Strategic planning application stage 1 referral (new powers)


The proposal

Full planning permission for redevelopment of site in a building up to nine storeys to contain a mixed use development comprising 137 residential units, commercial floor space, and public space, together with public highways and associated works.

The applicant

The applicant is Brent Council and the architect is Maccreanor Lavington.

Strategic issues

The principle of the redevelopment of the site at the density proposed is supported however, further justification of how the affordable housing level and housing mix were arrived at is required at before it can be agreed that the scheme is compliant with the London Plan.

Further work is also required in relation to design, play space, inclusive design, transport and climate change to ensure full compliance with the London Plan.

Recommendation

That Brent Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 95 of this report; but that the possible remedies set out in paragraph 97 of this report could address these deficiencies.

Context

1 On 23 April 2012 the Mayor of London received documents from Brent Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 31 May 2012 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.
The application is referable under Category 1B of the Schedule to the Order 2008:

“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings… (c) outside Central London and with a total floorspace of more than 15,000 square metres.”

Once Brent Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

**Site description**

This 0.76 hectare site contains four buildings, including a now disused printing press warehouse, adjoining offices occupied by Transport for London, the Falcon public house, and Cullen House, a three storey residential building containing 31 units. A pay and display public car park for 39 cars also occupies part of the site.

![Figure 1: site location (source: submitted DAS)](image)

The site is bounded by Kilburn Lane to the south, Claremont Road to the west, Salusbury Road to the east, and a railway line to the north that serves the Bakerloo Line, London Overground and the West Coast Mainline. Queen’s Park Station entrance is beyond the viaduct directly to the north. A gyratory runs through and around part of the site and a bus stand for the route 36 bus is located in front of the site on Claremont Road.

The site is located within the London Borough of Brent, but adjoins the boundary with the City of Westminster, which runs along Kilburn Lane and forms the southern boundary of the site. The Queen’s Park Conservation Area sits to the south of this, characterised by a series of two storey workers cottages. Directly opposite is a row of shops with flats above and a church. The site is to the west of the South Kilburn Estate, which is the subject of a regeneration masterplanning programme by Brent Council. It is noted that two tower blocks fronting Salusbury Road, directly opposite the site, will remain in-situ and do not form part of the regeneration proposals.
The site in a highly accessible location with a public transport accessibility level (PTAL) of 6a (in a range of 1 to 6 where 6 is excellent). The entrance to Queen’s Park station is approximately 50 metres from the northern boundary of the site and provides access to Bakerloo line services as well as the London Overground - Euston to Watford Junction line. Kilburn Park station, which also provides access to the Bakerloo line, is located within 800 metres. Five bus routes operate close to the site with stops within the site itself that serve routes 6, 36, 187 and 316. In addition, route 206 stops on Salusbury Road, some 200 metres to the north. The site is remote from the Transport for London Road Network (TLRN) as the nearest section, the A40 Westway, is located over 1.3 kilometres away. The nearest part of the Strategic Road Network (SRN), the A5 Kilburn High Road is also located approximately 850 metres to the east. The entire road network adjacent to and within the site, including the Premier Corner, is part of the boroughs’ highway.

**Details of the proposal**

Full planning permission is sought for demolition of the existing buildings on the site, and removal of car park and gyratory, and redevelopment of the site for a mixed use scheme. This would comprise 137 residential units, 1,270 sq.m. of retail space, and 959 sq.m. of offices within buildings up to nine storeys, together with public and private amenity space, and parking beneath the central podium.

**Case history**

A pre-application meeting was held with GLA officers in February 2012, where the principle of redevelopment was supported, subject to further information and clarification in relation to affordable housing, design, inclusive design, climate change and transport.

As noted above, this development forms part of a wider regeneration programme for the South Kilburn Estate involving demolition and re-provision of approximately 1,200 new homes for tenants, with an addition 1,200 new homes for sale. Four earlier phases of the programme have received planning permission, with two under construction and one recently having sought planning permission (Bronte and Fielding House PDU/2650a).

