of an area of proposed planting.
141. Although the footbridge currently provides a grade-separated pedestrian route between the residential blocks and Kilburn Market, it is unattractive, creates a covered undercroft area with limited overlooking that could attract crime and limits access through the estate for tall vehicles. As such, its removal has a number of urban realm benefits.
142. In highways terms, the key benefit is that refuse vehicles and fire appliances would now be able to travel the length of the central link road, allowing better access through the heart of the development for servicing. Access for other vehicles across the central part of the link road will be prevented through the use of collapsible bollards though, making sure that pedestrians walking between Varley House etc. and Kilburn Square in future will only have to cross a very lightly trafficked street.

The removal of the footbridge will mean that the main pedestrian entrance to Varley House/Sandby House/Barrett House will now be at ground floor level. A new entrance foyer is thus proposed to access the stairs and lift. This will also incorporate a bicycle store for 18 bikes, providing welcome parking facilities for residents of these three blocks that isn't currently available to them.

143. Proposed new housing Blocks C and E will partly occupy two of the existing car parks. As a result, these two car parks are to be reduced in size and reconfigured, with their entrances from Victoria Road and Brondesbury Road relocated westwards.
144. A Stage 1 Road Safety Audit has been conducted for the two new accesses, which raised minor problems with regard to visibility splays being obstructed by parked cars and trees and with regard to an absence of tracking diagrams for large vehicles using the entrances. However, the visibility splays are no worse than for the existing entrances and in the case of the Brondesbury Park access, would be improved by the access being located further from, and to the west of, a large tree in the footway. The reduced size of the car parks will also reduce the amount of traffic using these accesses compared with the existing accesses. Tracking diagrams have also now been provided for larger vehicles. As such, the Road Safety Audit concerns have been satisfactorily addressed and the two revised access locations are fine.
145. It does appear that a telecommunications equipment cabinet on Victoria Road may need to be relocated.
146. The 4.8m widths of the two revised car park access roads are also fine, allowing two cars to pass one another. However, a 300mm protective margin was added between the Brondesbury Road entrance and Block E (by repositioning Block E slightly eastwards) to protect the building from potential vehicle damage. The position of the entrance gates to the two car parks 5m from the highway boundaries will allow cars to stand clear of the adopted highways whilst they are opened and closed, which is welcomed.
147. The existing redundant crossovers will need to be removed and reinstated to footway at the applicant's expense and all associated amendments to parking bays and cycle hangers along Brondesbury Road and Victoria Road to suit the new access arrangements will also need to be included within these works. As the new accesses will primarily cater for car traffic,

standard footway crossovers will suffice.

148. The central link road and the car park access roads are to be resurfaced in 80mm thick block paving (suitable for use as a shared surface), with adjoining parking bays surfaced in a contrasting colour and pattern of blocks. The footpaths through the estate are to be surfaced in asphalt. These improvements to the surfacing are welcomed, helping to reduce the 'car-dominated' appearance of the routes across the estate and helping to make a more attractive environment, in line with Healthy Streets principles.
149. As all existing and new access roads and footpaths through the estate are expected to remain private, there are no direct concerns with the landscaping improvements. However, it was noted that some of the kerbs are to be laid flush with the carriageway which would provide little guidance for blind and partially sighted people. To address this a minor alteration was made to the plans to provide low kerb upstands.
150. With the changes to the link road, emergency and refuse vehicles would in future have improved access to the new and existing blocks. Tracking diagrams have been provided to show that large vehicles can access and turn at various locations around the site.
151. Bin stores are proposed within each block with sufficient capacity to meet requirements for general waste, recycling and organic waste and all stores front either Victoria Road, Brondesbury Road or the central spine road, thereby allowing refuse vehicles access to within 10m of each store in accordance with standards.
152. A Delivery and Servicing Plan has been submitted with the application to manage deliveries to the residential flats and supported-living accommodation. Generally, delivery vans will be able to access the site and temporarily use any spare parking spaces that are available for up to 10 minutes. However, a marked delivery/ambulance bay will also be provided alongside the supported living entrance. These arrangements will minimise the need for any servicing activity on the adopted highways and are therefore welcomed.
153. Car parking allowances for Brent are set out in Appendix 4 of the Local Plan and for residential use, this requires compliance with the standards set out in Table 10.3 of the London Plan. As the site has excellent access to public transport services, any new residential units would be expected to be 'car-free' (aside from disabled parking). For the supported living accommodation, the Local Plan would allow up to one space per 10 bedrooms, giving an allowance of four spaces.
154. The existing provision of about 119 spaces for the 291 existing flats is therefore excessive under current standards. However, this proposal will reduce overall parking within the estate to 86 spaces, of which 19 will be wide bays for Blue Badge holders. The existing overprovision of parking within the estate as a whole will therefore be significantly reduced, which is welcomed.
155. As such, the reopening of the disused undercroft parking to replace some of the surface parking that is lost is considered acceptable, contributing to the overall aim of improving the urban realm and landscaping across the estate. The layout of the undercroft area meets standards and although the entrance will remain via a single-width access gate, there is plenty of space for vehicles to wait on either side of the gate to let a vehicle pass in the opposite direction.
156. Policy BT2 also requires that consideration be given to the potential impact of any overspill parking on-street in the area.
157. To minimise overspill parking and to ensure the new flats are genuinely 'car-free', a 'car-free' agreement will therefore be required to be secured through a condition, withdrawing the right of future residents to on-street parking permits.

158. A 'car-free' condition is not able to be retrospectively imposed on existing residents though, so in order to help to better understand existing car parking demand, surveys of parking within the estate were undertaken by the applicant on weekday nights in February and December 2020. These identified between 63 and 74 cars using the car parks within the estate at various times. The results correspond well with the number of permits (66) issued to residents of Kilburn Square.
159. To further verify the accuracy of the surveys, car ownership data held on the 2011 Census has been examined. This also suggests that existing car ownership for the estate totals about 66 cars.
160. It was also known that 19 of the 30 garages were rented out, although it is not known how many were used for parking cars as opposed to general storage. Given the figures above, it is considered likely that few, if any, of the garages are actually used for car parking.
161. Nevertheless, the proposed retention of 86 parking spaces within the estate would be more than sufficient to cater for existing residents. The proposed reduction in off-street parking is not therefore considered likely to result in any parking being displaced from the estate onto surrounding streets.
162. Of the spaces that are to be retained, 19 are to be wide bays for disabled residents (a significant increase from the one disabled bay currently provided). This more than meets the requirement for a disabled space for 3% of all units, which would equate to 13 spaces. There is also scope to convert further spaces to wide bays in the future if required.
163. As the car parking areas are being substantially amended, provision will be sought for electric vehicle charging points. To this end, it is confirmed that 18 spaces (9 standard & 9 disabled) will be provided with active electric vehicle charging points, with all remaining spaces having passive provision. The points will provide 7kW/hr fast charging, which is appropriate for residential bays. Locational details are missing from the drawings though, so a condition requiring the submission and approval of further details is recommended.
164. A Car Park Management Plan has been provided for the estate, which confirms that existing residents have the right to retain their parking permits (or purchase a new permit for a limited time period if they do not currently have one). If they move out of the estate, they will need to relinquish their permits. Incoming residents of the new dwellings will not be entitled to parking permits either within the estate or on the surrounding public highway. Over time, it is therefore expected that parking demand will fall and that parking provision within the estate can be reduced.
165. For visitors and delivery/contractor vehicles, short-term permits will be available.
166. Details of enforcement by a parking contractor have also been provided to ensure that the car parking arrangements are not abused and drivers use bays correctly. It is also confirmed that the plan and parking conditions will be kept under review over future years.
167. The submitted Car Park Management Plan is very much welcomed and its implementation should be secured through a planning condition.
168. The London Plan requires at least 181 secure bicycle parking spaces for the 99 new flats and secure storage rooms are proposed on the ground floor of each block for a total of 186 bikes on a mixture of two-tier racks and 'Sheffield' stands to ensure all type of bicycle are catered for. The doors along the access routes to the stores for Blocks B and E have been amended to be widened to at least 1.2m. The number of doors and access arrangements have also been amended to allow easier access whilst meeting fire safety requirements.

