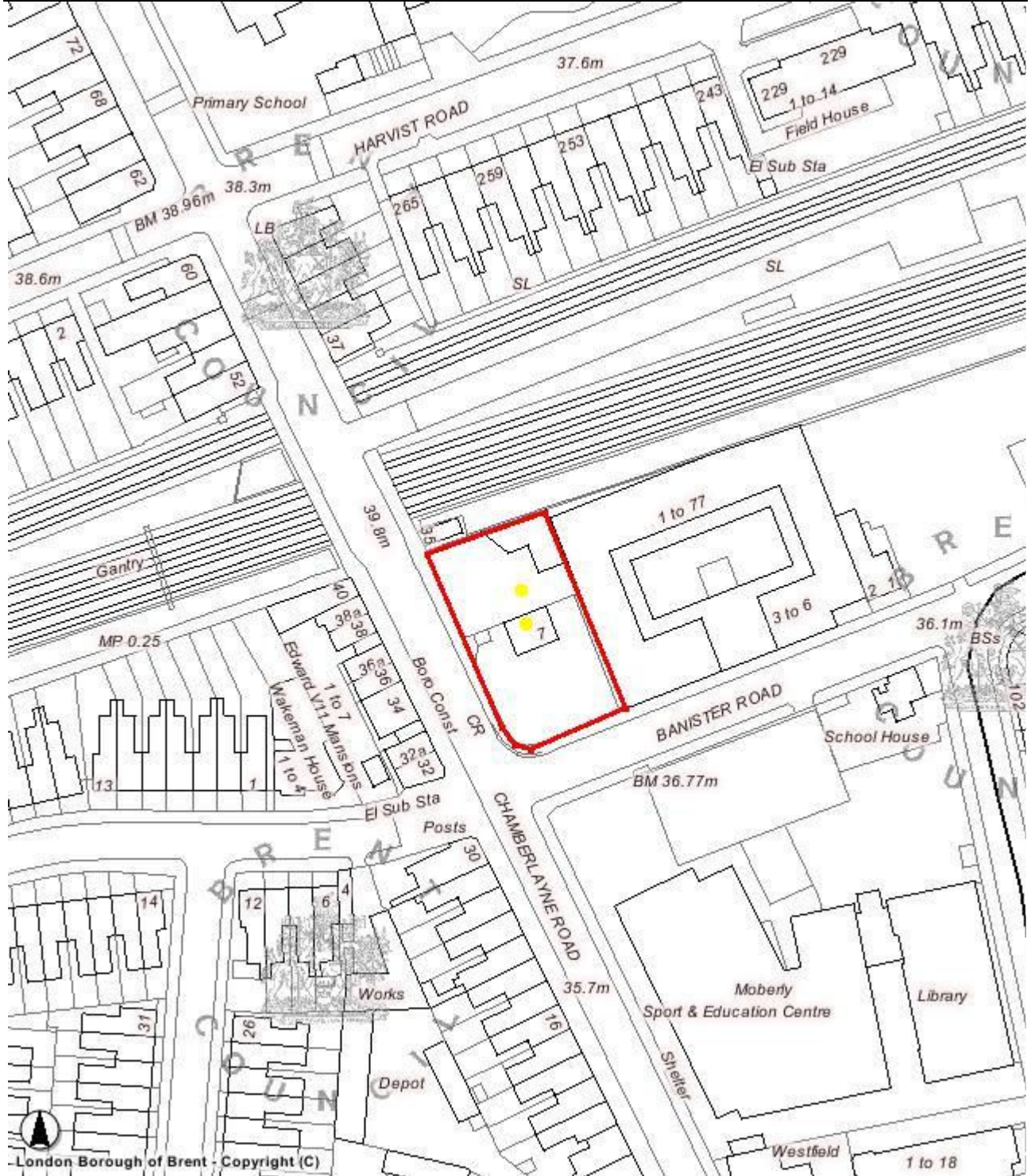
 **Planning Committee Map**  
Site address: Land next to 35, Chamberlayne Road, London, NW10  
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London Borough of Brent - Copyright (C)  
This map is indicative only.