**Strategic planning issues and relevant policies and guidance**

The relevant issues and corresponding policies are as follows:

- **Land use principles**
  - London Plan
  - London Plan; Housing SPG; Interim Housing SPG; draft Housing SPG; Housing Strategy; draft Revised Housing Strategy; Providing for Children and Young People’s Play and Informal Recreation SPG; draft Providing for Children and Young People’s Play and Informal Recreation SPG;

- **Housing**
  - London Plan; Housing SPG; Interim Housing SPG; draft Housing SPG; draft Affordable Housing SPG; Housing Strategy; draft Revised Housing Strategy; draft Early Minor Alteration to the London Plan

- **Affordable housing**
  - London Plan; Housing SPG; Interim Housing SPG; draft Housing SPG; draft Affordable Housing SPG; draft Affordable Housing SPG; Housing Strategy; draft Revised Housing Strategy; draft Early Minor Alteration to the London Plan

- **Density**
  - London Plan; Housing SPG; Interim Housing SPG; draft Housing SPG

- **Urban design**
  - London Plan;

- **Access**
  - London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
• Sustainable development  London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy
• Ambient noise  London Plan; the Mayor’s Ambient Noise Strategy;
• Air quality  London Plan; draft Early Minor Alteration to the London Plan; the Mayor’s Air Quality Strategy;
• Transport  London Plan; the Mayor’s Transport Strategy; Land for Transport Functions SPG,
• Parking  London Plan; draft Early Minor Alteration to the London Plan; the Mayor’s Transport Strategy

13 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2011 Brent Core Strategy, the adopted Site Specific Allocations DPD (2011), the 2004 Brent Unitary Development Plan and the 2011 London Plan.

14 The Brent Council South Kilburn Masterplan SPG, the National Planning Policy Framework and Technical Guide to the National Planning Policy Framework, and the Early Minor Alteration to the London Plan are also relevant material considerations.

Land use principles

15 This site is within the South Kilburn Estate, which is being redeveloped as part of comprehensive regeneration programme by Brent Council (formerly a New Deal for the Community partnership scheme). The site forms part of an “Urban Quarter” in the South Kilburn Supplementary Planning Document (SPD). There is also a specific SPD for this particular site which seeks comprehensive development with retail at ground floor level and residential above, redesign of the road layout and provision of high quality public spaces. These aspirations are reflected in the recently adopted Site Specific Allocations Document, which seeks a mixed use court yard-type development including residential, community facilities (including the British Legion), retail, open space and a new bus interchange.

16 The scheme proposes active frontages along the southern and eastern edges and amenity space within the centre of the site, and is generally in accordance with the document. The principle of a residential-led mixed use development is acceptable in strategic terms subject to confirmation as to whether requirements for a community facility have been met.

17 In terms of the industrial/employment function of the existing site, there is an existing single storey vacant industrial building previously occupied by Keniston Press print works, until it vacated the site several years ago. London Underground utilises the adjoining administration block. Whilst the land does not comprise Strategic Industrial Land, and is not specifically protected for industrial uses, it is protected under Brent Council’s local polices as local employment land. The existing employment floor space totals some 1,600 sq.m. (GIA) and the proposed scheme includes approximately 2,200 sq.m. of commercial floor space. As such, there is a net increase in employment floor space on the site, and with this, there would be a net increase in employment numbers from 51 to 83 full time jobs. As such, there are no strategic concerns regarding the loss of these buildings.

18 In terms of the public house, whilst this would be demolished, it is noted that it is not a listed building or within a conservation area. The floor space would be replaced with similarly scaled retail space. There are no strategic objections to this element of the scheme.

19 The scheme also involves redevelopment of buildings presently used for operational purposes by Transport for London. This aspect of the scheme is discussed below in the transport
section. It is noted that there are currently public toilets within the site that are used by the public, as well as bus drivers waiting at the existing bus stand. Policy 7.5 of the London Plan states that development should incorporate local social infrastructure such as public toilets, where appropriate. Further discussion on this aspect would be appropriate, given the current facilities on the site, the new public realm being created and its location adjacent to a public transport interchange.

**Housing**

20 The London Plan, in seeking to increase London’s housing supply and maximise the potential of individual sites, focuses on securing housing choice and the maximum reasonable amount of affordable housing. London Plan policy 2.14 encourages regeneration in areas where there is substantial deprivation, requiring boroughs to “set out integrated spatial policies that bring together regeneration, development and transport proposals with improvements in learning and skills, health, safety, access, employment, environment and housing.” London Plan policy 3.3 seeks to increase London’s supply of housing and in doing so sets a London-wide housing delivery target of 32,210 additional homes per year up to 2021. Table 3.1 sets annual average housing provision monitoring targets for London boroughs, of which Brent Council’s is 1,065 units additional homes per year between 2011 and 2021.