169. For the assisted-living units, a bicycle/buggy store for 10 bikes/buggies is proposed, which is acceptable.
170. A further five short-stay spaces are required for visitors to the various blocks. A total of six 'Sheffield' stands are proposed in front of the various blocks to more than satisfy this requirement.
171. The existing flats within the estate do not have any bicycle parking provision, so this application also proposes a total of 90 long-stay spaces alongside Kilburn Square tower (40 spaces), within the reopened undercroft car park (32 spaces) and within the new entrance to Varley Court (18 spaces). These will be supplemented by a further ten 'Sheffield' stands along the central spine road and in Kilburn Square to provide 20 'short-stay visitor spaces. This additional provision for existing residents is very much welcomed.
172. Eight new motorcycle parking spaces are also proposed within the undercroft car park.

### Transport Impact

173. The submitted Transport Statement has considered the likely trip generation from the additional accommodation, based upon survey data from four other housing developments and another care home in London.
174. Surveys of existing trips to and from the estate were also carried out in December 2020, although the on-going Covid-19 pandemic restrictions in place at the time meant that peak hour trips were much lower than might ordinarily be expected, so these results have not been used in the analysis. Nevertheless, the surveys showed 31-32 two-way vehicle trips in each peak hour for the 291 existing flats on the estate, which points to a low two-way vehicular trip rate of about 0.11 trips/ dwelling.
175. The development will result in a net increase of 99 general needs housing units and these are estimated to generate 12 arrivals/55 departures in the am peak hour (8-9am) and 33 arrivals/22 departures in the pm peak hour (5-6pm) by all modes of transport. No "all modes" trip generation figures have been presented for the 40 supported-living units, but Brent's officers have estimated that these would generate between 10-20 peak hour trips.
176. The Transport Statement then considers the increase in vehicular trips alone and using the survey data, has estimated that the new housing and extra care units would between them generate 9 arrivals/20 departures in the am peak hour and 13 arrivals/16 departures in the pm peak hour by vehicles (these are net increases to existing trips to and from the estate). These totals are not significant enough to have a noticeable impact on the local highway network and given that overall on-site parking is to be reduced in total by the proposal and largely restricted to use by existing residents only, even these modest predicted increases in traffic flow may not materialise in practice.
177. For other modes, the number of additional passengers on public transport services is also not considered to be significant enough to have any noticeable impact on capacity, with less than one additional passenger per bus and train passing the site.
178. To assess the impact of walking and cycling trips, a Healthy Streets Assessment has been conducted for the area. This examined the quality of the pedestrian routes to six key destinations in the area, largely along Kilburn High Road, but also including Paddington Recreation Ground, Kilburn Park station and Belsize Health centre.
179. Key problems were identified for each route. Three of these related to lengths of street in neighbouring Boroughs (Camden and Westminster), whilst two related to maintenance issues in Brent (the poor quality of the crossover surface at the entrance to the Kilburn Square

public car park/service yard and damage to a footway on Cambridge Road arising from tree roots).

180. The one problem where alterations to the highway layout were recommended as a solution was at the wide access to the Shell filling station on Kilburn High Road, where it is suggested that a central island would be beneficial to pedestrians. Subject to fuel delivery tankers still being able to access the filling station, this improvement would be welcomed, but does involve the agreement of the filling station operator. Nevertheless, there are wider proposals for enhancements to the public realm along the A5 Kilburn High Road corridor, so this is a measure that can be considered as part of those works.
181. The Healthy Streets Assessment also examined the road accident record in the vicinity of the site over the five year period ending July 2020. This did reveal a large number of personal injury accidents along Kilburn High Road, including two fatalities and 21 serious injury accidents, commensurate with the high volume of traffic carried and the heavy pedestrian flows. As above, separate proposals for improvements along A5 Kilburn High Road corridor will aim to address some of these accident problems.
182. Just three minor injury accidents were recorded in the immediate vicinity of the site - all on Victoria Road. There are no elements of these development proposals that would be likely to worsen the accident record in the area, particularly as the new housing will be 'car-free' and the parking numbers are being reduced.

### Travel Plan

183. To help support the 'car-free' nature of the development, a Residential Travel Plan has been submitted with the application. This will be applied estate-wide, so will be for the benefit of both existing and incoming residents, which is welcomed.
184. The principal aim of the Travel Plan will be to reduce the proportion of trips made by car drivers from an estimated 26% of trips at the outset down to 16% after five years. However, the estimate for the current modal share of trips made by car drivers is based upon a Brent-wide average, whereas a more detailed analysis of Census data for the Kilburn Square estate area shows a much lower current modal share of 12% car driver journeys to work. The baseline figure and future year targets therefore need to be amended for each transport mode. The applicant has agreed to amend this and stated that the full Travel Plan would be updated to reflect the initial results of the baseline surveys conducted after site occupation.
185. The Travel Plan submitted proposes a series of measures to promote non-car use through the provision of information and incentives, managed by a Travel Plan Co-ordinator. Only a brief heading for each measure was provided initially and an Action Plan was submitted to include more detail. A final Travel Plan confirming the final details would be required by condition.
186. As a general rule, incoming residents should be offered free Car Club membership for a minimum period of three years, but it would also be beneficial to make an introductory offer of free membership to existing residents for a limited period. There is already a Car Club vehicle based in Victoria Road outside the site that residents can use. The applicant has confirmed that they have been in contact with one of the operators and they have been encouraged to contact Zipcar and any others that are available.
187. The success of the Travel Plan will be monitored through biennial surveys using the i-TRACE or TRICS survey methodology, with the first survey to establish the baseline modal share to be undertaken within six months of the development reaching 75% occupation. Reviews will be carried out upon receipt of the survey results.
188. In conclusion, the submitted Travel Plan sets out a good framework for a Residential

Travel Plan for the estate. The applicant has agreed to update the Travel Plan where required and the full Travel Plan would be required by conditions.

