

Committee Report
Planning Committee on 13 October, 2010

Item No. **9**
Case No. 10/1841

RECEIVED: 27 July, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX

PROPOSAL: Erection of a part 6- and part 8-storey building, comprising 50 self-contained affordable flats (15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages

APPLICANT: South Kilburn Neighbourhood Trust

CONTACT: Hester Architects Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 100% Affordable Housing -tenure to be agreed with the council,
- A contribution of £2,400 per bedroom, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition, applicants to adhere to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the "Considerate Contractors" scheme.
- Section 278 to secure the works to the highway in Granville Road.

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

EXISTING

This is the former Texaco petrol filling station on the north side of Carlton Vale within South Kilburn. It has most recently been used as a hand car wash, benefiting from a temporary planning permission. The site falls within the former South Kilburn New Deals for Communities (NDC) area, now the South Kilburn Neighbourhood Trust.

Immediately to the rear of the site is Peel Precinct and a Citizens Advice Bureau, with small garage court adjoining. The garages and government building will both be demolished as part of this current proposal. To the east of the site is the Carlton Centre and further east, the Granville Centre, both of which are used for a variety of community activities. Travelling north-west up Carlton Vale behind Peel Precinct is Craik Court, a 12 storey residential building. The site is immediately opposite Kilburn Park.

PROPOSAL

This application seeks the erection of a part 6- and part 8-storey building, comprising a total of 50 self-contained affordable flats (consisting of 15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom units) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages. The vehicular access to the basement will be via Granville Road to the rear.

The approved 2009 scheme has been adapted to resolve the following issues that were evident on the previous design. Whilst many of the issues are internal and could have been changed as normal design development at the working drawings stage without affecting the validity of the original approval, some issues were more fundamental and cannot be dealt with as minor amendments.

- The basement ramp needed to be lengthened and the building above the ramp needed to be cut back to allow suitable headroom for vehicles accessing the basement. This involved re-planning the basement and ground floor.
- Access was required from the scheme into the gardens.
- Access to one of the wheelchair flats needed to be adjusted so the unit could be accessed from common parts.
- The bin stores needed to be re-designed so that they could be accessed for collection.
- Significant overhangs above the ramp area needed rationalising.
- Elevational changes to the building.
- A change in the footprint of the building, including the ground floor slightly forward of the approved scheme.
- An additional single storey building (bin store) to the east of the site.

In approaching the project the applicants have attempted to change as little as possible whilst resolving these fundamental issues and other more minor aspects of the design to improve the buildability. An assessment of these changes is set down below.

HISTORY

There have been two planning applications submitted since the former petrol station use ceased on the site.

08/2352 sought retrospective permission for the use of the site as a hand car wash and was granted a temporary one year consent on 9 February 2009. This use has now ceased.

09/0175 Demolition of former Texaco Petrol Station buildings and garages and erection of 6- and 8- storey building comprising 50 (15x1, 19x2, 12x3, 4x4 bedrooms) self-contained affordable flats, 25 basement car-parking spaces with access from Granville Road, bicycle and bin storage and associated landscaping and subject to a Deed of Agreement dated 22nd April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended. Granted (subject to the legal agreement) at the Planning Committee on 18 March 2009.

POLICY CONSIDERATIONS

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

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

The adopted SPD makes specific reference to this site (private site 27) and states that it is important in the wider redevelopment of South Kilburn given its central location. It also indicates that redevelopment must be designed in order to address the areas around it. The Council will expect proposals to demonstrate a high quality design to address the current low townscape and public realm quality as identified in the UDP. Service provision and access to underground car parking should be considered from Granville Road.

Brent Unitary Development Plan 2004

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

- STR 11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- STR20 Maximum reasonable proportion of affordable housing should be provided on sites over 10 units.
- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

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

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

A Masterplan for the Regeneration of South Kilburn – Adopted July 2004

South Kilburn New Deal for Communities (SKNDC) and the Council originally agreed a Masterplan for South Kilburn. The Masterplan proposals were intended to change South Kilburn from a monolithic housing estate back into four high quality neighbourhoods each with their own character and facilities:

- where people are proud to live, learn and work;
- which are safe, free from crime and the fear of crime; and
- which are sustainable and meet the needs of its diverse communities.

The Masterplan proposed 2,953 new homes for South Kilburn, 1534 of which would be replacement and 1,419 new private homes. All applications, including those for new residential units, should be determined in accordance with this Masterplan which sets out criteria for development which regard to sustainability, building heights, space standards, quality of architecture, amenity space and management.

