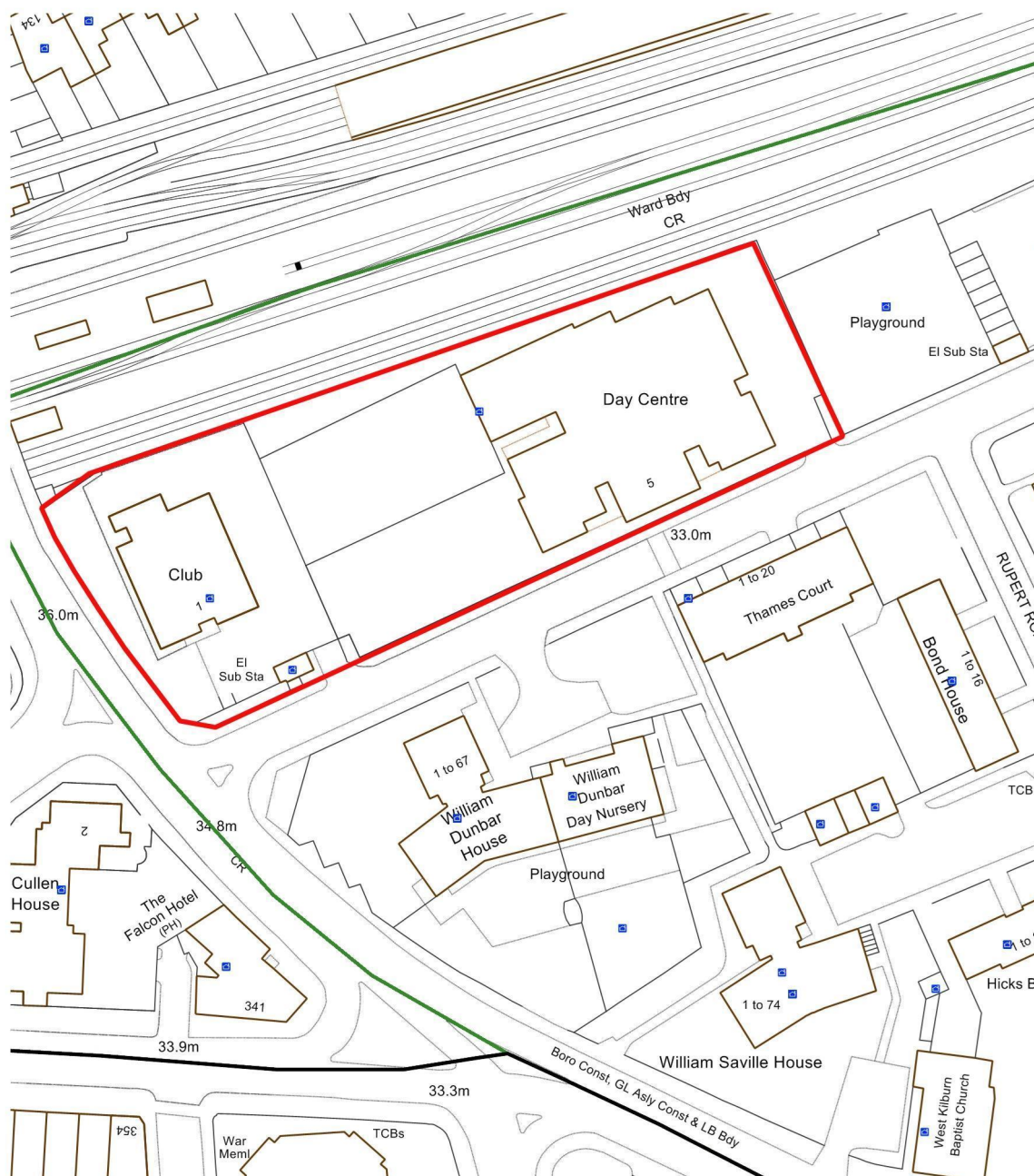
 **Planning Committee Map**

Site address: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT

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This map is indicative only.