### Construction

189. A draft Construction Management Plan has been submitted with the application setting out provisional arrangements for the construction works, which are programmed to take place between 8am-6pm on weekdays and 8am-1pm on Saturdays between the start of 2023 and the end of 2025.
190. The plan confirms that a detailed Construction Logistics Plan will be submitted prior to works commencing. This is welcomed and a condition should be applied to ensure this is done.
191. In the meantime, most of the new buildings are well set back from the highway and there is plenty of space around the site to ensure the construction works can be contained clear of the public highway. The only direct impact on the public highway would therefore be the need to temporarily suspend some parking bays in Victoria Road to facilitate turning into and out of the site by larger vehicles associated with the construction of Block C. This will need to be agreed through Brent Council's Parking Services and this has been acknowledged in the Plan.
192. The other major impact will be on parking for existing residents during the construction works and every attempt will be made to retain as much residents' parking within the site as possible throughout the contract. It is therefore important that contractors staff are not offered parking at residents' expense and a Staff Travel Plan will be expected to encourage staff to use public transport or walking/cycling.
193. An initial assessment of vehicle numbers suggests that up to three deliveries per day can be expected during the peak construction period and these will be scheduled to avoid peak hours and school opening/closing times. The location of the site close to the A5 means easy access from the strategic road network is available.
194. The broad parameters set out for the Construction Logistics Plan are therefore fine and there are no particular concerns at this stage with the proposals for construction works.
195. Therefore, the proposal would not result in any adverse impacts in terms of the safety and free flow of the surrounding highway network.

### **Secured by Design and resilience to crime**

196. The application site has some existing elements that need to be taken into consideration and due to large proportion of the existing development being retained, the proposal has been designed to work with the current site. The proposal aims to reinforce the security of the existing site and makes sure the new development has appropriate features to help enhance security.
197. Concerns were initially raised by the Metropolitan Police's Secure by Design Officer regarding the potential for an increase in anti-social behaviour, particularly in relation to the new access point created between the Kilburn Square market and wider estate as well as the low fencing height proposed to enclose the site. The initial response highlighted existing risks and vulnerability of the site.
198. Following amendments, CCTV would be implemented to partially cover the market and alleyway and a new 1.8m high fence would be installed on the estates side of the boundary and this access point. This will be key fobbed to restrict access to residents only. In addition, the proposal would include a new lighting strategy for the estate and the square and new



outlook opportunities on communal amenity areas have been added. It is considered that the proposed changes would allow for greater natural surveillance of these public spaces, which would give a greater sense of security and deter anti-social behaviour.

199. Concerns were also expressed in relation to the low-level security which pedestrian access gate B along Victoria Road would offer, and thus the potential to attract criminal activity and anti-social behaviour into the wider site. While officers have considered the potential to improve security to this end of the site, this cannot be removed as it is the main access point for the nursery and maisonettes above. The access points to the site would largely remain in the same location as the existing, given that alterations would adversely compromise the ease of access for the existing and future occupiers of the site.
200. Additional planting has been proposed alongside existing railings which would help to thicken the edge and make it more difficult to climb. The permeability of the perimeter has been reduced due to the location of blocks C and E on the edge of the site, this would make it more difficult for unauthorised access into the site.
201. The amendments were reviewed by the Secured by Design Officer and the improvements were noted. Although concern remained with access to the site and boundaries, these do not appear to be issues caused by the new development.
202. It is noted that the subject changes would not help the site overall to achieve a Secured by Design accreditation, which would require significant changes to the existing buildings. However, the amendments to the scheme would help to mitigate against crime and anti-social behaviour. Given the arrangements of the existing site, the changes are considered to be appropriate and strike the right balance of enhancing security, creating an attractive environment and allowing good access for residents. Officers therefore consider that the proposal is acceptable in this regard.

## **Energy**

203. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2021 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.
204. The SAP software to assess the proposals against Part L 2021 was not available at the time of submission. As a result, he used the Part L 2013 software as well as the GLA spreadsheet to report carbon emissions. The energy consultant has confirmed that they are confident from recent experience that re-assessing the scheme in line with Part L 2021 will result in a reduction in carbon and achieve better results. Furthermore, in order to comply with Building Regulations, Part L 2021 software will be used at the detailed design stage. On this basis it is acceptable to use the submitted details and a condition is recommended to ensure that the 2021 regulations are taken into account.
205. The Energy Assessment demonstrates that development would achieve a 77.8% improvement over 2013 Building Regulations through 'Be Lean, Be Clean and Be Green' measures set out in the London Plan based on SAP 10.1. This is considered to be compliant with London Plan Policy SI2 and Local Plan Policy BSUI1.
206. The proposed blocks would utilise a mini heat network, which is welcomed and the use of Air Source Heat Pumps with a thermal store is in-line with policy. It is proposed that the development will also benefit from a site wide PV panel installed to the roofs of both respective blocks, which would be orientated south and split into two systems across the blocks.

## **Overheating**

207. London Plan Policy SI 4 states that major development proposals should demonstrate

through an energy strategy how they will reduce the potential for overheating and reliance on air conditioning systems in accordance with a cooling hierarchy.

208. The application has been accompanied by an overheating assessment which outlines the measures to be taken to meet the requirements of the policy. As set out above, the majority of units would be dual aspect and very few are single north facing or south facing, which in itself should reduce reliance on mechanical heating and cooling with the blocks.

209. Built-in passive measures have been used to provide shading. Louvres have been included to glazing, which reduces the solar gain and would also provide an increased free area for ventilation. Solar shading would also be provided via balconies and the inclusion of brise soleil to selected elevations.

210. In addition to the buildings being appropriately designed, the mechanical ventilations systems would have an overheating mode. Where some windows need to be restricted, this would ensure increased air flow rates to avoid overheating and to avoid the introduction of air cooling equipment.

211. The proposed approach to overheating is considered to be acceptable.

### **Flooding and Drainage**

212. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is located within a Flood Zone 1 (low risk) area which is classed as having less than a 1 in 1000 chance of river flooding within any one year (annual chance of flooding of less than 0.1%). The application site does contain some areas that fall within a Surface Water Flood Risk Zone (3a), as identified by the West London Strategic Flood Risk Assessment. However, the three areas of the site where the proposed Blocks A, B, C and E are located, lie outside of these flood risk areas. The site is also at a low risk of groundwater flooding and is not within a high-risk area for sewer flooding within the Thames water mapping.

213. London Plan Policy SI13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. A drainage strategy has been submitted that sets out a number of measures that would be used to attenuate surface water. The site proposes a significant reduction in discharge rates to the current site, with block A and B offering a 97% reduction, block C having a 96 % reduction and block E with 95.3% reduction, all within 1 in 100 year storm event.