As indicated above, the SPD essentially revolved around building over 1500 for sale units in order to cross subsidise the provision of over 1400 affordable homes. Members may be aware that the Council's chosen consortium was not able to deliver the comprehensive redevelopment package, given that Government offered only about half the financial support that was required in order to get the scheme underway. In response to this, the Council is now trying to get the first phase of the development going on its own by developing this site as well as two others within South Kilburn. This will allow enough units to decant other parts of the South Kilburn estate and make them ready for demolition and rebuild. The application site is a key part of that process. The Council's Executive approved the development proposal, in principle, in December 2008 and a report to the Council's March 2009 Executive asked for approval of the terms of sale.

The report to Executive last December stated that:-

"The NDC has some £3million of capital resources available to spend this year. Acquiring the Texaco garage site, and subsequently investing it within the proposed new South Kilburn Neighbourhood Trust, would provide an opportunity for the Council and NDC to take forward the early delivery of this site, in partnership with an RSL, thus providing additional decant capacity and securing an ongoing revenue stream to contribute to the regeneration of South Kilburn."

The Masterplan is currently being reviewed in the light of the changed circumstances in South Kilburn and the Council is working with the selected Masterplanners to seek to bring it forward.

SUSTAINABILITY ASSESSMENT

Members will be updated at the Meeting.

CONSULTATION

Over 150 consultations letters were sent out to residents, as well as the Kilburn Ward Councillors. In addition, a total of 5 site notices were displayed at locations around the site on 6 August 2010 advertising the development "of public interest". A press notice was published on 12 August 2010 advertising the application as "of public interest".

At the time of drafting the report no letters of objection have been received.

TRANSPORTATION ENGINEER

A detailed analysis of their views are provided in the main body of the report, but no objections on transportation grounds to this proposal, subject to a legal agreement to provide and Section 278 Agreement to cover a number of points.

URBAN DESIGN, CONSERVATION & REGENERATION MANAGER

No objections. The scheme has been discussed over a long period of time and is of the design quality anticipated. Detailed comments set down later in report.

ENVIRONMENTAL HEALTH OFFICER

No objections, subject to a number of conditions. Contamination has been found on site, and the EHO has agreed with the applicants remediation specification. Must ensure that remediation is undertaken in line with this specification and recommended that this is done via condition.

REMARKS

Introduction.

As indicated above, this is the second residential scheme to be submitted on this particular site. The first was considered by the Councils Planning Committee in March 2009 at which time permission was granted for the erection of 50 affordable units. Since that time, a number of material changes have been proposed to the approved development which have resulted in the need for a new planning application to be submitted. For the avoidance of doubt, the numbers of units and the mix of those flats has not changed since March 2009.

This former Texaco garage site falls within the South Kilburn Trust Area (formerly New Deal for Communities (NDC) Masterplan Area). Redevelopment of large parts of the South Kilburn area is proposed within the South Kilburn Supplementary Planning Document (SPD) adopted in April 2005. The proposals within the SPD focus on building over 1500 for-sale residential units in order to cross-subsidise the provision of in excess of 1400 affordable homes. The Council's chosen consortium was unfortunately not able to deliver the comprehensive redevelopment package sought, in part due to the fact that the Government of the time did not offer the financial support that was required to get the scheme underway.

In the light of this situation, the Council decided to look at an alternative approach to getting the first phase of the development going by seeking to develop the Texaco site, along with a couple of other sites within South Kilburn at the same time as re-visiting the Masterplan. This was achieved back in 2009 and continues to be the aspiration of the Council through this revised proposal. The approach adopted would allow enough units to decant other parts of the South Kilburn estate and ready them for future demolition and rebuild. Since March 2009, the site is no longer in private hands and has been purchased by the South Kilburn Trust and tendered to a number of housing associations. Catalyst Housing Group have purchased the site and will develop it, with units offered to existing tenants in blocks in South Kilburn that will be cleared and developed. The Council are looking to bring forward a further four sites for development within the South Kilburn area and it is hoped that planning applications will be submitted early next year. Notwithstanding this, the site continues to be key in establishing the all important decant capacity to allow subsequent blocks to be redeveloped and the area regenerated.

Due to the similarities between this proposal and the approved March 2009 scheme, the majority of the issues, and the conclusions reached in considering those issues, remain unchanged. Nevertheless, they are set out below for the sake of clarity and for the information of Members.

Policy Considerations / Land Use

The Council have acknowledged the site's suitability for residential accommodation, as well as its importance, given its siting in the heart of South Kilburn, as part of the aspirations for the wider regeneration of the area. A petrol station, which was the last use of the site, is not regarded as a Local Employment Site (policy EMP9 of the Brent UDP refers) and, as a result, the principle of developing the site in the form proposed is acceptable.

Given the absence of policy objections to the proposal, the principal issues in assessing this application for a total of 50 flats relate to the level of affordable housing provision, the mix of flats proposed, the design and appearance of the building and the transportation and access issues arising from it. In addition, it is also critical to consider amenity issues and the impact of the development on people living nearby.