RECEIVED: 11 June, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT

PROPOSAL: Outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4)

APPLICANT: The London Borough of Brent

CONTACT: Brent Council

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 20% Affordable Housing (28 dwellings, including a minimum of 6 three and 1 four bed units).
- Contribution of £718,400 (£3000 per room, £2400 per AH bedroom) towards education, open-space, transportation and sport.
- All units shall be permit-free, except where existing South Kilburn residents with permits are decanted into the new development.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4.
- Achieve a BREEAM rating of 'Excellent' for the commercial element of the development.
- Adhere to the Demolition Protocol, with compensation should it not be delivered.
- Provide at least 20% of the site's carbon emissions through onsite renewable generation.
- The provision of on-street tree planting (on-site tree planting can be addressed by condition)
- Join and adhere to the Considerate Contractors scheme.
- Prior to occupation submit, gain approval for and adhere to a Travel Plan, which should include a commitment to funding subsidised membership of a Car Club.
- To notify "Brent In2 Work" of all job vacancies, including those during construction

- Contribution of £518,400 to be used to connect the site to any Decentralised Heat / Energy Network and allow for future connection. (Contribution to be returned should no Decentralised energy network exist within a period of 5 years from practical completion of the development)

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

In addition, the Mayoral CIL multiplier is also payable here at a rate of £35 per square metre of total net additional floorspace.

EXISTING

This site is known as Site 11B within the South Kilburn Regeneration Area. It is sited on the north side of Albert Road, immediately to the east of the junction with Salusbury Road. At present the site comprises the West Kilburn branch of the British Legion and the Albert Road Day Care Centre.

PROPOSAL

See description above.

HISTORY

There is no relevant planning history relating to this site, but Members will be aware of a number of applications that have been determined in the immediate locality.

To the east of this site is Site 11A, which was formerly Marshall House, and which has been recently developed for residential purposes under permission 09/3319 (demolition of 4- and 5-storey block of flats and erection of 2 new blocks, ranging from 4 storeys to 11 storeys in height, comprising 153 self-contained flats and maisonettes, 113 of which are Affordable).

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

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

Where PPG's, PPS's, LDF Core Strategy, SPD's, SPG's and UDP saved policies are referred to in the report below they have been considered in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012. The following local policy documents need to be taken into account in the assessment of this application:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004 (UDP)

Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).

Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"

Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"

The Masterplan for the Regeneration of South Kilburn (2004)

Supplementary Planning Document: Planning Obligations

Unitary Development Plan 2004

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

BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.

BE4 Access for disabled people.

BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

BE6 High standards of landscape design is required as an integral element of development schemes.

BE7 A high quality of design and materials will be required for the street environment.

BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).

H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.

H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car

parking and features housing facing onto streets.

H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN10 Walkable Environments

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

Core Strategy 2010

CP1 Spatial Development Strategy

CP2 Population and Housing Growth

CP5 Place Making

CP6 Design and Density in Place Shaping

CP9 South Kilburn Growth Area

CP14 Public Transport Improvements

CP15 Infrastructure to Support Development

CP16 Town Centres and the Sequential Approach to Development

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A Balanced Housing Stock

SUSTAINABILITY ASSESSMENT

This application is in outline form only and as such there is not enough detailed information in relation to the design and layout of the proposals to produce the reports required to demonstrate compliance with current planning policy and guidance on sustainability.

However, the applicants have provided confirmation of the sustainability targets they will meet through the detailed design of the proposals. These targets include the submission and adherence to a sustainability checklist with a score of at least 'Very Good' (51%+). The residential units will be constructed to Code for Sustainable Homes Level 4 and the commercial space will be constructed to BREEAM rating 'Excellent', in accordance with policy CP19 of Brent's Core Strategy.

Further to the site specific energy efficiency measures proposed, there is also the potential that the site will achieve further efficiency improvements in the future when the South Kilburn Decentralised Energy Centre is delivered. The Council with the support of consultants are currently going through the process of procuring a partner to install and manage such a centre and administer the billing of the energy to tenants.

Eight potential ESCOs have submitted returns at Pre Qualification Questionnaire stage. The Council will receive returned Tenders for the delivery of the system in September 2012. As the proposed development is

likely to come forward before the decentralised energy centre is complete the Council will seek to ensure that the development is designed to be capable of connecting to the decentralised network and to provide a contribution of £3600 per unit for connection to the network when it is operational.

The sustainability measures referred to in the statement will be secured through appropriately worded clauses within the legal agreement that will be required through this development.

CONSULTATION

A comprehensive external consultation procedure has been undertaken for this application. This has included notifying over 400 local properties and businesses by letter, installing 2 site notices around the site and serving notice in the local press.

As a result of this consultation 3 comments have been received from members of the public.