214. The reduction is attributed to different forms of SuDS including a bioretention tank, green roofs and permeable paving and SuDS planter trees. This is an appropriate use of attenuation, mixing green SuDS infrastructure with grey, to supply amenity and biodiversity to the residents and wildlife. The drainage strategy identifies that the use of SuDS would be maximised, and therefore the proposal would comply with the requirements of SI13.

215. Thames Water have commented on the proposals, noting that there are public sewers that cross the site and care needs to be taken to minimise the risk of damage. Additionally, it was noted that the developer needs to contact Thames Water to ensure that any necessary upgrades to the water supply are carried out. A condition has been recommended to ensure that the development retains a sufficient distance from the mains sewers and an informative advises of the need to contact Thames Water.

### **Environmental Health Considerations**

#### Air Quality

216. The site is within an air quality management area, and London Plan Policy SI1 requires major developments to be supported by an air quality assessment and to demonstrate 'air

quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.

217. In addition, policy BSUI2 of Brent's Local Plan 2019-2041 sets out the requirements for Major developments within Growth Areas and Air Quality Focus Areas to be required to be Air Quality Positive and elsewhere Air Quality Neutral. Where on site delivery of these standards cannot be met, off-site mitigation measures will be required.
218. The application included an Air Quality assessment, which is considered to be acceptable and demonstrates that air quality levels are suitable for this development. Due the site being within an Air Quality Focus Area, the applicant has submitted an air quality positive assessment, which provides an assessment of the impacts on air quality. The assessment has taken into account the main likely effects on local air quality during construction, which relate to the generation of dust and particulates, the likely effects of any proposed heating system and a breakdown of vehicle trips that will be associated (operational and construction related).
219. The submitted assessment sets out measures to minimise or prevent dust and particulates to be implemented on site throughout the construction works, and these would be covered through a Construction Method Statement. Due to the site being located very close to other commercial and residential premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. The construction management plan provides good controls on noise and dust, including a requirement for bored piles as opposed to driven. Additionally, a condition is recommended to ensure non-road mobile machinery complies with appropriate emissions standards.
220. The new development would be car free, therefore when operational air quality impacts associated with vehicle trips are expected to be less than the existing uses on site.
221. The air quality assessment identifies that the proposal can be considered to be air quality positive, which is accepted by Environmental Health officers. Several of the measures are achieved through being designed into the scheme such as the building's design, locations for planting and encouraging walking rather than car use with good pedestrian connectivity and a lack of parking provision. Others such as a Construction Environmental Plan, provision of cycle stores and electric vehicle charging points would be secured through the recommended planning conditions.

#### Contaminated land

222. The applicant has submitted a phase 1 desk top study and geo-environmental assessment. The surrounding area and parts of the development site have been identified as previously contaminated. The applicant has submitted a land contamination desktop study and this demonstrates that a full assessment of land is required. Environmental Health Officers are satisfied that the assessments carried out are suitable, and that the proposals are acceptable, subject to conditions requiring further investigation, remediation and verification of works carried out.

#### Noise

223. The application has been accompanied by a Noise Assessment. The assessment concluded that appropriate noise levels for the future occupiers can be achieved through the provision of suitable glazing and ventilation. To ensure that the development is constructed taking into account these requirements a condition is recommended to require the recommendations to be built. A further condition is recommended to ensure any plant or machinery is maintained to have an acceptable noise output.

### **Trees and Landscaping**

#### Trees

224. The site does not contain any trees that are subject to Tree Preservation Orders (TPOs) and is not within a conservation area. However, there are mature trees both within and just outside of the site which make a positive contribution to the visual amenity of both the site and wider locality, thus the development should seek to preserve these trees where possible.
225. An Arboricultural Impact Assessment and Tree survey have been submitted in support of this application which includes tree planting and has also identified trees to be removed as part of the development.
226. Overall, there are 57 individual trees and one Group of 3 Lime trees (G1) covered as part of the survey. 29 of these trees (plus G1) are growing within the site and a further 28 trees growing directly adjacent to the site within the highway.
227. These comprise 30 category A trees, 22 category B trees, 4 category C and 2 category U or Remove. It is proposed to remove 3 category A trees, 7 category B trees, 1 category C tree and 2 category U or R trees (so 13 trees in total) as part of this development.
228. Policy BGI2 of the Local plan states that major developments should make provision for the planting and retention of trees on site, and where it is not possible to retain trees, developers shall provide new trees to achieve equivalent canopy cover or a financial contribution for off-site tree planting of equivalent canopy cover will be sought. I. The proposal as mentioned would result in the loss of some higher value category A and B trees, most notably in proximity of the proposed 'Block C' adjacent to the corner of Victoria Road and Algernon Road. However, it is noted that there is a mixture of other significant mature trees along Victoria Road and some growing trees within the amenity area adjacent to Algernon Road which would maintain a green visual screen into the development at street level. This would thus help to ensure that the visual character of the area is maintained through these vistas. Tree protection measures for these trees will be secured by condition.
229. In addition, it is proposed to plant a significant number of additional trees as part of this development with 46 semi-mature and extra heavy standard trees. A further 49 smaller multi-stemmed trees proposed where it is not practical to plant larger specimens. This would help to ensure that there is adequate tree cover in the long term and will provide an attractive setting to the proposed development. Additional information has been provided in the form of revised plans which demonstrate more accurate Root Protection Areas to all trees. A revised Arboricultural method statement and tree protection plan will be secured by planning condition to ensure that the trees identified for retention are successfully retained.
230. Overall, it is considered that while the proposal would have some impact on existing trees in and adjacent to the site, that this impact would be mitigated through tree protection measures to the trees set for retention, while officers are also satisfied that the trees set to replace the removed trees would provide adequate tree canopy cover in the long-term. The site after development would be capable of accommodating additional tree planting and an appropriate level of landscaping overall. Thus, it is considered that the proposal would comply with policy BGI2.

#### Urban Greening Factor

231. The submission includes supporting information to demonstrate that the scheme would achieve an urban greening factor score of 0.34, which would be a shortfall of the 0.4 minimum required for a scheme of this size under policy BH4 of the Local Plan and policy G5 of the London Plan. There would be loss of some communal amenity space to compensate for the provision of new housing.
232. Nevertheless, the proposal would also provide new communal amenity areas for blocks A and B whilst improving the remaining communal amenity space within the wider site. Further, given the high density of the site in terms of existing and proposed housing, which is also reflected in the wider locality, officers accept this shortfall in this instance when also

recognising the wider benefits of the scheme overall.

233. Landscaping details have been submitted which set out how the urban green factor would be achieved. Some additional soft landscaping would be provided such as the provision of new plant and flower beds, replacement trees and green roofs which would be added.

#### Biodiversity Net Gain

234. Policy BGI1 'd' states that all developments should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area. Part 'e' of this policy also states that in meeting the urban greening factor, place emphasis on solutions that support biodiversity. This is supported by policies G5 and G6 of the London Plan.
235. A biodiversity metric calculation, using the DEFRA 3.1 metric has been provided. It is predicted that the proposal would result in a significant biodiversity net gain (BNG) of 52.19%, which is well above the minimum 10% required under this metric. The BNG largely results from the proposed green roofs, along with extensive planting across the estate. Officers therefore are satisfied with the BNG provided by the proposal in accordance with the above policies.