**RECEIVED:** 20 June, 2011

**WARD:** Queen's Park

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

**LOCATION:** Land next to 35, Chamberlayne Road, London, NW10

**PROPOSAL:** Erection of an 8-storey and 5-storey building, comprising 50 residential units (consisting of 17 x one-bedroom flats, 28 x two-bedroom flats and 5 x three-bedroom flats) and 604 sqm of retail floorspace at ground-floor level, with provision of 25 car-parking spaces (including 2 disabled bays) and 56 bike-parking spaces at basement level, refuse store and electrical substation ('Parking Permit-Free' development) n.b. This differs from planning permission ref: 06/2993, granted 27 October 2007, by an increase in the number of flats from 44 units to 50 units and change of unit mix from 11 x one-bedroom flats, 21 x two-bedroom flats, 5 x three-bedroom flats and 7 x four-bedroom flats.

**APPLICANT:** Bellway Homes

**CONTACT:** Barton Willmore

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

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## **RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement

## **SECTION 106 DETAILS**

The application requires a Section 106, and other, 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.
- A total contribution of £317,813 would be sought to go towards the local infrastructure provision, consisting of:
  - the provision and/or improvement of education facilities in the Borough
  - sustainable transport improvements
  - local public open space improvements
  - towards the monitoring of air quality and the implementation and monitoring of the Air Quality Action Plan in the vicinity of the land.

In addition, the Agreement must also include:-

- "car-free" scheme preventing residents from applying for car parking permits.
- Sustainability obligations, including a score of at least 51% on the Sustainability Checklist submitted with the application, EcoHomes 'Very good rating' with appropriate compensatory measures should 51% rating not be achieved and including 10% renewable on site general.

- Join and adhere to the Construction Management Plan (CMP).
- Affordable Housing - a contribution of £110,000 towards the provision or promotion of affordable housing within the borough.
- Section 278 to secure the construction of a lay-by on Chamberlayne Road

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

## **EXISTING**

This is the former petrol station site at the junction of Banister Road and Chamberlayne Road. The building approved under planning reference 06/2993 is currently significantly under construction.

The site is within the former South Kilburn New Deals for Communities area (SKNDC), at the western-most boundary of the area and the South Kilburn Supplementary Planning Document (SPD) setting down policies for the area was adopted in April 2005.

The site is opposite secondary shopping frontage of Kensal Rise Local Centre and is not within a conservation area.

## **PROPOSAL**

See description

## **HISTORY**

06/2993 Granted (October 2007)

Erection of 8-storey and 5-storey building, comprising 44 residential units (consisting of 11 x one-bedroom flats, 21 x two-bedroom flats, 5 x three-bedroom flats and 7 x four-bedroom flats) and 684m<sup>2</sup> of non-residential retail floorspace at ground-floor level, with provision of 25 car-parking spaces (including 2 disabled bays) and 46 bike-parking spaces at basement level, refuse store and electrical substation ("CAR-FREE" DEVELOPMENT), as accompanied by Transport Statement (October 2006), Environmental Noise Assessment (1 October 2006), Design Statement (October 2006), Sunlight & Daylight Report (October 2006) and additional Sunlight & Daylight Report (letter dated 15 February 2007 and subject to a Deed of Agreement dated 15<sup>th</sup> October 2007 under Section 106 of the Town and Country Planning Act 1990, as amended

11/0295 Refused

Variation of condition number 14 (plan numbers) to allow the following minor material amendments:

- Variation to the mix and increase of the approved number of flats from 44 to 50 (Change of the layout of Level 1 and 2 Core B from 3x4 bedroom flats to 2x1 bed, 2x2 and 1x3 bedroom flats and change of the layout of Level 3 Core B from 2x3 and 1x4 bedroom flats to 2x1 and 3x2 bedroom flats)
- Repositioning of projecting balconies at Levels 1, 2 and 3 on the northern and western elevations
- Removal of podium facing balcony at Levels 1-7
- Use of flat roof at Level 4 as balcony on the north and west elevations.
- Increase of 10 cycle spaces in the basement

This application was refused because the proposed alteration to the mix of units would require further consideration and was therefore beyond the scope of a minor amendment to the approved application 06/2993.