21 It is noted that the existing Cullen House on the site contains 31 flats, of which 29 are affordable and comprising studio, one bed and two bed units. The proposed scheme includes the following:

<table>
<thead>
<tr>
<th>Tenure/mix</th>
<th>1 bed</th>
<th>2 bed</th>
<th>3 bed</th>
<th>4 bed</th>
<th>Total</th>
<th>Habitable rooms</th>
<th>% of units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>41</td>
<td>45</td>
<td>11</td>
<td>1</td>
<td>98</td>
<td>278</td>
<td>71.5%</td>
</tr>
<tr>
<td>Affordable</td>
<td>16</td>
<td>15</td>
<td>5</td>
<td>3</td>
<td>39</td>
<td>120</td>
<td>28.5%</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>60</td>
<td>16</td>
<td>4</td>
<td>137</td>
<td>398</td>
<td></td>
</tr>
<tr>
<td>% of units</td>
<td>42%</td>
<td>44%</td>
<td>12%</td>
<td>3%</td>
<td>14,863 sqm</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

22 The scheme proposes an uplift housing, and also in affordable housing – in terms of overall quantum and size of units. The scheme would represent approximately 13% of the Council’s annual housing target. The aspirations of Brent Council in delivering the regeneration of the wider South Kilburn estate in partnership with housing associations and/or development partners is welcomed in principle. The demolition of these buildings and replacement with well designed, mixed tenure homes is acceptable, and provides a means of injecting private investment into the estate renewal programme through the delivery of commercial floor space and market units to cross-subsidise the funding of the affordable housing, and is welcomed in principle.

**Affordable housing**

23 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to it’s own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale. The Mayor has published an early minor alteration to the London Plan to address the introduction of affordable rent, with further guidance set out in a draft Affordable Rent SPG. With regard to tenure split the Mayor’s position is that both social rent and affordable rent should be included within the 60%. Brent Council’s core strategy seeks 50% affordable housing.
While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The ‘Three Dragons’ development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation.

In order to accord with London Plan requirements it must be demonstrated that the maximum reasonable amount of affordable housing is being delivered. The applicant is proposing 39 affordable units are proposed for this scheme, equating to 28.5%, and has submitted a Three Dragons viability assessment to support its assertions that this is an appropriate level of provision. In the context of the wider estate renewal programme, the intention is that 45% of development across all schemes is secured as affordable housing. This scheme, together with Phase 1 would deliver 55% affordable housing. Whilst the overall programme of delivery proposes a high amount of affordable housing and this scheme in the wider context is acknowledged, it must also be recognised that this site is outside of the estate, and is to be sold on to a development partner and the development costs and revenues should reflect this.

At the time of writing, the Council had not confirmed its intentions in terms of an independent appraisal of the applicant’s toolkit, and in the absence of this assessment, it is not possible at this stage to confirm whether the applicant is providing the maximum reasonable amount of affordable housing in accordance with London Plan policy 3.12.

In order to be satisfied that the overall scheme meets London Plan affordable housing policies, GLA officers would expect to be involved in discussions relating to the toolkit appraisal before the applicant is reported to the Council’s planning committee and the Stage 2 referral. It may be that the introduction of some affordable rented units for example, or availability of grant funding in the future could increase the amount of affordable housing being provided. Further discussion in relation to the points above and section 106 definitions would be expected before the application is reported back at Stage 2, so as to be clear that the scheme reflects London Plan policy and the Housing SPG, and that a transparent programme of affordable housing delivery is secured.

Tenure split

London Plan policy 3.9 encourages development which fosters social diversity, redresses social exclusion and strengthens communities’ sense of responsibility for their neighbourhood. It states that a more balanced mix of tenures should be sought in all parts of London, particularly where social rented accommodation predominates and there are concentrations of deprivation. London Plan policy 3.11 includes the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale. The Mayor has published an early minor alteration to the London Plan to address the introduction of affordable rent, with further guidance set out in a draft Affordable Rent SPG. With regard to tenure split the Mayor’s position is that both social rent and affordable rent should be included within the 60%.

While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.
It is proposed that new affordable homes within the South Kilburn estate regeneration area are offered to existing tenants under the new homes Target Rent regime, and this scheme, like others proposes social rented accommodation with rent levels set at approximately 46% of market rent. The applicant explains that this is on the basis that the Council is decanting existing tenants who are on a social rent regime to new homes as part of the wider phased programme, and in acknowledgement of local rents being very high. It states that a future development partner could introduce an element of intermediate housing, but this would be expected to transferred from the market housing.

As the applicant notes, the HCA Affordable Homes Programme for 2011-2015 states that there may be circumstances where rent levels may need to be set at lower levels, for instance where there is a clear pre-existing commitment to the re-provision of homes at target rent levels. Whilst social rented accommodation may be acceptable on the basis that it is providing homes for existing tenants decanted from other parts of the estate, further discussion would be welcomed on this point as it may be that mechanism are required, if for instance, the site is sold to a development partner or there is a change in circumstances in relation to grant funding.

