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Report on the Kilburn Neighbourhood Development Plan 2023-2033

An Examination undertaken for the London Boroughs of Brent and Camden with the support of the Kilburn Neighbourhood Forum on the Revised July 2024 submission version of the Plan.

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Date of Report: 30 September 2025

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Main Findings - Executive Summary

From my examination of the Kilburn Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a Qualifying Body – the Kilburn Neighbourhood Forum (the Forum);
- the Plan has been prepared for an area properly designated – the Kilburn Neighbourhood Area;
- the Plan specifies the period to which it is to take effect – from 2023 to 2033; and,
- the policies relate to the development and use of land for a designated Neighbourhood Plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

The Kilburn Neighbourhood Plan 2023-2033

- 1.1 The designated Kilburn Neighbourhood Area covers the Kilburn Wards of the London Boroughs of Brent and Camden, together with small parts of the Queens Park and Brondesbury Park Wards of the London Borough of Brent.
- 1.2 The population of the Neighbourhood Area at the 2021 Census was approximately 22,300 persons, with the largest age group being persons aged 25-49 years which is similar to the London and national trend. At the time of the 2011 Census, 36% of people lived in privately rented homes, 34% lived in socially rented homes and 28% lived in their owned homes. 14% of households were categorised as being overcrowded, missing one or two bedrooms, which is higher than the London average of 11%.¹
- 1.3 The local economy in Kilburn is dominated by the retail sector, with 78% of business units being used for retail purposes. 17% of business units are used as offices and 5% are used for industrial purposes. In 2011,

¹ Source – Kilburn Socio-Economic Profile, p17, AECOM, June 2017
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77% of residents of working age were in full-time employment, which is slightly above the London average.²

- 1.4 Kilburn High Road is the principal road through the Neighbourhood Area, and forms the core of the town centre area, with a wide range of retail, leisure and entertainment and business uses along its length. There is also an extensive range of social, community, religious and educational facilities within the Plan area, the most important of which are listed in the draft Plan (at page 38).
- 1.5 Kilburn is well served by local bus, underground and overground rail services offering connections to Central London and many other parts of North London.
- 1.6 There are no designated sites or landscapes of national or international status within the Neighbourhood Area. Kilburn Grange Park is the largest area of public open space and contains a range of leisure and recreational facilities. Paddington Old Cemetery, which opened in 1855 and is owned by the London Borough of Brent, is a Grade II Registered Park and Garden and contains two Grade II listed Gothic-style chapels.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan jointly by the London Boroughs of Brent and Camden (the Councils), with the agreement of the Kilburn Neighbourhood Forum.
- 1.8 I am a chartered town planner, with over 50 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both Local Plans and Neighbourhood Plans. I have also served on a Government working group considering measures to improve the Local Plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.9 I am independent of the Qualifying Body and the Local Authorities and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.10 As the independent examiner, I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or

² Source – Kilburn Socio-Economic Profile, p29, AECOM, June 2017
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(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;

- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
- meet prescribed conditions and comply with prescribed matters.

1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a Neighbourhood Plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 At the date of this examination, the adopted Development Plans for this part of the London Boroughs of Brent and Camden, not including documents relating to excluded minerals and waste development, are The London Plan (adopted March 2021) (Greater London Authority), the Camden Local Plan 2016-2031 (adopted July 2017) (London Borough of Camden) and the Brent Local Plan 2019-2041 (adopted February 2022) (London Borough of Brent). Camden's Development Plan Documents also include the Camden Site Allocations Plan (adopted September 2013), but there are no allocations within the Neighbourhood Plan area.
- 2.2 The Plan area is also covered by the North London Waste Plan (adopted June 2022), prepared jointly by the London Boroughs of Barnet, Camden, Enfield, Haringey, Hackney, Islington and Waltham Forest, together with the London Legacy Development Corporation (LLDC), and the West London Waste Plan (adopted July 2015), prepared by the London Boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond-upon-Thames, together with the Old Oak and Park Royal Development Corporation (OPDC).
- 2.3 The London Borough of Brent is presently undertaking a review of the Brent Local Plan and the Council's latest Local Development Scheme 2025-2029 (LDS) (April 2025) indicates that the first statutory consultation on the Local Plan Review is scheduled to commence in

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

January 2027 and that the second statutory consultation is scheduled to commence in January 2028.⁵