## **POLICY CONSIDERATIONS**

### **Brent's UDP 2004**

#### **BUILT ENVIRONMENT**

- BE1 Urban Design Statements
- BE2 Townscape: Local Context and Character
- BE3 Urban Structure
- BE5 Urban Clarity and Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Environmental Design Principles

#### **HOUSING**

- H1 Additional Housing
- H2 Requirement for Affordable Housing
- H3 Proportion of Affordable Housing
- H7 Major Estate Regeneration Area.
- H9 Dwelling Mix
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density

#### **EMPLOYMENT**

- EMP9 Local Employment Sites.

#### **TRANSPORT**

- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN14 Highway Design
- TRN23 Parking Standards – Residential Developments
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Parking Standards – Residential Development
- PS15 Parking for Disabled People
- PS16 Bicycle Parking

### **Supplementary planning guidance 17: Design Guide for New Development South Kilburn Supplementary Planning Document (SPD) Adopted April 2005 Supplementary Planning Document: S106 Planning Obligations**

#### **SUSTAINABILITY ASSESSMENT**

Discussed below

#### **CONSULTATION**

##### **Internal**

A total of 241 neighbouring occupiers were consulted on 22nd June 2011, a site notice and press notice were also published. 7 objections have been received.

- The building is out of scale with the surroundings, its height is not justified.
- It shouldn't be higher than the highest buildings surrounding it.
- The affordable housing was reallocated away from the site.
- Major problems with parking in the area, 25 parking spaces is not enough
- 1 bed flats attract a different occupier than 3 bedrooms, a block of 1 bed flats will not improve the area.
- The building will be vacant with building work stalled while they wait to change the unit mix.

- The building work is causing delays with gridlock around the temporary traffic lights and the closed footpath.

Cllr Hector (Kensal Green) has made the following comments:

- Impacting on view and light to gardens.
- Concern about infrastructure capacity for this many units.
- Existing empty shop units on Harrow Road so no need for another shop unit.

Highways - No objection, it has been confirmed that the vehicular access is 5.2m wall to wall which is acceptable.

Affordable Housing Officers - An agreement has been made about further contributions towards affordable housing, appropriate because of the increased number and different mix of units .

## **External**

Network Rail - comments provided about construction, construction underway under existing approval.

London Underground - no comments

City of Westminster - no comments

## **REMARKS**

### **Introduction**

Officers wish to clarify, as stated in the description of the proposed development, that the only difference between this application and the 2006 approval is the number of units and a change to the unit mix, as such discussions should be focussed on these issues. Other issues already approved and considerations in connection with those issues are set out here for Members information.

### **Principle**

The Council have acknowledged the site's suitability for a combination of residential accommodation provided above commercial floorspace under the approved application 06/2993. 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.

As described above a development consisting of a commercial ground floor unit and 44 residential flats has been granted planning permission. The form and height of the building is the same as previously agreed with the exception of some alterations to balconies and fenestration which will be identified below, the principle aim of the application is to seek a different mix of unit sizes which results in 50 units rather than 44.

### **Siting, Design and Layout of the Site**

It is evident that the height of the building has generated a level of concern from people living nearby. As now seen on site the application proposes a part 8, and part 5 storey building on this corner site. The 2006 discussion about the scale of development is set out below:

*The site is identified (at page 88 of the South Kilburn SPD) as being appropriate for a "focal/landmark building" in order to recognise its location at the western end of the NDC area and as one of 7 Transport and Activity Nodes throughout the area (page 30).*

*The Team Manager of the Design & Regeneration Section has considered the proposal and has*

*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 cutting-edge construction materials.*

*The proposed cladding material is an alloy of aluminium and copper with a gold finish. As a contrast, the reveals and soffits of the window and balcony openings will be finished in contrasting, but complimentary, colours. The gold finish will also be set off against timber cladding.*

*There is no doubt that the building will be a completely new approach to architecture within the Borough, but your Officers are of the opinion that in line with the Council's initiative to try and lift the innovative nature and quality of architecture the proposals should be supported. The material is only possible because of the quality and nature of the architectural detailing and it is considered that, as a whole, the innovative and, some would say, contentious building will create an individual and striking landmark within the streetscape.*

Externally there are a few minor differences in the elevations relating to the position of balconies. These are either triggered by the proposed amended layout or in order for the balcony to be reached from a living room rather than a bedroom which is a preferred situation. These alterations do not raise any material concerns.