Housing choice

London Plan policy 3.8 and the associated supplementary planning guidance promote housing choice and seek a balanced mix of unit sizes in new developments. The London Housing Strategy sets out strategic housing requirements and policy 1.1C of the Strategy includes a target for 42% of social rented homes to have three or more bedrooms.

The scheme proposes a mix of unit sizes however it is largely made up of one and two bedroom units, with less than 15% of units comprising larger family units. In the social rented accommodation, approximately 20% of units would have three or more bedrooms, which falls short of the expectations of the Mayor’s Housing Strategy with no justification provided by the applicant. Further discussion (including confirmation from the Council’s housing team) is required to be clear as to what extent the determined mix reflects local needs and the Council’s housing requirements.

Density

London Plan Policy 3.4 seeks to optimise the housing potential of sites, having regard to local context, design principles and public transport accessibility. With regard to estate renewals, the Mayor’s ‘Housing SPG’ (2005) acknowledges that increased density may be necessary to generate sufficient value from market development to support the replacement of affordable housing.

The site has a public transport accessibility level (PTAL) of 6a, and is classified as urban in character. The London Plan density matrix (Table 3.2) suggests a residential density range of between 200 and 700 habitable rooms per hectare. The proposed density is approximately 600 habitable rooms per hectare (discounting the commercial element from the calculation), which falls within the density range of the London Plan with a scheme that is appropriate to its context.

Urban design

Good design is central to all objectives of the London Plan, in particular the objective to create a city of diverse, strong, secure and accessible neighbourhoods to which Londoners feel attached whatever their origin, background, age or status. Policies contained within chapter seven
specifically look to promote development that reinforces or enhances the character, legibility, permeability and accessibility of neighbourhoods, by setting out a series of overarching principles and specific design policies related to site layout, scale, height and massing, internal layout and visual impact.

38 The proposed development has been previously discussed at a pre-application meeting where it was advised that the scheme was generally well designed, maximising the potential of the site, significantly improving the urban environment of surrounding streets and providing a good mix of uses but that there were a number of elements that required further consideration. Whilst most of these have been addressed, there are some elements for which further information and/or refinement is required, as detailed below:

Layout

39 Of particular relevance to this proposal is London Plan policy 7.1, that sets out the requirement for developments to reinforce or enhance the permeability and legibility of neighbourhoods, so that communities can easily access community infrastructure, commercial services and public transport; and London Plan policy 7.3 that sets out a series of overarching principals to ensure that the design of a development should look to reduce the opportunities for criminal behaviour by maximising activity throughout the day and night, clearly articulating public and private spaces, enabling passive surveillance over public spaces and promoting a sense of ownership and respect.

40 The scheme proposes the removal of the one way system around the existing Cullen House. This is strongly supported in design terms as it will significantly improve the quality of the spaces surrounding the site making the area more permeable, well used and legible.

41 The strategy of assembling the land in this manner is also welcomed, as it allows for the comprehensive and coordinated redevelopment of this area and maximising the benefits it can bring in terms of regeneration.

42 The scheme proposes a secondary route through the site, in line with a significant desire line linking Salusbury Road to Kilburn Lane. The quality of this route is dependent on the quality of the frontage of buildings facing on to it. The current proposal shows this will be flanked by retail frontage along most of its length, which is welcomed. This will maximise the amount of overlooking and activity on the space making it safe, well used and attractive and is strongly supported. However, as set out in the pre-application note, it is important that this new route does not detract pedestrian movement from the main streets and that active frontages are provided facing the junction of Salusbury Road and Kilburn Lane. The location of a corner unit at this location is strongly supported as it encourages pedestrian activity along the main route as well.

43 There remains concern regarding the future quality of Claremont Street. The role of this street in providing access to the sub basement car park and the focus of service and back of house uses flanking the street has the potential to make this space feel underused, unattractive and unsafe. Whilst a good distribution of front entrances along this helps mitigate this issue, further consideration is required as to how the development can better address this street so that it does not become characterised as a ‘service street’. The applicant is advised to increase the amount of office use on the ground floor along this street and relocate any inactive uses that do not need public access directly to the street.