- 2.4 The London Borough of Camden is presently undertaking a review of the Camden Local Plan and the Council's latest Local Development Scheme 2025-2027 (LDS) (September 2025) indicates that the Regulation 18 consultation on the Local Plan Review was undertaken in January-March 2024 and that the Regulation 19 Pre-submission consultation was undertaken in May/June 2025.
- 2.5 In response to Question No. 4 (see paragraph 2.10 below), the London Boroughs of Brent and Camden have confirmed that (on 7 August 2025) the preparation of their Review Local Plans are progressing in accordance with their respective LDSs. Taking account of the advice in the Planning Practice Guidance (PPG) with regard to an emerging Local Plan⁶, the reviews of the Brent Local Plan and the Camden Local Plan are not yet at advanced stages of preparation, having not yet been submitted to the Secretary of State for examination, and therefore I have not considered any implications for this Plan arising from those reviews in my main assessment.
- 2.6 The Basic Conditions Statement (at Pages 6-26) provides a full assessment of how each of the policies proposed in the Plan are in general conformity with the relevant strategic policies in the adopted London Plan and in the adopted Brent Local Plan and the adopted Camden Local Plan.
- 2.7 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. As the draft Plan was submitted for examination on 6 February 2025, all references in this report are to the December 2023 NPPF and its accompanying PPG.⁷

Submitted Documents

- 2.8 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- The submission version of the Kilburn Neighbourhood Plan 2023-2033 and its two Appendices (revised July 2024);
 - the Map of the designated Neighbourhood Area (Undated);
 - the Basic Conditions Statement (Undated);
 - the Consultation Statement and Appendices 1-10 (Undated);

⁵ The intention is to progress the Local Plan Review under the new plan making system (see Schedule 7 to the Levelling-up and Regeneration Act 2023).

⁶ PPG Reference ID: 41-009-20190509.

⁷ A revised NPPF was published on 12 December 2024 which includes transitional arrangements for Neighbourhood Plans. Paragraph 239 of the December 2024 NPPF advises that it will only apply to Neighbourhood Plans that were submitted after 12 March 2025.

- the Strategic Environmental Assessment (SEA) Screening Opinion (July 2024 and updated May 2025);
- the London Borough of Camden Equalities Impact Assessment (EqIA) (May 2025); and
- all the representations that have been made in accordance with the Regulation 16 consultation.⁸

2.9 I have also considered the supporting evidence documents that have informed the preparation of the Plan, including the following:

- Kilburn Socio-Economic Profile (AECOM) (June 2017);
- Kilburn High Road – Neighbourhood Planning Design Support (AECOM) (July 2019); and
- Kilburn Neighbourhood Plan – Visioning Document (AECOM) (August 2019).⁹

Examiner Questions

2.10 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the London Boroughs of Brent and Camden and to the Forum on 28 July 2025¹⁰ seeking further clarification and information on four matters contained in the submission Plan, as follows:

- Firstly, with regard to Kingsgate Place, Kilburn, NW6, I noted that a representation had been submitted expressing concerns regarding the environmental conditions (relating to traffic volumes, air quality and noise) for residents living in Kingsgate Place (which is situated to the east of Kilburn High Road) and the draft Plan's omission of any policy, proposal or commitment to address such issues. The representation stated that this is contradictory to the Plan's goals of creating a welcoming and pedestrian-friendly Kilburn. I noted that I would visit Kingsgate Place during the course of my site visit, but I commented that I would be grateful if the Qualifying Body could advise me to what extent any issues concerning Kingsgate Place were raised during the preparatory stages of the Plan's production and whether Kingsgate Place was identified at any point as a potential "Area for Intervention", or to be potentially linked to other initiatives for environmental improvements in the Kilburn High Road area.
- Secondly, with regard to Appendix 2 – Kilburn's Local Heritage in the draft Plan, I noted that a representation had been submitted identifying a number of omissions from the list of Locally Listed Buildings in Appendix 2, and an error concerning the Listing details of Paddington Old Cemetery. The same representation also set out

⁸ View at: <https://www.camden.gov.uk/kilburn-neighbourhood-forum>

⁹ View at: <https://kilburnforum.london/>

¹⁰ View at: <https://www.camden.gov.uk/documents/d/guest/examiner-procedural-matters-and-questions-kilburn-np-280725>

some possible errors, inconsistencies and omissions concerning the Open Green Spaces Map (Figure 5) in the draft Plan. I noted that, before I considered these parts of the draft Plan in more detail, could the Qualifying Body please review the matters raised by this representation and, if necessary, provide me with a note setting out any proposed amendments to Appendix 2 (and possibly also to paragraph 6.10) and Figure 5 that I might consider as potential recommended modifications to the draft Plan.