All three comments are supportive of the proposed redevelopment of this site but would seek clarification on details of development to ensure that it is in keeping with the character of the area and that it will not have a detrimental impact on neighbouring amenity.

City of Westminster

As an adjoining Authority, they have confirmed that they have no objections to the proposals.

Transportation Engineers

No objections to the proposals subject to a legal agreement to secure:-

- (a) A 'car-free' agreement removing the right of future residents of the 116 private units within the development to on-street parking permits in the vicinity of the site;
- (b) Implementation of an enhanced version of the Travel Plan, to include the provision of subsidised Car Club membership for residents;
- (c) Submission and approval of a Delivery Strategy for the proposed commercial unit;
- (d) An agreement under S38/278 of the Highways Act 1980 to facilitate: (i) the widening of the Salusbury Road footway fronting the site to incorporate a loading bay on a shared surface in general accordance with drawing MLA/303/L/110/P1; and (ii) the undertaking of highway works along Albert Road to provide new footway surfacing, sheltered parking bays and speed tables along the site frontage to a similar standard to works already undertaken at the eastern end of the street, together with all ancillary and accommodation works; and
- (e) the promotion of Car Clubs in the vicinity of the site,

In addition, conditions requiring the submission and approval by the LPA of further details of refuse and recycling storage and collection arrangements to satisfy Brent's Recycling & Waste team and further details of public and private bicycle parking provision are required.

Landscape Design

Officers require a fully detailed tree survey from the applicant in due course. It is likely that all trees on the site are to be removed and this possibility has been considered by Officers. No objections to the proposal subject to a condition requiring the submission and approval of detailed landscape proposals.

Urban Design and Regeneration

The indicative plans raise a number of issues that will need to be addressed at the detailed planning stage. This is expanded on in the Remarks Section below.

REMARKS

APPLICATION BACKGROUND

This proposal forms part the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. The New Deals for Communities (NDC) programme is no longer in existence and an alternative

approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

SOUTH KILBURN CURRENT PLANNING CONTEXT

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish. In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession meant the Consortium was no longer able to deliver the regenerative development programme. As a result, Members will be aware that the Council itself has been leading the regeneration programme bringing individual sites forward with a number of different partners with a wide range of different funding opportunities. However, the key objective remains the delivery of the overall regeneration programme.

At this stage, it is considered that the South Kilburn redevelopment is going well. The first phase of over 350 homes either has been, or will be, completed this year. In addition, 208 further homes have been approved and will start on site this summer. At a recent Planning Committee, an application for a mixed use scheme including 137 units was approved, subject to a legal agreement, on the Queens Park Station site, on the opposite side of Salusbury Road.

To update Members, of the residential units that have been built, are under construction or are awaiting approval (including this application) within South Kilburn 51% are affordable units and of these 29% are 3-beds. 20% of all the units throughout the area are 3-bed units.

MASTERPLAN & PRINCIPLE OF REDEVELOPMENT

The current application represents a departure from the previous approach of obtaining detailed planning approval for each site prior to the disposal of the site to an appropriate development partner. As explained above, this approach has been successful in ensuring high quality redevelopment of a number of sites across the regeneration area. However, this application is submitted in outline form only, seeking consent for the quantity and type of development proposed, but with all other matters reserved for consideration at a later stage. Indicative plans and elevations have, however, been submitted to demonstrate how the site could accommodate the level of development proposed, but they are only indicative. Those drawings indicate 3 blocks with one fronting onto Salusbury Road, including commercial floorspace at ground floor, and the other two "L" shaped in form with the longest elements to the rear of the site parallel to the railway line.

Site 11b falls within Phase 2 of the South Kilburn Masterplan and also forms part of a Site Specific Allocation within the Council's Local Development Framework document adopted in 2011. This sets out an indicative development capacity for this site of 173 units to be completed between 2014-2016. As explained, the current proposals are for 144 residential units, with a split of 20% social rent and 80% market housing, as well as 480 sq metres of flexible commercial space on the Salusbury Road frontage. For clarity, this application proposes 29 units less than the LDF's site specific allocation.

The application has a site area of 0.69ha and with the level of development proposed this will result in a density of 209 units per hectare. This is in accordance with London Plan requirements for Urban Areas with a very good, or excellent, public transport accessibility (PTAL 5 & 6). It would also accord with the South Kilburn SPD which identifies the site as one where a density of 900-1500 habitable rooms per hectare.