Scale, height and massing

44 The scale, height and massing of a development will have an impact on the legibility, character and adaptability of its surrounding urban area. London Plan policy 7.4B sets out the
requirement for buildings to provide a contemporary architectural response to the site whilst having regard to the pattern and grain of development in the wider area and being human in scale. London Plan policy 7.6B sets out the requirement for development to be of a proportion, composition, scale and orientation that enhances activates and appropriately encloses the public realm. London Plan policy 7.7 sets out additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline. The policy includes requirements for buildings to emphasize points of civic or visual significance and have ground floor activities that provide a positive relationship to surrounding streets and to incorporate the highest standards of architecture.

45 The height and massing of the proposed development responds well to its surrounding context. The hierarchy of streets is well articulated by the seven storey built form along Salusbury Street, stepping down to four storey buildings along Kilburn Lane - responding well to the existing contextual height.

46 The junction of Kilburn Lane and Salusbury Road is an important node in the area’s wider urban structure and development here should landmark this location to improve its legibility and prominence. The proposed articulation of the buildings mass on this corner successfully landmarks this location without the need to increase the height of the development which is welcomed.

Residential layout

47 Policy 3.5 of the London Plan introduces a new policy on the quality and design of housing developments. Part A of the policy states that housing developments should be of the highest quality internally, externally and in relation to the wider environment. Part C of the policy states that new dwellings should generally conform with the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts. Part E of the policy states that the Mayor will provide guidance on implementation of this policy including on housing design for all tenures. The reasoned justification provides further guidance and explanation. In particular, paragraph 3.32 makes clear that “Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities”. The London Housing Design Guide and the draft replacement Housing SPG, provides further guidance on the implementation of these policies.

48 The residential aspect of the development is generally well designed, with a low number of units per core, well located and clear entrances to individual units, with direct access from street level for some, and a good level of dual aspect units. Efforts have been made in particular to ensure that units facing north towards the railway benefit from south facing openings to the courtyard, which is welcomed. There are some single aspect units facing Kilburn Lane and Salusbury Road, which would be subject to traffic noise, but these units benefit from wintergardens, with noise insulation measures for facades also proposed. The applicant has also ensured that all units will meet minimum space standards as set out in the London Plan which is welcomed.

49 The provision of a secure communal courtyard is also strongly supported for this location. This is well designed to ensure it is well used by the residents while ensuring it does not impact on the privacy of the units facing on to it.

Appearance

50 The designs of the elevations are simple and well detailed. Three different types of brick create a tripartite arrangement with a distinct base, middle and top. Extra horizontal articulation
and relief is incorporated into the middle section of the elevation with the base and top of the building having a more minimal appearance and creating a subtle and attractive set of buildings.

**Children’s play space**

51 Policy 3.6 of the London Plan sets out that “development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.” Using the methodology within the Mayor’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ it is anticipated that there will be approximately 52 children within the development. The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child playspace provided on-site. As such the development should make provision for 520 sq.m. of playspace, with approximately 200 sq.m. provided as door-stop play space for under-5’s.

52 The applicant has submitted a detailed landscaping and public realm strategy, and sets out details of the proposed courtyard space in the centre of the site, above the proposed parking garage. This would comprise 835 sq.m. of planting and hard landscaping, and the applicant explains will contain informal play and seating areas to cater for incidental play. Before the scheme can be considered in accordance with London Plan policy 3.6, confirmation from the applicant that a minimum 200 sq.m. of this space would be allocated as play space is required, and this should be secured by way of condition.

53 The Council should also confirm that additional play space for older children can be satisfactorily accommodated in nearby parks and playspaces, and that any necessary financial contributions are secured as part of the section 106 agreement.

**Inclusive design and accessibility**

54 London Plan policy 7.2 seeks to ensure all future development meets the highest standards of accessibility and inclusion, and expects design and access statements submitted with planning applications to explain how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development. London Plan policy 3.8 expects all new housing to meet Lifetime Homes standards and 10% to be wheelchair accessible or easily adaptable for wheelchair users.

55 The applicant has committed to ensuring that all of the housing is designed to exceed Lifetime Homes and detailed plans have been provided for a range of flat and house types to show how the 16 standards would be met, which is welcomed. The applicant is proposing that 13 of the two bed units are designed to be wheelchair adaptable, across both tenures. Whilst this commitment is welcomed, consideration should be given to securing some wheelchair accessible housing from the outset order to accordance with policy 3.8. Typical floor plans have been submitted for these units, and details of how these could be adapted, which is welcomed. The wheelchair adaptable units would be provided across second to sixth floor level and would be in reasonable proximity to a second lift.