#### Ecology

236. Kilburn Square is not located in a site which is either statutorily or non-statutorily listed as a protected site in an ecological sense (e.g., County Wildlife site or local wildlife site). However, there are some sites of ecological value located nearby as listed below:
- Paddington Old Cemetery (c.450m) and Kensal Close (850m) Kilburn Square Estate were located to the west of the site.
  - Two parcels of Priority Habitat Inventory (Deciduous Woodland) and two parcels of National Forest Inventory (England) - Broadleaved Woodland, were located within a 500m radius of the site. These were all beyond 450m from site, being within Paddington Cemetery and Kilburn Grange Park.
  - The railway line to the south of the site has been adopted as one of Brent's numerous Wildlife Corridors.
237. A bat emergence and re-entry and activity survey has been submitted as part of the application. The latter report confirms that there is a low-risk of bats roosting in the site and that the proposal would not emit significant amount of light which would harm any potential bat life within/around the vicinity of the site. Mitigation measures have also been outlined in this report, such as care during construction to limit noise and vibrations which could affect bats, as well as introducing bat boxes.
238. Furthermore, a phase 1 habitat survey report has been submitted, conducted by the Ecology Link consultancy and by an ecologist holding full membership of the Chartered Institute of Ecology and Environmental Assessment. While non full desk study has been provided, officers consider that this is not deemed necessary given the existing nature of the site that more relevant information would be available from a site assessment.
239. Due to there being often a delay between the planning assessment and the start of construction works, it is often necessary to carry out a further survey prior to construction. A condition will be attached to ensure that the above recommendations as set out in the habitat survey report are adhered to.

#### **Fire safety**

240. London Plan Policy D12 requires all new development to achieve high standards of fire safety, and major developments are required to submit a Fire Statement outlining compliance with the measures required under Policy D12(B). A fire statement was submitted in accordance with this policy, and sets out details of construction, means of warning and escape, features to reduce the risk to life, access for fire service personnel, equipment and appliances, and the impact of potential future modifications. Fire evacuation lifts and refuge

points would be provided for disabled residents, and further details of the evacuation lifts would be secured by condition. The statement is considered to satisfy the requirements of Policy D12.

241. The proposal is also classified as a 'relevant building' under planning regulations introduced in 2021, which require a fire statement to be submitted in the form prescribed by the Secretary of State and introduce a statutory requirement to consult the Health and Safety Executive (HSE). This process is known as 'planning gateway one', and the proposal would be subject to further scrutiny before construction starts ('gateway two') and after completion ('gateway three'). These later stages are regulated by the Building Safety Act 2022.

242. Following the submission of a fire statement in the prescribed form, the HSE queried a number of issues. The applicants revised their plans accordingly. The HSE were re-consulted and have confirmed that the revised scheme addresses all of its concerns satisfactorily. Further issues that would need to be addressed at the Building Regulations stage are highlighted in the HSE's response.

243. Separately no objection has been raised by the London Fire Brigade however an informative will be attached to ensure that the development complies with Part B of Approved Document of the Building Regulations.

244. Overall, it is considered that the proposal is acceptable in regard to fire safety.

### **Equalities**

245. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

246. The proposal would result alterations to access within the estate, including the removal of a footbridge which provides residents with access from Kilburn Sq to Barrett, Sandby and Varley House. Due to existing problems with the bridge in terms of its construction, conflicts with the site's security and limited height that impedes fire access, it is considered to be appropriate to provide an improved access. The removed bridge would be replaced with a lobby to the building with a DDA compliant lift providing step-free access to the properties. Security would be improved with FOB access to the doors and internal cycle storage would also be provided. Therefore, although the access would change, it is not considered that the arrangement would be materially worsened for anyone who has restricted mobility.

### **Conclusion**

247. The proposal would provide 139 new homes including 40 extra-care homes and 99 Use Class C3 homes. At least 50 % of those homes would be Affordable, with 70 % of the Affordable homes provided at London Affordable. The proposal is considered to constitute a well composed series of blocks that fit well within their context. The proposal will result in the loss of some of the amenity spaces within the site and some car parking, but improvements to the remaining amenity spaces and play spaces are proposed whilst car parking has been demonstrated to be sufficient to meet demand. All new homes will be "car free" and will be supported by a Travel Plan. Cycle parking has been provided for existing and new residents along with electric vehicle charging points.

248. The buildings will be near to existing heritage assets and 'Less than Substantial Harm' has been identified to the significance of the Kilburn Conservation Area. However, a balancing exercise has been undertaken with regard to paragraph 202 of the NPPF, it is considered that the very limited 'less than substantial harm' that has been identified is significantly outweighed by the public benefits that would be afforded as a result of this development.

249. When considering other impacts, the development would result in some impact to the light and outlook of a number of neighbouring occupiers both within and adjacent to the existing site. Although the proposal has been designed to limit the degree of impact, it has been noted that there would be some losses of daylight which would be material to a limited number of windows on existing properties. When considering the impacts on the overall living conditions of these neighbouring occupiers, they would largely be modest and not have a significant effect on the function of the properties as a whole. Furthermore, when considering the site allocation, the requirement to make efficient use of land and the impact of any meaningful development would have in comparison, the proposal would achieve an appropriate balance. The benefits of the new dwellings, a policy compliant provision of affordable housing and the NAIL accommodation, for which there is an identified need.

250. In addition, the development would enhance security within Kilburn Square by providing natural surveillance, CCTV and appropriate security features. Landscaping would be improved with additional planting and a layout that would provide an attractive setting for the resultant buildings and more useable areas for recreation.

These public benefits are significant and would far outweigh any harm that has been identified and the application is considered to be in compliance with the Development Plan when read as a whole.

251. It is therefore considered that the application should be approved subject to the conditions set out below.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/3669

To: Stefanie Mizen  
JLL  
30 Warwick Street  
London  
W1B 5NH

I refer to your application dated **21/10/2022** proposing the following:

Demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide extra care flats (Use Class C3b) and general needs flats (Use Class C3)) in 4 buildings alongside access routes, car parking, motorcycle parking, cycle parking, refuse and recycling storage, amenity space, landscaping, playspace, boundary treatments, alterations to the entrance to Varley House, refurbishment of the existing podium parking area and other associated works.

and accompanied by plans or documents listed here:  
See condition 2.

at **Kilburn Square Estate, Kilburn Square, London**

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

Date: 07/11/2023

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

### Notes

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

DnStdG



## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-  
London Plan 2021  
Brent Local Plan 2019-2041

- 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):

Existing site, demolition floor plans and elevations

- KIL-BPTW-00-ZZ-DR-A-0114 REV C02
- KIL-BPTW-00-ZZ-DR-A-0120 REV C02
- KIL- BPTW-00-ZZ-DR-A-0127 REV C02
- KIL-BPTW-00-ZZ-DR-A-1067 REC C02
- KIL-BPTW-00-ZZ-DR-A-1068 REC C02
- KIL-BPTW-00-ZZ-DR-A-2051 REV CO2
- KIL-BPTW-00-ZZ-DR-A-2052 REV C02
- KIL-BPTW-00-ZZ-DR-A-2053 REV C02
- KIL-BPTW-00-ZZ-DR-A-2054 REV C02

Proposed site, floor plans and elevations.