The application will involve the demolition of all existing buildings on the site to make way for the re-development of the site for the mixed use residential and commercial scheme. The existing buildings are not of any architectural merit in their own right, but do provide accommodation for the British Legion Social Club and the Albert Road Day Care Centre.

Core Strategy and UDP policies seek to resist the loss of community uses, such as these, unless they are re-provided elsewhere within the local area. The LDF site specific allocation for the site states that off-site provision of community facilities will be acceptable where it improves the implementation of development on the site. The existing adult day care services provided at the Albert Road Centre are to be re-provided in the John Billam Centre in the north of the Borough which is currently under construction and scheduled to open in Autumn 2012. This new centre will be purpose built for the provision of care services and forms a key part of the Day Opportunities Strategy agreed by the Council in 2010. This facility is more centrally located within the

Borough and will replace a number of older day centres, including the Albert Road Day Care Centre.

The existing British Legion Social Club is not under the control of the Council. However, Officers have been in discussions with the organisation and a temporary location for this facility is available in the former Sir Robert Peel Public House in Peel Precinct within the South Kilburn Regeneration Area. The Council have already secured planning permission (11/3228) for the change of use of the former public house allowing it to be renovated prior to the occupation by the British Legion.

As a result, it is considered that the issue of dealing with the existing community facilities on the site has been adequately dealt with and that, therefore, the principle of developing the site is acceptable.

HOUSING ISSUES

PROPOSED HOUSING

The priority objectives for this site in relation to the wider South Kilburn Regeneration Programme are to achieve a sufficient land receipt to be reinvested in the regeneration programme and to make a contribution of 28 affordable units for decant accommodation.

A total of 144 residential units are proposed and of these 28 units would be for affordable rent, representing 20% of the total number of flats. London Plan Policy towards affordable housing seeks to ensure that the maximum reasonable amount of affordable housing is sought on individual private residential and mixed use schemes.

Dealing specifically with this point, an affordable housing statement has been submitted with the application. Although the proposal would provide only 20% on-site affordable housing, the wider programme across South Kilburn is, as explained above, on target to deliver an average of 51% affordable housing across all the sites in the regeneration areas phases 1 and 2.

The requirement to provide a quantum of affordable housing is also driven by the current decant needs within South Kilburn. Site 11b is only forecasted to provide 28 affordable units for decant and although if considered in isolation it would be contrary to current policy and guidance, as explained above the proposal has to be viewed within the wider context of the regeneration of the South Kilburn Area and in particular the need to provide decant accommodation for existing residents, while also generating receipts to fund the redevelopment of sites in later phases of the programme.

UNIT MIX

The table below details the proposed tenure and unit mix for the proposed development.

	Private Units	Private Mix (%)	% Total	Affordable units	Affordable mix (%)	% Total	Total	Total Mix (%)
1-bed (2p)	35	30.2	24.3	11	39.3	7.6	46	31.9
2-bed (3p)	22	19	15.3	0	0	0	22	15.3
2-bed (4p)	59	50.8	41	10	35.7	6.9	69	47.9
3-bed (5p)	0	0	0	6	21.4	4.2	6	4.2
4- bed (7p)	0	0	0	1	3.6	0.7	1	0.7
Total	116		80.6		28	19.4	144	100

The Council under policy CP2 of Brent's Core Strategy seeks to ensure that 25% of all new homes are family sized homes (3+ bedrooms). With this proposal only 5% of the proposed dwellings will be family sized dwellings. However the high proportion of two-bed and one-bed units needs to be viewed within the wider context of the existing regeneration programme within South Kilburn.

The existing housing stock, which is predominantly social housing, contains a high proportion of smaller 1 and 2-bedroom households. The decant driven need of the regeneration programme helps to explain the relatively high proportion of affordable 1 and 2 bedroom units proposed within the scheme. If insufficient 1 and 2 bedroom units are provided within the regeneration programme then the Council will be unable to meet the forecasted decant need locally. As such the proposed high concentration of 1- and 2-bed units within the affordable provision is considered to meet the local housing need and the Council's regeneration objectives set out in the Core Strategy in relation to regeneration and housing meeting local needs objectives.

Policy CP21 of Brent's Core Strategy requires the maintenance and provision of a balanced housing stock in the borough, including the provision of family sized houses on suitable sites providing 10 or more homes. As described above, the mix of units in the affordable housing offer is identified as targeting a specific need in South Kilburn, so while it does not provide a mix including family size units in this specific location and at this specific point in time in the regeneration of South Kilburn the proposed unit size in terms of bedroom numbers of the affordable units is acceptable.