56 Four disabled access parking spaces would be provided in the basement, close to the entrance cores, equating to 10% of the overall parking provision for the flats. This falls short of expectations set out in strategic and local guidance which requires one space per accessible unit however, the density of the scheme and restrictions on space are acknowledged. In order to address this point, consideration should be given to a parking management plan that includes reviews that reflect changing demand for spaces.
In terms of the external environment, the applicant has committed to ensuring the public realm and landscaped spaces would be accessible where possible and step-free access is provided to entrances and balconies. The communal courtyard is stepped, due to changing levels however, access can be provided through one of the cores. The detailed design of the scheme in relation to these elements will need to be secured by way of condition.

**Sustainable development**

London Plan climate change policies, set out in Chapter 5, collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 sets out an energy hierarchy for assessing applications, London Plan Policy 5.3 ensures future developments meet the highest standards of sustainable design and construction, and London Plan policies 5.9-5.15 promote and support the most effective climate change adaptation measures including passive thermal regulation, urban greening, and water management.

**Energy – climate change mitigation**

Policy 5.1 and 5.2 of the London Plan seek to achieve an overall reduction in London’s carbon dioxide emissions through a range of measures including using less energy, supplying energy efficiently and using renewable energy, improving on Building Regulations targets by 25% in the period 2010–2013.

**Energy efficiency standards**

A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by Building Regulations.

The development is estimated to achieve a reduction of 80 tonnes per annum (22%) in regulated carbon dioxide emissions compared to a 2010 Building Regulations compliant development. This appears high. Further explanation on how these high levels of saving have been achieved should be provided.

Table 4 of the strategy suggests that 10% of the heating with be provide via electric heating. In determining the baseline the applicant should assume that all heating is provided by gas boiler. Further discussion on this point would be expected.

**District heating**

The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

A site wide networked using centralised heat pumps is proposed. For clarity the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network served from a single energy centre. Details of the floor area and location of the energy centre should be provided.

**Combined Heat and Power**
The applicant has investigated the feasibility of CHP. However, due to the scale of the development and the intermittent nature of the heat load, CHP is not proposed. This is accepted in this instance.

Renewable energy technologies

The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install exhaust air heat pump as the heat source for the very low temperature heat network infrastructure.

The applicant should clarify the flow and return temperatures for the heat network infrastructure as this is not clear in the schematic provided.

A reduction in regulated carbon emissions of 95 tonnes per annum (33%) will be achieved through this third element of the energy hierarchy. This appears high. Further explanation on how these high levels of saving have been achieved should be provided.

Overall carbon savings

The estimated regulated carbon emissions of the development are 189 tonnes of CO2 per year after the cumulative effect of energy efficiency measures and renewable energy has been taken into account.

This equates to a reduction of 174 tonnes of carbon dioxide per year in regulated emissions compared to a 2010 Building Regulations compliant development, equivalent to an overall saving of 48%. This appears high. Further explanation on how these high levels of saving have been achieved should be provided.

Taking into account the comments above, the applicant should clarify the overall level of regulated savings as well as savings at each tier of the energy hierarchy compared to a 2010 compliant development.

Climate change adaptation

Policies 5.10 to 5.15 of the London Plan set out policies that seek to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure. Specific policies cover overheating, living roofs and walls and water and require the inclusion of sustainability measures within developments. Further guidance on this policy is given in the London Plan Sustainable Design and Construction SPG.

The applicant has submitted a sustainability statement, which includes an assessment against the Council’s sustainability and includes a Code for Sustainable Homes and BREEAM pre-assessment. The applicant states that it is intended that all homes meet Code for Sustainable Homes Level 4 and ‘Very Good’ for the retail space. The applicant’s statement sets out a number of techniques proposed to reduce energy consumption and cut carbon emission, using low energy lighting, energy efficient appliances, metering, high levels of insulation, and by maximising natural sunlight and solar gain. Low water use sanitary-ware and fittings will be specified in order to meet target water consumption levels. A number of biodiversity measures are proposed, including green roofs, bat boxes and bird boxes are proposed. These commitments should be secured by the Council as part of any planning permission that is granted.

Ambient noise
London Plan policy 7.15 ‘Reducing noise and enhancing soundscapes’ seeks to minimise the existing and potential impacts of noise on, from and within development proposals. It requires that noise sensitive development should be separated from major sources of noise wherever practicable.

The dominant noise sources in the area of the proposed development are road and railway traffic and the applicant’s noise assessment indicates that monitored noise levels place the majority of the site into the NEC C, as defined by PPG24. The guidance states that “Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.” Part of the building also falls within noise category NEC D during the night time, where PPG24 guidance stated that planning permission should normally be refused.