Overarching all of these points of detail is the fact that the site is within the South Kilburn Trust area, with the aspiration of securing community-led regeneration, hoping to be achieved through the policies and guidance set down in the adopted South Kilburn SPD. As indicated above, within the SPD part of this site is identified as private site number 27 (see map on pages 68/69) and the acceptable uses (residential above commercial) are set down on page 86.

Affordable Housing Provision

Of the 50 one, two, three and four bedroom units that are proposed in this scheme, 100% of them will be affordable. The proposal has been submitted by the South Kilburn Neighbourhood Trust. Policy STR20 of the UDP requires that housing developments capable of providing 10 or more units should provide the maximum reasonable proportion of affordable housing on site. The London Plan seeks to achieve a minimum of 50% affordable housing on sites of this nature. UDP policies and the London Plan strategy are elaborated in respective Supplementary Planning Guidance, but it is clear that a 100% affordable housing scheme on this site is acceptable in policy terms.

Another particular benefit of the scheme is the general conformity with larger than SPG17 flat sizes for the affordable accommodation. Members may be aware that the South Kilburn SPD seeks larger flat sizes in order to compensate for the proposed higher overall densities in the area.

Members may be aware that the internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the Council's own SPG17 "Design Guide for New Development". The two sets of standards are shown below, with SPG17 minimum unit sizes for flats indicated first and the SPD in brackets;

- 1 bedroom flat – 45 square metres ---- (53 square metres).
- 2 bedroom (3 person) flat – 55 square metres ---- (80 square metres).
- 2 bedroom (4 person) flat - 65 square metres ---- (80 square metres).
- 3 bedroom flat - 80 square metres ---- (98 square metres).
- 4 bedroom flat - 90 square metres ---- (120 square metres).

Obviously the wider regeneration proposals for South Kilburn have evolved, and continue to evolve, as described above, such that it is considered that a more flexible approach should be adopted in connection with internal unit sizes. In the spirit of the SPD, but considering amongst other things the financial realities of the scheme, flat sizes that in some instances do not meet the SPD are proposed. This is considered acceptable. For the avoidance of doubt, those flats that do not meet SPD guidance, continue to exceed the flat sizes found in SPG17, in some cases by a significant amount. The development also meets 10% wheelchair standards.

The proposed dwelling mix matches the proposed SPD mix closely, providing over 32% 3 and 4

bed homes (as opposed to 30% in the SPD), 38% 2 bed flats (40% in SPD) and exactly 30% 1 bed units which is exactly as required in the SPD. The SPD encourages mixed tenure and the application site is 100% affordable, but this is acceptable in view of the current market conditions and the need to decant Council flats elsewhere within South Kilburn in order to create opportunities for the next sites to be brought forward for demolition and decant.

Siting, Design and Layout of the Site

The height, size and design of the proposed building all continue to be key issues in the determination of this application. It proposes a part 8, part 6 storey building on this prominent site on the northern side of Carlton Vale and would adopt something of a different approach as far as the choice of materials are concerned, certainly when compared to what is around. To the rear of the site on Granville Road is the Granville New Homes (GNH) development which was granted in 2005 as the first large development site (130 units) within South Kilburn which it was hoped would kick-start the wider estate regeneration. 110 flats have now been built at GNH and it is acknowledged that it presents a fairly unique approach to the issue of the materials used in that building. As far as this site is concerned, it is considered that although the building would be different to the traditional Carlton Centre and the high rise Craik Court either side of it, being different is not in itself objectionable. Indeed, of more importance is whether the resultant building would be acceptable in design terms, but also if it would constitute an acceptable visual introduction to the NDC area, particularly given the prominence of the site. The site is identified (at page 83 of the SPD) as being appropriate for a "focal/landmark building" in order to recognise its location on Carlton Vale, opposite existing open space.

The Team Manager of the Design & Regeneration Section has continued to be involved with the evolution of the proposal and a number of changes were sought, particularly in terms of the elevational treatment of the front of the building, before this proposal was formally submitted to the Council for consideration. Officers have concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and an acceptable palette of materials.

The design is of a contemporary approach and Officers hope that it will set the standard for future development sites within the South Kilburn Masterplan area, helping to contribute to the long-term regeneration of the area. In townscape terms, the original 2009 proposal had been the result of discussions with various stakeholders and interested parties, and the heights of the buildings on the site, whilst higher than some (although not all) of what is around, broadly accord with those set down in the SPD. It is considered that the architecture has developed into a high quality scheme. Officers consider that the design and appearance of the building is acceptable, with conditions allowing for a full assessment of the merits of the chosen materials.