ECONOMIC VIABILITY

The submitted toolkit has set out that the maximum level of affordable housing that can be achieved on this site is 20%. As explained in detail above, the tenure mix and unit size is considered to be meet local housing need as set within the context of the regeneration programme for South Kilburn Regeneration Area.

The toolkit is based on assumptions relating to the sales values of the proposed residential units and the costs of the development. The proposed sales values are based on a market research undertaken in October 2011 by Savills for the London Borough of Brent. As the proposal is for outline planning only the build costs used are bench mark figures of the GLA toolkit.

The London Plan sets out the parameters under which affordable housing contributions for individual sites should be negotiated. The policy makes clear that, whilst affordable housing targets are clearly to be considered, other factors such as viability and the need to deliver new homes should also be taken into account. The toolkit seeks to demonstrate that the delivery of 20% affordable housing would be acceptable. Officers consider that the requirements of wider South Kilburn regeneration and the viability of the scheme mean that the proposed quantity and mix of affordable housing are acceptable.

DESIGN CONSIDERATIONS

As explained above, although the scheme is submitted in outline form only it does include some information to indicate how it could be developed. In terms of this submitted indicative information, the Council's Head of Design continues to feel that the scheme is not properly represented at the moment in order to fully understand the visual impact of the development. It is acknowledged that an outline application such as this with no details submitted might provide maximum flexibility, as far as the applicant is concerned for future marketing, but it does provide challenges when it comes to beginning to assess the implications of seeking to provide a specific number of residential units on a site. In this particular instance, whilst it might be preferable to have more information at this stage, the form of the application does not require it and the message should be clearly stated that at the very least a three dimensional study of the views from Salusbury Road and along Carton Vale should be submitted with any subsequent detailed submission.

COMMERCIAL USES

The proposed development includes the provision of 480sqm of commercial floor space on the ground floor of the proposed building fronting onto Salusbury Road. To the North of Queens Park Rail and Tube Station, Salusbury Road is the main street of the successful Queens Park District Centre. The most recent survey data collected by Experian in 2011 showed that there were no vacant premises within the primary frontage of this shopping centre and there is little scope for the expansion of the existing commercial units, given the physical constraints of the road. The proposed development provides the opportunity to expand the existing town centre to provide a sequentially appropriate extension to the existing town centre which would provide

further links between the primary shopping frontage of the District Centre on Salisbury Road with the secondary frontage along Kilburn Lane. The proposed commercial floorspace is considered to be in accordance with the SPD and Core Strategy requirements. As the layout of the proposed development is a reserved matter a condition will be attached to ensure that the primary frontage of the unit fronts onto Salisbury Road as wrapping the commercial accommodation round into Albert Road would not be appropriate.

For clarity, the application proposes A1/A3/A4 uses in the commercial unit, meaning that retail, cafe/restaurant or public house/bar would occupy the floorspace.

RESERVED MATTERS

Scale and Layout

As explained above, indicative plans and elevations have been submitted with the outline application showing that the development could consist of two L-shaped residential blocks of 5-6 storeys in height, which will help to define two large courtyards fronting onto Albert Road. A 6-8 storey mixed use-building will define the frontage onto Salisbury Road.

This is below the maximum indicative height for this site of 11 storeys set out in the South Kilburn SPD, as well as the recently built neighbouring development on Albert Road (Site 11a). The indicative layout of the proposed block has been designed to create a barrier to the noise from the adjacent railway line which will serve to protect the communal courtyards and make these spaces to be well used and enjoyed. The Council's Urban Designer has identified specific aspects of the scale and layout of the proposed development that will require careful consideration at the detailed design stage. These include the relationship between the separate residential blocks and the need to ensure acceptable distances between buildings to protect amenity of prospective residents and also the bulk and massing of the proposed mixed-use block fronting onto Salisbury Road. All of these matters would need to be dealt with at the reserved matters stage.

Access

Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a Controlled Parking Zone, a reduced allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-/4-bed property applies to this development. As such, up to 104 car parking spaces would be allowed for this proposal and the proposed absence of any off-street car parking provision within the site complies with standards.

However, consideration still needs to be given to the impact of any overspill parking from the site on the free and safe flow of traffic in the area. To this end, only 11 car parking spaces are currently available along the site frontage, although this could potentially rise to 19 spaces with the removal of the existing vehicular accesses and zig-zag markings along this part of Albert Road (although only 14 are indicated on the plans, with space retained for tree planting and bin store access).