The applicant has undertaken a noise assessment and confirms that the development would be affected by high noise levels and that acoustic attenuation measures would need to be incorporated in the detailed design of the development in order to protect the amenity of future residents of the proposed flats. High specification thermal double glazing and ventilation would be necessary in order to provide sufficient attenuation and met the criteria set out in the British Standards. In relation to the façade fronting Salusbury Road, this represents a similar scenario to other sites in such urban locations. These units benefit from wintergardens with rooms recessed behind them which would mitigate this impact.

The Council should ensure that appropriately worded conditions are imposed in this respect, including a requirement that maximum noise levels are not exceeded.

Transport

A total of 51 parking spaces are proposed for the development and will be located in the basement area with vehicular access from Claremont Road. It is understood that this will include 15 replacement spaces to serve TfL’s operational use in the facilities that would replace Premier House, 35 spaces for the residential use element of the scheme and of those, 15 spaces will be allocated for the occupiers of the wheelchair standard dwellings. Overall, parking provision for the residential use represents 0.25 spaces per dwelling which is welcomed given the good level of accessibility. It is agreed that replacement for the 39 space public car park is not necessary in this location. The applicant notes that electric vehicle charging points will be provided in accordance with London Plan policy 6.13, and is also welcomed. It is recommended that these commitments are secured by planning condition. Given the range of occupiers across the site, it would also be expedient to adopt a site wide car parking management strategy and this should be secured through the section 106 agreement.

In order to minimise the potential for overspill parking and to discourage car ownership, it is recommended that occupiers should not be permitted to apply for Brent Council on-street parking permits. This should be secured through the section 106 agreement.

The trip generation and distribution has been reviewed and the conclusions accepted. In particular, it is estimated that there will be an additional 92 bus trips in the morning peak and 133 trips in the evening peak. This appears to be reasonable for a development of this scale and it is expected that this can be accommodated on the existing bus network. Similarly, the number of additional rail and underground trips would be minor when compared to the capacity of services to and from Queen’s Park station.
In order to facilitate the development, the proposals involve significant changes to the highway network with the removal of the Premier Corner gyratory system and the return of Kilburn Lane to two way working. The junction of Kilburn Lane and Carlton Vale/Salusbury Road will provide for left and right turns and will be signalised, providing opportunities for controlled pedestrian crossings. Modifications would also be made to the junction of Albert Road and Salusbury Road to provide for a right turn facility from Albert Road. The proposed replacement of the gyratory with a signal controlled junction appears acceptable in principle as it could improve conditions for pedestrians and cyclists, in accordance with London Plan policy 6.11. The alterations would however, largely impact on the local highway network, given the distance from the SRN and the lower number of predicted additional vehicle trips. However, Brent and Westminster City Councils respectively should be satisfied that the various arms of the junction, with development traffic will operate within acceptable capacity limits. Currently, the transport assessment indicates that the degree of saturation would be less than 80% which is TfL’s limit for new signals.

Notwithstanding this, the indicative junction layout has been reviewed and it is suggested that the layout and design be amended to improve pedestrian crossing points. The applicant should also consider whether the effect of the proposed pinch point on Kilburn Lane has been included within its highway model.

The changes to the road layout also result in the relocation of the bus stops and stands as well as minor re-routing to bus services 6, 36 and 316, which is accepted in principle. The provision of a double bus cage and bus shelter on Kilburn Lane is welcomed and should be undertaken at the developer’s expense, secured through the section 278 agreement. The phasing of the development must also ensure that suitable stopping and standing for buses is made throughout the construction period in accordance with London Plan policy 6.2.

Bus route 36 currently stands on Claremont and as noted earlier in the report, the drivers use the public toilet facility within the site. Suitable alternative provision for driver facilities would be expected to be provided within this development in accordance with London Plan policy 6.2 and the ‘Land for Transport’ SPG. Further discussions about this matter are therefore welcomed.

Whilst the principle of providing replacement TfL offices in lieu of Premier House is welcomed, the developer should acknowledge that the scheme must safeguard London Underground’s operation at the site in accordance with London Plan policy 6.2 and the related SPG. It is understood that TfL, in exercising their property interest in Premier House, have objected to the scheme until agreement has been reached with regard to replacement train crew accommodation.

The submission of a PERS audit of the pedestrian environment is welcomed. Whilst the quality of public realm is generally acknowledged to be satisfactory, the absence of pedestrian wayfinding has been highlighted. In response to this and to promote walking in accordance with London Plan policy 6.10, it is recommended that the developer installs the Legible London wayfinding scheme at this site. As an indication, £15,000 would be required for a pair of signs and this should be secured through the section 106 agreement.