In terms of overall density, the submitted plans, along with the information supplied in accompanying planning statement, do continue to indicate a density that would be in excess of the range set down in the Mayor's London Plan and the SPD. This latter document set a density of between 450 and 750HRH for the site. However, in the context of the sites' importance in the wider redevelopment of South Kilburn, its design quality and the standard of environment proposed for future decanted residents, the higher than SPD density is considered to be acceptable. The fact that the site is immediately opposite the Kilburn Park is a further mitigating factor. Officers are of the view that, for the reasons set out, this decision would not set a precedent for all other schemes to be submitted at a similar density and that each subsequent proposal in South Kilburn would need to be considered on its own individual merits. Masterplanners have indicated that it is likely that on a large number of sites in the area, the density that will come forward in the future will be less than envisaged originally to take account of the changed circumstances described in this report.

Transportation

This site is located on the northern side of Carlton Vale (a local distributor road), about 40 metres east of its junction with Neville Close. Vehicular access to the rear of the site is available from Granville Road (a local residential access road). The site lies within Controlled Parking Zone KM, although parking in Carlton Vale is generally prohibited between 8am and 6.30pm Mondays to Saturdays, so is not generally used for parking. Zing-zap marking associated with a pelican crossing just west of the site further restrict parking along the site frontage. Residents permit and pay and display bays are located in Granville Road and these have tended to be lightly parked in the past, although the new Granville Homes development does rely on this on-street parking for its residents. Public transport access to the site is very good (PETAL 5), with Queens Park station (London Overground and Bakerloo lines) and eight bus services within 640 metres (8 minutes' walk).

The front of the site is currently vacant, having formerly been used as a petrol filling station. Crossovers of 10m and 9m width provided separate access and egress to the site. A two-storey office building is located in the northwestern corner of the site, accessed via the pedestrianised Peel Precinct. The north-eastern corner of the site is occupied by a court of 8 garages, with vehicular access via a 4-5m wide access from Granville Road.

As stated above, this revised application seeks amendments to the 2009 approved scheme, with the number and mix of units remaining unaltered at 50 flats. Eight (6 x 1-bed and 2 x 2-bed) are shown for shared ownership with the remainder being social rented units. Five two-bedroomed flats are shown as wheelchair units (10% of the total).

The basement car park has now extended, but retains 25 spaces (incl. 3 disabled), whilst the access ramp from Granville Road is now shown at a gradient of 16.6%, with its length increased to 25m to incorporate transition lengths at either end and its width reduced to 5.6m (incl. margins). Minimum headroom of 2.1m is indicated along the access ramp. This is an improvement in technical highway terms on the 2009 proposal.

Two cycle storage rooms are now indicated at ground floor and basement levels, giving a total capacity for 50 bicycles. The position of the refuse storage area has now been amended so that its entrance doors are within 10m Carlton Vale which, again, can be considered to be better than the 2009 approval complying with Brent Council's Waste Planning Policy for the collection of Eurobins for flats.

As before, the application of reduced car parking standards in this area means up to 43 spaces would be allowed for these 50 flats. The continued provision of 25 spaces would, therefore, still accord with standards, but in instances of this kind the potential impact of overspill parking from the site on traffic flow and road safety needs to be taken into account. It is possible that a further 10 residents' vehicles may be likely to want parking space in the area off-site. The removal of the wide site accesses from Carlton Vale (which will need to be undertaken at the developers expense) does create the potential for some new on-street parking space to be created (albeit on a local distributor road) which is material here. In addition, there is an element of spare parking capacity available at night in the locality which would make a contribution towards safely accommodating the overspill parking from this development.

Nevertheless, it would be beneficial to provide a car sharing scheme (eg: "Car Club") for the development to reduce car ownership and funding should be provided through a legal agreement to assist with getting such a scheme established (i.e. marketing, vehicle leasing, subsidised initial membership etc.).

Other schemes that have been approved recently in South Kilburn (eg: Carlton Vale roundabout, Albert Road) were on the basis of a 'car-free' agreement and this continues to be the approach that Officers will look to apply in the future. However, the 2009 approval did not remove the right of

future residents to on-street parking permits in the area and in these circumstances it is considered that it would be difficult to do so now.

Standard PS15 requires each of the five wheelchair units to be provided with an allocated parking space, with 10% of the remaining spaces also needing to be designated for disabled parking. The proposed reduction in provision to just three disabled spaces now, therefore, falls short of standards and should in theory be increased back to seven spaces. However, it should be noted that disabled residents would be exempted from any "car-free" agreement that is secured, so could make use of any parking space that is created along the site frontage.