Although there is some dispute about the existing traffic and parking conditions and the possible reasons for them, it does seem evident that many on street spaces are occupied at present, impacting on the scope to safely accommodate any overspill parking from this development along the site frontage.

The Council's Transportation Engineer has expressed some concern about this development and considers that it is necessary for all proposed units to be "permit-free" controlled through a legal agreement. The demand for parking along Albert Road has increased since George House and Swift House (site 11a) were completed, due at least in part to the issuing of a number of additional temporary parking permits (30 in total) to residents that have been decanted into car-free flats within the building that already owned cars. These permits have been issued for one year only and are not intended to be renewed thereafter.

As such, existing parking demand in the street should ease somewhat by the time the redevelopment of this site is complete, which should then offer scope to accommodate some limited overspill parking from this development. Whilst the Transportation Engineer would wish to see a permit-free agreement for all of the proposed units to support this scheme (which is acceptable given the high PTAL value and the presence of a CPZ in the area) Officers do consider that the fact that the flats will play an important role in providing decant accommodation within South Kilburn does mean that a more relaxed approach can be taken here as an exception to the well-established approach to residential development within the Borough. The private flats would be permit-free and that is not an issue at this stage and the affordable accommodation would be permit-free, except where existing South Kilburn residents bring a permit with them from their current

residence. This would be dealt with through the legal agreement.

Members will be aware that this is something of an unusual approach to the issue, but Officers consider it to be, on balance, acceptable. It is hoped that a more co-ordinated estate wide car parking strategy will be forthcoming to deal with future phases of development, as the issue of how to deal with decanting residents is not unique to this site.

With regard to servicing, the refuse stores as shown on the indicative plans have been located within the ground floor of each block. However, these are all 25-30m from the highway boundary with Albert Road, thus greatly exceeding the maximum wheeling distance for Eurobins of 10m set out in Brent's Waste & Recycling Storage & Collection Guidance. It is therefore proposed that the site management company will arrange for the bins to be moved to a location within 9m of the highway boundary on refuse collection days. An informative is attached stating that all interested parties should contact Brent's Recycling & Waste team to discuss how best to deal with the issue and it may be that the refuse stores would need to be resited much closer to Albert Road to allow bins to be collected. A condition deals with this point.

A 19m long shared surface bay has been shown on the Salisbury Road footway in front of the proposed commercial unit to allow it to be serviced. In order to accommodate the bay, the building is set back 6-8m from the kerb line of Salisbury Road, allowing a 3.5m wide footway to be retained to the rear of the loading bay. This is considered to be an acceptable compromise, subject to suitable restrictions within the lay-by to retain its use for loading only. The additional footway and lay-by will need to be constructed to appropriate standards at the developer's cost and thereafter dedicated as highway maintainable at the public expense under a S38/S278 Agreement under the Highways Act 1980.

To supplement the bay, a Delivery Strategy is proposed to be developed in conjunction with the commercial unit's occupier. This is intended to set out suitable times for deliveries to the premises, including avoidance of the morning peak hour and night-time deliveries. This would be welcomed. In addition to the loading bay, highway works have been indicated along the Albert Road frontage of the site, involving the widening of the highway into the site by about 2m to allow parking bays to be provided along the line of the existing footway, with the footway pushed back into the site accordingly. The existing carriageway width of 7.3m is sufficient to safely accommodate on-street parking along both sides and this widening is not therefore considered to be necessary. Indeed, it would reduce an already narrow development site further, whilst encouraging greater traffic speeds along the resultant wider street.

The Transportation Engineer instead recommends that the scheme replicates the highway works carried out as part of the George House/Swift House (site 11a) development. This would involve improving the quality of the footway paving and the surfacing of the parking bays, including the provision of build-outs, tree planting and raised speed tables. These works will also incorporate the removal of the existing crossovers and zig-zag markings along Albert Road, allowing the parking bays to be extended. The developer will also need to meet the cost of processing amendments to the relevant Traffic Regulation Orders, which will need to cover the whole of Albert Road. All of the above should be included in the S278 Agreement for the site.