The proposed changes to the mix, discussed below, naturally result in a different internal layout for a number of units. In general units are dual aspect or where single aspect do not face north. In the revised arrangement a 1-bed flat is created at first, second and third floor which has its sole outlook to the north, such units are likely to receive restricted levels of light. The other result of the revised scheme is the creation of 3 three bed units (again at first, second and third floor) which are single aspect facing east, this means that the units look over the communal courtyard only which is enclosed by the subject building and Noko to the east. Noko is at a distance of nearly 11m from these windows so outlook is not unacceptably restricted but given the height of the structures on all sides of the courtyard light is likely to be fairly restricted to the lower of these units. These units make up a very small proportion of the whole scheme and on balance officers do not consider that it is significant enough for the scheme to be considered unfavourably for this alone.

## **Mix**

The approved scheme has 44 units with a mix of:

- 11 x one-bedroom flats
- 21 x two-bedroom flats
- 5 x three-bedroom flats
- 7 x four-bedroom flats

The proposed scheme is for 50 residential units with the following mix:

- 17 x one-bedroom flats
- 28 x two-bedroom flats
- 5 x three-bedroom flats

When the scheme was originally submitted it was envisaged that affordable housing may be provided on site, as such 7 four bed units were included in the layout. However the outcome of discussions during the 2006 application was that affordable housing was provided off-site, described in more detail below. The applicant is now of the opinion that the approved unit mix on site is not favourable for private housing with there being a lack of demand for large family units in such developments. As such, the proposal seeks to replace all four bedroom units with a mix of one and two bedroom units. The 5 three bed units would remain which equates to 10% of the units being family size.

Policy CP21 of Brent's Core Strategy 2010 seeks to ensure that an appropriate range and mix of self contained accommodation types and sizes, including family sized accommodation, is provided on suitable sites while CP2 suggests that 25% of all new housing provision should be for family size units. In this case the suitability of the site for family accommodation should be considered as well as the level of off-site family size housing already provided in association with this development.

The vast majority of units have access to private amenity spaces, largely in the form of small balconies, and communal roof terraces with seating and planting are also provided. SPG17 seeks for family housing to have access to a minimum of 50sqm of external space though it is acknowledged that in intense urban areas this may need to be altered to a level consistent with the existing area character. This does not mean that officers think this site is not capable of providing for families but it remains a consideration that on this restricted plot it is not possible to provide good sized family gardens and generous play space.

In the off-site affordable housing provision 12 four or five bedroom houses and maisonettes were provided. The proposed mix of the development, alongside its off-site affordable housing contributions previously agreed, is more generous in terms of its provision of family size units than the 10% provided on site and on balance officers are of the opinion that, given site constraints and off-site family housing provision, the proposed mix is acceptable.

### **Affordable housing**

As stated above the consideration of the application in 2006 was originally based on a scheme which included affordable housing on site. A Deed of Variation was subsequently submitted proposing an alternative off-site provision, this was returned to Planning Committee with a further report proposing the affordable units be provided at the following 2 sites:

- Perrin Road Clinic, Perrin Road, Wembley HA0 (07/3578)
- Campbell House, Harley Close, Wembley HA0 (07/3559)

These applications were discussed and approved by Members at the same Planning Committee on 29th February 2008. The special report produced along with the Deed of Variation described this provision in comparison to the originally considered on site provision.

The original provision was based on a financial assessment and the viability of the proposed development, the special report then assessed the quality and quantity of the proposed off-site provision against this. The off-site provision resulted in a significant overall increase in the provision of affordable family housing and an increase in habitable rooms and was considered to be a good alternative.

It was also stated that the intention was to put affordable housing in areas of low levels of existing affordable accommodation and provide private housing in areas with high levels affordable accommodation. The subject site fell within the former South Kilburn NDC area within which 80% of housing was affordable while Sudbury, where the alternative provision was proposed, had only 30% affordable.

The final outcome of the 2006 application was that a good provision of affordable housing was achieved off-site and 44 private units were approved in the Chamberlayne Road development.

The current application proposes 6 additional units and a different unit mix within the building. The London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to a number of factors including development viability and the need to encourage rather than restrain residential development.