At least one secure bicycle parking space is again required per unit and the proposed provision of 50 spaces within secure storage rooms will allow this standard to be met. The revised layout of the basement car park meet design guidance in terms of the dimensions of the parking spaces and aisle widths, with the supporting columns set back from the front of the spaces so as not to impede turning movements.

With regard to the access ramp, as set out above the gradient has now been confirmed at 16.7%, which exceeds Institute of Structural Engineers guidelines for access into public basement car parks of this depth, whilst the width has been reduced to 5.6m including margins. Despite this, as long as use of the ramp is limited to just residents and visitors of this development and is not in future extended to serve further redevelopment plots, then the width would be considered acceptable (subject to the inclusion of 300mm margins on either side). Similarly, the inclusion of transition lengths at either end of the ramp means the steep gradient can be accepted for this private car park.

As before, highway works around the site will be required to be carried out at the developer's expenses prior to occupation of the development to: (i) reinstate the existing lengths of crossovers onto Carlton Vale to footway (incl. bringing the intervening length of footway up to a similar standard as necessary); and (ii) resurfacing/repaving of the rear access route from Granville Road in accordance with a design to be approved by the Transportation Unit. These works were previously secured through an agreement under S278 of the Highways Act 1980 incorporated into the S106 Agreement and this will need to be renewed. The financial contribution sought will go towards non-car access/ highway safety improvements and/or parking controls in the vicinity of the site, with the road safety/environmental enhancement scheme for Carlton Vale being a priority according to the Transportation Engineer for use of these funds.

Amenity Space and Landscaping Issues.

Given the amount of development proposed for the site, it is necessary to assess whether it is possible to provide for an acceptable level of external amenity space on the site in order to meet the likely demands of the future residents of these 50 flats. The site is currently unused and has no features of landscape value on it. Consequently, the landscape treatment of the site is of less importance in the overall consideration of the proposal than if this was not the case. It is considered that any development of the site, certainly in the form proposed would, for the reasons set out above, be likely to improve the appearance of the site, in general terms.

Amenity space is provided for new residents within the development in different formats, these being external balconies, roof terraces and private terraces at ground floor level. In addition, a garden space is shown at seventh floor level that is indicated as a shared "residents terrace". Each of the 4 ground floor units will have their own private garden (even though one of these is to the front of the building and would consequently provide a limited amenity for residents), whilst other units will have access to balconies in the majority of cases and roof terraces within the development in other cases. Previously, one unit at first floor level had no access to external amenity space, but this is no longer the case. The development shows a proposal that would allow sufficient space to provide a range of useful, useable outside amenity areas to meet the likely differing demands of future residents and, on this basis, it is considered that the development

would, on balance, afford future residents a satisfactory standard of amenity.

As previously, the applicants would need to submit a detailed amenity space/landscaping plan in due course which would illustrate a strategy for the development, as far as how the areas would be used (in particular the roof terraces) and whether they would include items such as seating or planting. The strategy should indicate that a varied, interesting and well-used amenity area for the benefit of future residents would be capable of been provided on the site. The submitted information is considered to be indicative at this stage but, as stated above, it is considered that an acceptable treatment could be achieved here.

Members will be aware that the issue of the quantity and quality of external amenity space is nearly always an issue in the more high density developments such as this one. Officers consider that the proposal here is acceptable and that the capacity for an acceptable treatment of external areas can be achieved. This conclusion is supported by the fact that the site is immediately opposite a public park which would help to off-set any concerns about the level of on-site provision. In connection with this point, attention is drawn to the site on the opposite side of the park at No's 117-119 Malvern Road (06/2144) which some Members may remember was the subject of a Public Inquiry in 2006/2007. The scheme there which is now complete provides a total of 58 units and one of the Council's original concerns was the balance between the amount of internal and external space available for the occupiers of these flats. In allowing the appeal, the Inspector made the following comments about the issue of external amenity space:-

"I note that there is scope for a reasonable level of communal open space, that many of the units have balconies and that the floorspace of most of the proposed flats is significantly above the minimum specified in SPG17. I also accept that, in providing for a variety of housing needs there will be a proportion of occupiers for whom a balcony or private open space would not be a high priority. Given the proximity and availability of Kilburn Park, I judge that the proposal would not be deficient in amenity space."

Impact upon Residential Amenity

In terms of the impact of this proposal on residential amenity there are two issues that require consideration. Firstly, the impact of the development upon existing neighbours within the locality and secondly, the impact upon the living conditions of future occupants of the proposed flats.

In terms of the impact on the amenities of future occupants of the proposed flats, the main considerations would be the sizes of each unit, and the relationship between units and adjacent development. The issue of the more generous internal space standards for new flats in South Kilburn, and the approach taken here, has been discussed above. In addition, although not relevant to this application as none are proposed here, the SPD states that bedsits or studios will not be allowed within the South Kilburn Trust Area and the mix of units is in line within SPD expectations.