Appearance

Throughout the regeneration of the South Kilburn Area the Council have required that all buildings demonstrate an exceptional quality in overall composition, detail and the accommodation that they provide. The reservations of the Council's Design Manager are set out above as far as they relate to what has been submitted at present and the future detailed application for the appearance of the building will need to demonstrate compliance with requirements for the appropriate arrangement and distribution of massing through articulation, in both the vertical and the horizontal planes, legibility of entrances, innovative and appropriate fenestration and high quality materials.

Trees and Landscaping

The level of amenity provision shown will be in excess of the requirements set out in the London Plan and SPG 17: 'Altering and Extending Your Home'. The Council's Landscape designer has viewed the indicative proposals for the communal amenity space and has confirmed that an appropriate level of amenity could be provided for a development with this provision of housing. Nevertheless a condition will be attached to ensure that the proposed communal amenity spaces provide a minimum of 20sqm per flat in accordance with SPG 17 specifications that is acceptable in terms of both quantity and quality. Full landscaping details, including on-street tree planting (which should be London Plane trees) to accord with the wider strategy for tree planting within the regeneration area are conditioned.

As far as existing trees on the site are concerned Officers consider that there are no trees, or groups of trees, on the site of such high amenity or biodiversity value that their presence dictates a specific design change. They do, however, consider that an honest appraisal of the tree stock that will be lost should be provided in the future so as to help to formulate a replacement strategy either on site or in the surrounding area, via a legal agreement. The detailed tree survey should include species, sizes and BS5837:2012 categories.

Legal Agreement and Conclusions

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.

As part of the site is currently Council owned, the Council has more control over the matters set down in the proposed Heads of Terms than it otherwise would and will be able to ensure that the agreement is adhered to. The precise details over what goes into the agreement is set down at the head of this report. Highway works are also required to be agreed with the Highway Authority as part of the development proposal and they should be included in any agreement.

Although there are a number of issues here, in particular affordable housing provision and on-street car parking, where a balanced view has to be taken and significant weight attached to the role that the site can play in the wider regeneration of South Kilburn, it is considered that the proposed type and quantum of development are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan. On this basis, it is recommended that outline consent is granted, subject to the legal agreement referred to above and the conditions set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance 17
South Kilburn SPD

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
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

(1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of three years from the date of this permission; or

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 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):

- MLUK-303-L-002-P1

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

- (3) The relevant part of the development as hereby permitted shall not commence until the Reserved Matters of the relevant part of the proposed development have been submitted to and approved in writing by the Local Planning Authority and that part of 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:-

- i) Access
- ii) Appearance
- iii) Landscaping
- iv) Layout
- v) Scale

Reason: These details are required to ensure that a satisfactory development is achieved. For the avoidance of doubt, the definitions of Reserved Matters are contained within Circular 01/2006 and other conditions may require further information concerning details required.

- (4) Prior to the commencement of any of the residential development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that residential premises will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

Criterion	Typical situations	Design range $L_{Aeq, T}$
Reasonable resting – 23:00) conditions	Living rooms	30 – 40 dB (day: T =16 hours 07:00
Reasonable sleeping – 07:00) conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 L_{Amax} 45 dB (night 23:00 – 07:00)

If the above internal noise levels are not achieved then further works, in accordance with details specified by the Local Planning Authority, shall be carried out in order to achieve such levels.

The submitted details shall include an up to date assessment of local noise levels including noise from the adjacent rail line.

Reason: To safeguard the amenity of future occupants of the development

- (5) The proposed commercial element shall have its primary frontage onto Salusbury Road only.

Reason: To ensure that the commercial element supports the existing district retail centre along Salusbury Road.

- (6) The proposed communal amenity areas shall provide a minimum of 20sqm of amenity space per residential unit.

Reason: To ensure a satisfactory quality of development for prospective residents.

- (7) Any car parking proposed within any future subterranean or basement car park on the site shall not exceed a parking standard of 0.5 spaces per unit.

Reason:

In order to allow the Local Planning Authority to exercise proper control over the development in the interest of highway and pedestrian safety in the locality.

- (8) 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.

- (9) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the Salusbury Road commercial floorspace hereby permitted shall only be for the purpose of Use Class A1 or Use Class A3 or A4 providing that any extraction equipment required for those uses are approved by the Local Planning Authority in advance of occupation.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

- (10) No phase of the development hereby permitted shall commence (save for demolition) until samples of the external materials and finishes to be used for all external surfaces relevant to that phase (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

- (11) Prior to the commencement of development a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the different phases of the development shall be implemented in accordance with the approved plan.