The current proposal results in fewer bedrooms overall but does result in an increase in the number of units, improving the development viability such that the scheme can reasonably be expected to deliver more affordable housing. Normally affordable housing is expected to be delivered on site, however the existing agreement under the 2006 application for the provision of affordable housing at 2 other locations, together with the predominantly private composition of the scheme, quantum of the increase in the number of homes, and fact that the scheme is currently under construction, a cash in lieu payment to provide or promote affordable housing elsewhere in the borough is considered acceptable in this particular case.

Negotiations with the applicant, including Affordable housing officers, have resulted in an agreement for an additional contribution of £110,000. Based on an appraisal of the economic viability of the scheme, taking account of expected sales values, build costs, the potential uplift in gross development value due to the proposed changes to the unit size mix, as well as land values and the availability of public subsidy for the delivery of affordable housing, the sum, for the delivery of affordable housing elsewhere in the borough, is considered reasonable and appropriate.

## **Transport**

This site is located on the north-eastern corner of the signalised junction of Chamberlayne Road (a local distributor road) and Banister Road (a local access road). It was formerly occupied by a petrol filling station, accessed via a 7.3m wide crossover onto Chamberlayne Road and a 6m wide crossover onto Banister Road.

The same number of car parking spaces as previously approved is proposed in the current application, while there is an increase in the number of units the concurrent loss of large units and replacement with smaller units results in a very similar parking standard. As the site has very good access to public transport services, and is located within a CPZ, a reduced allowance of 0.7 spaces per 1-1/2-bed flat and 1.2 spaces per 3-bed flat applies. As such, up to 37.5 car parking spaces would be allowed for the 50 flats, plus one for each of the two retail units, this results in a very similar total allowance as the previous scheme (39 spaces). The proposed provision of 23 standard width spaces therefore complies with standards, as does the proposed car parking layout.

Basement parking is proposed for 25 cars (incl. two disabled) and 46 bicycles, accessed via a ramp from Banister Road. The access ramp has now been constructed at 5.2m wide wall to wall which is acceptable according to the Council's Transportation Engineer, sufficient to allow cars to pass one another and helps to maximise pedestrian sightlines from the access ramp. The ramp gradient is acceptable as shown with a 16.6% gradient and 8.3% gradient transition lengths at either end.

The site is located within the controlled parking zone (CPZ) and has very good access to public transport (PTAL 5), on-street parking along the site frontage is prohibited at all times, but pay and display parking is available opposite the site on Chamberlayne Road to both the north and the south.

In order to address any potential overspill parking, the applicant has agreed to enter into a 'car-free' agreement, for those flats that are not allocated an on-site parking space, whereby the Council will be able to withhold parking permits from future residents of the flats and this will overcome any concerns regarding on-street parking, whilst ensuring car ownership is restrained. On this basis, the Engineer does not object to this application.

The provision of 56 bicycle parking spaces within the basement car park is sufficient to satisfy standard PS16 for the flats, a further five publicly accessible spaces have been shown on the site frontage for the retail units.

With regard to servicing, which is considered to be critical, given the location of the site, a new 3.5m wide x 12m long loading bay is proposed within the footway along the Chamberlayne Road



frontage. This will provide servicing for the shop units and access to the refuse store for the affordable flats. The lay-by is proposed to be surfaced in 'pedestrian-friendly' materials (e.g. block paving), to allow its use as part of the footway when delivery vehicles are not present. An area of footway to the rear to a minimum width of 2m is still available for adoption as public highway to ensure safe pedestrian access along Chamberlayne Road at all times. The existing no waiting at any time restrictions should be retained along this length of Chamberlayne Road to ensure the lay-by does not become used for car parking.

Elsewhere along the Chamberlayne Road frontage, the footway width will need to be increased to 3.5m to accommodate any increase in foot traffic to the new retail units. This will include the adoption of an additional area of footway to measure at least 2m behind the lay-by. A Section 38/278 Agreement has already been made under the approved application to ensure the footway and lay-by works are carried out as required, this will be reflected in the new s106 agreement for the current application. This is also to include reinstatement of all redundant lengths of crossover to the site to footway.