It should be borne in mind that this proposal is, for the reasons set out above, one of the first schemes within South Kilburn to seek to "kick-start" the redevelopment of the area. Consequently, it is anticipated that there will be significant changes to the overall urban form in the locality in the future which need to be taken into account in the determination of this specific proposal. In particular, it is hoped, and anticipated, that other significant proposals will come forward to change the character and improve the built environment, guided by the Masterplanning process. This means that decisions now need to have regard to what these changes might be. In addition, Officers need to ensure that no development serves to prejudice future schemes that might come forward on adjacent sites.

The "T" shaped scheme has been carefully designed so as to maximise the distance between habitable room windows and boundaries, as well as other windows. The applicants have used the shape of the 8 storey element of the scheme to protect the amenity of future residents and have ensured that no flat is single aspect. In the 2009 approval the flats proposed adjacent to the Carlton Centre fronting onto Granville Road had a very tight relationship with the adjacent building. In one case the separation distance at first floor level would have been only 2.5 metres in the case of one bedroom window, but the redesign of the building has allowed this problem to be eliminated and the relationship/quality of environment is much improved.

Although the proposal is inevitably tight, given the constraints of the site, the overall situation is considered to work. Future occupiers will look out across Peel Precinct to the west and rear, above the Carlton Centre (at higher levels) to the east and Kilburn Park to the south. In the future, certain residents may have views across a public square, should Masterplan proposals be forthcoming, but in any event, it is considered that the development proposed would provide for an adequate standard of amenity for occupiers of the proposed building.

In terms on the impact of the development upon people living nearby, as in 2009, this is more of an issue and the strategic importance of the development of this site, as set out above, needs to be taken into account in assessing this proposal. The Carlton Centre is to the east whilst Peel Precinct is to the west and north. Peel Precinct is a terrace of commercial floorspace at ground floor with residential above, and to the north includes residential accommodation. The issue is how the development relates to these adjacent sites. A report entitled "BRE (Building Research Establishment) Daylight, Sunlight & Overshadowing Analysis" was produced in 2009 and forms the basis of this application as well. The fact that the application site is cleared and currently has no buildings on it needs to be taken into account, but even having done so, the report concludes that there will be an impact on a number of specific windows in the buildings adjacent to the proposed building that would be beyond acceptable limits, as defined by the BRE. This is obviously an unfortunate situation that in many cases would be a reason for withholding planning permission. In this instance, although the proposed relationship as described above needs to be taken into account, a more long-term view also needs to be had regard to and it was on this basis that consent was granted in 2009. The properties that will be most affected by the development proposal are in buildings that themselves are likely to come forward for redevelopment as part of the wider estate regeneration and so it is hoped that the problems that may be encountered in terms of light will not be a permanent concern. There are no agreed proposals for Peel Precinct at this stage, but although it is difficult with any certainty to analyse future relationships, it is the view of Officers that the fact that change will come forward at some stage in the not too distant future means that in these circumstances the BRE guidelines can be applied flexibly.

As far as the privacy and amenity of nearby residential properties is concerned, it is considered that the building would not lead to significant problems associated with overlooking. The buildings in Peel Precinct would be approx. 24 metres (23 metres in 2009 scheme) from the flank wall of the rear wing of the new development and a combination of separation distance, the orientation of existing Granville Road properties and the location of windows in the proposed development would mean that privacy and amenity would not be compromised. With regard the impact upon the adjoining Carlton Centre building, the areas closest to the proposed building are given over to toilets for users of the Centre. The proposed relationship is no worse than the 2009 consent and a condition is suggested to be attached to any consent requiring details of how the various balcony and roof terrace areas will be treated in order to prevent any unacceptable loss of privacy to neighbours.

Sustainability Issues.

Members will be updated regarding the sustainability issues at the Meeting.

Given its previous use, the site is potentially contaminated and this would be something that would

need to be dealt with, to the satisfaction of the Council, at the appropriate stage. Environmental Health Officers have been consulted about the application proposal and have confirmed that they agree the contents and the conclusions of the submitted reports. They have suggested a number of conditions and have indicated their willingness to provide advice to the applicants if required.

Section 106 Agreement.

As with application 09/0175, the development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement (or other agreement) controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with, but for the avoidance of doubt, the applicants appreciate the importance of the legal agreement.

Proposed Heads of Terms:

- 100% Affordable Housing -tenure to be agreed with the council,
- A contribution of £2,400 per bedroom, due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition, applicants to adhere to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the "Considerate Contractors scheme".
- Section 278 to secure the works to the highway in Granville Road.

Conclusions.