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

- (12) The remainder of the undeveloped land within the curtilage of the site, within the relevant parts of the development hereby permitted shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass (including species, plant sizes and planting densities), in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on the site; such landscaping work shall be completed prior to occupation of the building(s) within these phases, or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved maintenance arrangement shall be fully implemented.

Such a landscaping scheme shall also indicate:-

- (a) a full tree survey of all trees on the site
- (b) full details of the proposed play space including equipment, surfacing, boundary treatments and planting
- (c) all existing and proposed levels throughout the site
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) full details of the proposed arrangements for maintenance of the landscaping for the first 5 years
- (f) full details of the proposed boundary treatments and fencing within the site and around the perimeter of the site. indicating materials and heights
- (g) details of screen planting along and surrounding proposed car parking areas
- (h) areas of hard landscape works and proposed materials
- (i) full details of replacement trees and tree protection measures to be carried in accordance with BS 5837:2005 for any existing trees to be retained within the relevant parts of the development during construction.
- (j) full details of the construction of any podium decks

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

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

- (13) Submission of a Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development shall be submitted to the Local Planning Authority, and complied with thereafter in accordance with the submitted plan.

Reason; to ensure that waste generated by the development is minimised.

- (14) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of each relevant phase of the development. 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.

- (15) Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority before any work commenced on the relevant phase to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway, and that satisfactory gradients are achieved.

- (16) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for South Kilburn, Site 11, Zone 11A prepared by Ardent Consultants (October 2009) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 100 year critical storm so that post development run-off is at least 50% that of pre-development run-off. This is in line with the

London Plan. Detailed drainage diagrams and calculations should be submitted to the Local Authority for review prior to commencement of development any mitigation measures required by the Local Planning Authority shall be fully implemented..

- Provision of compensatory flood storage on/or in the vicinity of the site to a 1 in 100 year climate change standard in accordance with details submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development.

Reason: To prevent flooding by ensuring satisfactory storage/disposal of surface water in line with Environment Agency comments.

- (17) A delivery and servicing plan must be submitted to, and approved in writing by, the Local Planning Authority prior to the development hereby approved commencing (save for demolition works).

Reason: In the interests of highway and pedestrian safety.

- (18) No water or effluent should be discharged from the site or operations on the site into the railway undertakers culverts or drains. Details of the proposed drainage shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail, and the works shall be carried out in accordance with the approved details.

Reason: In order to exercise proper control over the development.

- (19) Prior to commencement of works (not including demolition) full details of excavations and earthworks to be carried out within 10 metres of the railway undertakers boundary fence should be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail, and the works shall only be carried out in accordance with the approved details.

Reason: In order to ensure that the development does not compromise railway operational land.

- (20) Development shall not take place until a refuse management strategy for the moving of bins to and from a collection point, to be agreed in writing with Highways, no further than 9m from , is submitted to and approved in writing by the local planning authority. Once the strategy has been approved it must be fully implemented.

Reason: To ensure that the proposed development has adequate standards of hygiene and refuse collection are provided.

INFORMATIVES:

- (1) The applicant is informed that they must contact Network Rail, Town Planning, 1 Eversholt Street, London NW1 2DN (020 79047403) before any works commence on the site as it adjoins operational railway land. Consent must be obtained from Network Rail and they must be contacted a minimum of 6 weeks prior to the proposed date of commencement of works.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (3) The applicant is informed that whoever carries out the works in the future is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to

18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

(4) The applicant is informed that although the following plans were submitted with the application, this is an outline submission only with all matters reserved. They are, therefore, considered for indicative purposes only:

- MLUK-303-L-001-P1
- MLUK-303-L-003-P1
- MLUK-303-L-004-P1
- MLUK-303-L-005-P1
- MLUK-303-L-006-P1
- MLUK-303-L-007-P1
- MLUK-303-L-008-P1
- MLUK-303-L-009-P1
- MLUK-303-L-010-P1
- MLUK-303-L-110-P1
- MLUK-303-L-111-P1
- MLUK-303-L-112-P1
- MLUK-303-L-113-P1
- MLUK-303-L-114-P1
- MLUK-303-L-115-P1
- MLUK-303-L-116-P1
- MLUK-303-L-117-P1
- MLUK-303-L-200-P1
- MLUK-303-MA-
- MLUK-303-MA-
- MLUK-303-MA-
- MLUK-303-MA-
- MLUK-303-SR-
- MLUK-303-SR-

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229