### **Amenity Space and Landscaping Issues**

While the site is restricted, consideration under the 2006 application determined that the site can provide an acceptable level of external amenity space to meet the demands of future residents and the form of this provision has previously been agreed. It was a significant consideration that the site was unused with no features of landscape value on it. It is considered that any development of the site, certainly in the form proposed, would 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 communal terraces. The majority of units have access to an area of private amenity space in the form of a small balcony or roof terrace though all units can access the communal courtyard or roof terraces. The following was stated in the report from the application 06/2993:

*It is considered that in assessing the amenity space provision associated with this scheme, due consideration needs to be given to the quality of the proposed scheme. 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 afford future residents a satisfactory standard of amenity.*

Good quality details have previously been submitted for the landscaping of the amenity spaces in relation to the approved application as required by condition, it is hoped that this will be provided again in time for a supplementary report to overcome the need for another landscaping condition. The plan must indicate that a varied, interesting and well-used amenity area for the benefit of future residents would be capable of being provided on the site. The plans currently indicate the size and locations of planters but the treatments of the space and actual planting, including trees, are not provided.

It is considered that a combination of external amenity space, courtyard space, balconies and internal space that meets adopted guidance is considered to provide for an acceptable situation, as far as residential amenity is concerned.

### **Impact upon Residential Amenity**

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. In these terms no different issues are raised between the approved and currently proposed schemes. All units meet the internal floor space guidance of SPG17.

The 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 a combination of obscure glazing, windows arranged at oblique angles, as well as the unusual shape of the 8 storey element of the scheme, to protect amenity and have increased separation distances within the courtyard, so that there is now 20 metres between habitable room windows on either side of the courtyard. It is considered that although the proposal is inevitably tight, given the constraints of the site, the solution works.

The existence of the railway line to the rear is another limiting factor which will impact on outlook to the rooms which join it. This was an aspect of the 2006 scheme which was discussed in some detail along with the aspect of units. Under the approved scheme a family size unit was very reliant on outlook to the north over the trainline, in the proposed scheme it is replaced with one bedroom flats and the situation is not considered to be significantly different. As previously this is a balanced assessment, and is one that has to be made on all sites like this which back onto railway lines, it is considered that the development proposed would provide for an adequate standard of amenity for occupiers of the proposed building. A condition on the 2006 application required the submission of noise insulation details to ensure units with windows facing the trainline do not suffer from unacceptable levels of noise.

In terms of "stacking" of rooms, for the most part this is achieved throughout the proposed buildings and the proposed arrangements, as shown on the plans, would certainly not be so unacceptable so as to justify a refusal on this ground alone.

As the form of the building is not proposed to alter the assessment made previously, in terms on the impact of the development upon people living nearby, remains exactly the same. The southern side of Banister Road immediately opposite the site is the Moberley Sports Centre, so there is no issue about how those two sites relate to each other.

As far as the privacy and amenity of nearby residential properties at upper floor level on the western side of Chamberlayne Road is concerned, it is considered that the building would not lead to significant problems associated with overlooking, overshadowing and over dominance to those properties as the buildings are separated by the road itself. These buildings would be approx. 18m from the nearest window in the new development and this is considered to be a reasonable distance to ensure that privacy and amenity would not be compromised. With regard the impact upon the adjoining building in Banister Road, this is the NOKO building approved as a mixed work/live and residential scheme in 2004. The building should include 57 work/live units and 20 residential flats. The frontage of the proposed building follows the general building line within the street, specifically the NOKO building. This element of the scheme would not unduly harm the amenities of adjacent occupants to the front of the site, whether they are work/live or residential, in terms of loss of privacy, loss of sunlight and daylight and over dominance.

The applicants previously produced two Sunlight and Daylight Reports with this application and compared the reports to Building Research Establishment (BRE) guidance. The report concluded that :-

*"there will be no material sunlight and daylight effect on the existing residential building (sic) north-east of the site known as the NOKO building.*

*When comparing the results of the sunlight and daylight assessments within the living rooms at third floor level it can be seen that prior to development the living rooms will receive high levels of sunlight and daylight and after redevelopment the existing living rooms will still receive high sunlight and daylight levels which will meet and exceed the current discretionary guidance as set by BRE."*

A similar conclusion is reached with regards other daylight and sunlight impacts. Your Officers are not in a position to dispute the claims made in this report, in as much as the conclusions relate to loss of sunlight and daylight. The situation, therefore, is that as far as a technical analysis of the proposed relationship between a building of this size and siting, and people occupying property near to it, the impact would be within acceptable limits.