The issues set out above were previously considered in 2009 when a similar residential scheme was considered by the Planning Committee. A number of changes have been proposed to that approval that are considered to be sufficiently material so as to warrant the submission of a new application and, as a result, the issues need to be revisited. The principle of the loss of this former petrol station and redevelopment for a mixed use continues to be acceptable in policy terms and the proposed development is considered to provide an interesting building in a prominent location. The site is identified in the South Kilburn SPD as an opportunity for a "landmark" building and as the regeneration initiatives have evolved (for the reasons explained above) it has become one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area. It can play a key role in instigating the regeneration of the SKT area and for this reason there are a number of specific points where flexibility needs to be applied to the form of this scheme. This leads to an inevitably balanced overall assessment of the scheme, but Officers consider that the wider strategic matters serve to justify the application proposal and that this judgement would not mean that this flexibility would always have to be applied in future development proposals should they come forward. The design, form, materials and height of the development set an appropriate standard of architecture which is expected within the South Kilburn area. The quality of accommodation is also considered to be good, given the internal dimensions of each unit, as is treatment of external space and it is likely to help to set a high standard for future proposals within the area.

The proposals are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

RECOMMENDATION: Grant Consent subject to Legal agreement

CONDITIONS/REASONS:

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

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

- (2) 10012-02-001F; 002F; 003F; 004F; 005F; 006F;007F; 008F; 009F; 010F; 011F; 012F; 013F; 014F; 015F; 016F; 017F; 018F; 019F; 020F; 021F; 022F; 023F; 024F; 025F; 026F; 027F; 028F; 029F; 030F; 031F; 032F; 055F; 056F; 057F; 058F; 059F; 060F; 061F; 062F; 063F; 064F; 065F; 066F; 067F; 068F; 069F; 070F; 071F; 072F; 073F; 074F; 075F; 076F; 077F; 078F; 079F; 080F; 081F; 082F; 083F; 084F; 085F; 086F; 087F.

Eye level visualization (22 July 2010).

Code for Sustainable Homes Pre-assessment 19 Jan 2009, Sustainability Report 19 Jan 2009, Design & Access Statement (with preface) Jan 2010, Phase 1 Contamination Assessment April 2007, Daylight, Sunlight and Overshadowing Analysis Feb 2009, Planning Statement Jan 2009, Transport Statement Jan 2009, Air Quality Assessment 19 Jan 2009, Protected Species and Habitats Risk Assessment August 2010, Design Statement (H446 Carlton Vale), Remediations Specification July 2010 and Land Quality Statement August 2010.

- (3) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities of the locality.

- (4) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority. Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to the systems being installed and the approved details should be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers and in the interests of visual amenity.

- (5) During construction on site:-

(a) - The best practical means available in accordance with British Standard Code of

Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;

(b) - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

(c) - Vehicular access to adjoining and opposite premises shall not be impeded;

(d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;

(e) - No waste or other material shall be burnt on the application site;

(f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) - A barrier shall be constructed around the site, to be erected prior to demolition;

(h) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (6) All existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (7) The car-parking spaces shown on the drawings hereby approved must be provided and retained thereafter for the accommodation of motor vehicles of the occupiers of the residential accommodation and shall not be used for any other purpose. Furthermore, the disabled parking spaces shall be marked out and not used for any other purpose.

Reason: To ensure the provision and permanent retention of car-parking spaces so as to ensure the development does not result in additional pressure for on-street parking.

- (8) The bicycle-storage facilities hereby permitted shall be retained as such, and shall not be altered or removed without the written consent of the Local Planning Authority.

Reason: In order to maintain the required level of secure bicycle-storage facilities on the site.

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

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

- (10) Details of materials for all external work including samples, shall be submitted to and

approved in writing by the Local Planning Authority before any work (save for demolition and works relating to site preparation) is commenced. The development shall be carried out in accordance with the approved details. These details shall include:-

- balustrades.
- windows/doors.
- roof details.
- canopies.

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

- (11) Notwithstanding the plans hereby approved, a scheme for the landscape works and treatment throughout the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (to exclude the remediation and demolition works) on the site. Any approved planting included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed railings, walls and fences indicating materials and heights
- (b) adequate physical separation, such as protective walls and fencing between landscaped and paved areas.
- (c) areas of hard landscape works and proposed materials
- (d) other appropriate matters within the context of a landscaping scheme, such as details of seating, usage of areas etc
- (e) details of the treatment of proposed private and communal roof terraces, including methods by which amenity will be protected, between those areas and adjoining sites.
- (f) details of the proposed management responsibilities and arrangements for the maintenance of the landscape works.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs of similar species.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and in the interests of future residential occupiers of the scheme.