- KIL-GW-BR033-8002 REV P2
- KIL-BPTW-05-00-DR-A-1054 REV P016
- KIL-BPTW-03-00-DR-A-1026 REV P06
- KIL-BPTW-30-ZZ-DR-A-1011 REV P08
- KIL-BPTW-00-ZZ-DR-A-2208 REV C03
- KIL-BPTW-00-ZZ-DR-A-2201 REV C02
- KIL-BPTW-00-ZZ-DR-A-2202 REV C02
- KIL-BPTW-00-ZZ-DR-A-2204 REV C02
- KIL-BPTW-00-ZZ-DR-A-2205 REV C02
- KIL-BPTW-00-ZZ-DR-A-2207 REV C02
- KIL-BPTW-00-ZZ-DR-A-2208 REV C02

- KIL-BPTW-00-ZZ-DR-A-2209 REV C02
- KIL-BPTW-00-ZZ-DR-A-2210 REV C02
- KIL-BPTW-00-ZZ-DR-A-2211 REV C02
- KIL-BPTW-00-ZZ-DR-A-2212 REV C02
- KIL-BPTW-00-ZZ-DR-A-2213 REV C02
- KIL-BPTW-00-ZZ-DR-A-0128 REV C03
- L-BPTW-00-ZZ-DR--2008 REC C02
- KIL-BPTW-00-ZZ-DR-A-2007 REV C03
- KIL-BPTW-00-ZZ-DR-A-2003 REV C03
- KIL-BPTW-00-ZZ-DR-A-2001 REV C03
- KIL-BPTW-00-ZZ-DR-A-2005 REV C03
- KIL-BPTW-03-00-DR-A-1030 REV C03
- KIL-BPTW-03-ZZ-DR-A-1027 REV C03
- KIL-BPTW-84-ZZ-DR-A-1066 REV C02
- KIL-BPTW-05-06-DR-A-1056 REV C02
- KIL-BPTW-05-ZZ-DR-A-1055 REV C02
- KIL-BPTW-30-ZZ-DR-A-1012 REV C02
- KIL-BPTW-30-ZZ-DR-A-1013 REV C02
- KIL-BPTW-30-ZZ-DR-A-1017 REV C02
- KIL-BPTW-30-ZZ-DR-A-1018 REV C02
- KIL-BPTW-84-ZZ-DR-A-1065 REV C02
- KIL-BPTW-84-ZZ-DR-A-1066 REV C02
- KIL-BPTW-XX-XX-SA-A-0109 REV C02

Landscaping plans

- KIL-GW-BR033-1000-P1
- KIL-GW-BR033-2000-P1
- KIL-GW-BR033-3000-P1
- KIL-GW-BR033-4009-P1
- KIL-GW-BR033-4008-P2 REV A
- KIL-GW-BR033-4007 -P2 REV A
- KIL-GW-BR033-4006 -P2 REV A
- KIL-GW-BR033-4005-P2 REV A
- KIL-GW-BR033-4004-P2 REV A
- KIL-GW-BR033-4003-P2 REV A

- KIL-GW-BR033-4002-P2 REV A
- KIL-GW-BR033-4001-P2 REV A
- KIL-GW-BR033-5009-P1
- KIL-GW-BR033-5008-P2 REV A
- KIL-GW-BR033-5007-P2 REV A
- KIL-GW-BR033-5006-P2 REV A
- KIL-GW-BR033-5005-P2 REV A
- KIL-GW-BR033-5004-P2 REV A
- KIL-GW-BR033-5003-P2 REV A
- KIL-GW-BR033-5002-P2 REV A
- KIL-GW-BR033-5001-P2 REV A

#### Supporting documents

- Fire Statement Version 6 dated 21/02/2023. Submitted by 'FCS live'.
- Affordable Housing Statement submitted 28<sup>th</sup> November 2022 by 'JLL'.
- Child Play Space Calculator.
- Revised Urban Greening Strategy dated 27/02/2023. Submitted by 'ecology link'.
- External and private amenity space calculation details.
- Child Play Space Strategy.
- Air Quality Positive Statement dated 23/01/2023. Submitted by 'Hawkins environmental'.
- Schedule of accommodation dated 19.10.22 submitted by 'BPTW'
- Plot schedule dated August 2022 submitted by 'BPTW'
- Heritage Statement dated October 2022 submitted by 'Cogent Heritage'.
- Heritage Statement Addendum dated January 2023 submitted by 'BPTW'
- Overheating Assessment dated September 2022 submitted by 'Norman Bromley Partnership'.
- Sustainability Statement dated September 2022 submitted by 'Norman Bromley Partnership'.
- Foul Drainage and Utilities Assessment September 2022 submitted by 'Norman Bromley Partnership'.
- Flood Risk Assessment and Drainage Strategy Kilburn Square Estate – Kilburn dated September 2022 submitted by 'Tully De'Ath consultants.'
- Extended Phase 1 Habitat Survey Report Kilburn Square Estate, London dated 23.08.22 submitted by 'ecology link'.
- DELIVERY SERVICING AND MANAGEMENT PLAN dated October 2022 submitted by 'RGP'.
- Desk Study, & Preliminary Contamination Risk Assessment Report dated 20.09.2022

submitted by 'Southern Testing'.

- CAR PARKING MANAGEMENT PLAN dated October 2022 submitted by 'RGP'.
- CONSTRUCTION MANAGEMENT PLAN (CMP) DRAFT dated 31.08.2022.
- Bat Emergence and Re-entry and Activity Surveys dated 26.08.2022 submitted by 'arbtech'
- Archaeological Desk-Based Assessment dated September 2022 submitted by 'border archaeology'.
- Noise Assessment dated 21.09.2022 submitted by 'Hawkins environmental'.
- Travel Plan dated October 2022 submitted by 'RGP'.
- Play Spaces Calculations dated 08.02.2023 submitted by 'Groundworks'.

3 The development hereby approved shall contain 139 residential dwellings.

A minimum of 50 % of those dwellings (measured by habitable room or number of homes) shall be provided as Affordable housing a tenure split which secures a minimum of 70 % Social Rent\* or London Affordable Rent\* homes with the remainder delivered as Intermediate homes.