## **Sustainability Issues**

The approved scheme which is currently being implemented on site was required, via its s106 agreement to achieve the 'Very good' Eco Homes rating. As the site is within the South Kilburn Regeneration Area new development would be expected to achieve Code Level 4 for sustainability which is an improvement on the Eco Homes rating previously agreed, though policy CP19 states that this is subject to scheme feasibility. The additional requirements could have fundamental implications for the structure and design of the building which is already significantly underway and given the extant permission officers on balance agree with the applicant that the previously agreed sustainability requirements should be maintained.

## **Section 106 Agreement**

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

Under the previous application a total contribution of £317,813 was sought to go towards the local infrastructure provision. With the breakdown between the provision and/or improvement of education facilities in the Borough, sustainable transport improvements, local public open space improvements and towards the monitoring of air quality and the implementation and monitoring of the Air Quality Action Plan in the vicinity of the land.

Brent's now adopted s106 supplementary planning document seeks, as a standard, a contribution of £3000 per bedroom towards the same mitigation measures as listed above, if a scheme while being acceptable is particularly deficient in a particular area, an increased contribution towards this would be sought. Fewer bedrooms are proposed under the current scheme than the approved scheme (88 compared to 96) and the contributions previously agreed amount to more than the £3000 requirement, however the greater number of units in the development is likely to offset the reduced number of bedrooms in terms of requirements for public transport and open space so the contribution remains appropriate.

In addition, the s106 Agreement must also include:-

- "car-free" scheme, preventing residents not allocated a parking space from applying for car parking permits.
- Sustainability measures, including 10% renewable on site general.
- Join and adhere to the Construction Management Plan (CMP).
- Affordable Housing - a contribution of £110,000 towards the provision or promotion of affordable housing within the borough.
- Section 278 to secure the construction of a lay-by on Chamberlayne Road

## **Other**

A number of conditions were attached to the application 06/2993 to ensure that a high quality development was secured, a number of these conditions have since been approved by officers. However as this is a full new application the development proposed under this application would

not be tied to the details of the conditions, as such, unless the details are resubmitted, the conditions will need to be dealt with again. The applicant has been notified of this and may reprovide the details prior to the committee date, in this event the conditions could be removed, this will be confirmed in a supplementary report.

## **Conclusions**

The principle of the loss of this former petrol station and redevelopment for a mixed use is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting and, although plainly different, fairly unique piece of contemporary architecture in this part of London. The site is identified in the South Kilburn SPD as an opportunity for a "landmark" building and represents the opportunity to provide a significant sense of entering the South Kilburn regeneration area. The quality of accommodation is also considered to be good, given the internal dimensions of each unit, and treatment of external space and 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

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

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

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs

## **CONDITIONS/REASONS:**

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

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

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

2914/PL/1000  
2914/WD/100 X REVISED

2914/PL/101 C  
2914/PL/103 C  
2914/PL/105 C  
2914/PL/107 C  
2914/PL/109 C  
2914/PL/201 C  
2914/PL/203 C  
2914/PL/205 C

2914/PL/102 C  
2914/PL/104 C  
2914/PL/106 C  
2914/PL/108 C  
2914/PL/110 E  
2914/PL/202 C  
2914/PL/204 B  
2914/PL/206 C

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

- (3) Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved 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.

- (4) 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.

- (5) Notwithstanding the submitted plans this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (6) All areas indicated for landscape works on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to completion of work on the site, and such landscaping work to be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall also indicate:-

- proposed walls and fencing, indicating materials and heights;
- other appropriate matters within the context of a landscaping scheme, such as details of seating, usage of areas and areas of hardsurfacing;
- treatment of the area fronting Chamberlayne Road and Banister Road;
- treatment of the roof terraces, including methods of screening the areas to prevent overlooking, and balconies;
- proposals for maintenance.

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 and size to those

originally planted.

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

- (7) Details of materials for all external work (including windows, balcony details), with samples, as well as the precise choice of cladding consisting of sample panels, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (8) A scheme providing for the insulation of the proposed dwelling units against the transmission of external noise and vibration from the adjacent railway line, and the proposed commercial premises, shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the building. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the dwelling units are occupied.

Reason: To safeguard the amenities of future occupiers of the development and in order to comply with PPG24 "Planning & Noise".

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

- details of refuse and recycling facilities;

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

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

## **INFORMATIVES:**

None Specified

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