- (12) A revised plan showing the provision of 300mm margins to either side of the basement car park access ramp shall be submitted to, and approved in writing by, prior to any work on the basement ramp commencing. Once approved, those details must be fully implemented.

Reason: In the interests of highway safety.

- (13) Soil remediation shall be carried out in full, in line with a specification agreed by the Local Planning Authority. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless otherwise agreed by the Local Planning Authority).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (14) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

INFORMATIVES:

- (1) The applicant is informed that the Council's Environmental Health Service must be notified in advanced of the decommissioning of the underground tanks shown on the submitted drawings, so that an Officer can be present on site. The applicant must call 020 5937 5159 to arrange this.
- (2) The applicant is informed that they should contact Thames Water Developer Services on 0845 850 2777 prior to the development commencing to discuss matters relating to the proposal.

REFERENCE DOCUMENTS:

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

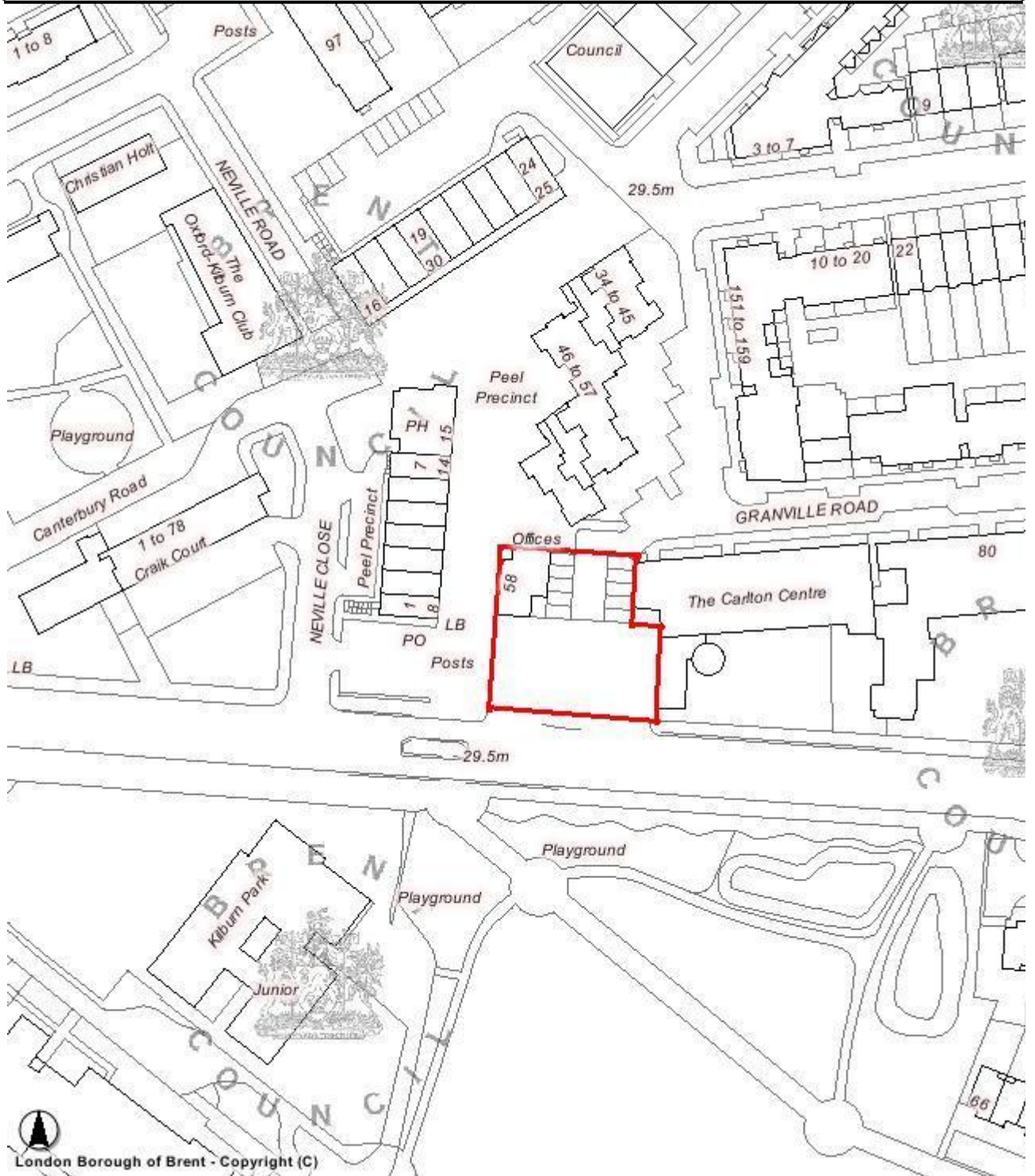
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX

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