The development shall comprise the following housing mix, unless otherwise agreed in writing by the Local Planning Authority

99 x Use Class C3 homes shall be provided with the following mix:

- 34 x 1-bedroom, 38 x 2-bedroom, 27 x 3-bedroom

40 extra care homes (Use Class C3 (b)) shall be provided with the following mix:

- 36 x 1 bedroom and 4 x 2 bedroom

\*For the purposes of this condition, the following definitions are stipulated:

- Social Rent means rented housing owned and managed by [local authorities or] Affordable Housing Providers and let at Target Rents.
- London Affordable Rent means rented housing provided by an Affordable Housing Provider that has the same characteristics as Social Rented Housing except that it is not required to be let at Target Rents but is subject to other rent controls that require it to be offered to eligible households in accordance with Part VI of the Housing Act 1996 at a rent that is:
  - (a) including Service Charges, up to 80 per cent of local market rents; and
  - (b) excluding Service Charges, no higher than the benchmark rents published by the GLA annually in accordance with the Mayor's Funding Guidance.'
- Intermediate homes: means London Living Rent housing, Affordable Rent / Discounted Market Rent housing within Local Housing Allowance Limits, London Shared Ownership Housing or all or any of them (as the context requires)

Reason: In the interests of proper planning, to ensure a minimum of 50% affordable housing is delivered on site within appropriate tenures in accordance with London Plan and Local Plan policy.

4 1) The affordable housing provisions approved by this development shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or charge or Receiver PROVIDED THAT:

(i) such mortgagee or chargee or Receiver shall first give written notice to the Council

of its intention to dispose of the affordable dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable dwellings to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and

(ii) if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the affordable dwellings free from the affordable housing provisions in this Agreement which provisions shall determine absolutely

2) Not later than 15 Working Days after service of the Intention Notice (or such later date during the Moratorium Period as may be agreed in writing between the Council and the Chargee), the Chargee will grant the Council (and/or the Council's nominated substitute Affordable Housing Provider) an exclusive option to purchase the relevant Affordable Housing Units and/or Additional Affordable Housing Units which shall contain the following terms:

- (a) the sale and purchase will be governed by [the Standard Commercial Property Conditions (Third Edition – 2018 Revision)] (with any variations that may be agreed between the parties to the Option (acting reasonably));
- (b) the price for the sale and purchase will be agreed in accordance with paragraph 3 (b) below or determined in accordance with paragraph 4 below;
- (c) provided that the purchase price has been agreed in accordance with paragraph 3 (b) below or determined in accordance with paragraph 4 below, but subject to point (d) below, the Council (or its nominated substitute Affordable Housing Provider) may (but is not obliged to) exercise the Option and complete the purchase of the relevant Affordable Housing Units and/or Additional Affordable Housing Units at any time prior to the expiry of the Moratorium Period;
- (d) the Option will expire upon the earlier of (i) notification in writing by the Council (or its nominated substitute Affordable Housing Provider) that it no longer intends to exercise the Option and (ii) the expiry of the Moratorium Period; and
- (e) any other terms agreed between the parties to the Option (acting reasonably).

3) Following the service of the Intention Notice:

- (a) the Chargee shall use reasonable endeavours to reply to enquiries raised by the Council (or its nominated substitute Affordable Housing Provider) in relation to the Affordable Housing Units and/or the Additional Affordable Housing Units as expeditiously as possible having regard to the length of the Moratorium Period; and
- (b) the Council (or its nominated substitute Affordable Housing Provider) and the Chargee shall use reasonable endeavours to agree the purchase price for the relevant Affordable Housing Units and/or Additional Affordable Housing Units, which shall be the higher of:
  - (i) the price reasonably obtainable in the circumstances having regard to the restrictions as to the use of the relevant Affordable Housing Units and/or Additional Affordable Housing Units contained in this schedule [I]; and
  - (ii) (unless otherwise agreed in writing between the Council (or its nominated

substitute Affordable Housing Provider) and the Chargee) the Sums Due.

4) On the date falling 10 Working Days after service of the Intention Notice, if the Council (or its nominated substitute Affordable Housing Provider) and the Chargee have not agreed the price pursuant to paragraph 3 above:

(a) the Council (or its nominated substitute Affordable Housing Provider) and the Chargee shall use reasonable endeavours to agree the identity of an independent surveyor having at least 10 years' experience in the valuation of affordable/social housing within the London area to determine the dispute and, if the identity is agreed, shall appoint such independent surveyor to determine the dispute;

(b) if, on the date falling 15 Working Days after service of the Intention Notice, the Council (or its nominated substitute Affordable Housing Provider) and the Chargee have not been able to agree the identity of an independent surveyor, either party may apply to the President for the time being of the Royal Institution of Chartered Surveyors or his deputy to appoint an independent surveyor having at least 10 years' experience in the valuation of affordable/social housing within the London area to determine the dispute;

(c) the independent surveyor shall determine the price reasonably obtainable referred to paragraph 3 above, due regard being had to all the restrictions imposed upon the relevant Affordable Housing Units and/or Additional Affordable Housing Units by this Agreement;

(d) the independent surveyor shall act as an expert and not as an arbitrator;

(e) the fees and expenses of the independent surveyor are to be borne equally by the parties;

(f) the independent surveyor shall make his/her decision and notify the Council, the Council's nominated substitute Affordable Housing Provider (if any) and the Chargee of that decision no later than 14 days after his/her appointment and in any event within the Moratorium Period; and

(g) the independent surveyor's decision will be final and binding (save in the case of manifest error or fraud).

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to the Affordable housing when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 5 Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987, as amended, the 40 homes within the hereby permitted shall only be used for the provision of residential accommodation within Use Class C3(b) and for no other purposes within Class C3 of the schedule to the Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the mix of housing hereby approved will meet an identified need.

- 6 The blue badge parking spaces, cycle storage facilities and bin storage facilities shall

be installed and made available for use prior to first occupation of the relevant block within the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety

- 7 The buildings shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 8 Not less than 10% of residential units shall be constructed to meet Building Regulations requirement M4(3) 'wheelchair user dwellings' and all other dwellings shall be constructed to meet Building Regulations M4(2) 'accessible and adaptable dwellings' unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy D7.

- 9 Prior to the commencement of works the applicant shall enter into a Memorandum of Understanding (MOU) with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the approved Energy Assessment.

Reason: To ensure appropriate Energy and Sustainability measures and mitigation.

- 10 The development must be carried out in accordance with the mitigation measures outlined with the Overheating Risk Assessment and Mitigation Strategy (prepared by Norman Bromley dated September 2022) and details shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

- 11 No development above ground level shall commence until the developer has entered into an agreement with the Local Highways Authority to carry out the following works:

- (i) The construction of two new vehicular accesses to the site from Victoria Road and Brondesbury Road and the removal of two redundant accesses and their reinstatement to footway, together with associated amendments to car parking bays and restrictions and bicycle hangers, to be undertaken at the developer's expense prior to occupation of Blocks C and E;

Prior to the occupation of the development evidence that the abovementioned highway works have been implemented in full and certified as completed to an

acceptable standard by the Local Highways Authority shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment to connect the development with its surroundings.