In accordance with London Plan policy 6.9, the advice that each land use will have safe, secure and sheltered cycle parking located across the ground floor of the development is welcomed. Provision for the residential units, should nevertheless be increased from 141 to 157 spaces so that dwellings with 3 or more bedrooms are allocated two spaces.

A framework travel plan for the workplace and the residential element of the development has been provided. It is noted that the plan has been reviewed using the ATTrBuTE
assessment tool and has passed. The requirement to provide detailed travel plans should be secured and monitored through the section 106 agreement. They should also include measures to manage delivery and servicing of the development.

The applicant has committed to providing a construction logistics plan (CLP). In this respect, it will be necessary to manage construction vehicles so that pedestrians, cyclists, buses and general traffic are not adversely affected. The development should also be accompanied by a construction phasing plan. The CLP should be secured by planning condition.

Community Infrastructure Levy

In accordance with London Plan policy 8.3, the Mayor of London has agreed to introduce a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London from 1 April 2012. Any development that receives planning permission after that date will have to pay. The Mayor has arranged boroughs into three charging bands with rates of £20 / £35 / £50 per square metre of liable net increase in floor space respectively. The proposed development is within the London Borough of Brent where the proposed Mayoral CIL charge is £35 per square metre. More details are available via the GLA website. http://www.london.gov.uk/publication/mayoral-community-infrastructure-levy.

HS2 safeguarding

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

Local planning authority’s position

The Council intends to report the planning application to committee in June.

Legal considerations

Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

There are no financial considerations at this stage.

Conclusion
London Plan policies on housing, urban design, inclusive access, sustainable development and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Land use:** The principle of a residential-led mixed use development is acceptable in principle, subject to confirmation of any requirements in terms of community and social infrastructure.
- **Housing:** The overall approach to housing renewal and the proposed density is supported however applicant has not demonstrated that the maximum reasonable amount of affordable housing is being proposed in accordance with London Plan policy 3.12. Further information is also required in relation to the housing tenure and unit sizes, to ensure accordance with London Plan policies 3.4, 3.6 and 3.12.
- **Urban design:** Whilst generally, the proposal would provide a good-quality environment with appropriately designed buildings and landscaping, further information and review of some elements of the scheme is required to ensure compliance with London Plan design policies.
- **Children’s play space:** The proposal provides dedicated on-site child play space as part of the comprehensive landscaping and public realm proposals however, it has not been satisfactorily demonstrated that the area allocated would meet child yield requirements for the site in accordance with London Plan policy 3.6.
- **Inclusive access:** The approach to inclusive access is supported in principle, however further information and commitments are required in order to accord with policies 3.8 and 7.2.
- **Energy - climate change mitigation:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole and the proposals are broadly acceptable; however, further information is required before the carbon savings can be verified.
- **Climate change adaptation:** The applicant’s commitment to sustainable design and construction are welcomed in accordance with London Plan policies 5.6, 5.7, and 5.10.
- **Ambient noise:** The scheme would be affected by high noise levels and acoustic attenuation measures would be required in order to ensure compliance with London Plan policy 3.15.
- **Transport:** Further information and/or commitments are required in order to comply with London Plan transport policies.

Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan.

The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Land use:** Confirmation should be provided as to whether demand exists for a community facility on the site or if replacement public toilets are required.
- **Housing:** The applicant should address the matters raised with respect to affordable housing and tenure mix and to ensure accordance with London Plan policies 3.4, 3.12 and 3.14.
- **Design:** Further discussion and/or amendments to the treatment of Claremont Road is required.
• **Children’s play space:** Further information is required in relation to the play space allocation to demonstrate that it would meet child yield requirements for the site in accordance with London Plan policy 3.6.

• **Inclusive design:** Commitments in terms of providing wheelchair accessible (rather than adaptable) is required to ensure compliance with London Plan policy 3.8.

• **Energy – climate change mitigation:** The applicant should address the matters raised with respect to energy efficiency, district heating, and renewable energy to ensure accordance with London Plan policies 5.6, 5.7 and 5.10.

• **Transport:** The applicant should address the matters raised with respect to pedestrian crossing points, replacement train crew accommodation and bus driver facilities, wayfinding, and cycle parking, and appropriately worded conditions and section 106 obligations secured to ensure accordance with London Plan policies 6.2, 6.3, 6.9, 6.10, 6.11, 6.13 and 6.14.

---

for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager - Planning Decisions
020 7983 4783  email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)
020 7983 4895  email justin.carr@london.gov.uk

Samantha Wells, Case Officer
020 7983 4266  email samantha.wells@london.gov.uk