- 12 The proposed development shall be occupied in full accordance with the submitted Delivery and Servicing Plan (prepared by RGP dated February 2023) unless an alternative Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be occupied in accordance with the subsequently approved plan.

Reason: To ensure that sufficient levels of parking are provided for existing residents of the development and those who hold blue badges.

- 13 The proposed development shall be occupied in full accordance with the submitted Car Parking Management Plan (prepared by RGP dated February 2023) unless an alternative plan has been submitted to and approved in writing by the Local Planning Authority and the development is thereafter occupied in accordance with that plan.

Reason: To ensure that sufficient levels of parking are provided for existing residents of the development and those who hold blue badges.

- 14 The tree protection measures as set out within the submitted Arboricultural Impact Assessment and Method Statement prepared by Ecology Link (dated September 2022) shall be adhered to through all stages of construction, unless alternative measures are submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired.

- 15 The Landscaping including tree planting hereby approved shall be carried out in accordance with the approved plans prior to occupation of the development, unless alternative details are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

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 position, unless the Local Planning Authority first gives written consent to any variation

Reason: To ensure a satisfactory standard of appearance and setting for the development and in the interest of urban greening, ecology and biodiversity.

- 16 Occupiers of the new build residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby of each building, in a location and at a height clearly visible to all occupants. On, or after,



practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

- 17 All recommendations contained within the Extended Phase 1 Habitat Survey Report (prepared by Ecology Link dated August 2022 and the Bat Emergence and Re-entry and Activity Surveys prepared by Arbtech dated September 2022) shall be adhered to throughout the construction of development.

Reason: To protect and enhance local ecosystems that would otherwise be unduly harmed by the development

- 18 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Flood Risk Assessment and Drainage Strategy Report (prepared by Tully De'Ath dated September 2022), unless alternative details are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: To ensure measures are in place to ensure the appropriate and adequate treatment of surface water within the site, in the interest of flood risk and flooding.

- 19 All mitigation measures contained within the Air Quality Positive Statement (prepared by Hawkins Environmental dated January 2023) shall be adhered to throughout the construction of development, unless alternative details are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: In the interest of air quality.

- 20 Notwithstanding the submitted details, prior to the commencement of the development a Construction Management Plan shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.

(g) the use of demolition equipment that minimises the creation of dust.

#### Non Road Mobile Machinery

Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 21 Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full throughout the construction of the development.

Reason: In the interest of highway flow and safety and in the amenity of local residents.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 22 (a) No development shall commence on site until a Training & Employment Plan has been submitted to and approved in writing by the Local Planning Authority which shall include but not be limited to the following:

- (i) the details of the Training & Employment Co-ordinator;
- (ii) a methodology for meeting the Training & Employment Targets and the Training & Employment Reporting Schedule;
- (iii) a commitment to offer an interview to any job applicant who is a resident in Brent provided that they meet the minimum criteria for the particular job

The approved Training and Employment Plan shall be implemented throughout the construction phases of the development.

(b) A Training & Employment Verification Report shall be submitted to the Council prior to occupation of the final phase of the development.

Reason: In the interest of providing local employment opportunities.

Pre-commencement reason: part (a) of the condition seeks to exercise control over training and employment of Brent residents throughout the construction phase of the development and therefore needs to be discharged prior to construction.

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

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant part of the development, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 24 Prior to the commencement of works (excluding demolition, site clearance, foundations and any below ground works), further details of all exterior materials (including samples of key materials which shall be provided on site for inspection or in another location as agreed, and/or manufacturer's literature) shall be submitted to and approved in writing by the Local Planning Authority. The works 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.

- 25 Prior to commencement of works (excluding demolition, site clearance and the laying of foundations), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans thereafter and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.

- 26 The development shall be constructed to allow the future connection to a district heating network (should one become available) in accordance with the details within

the application hereby approved or in accordance with alternative details which have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI 3.

- 27 Within 6 months following the commencement of works, a drawing detailing the location of the approved active and passive charging points and provision (which shall show the provision of 18 spaces comprising 9 standard and 9 blue badge with active electric vehicle charging points and all remaining space to have passive provision) shall be submitted to and approved in writing and the development shall be completed in accordance with the approved details and the charging points shall thereafter be retained and maintained.

Reason: In the interest of proper planning and to promote sustainable transport.

- 28 Within six months of commencement of the development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of nearby existing and proposed residential properties.

- 29 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority.

The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy SI1.

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

Reason: To safeguard the residential amenity of nearby properties.

- 31 No later than two months after practical completion of the development an Energy

Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

Reason: To ensure appropriate Energy and Sustainability measures and mitigation.

- 32 Prior to the occupation of the development hereby approved, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The proposed Travel Plan shall include a measure to provide three years' free membership to a local Car Club for all new residents. Once approved the travel plan shall be implemented in full for the lifetime of the development unless an alternative plan is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To promote sustainable transport measures.

- 33 Prior to the occupation of the development a Nominations Agreement to define nominations criteria and arrangements shall be entered into with the Council, and submitted to and approved in writing by the Local Planning Authority. The Nominations Agreement will set out the policies and procedures for the nomination by the Council of prospective tenants to the development and shall be implemented on occupation and shall remain in effect for the lifetime of the development.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 34 Prior to occupation of any of the units hereby approved, a Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority in relation to the proposed new play spaces. This should include details of how the play spaces would be separated from car parking and road networks, and outline necessary safety measures. The measures set out in the approved scheme shall be implemented in full for the lifetime of the development.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, inclusive and safe, in accordance with London Plan Policy S4 and the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG.

- 35 Prior to first occupation of the development hereby approved details of a communal television aerial and satellite dish system for each of the three buildings linking to all residential units within the development, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. No further television aerial or satellite dishes shall be erected on the premises.

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

- 36 The development hereby approved shall be constructed to provide sound insulation against internally generated noise. This sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development and implemented in full. The proposal must comply with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels: For daytime (0700 - 2300) noise levels for living rooms and bedrooms the maximum noise levels are 35 dB LAeq (16hr). Outside of this time (2300 - 0700) the standard for bedrooms is 30 dB LAeq (8hr), 45 dB Lmax.

Reason: To ensure an appropriate noise environment in the interest of the amenities of existing and future residents.

- 37 'Be seen' energy monitoring guidance shall be submitted to the Greater London Authority in accordance with the Mayor of London 'Be Seen' energy monitoring guidance date September 2021.

Reason: in the interest of sustainability and climate change.

- 38 Prior to the commencement of works (excluding demolition and site clearance), a programme of archaeological work, the details of which shall have been agreed by the Greater London Archaeological Advisory Service prior to submission, shall be submitted to and approved in writing by the Local Planning Authority and the programme of work shall be carried out in full accordance with the approved details.

Reason: To ensure that appropriate regard is given to the potential presence of archaeological features and deposits.

- 39 No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 5 Thames Water advise that there are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- 6 Thames Water advise that the proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.  
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Any person wishing to inspect the above papers should contact Curtis Thompson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1807