- Thirdly, with regard to the Kilburn Flood Risk Areas that are identified on Figure 6 in the draft Plan, I noted from Figure 6 (and also paragraphs 5.17 and 5.18) that some significant parts of the Plan area are at Medium and High Risk of Surface Water Flooding. From my initial assessment of the draft Plan, I had not identified any specific policy interventions that would seek to mitigate any impacts from surface water run-off that might arise from additional developments in the Plan area. The only mitigation that I did identify related to the possible introduction of 'rain gardens' as part of the Public Realm initiatives set out in (non-policy) Project Box A. I commented that I viewed the draft Plan's lack of policy material concerning the management of Flood Risk in relation to new developments as an omission that should be addressed. In my assessment, the Plan should be confirming a requirement for new developments in the Plan area to incorporate Sustainable Drainage Systems (SuDS) and other such measures to mitigate surface water run-off to adjoining areas. It seemed to me that the most appropriate place for this policy requirement is as an additional subsection to Policy CK1, with some appropriate supporting text to follow paragraph 6.19. I therefore invited the Qualifying Body to review the points that I had made and provide me with a note that sets out potential amendments to the draft Plan that address the mitigation of Surface Water Flood Risk across the Plan area, which I may consider as potential recommended modifications to the draft Plan.
- Finally, with regard to the Brent Local Plan and the Camden Local Plan, I sought the London Borough of Brent's confirmation that the proposed review of the adopted Brent Local Plan is intended to proceed according to the timetable set out at Page 14 of the latest Local Development Scheme (LDS), published in April 2025, and also the London Borough of Camden's confirmation that the next stages of the emerging new Camden Local Plan 2026-2041 are intended to proceed according to the indicative timetable set out at Appendix 1 of the latest Local Development Scheme (LDS), published in March 2025. (It should be noted that since I raised this question, the London Borough of Camden has published an update to its LDS, dated September 2025, but the Local Plan timetable has not been amended.)

- 2.11 In response to my letter of 28 July 2025, the Councils and the Qualifying Body provided me with responses to the questions on 7 August 2025 and 19 August 2025 respectively.¹¹ I have taken account of the additional information contained in these responses as part of my full assessment of the draft Plan, alongside the documents listed at paragraphs 2.8 and 2.9 above.

Site Visit

- 2.12 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 August 2025 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

- 2.13 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.14 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The draft Plan has been prepared and submitted for examination by the Kilburn Neighbourhood Forum. The decision to undertake the preparation of the Neighbourhood Plan was taken in July 2014, which was followed by applications for the designation of the Forum and for the designation of the Kilburn Neighbourhood Area made to the London Boroughs of Brent and Camden on 23 October 2015 and 18 January 2016 respectively. Following public consultation between 3 March and 15 April 2016, the applications were approved, and the Neighbourhood Forum and Area were formally designated by the London Borough of Brent on 2 June 2016 and by the

¹¹ View at: <https://www.camden.gov.uk/kilburn-neighbourhood-forum>
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London Borough of Camden on 3 June 2016. The Forum was redesignated for a further period of five years on 28 January 2022.

3.2 The objectives of the Forum, as set out in its constitution, are to:

- Promote and improve the social, economic and environmental well-being of the Neighbourhood Area.
- Encourage creative, innovative, and imaginative proposals to support planning and development appropriate to the diverse nature of the Neighbourhood Area.
- Prepare in partnership with the relevant local planning authorities a sustainable Neighbourhood Development Plan for the Neighbourhood Area.
- Enable the participation and involvement of all who live, work or are an elected member in the Neighbourhood Area in the preparation, production and implementation of the Neighbourhood Development Plan.
- Foster within and between the communities of Camden and Brent a commitment to dialogue and collaborative working.

The membership of the Forum comprises a minimum of 21 members at all times, and membership is open to:

- all who live or work in the Neighbourhood Area.
- all business operators located in the Neighbourhood Area.
- all constituted voluntary and community groups which operate in the Neighbourhood Area.
- elected London Borough Councillors who represent wards in the Neighbourhood Area.

3.2 The submission Plan contains a Map (Figure 1) of the designated area at Page 2. The Kilburn Neighbourhood Plan is the only Neighbourhood Plan in the designated area.

3.3 The Neighbourhood Forum is the designated body for the preparation of the Plan. The preparation of the Plan has been co-ordinated initially by a Steering Group and, latterly, by the Kilburn Neighbourhood Plan Committee.

Plan Period

3.4 The draft Plan specifies on its front cover and on Page 1 the period to which it is to take effect, which is from 2023 to 2033.

Neighbourhood Plan Preparation and Consultation

3.5 The Consultation Statement and its Appendices sets out a full record of the Plan's preparation and its associated engagement and consultation activity.

- 3.6 The preparation of the draft Plan has involved five key stages. Stage 1 was the initial consultative and engagement work within the Kilburn community and the establishment of the Forum, and this extended between July 2014 and Mid-2016.
- 3.7 Stage 2 extended from Mid-2016 to Mid-2019 and involved the preparation of key evidence base studies and reports by consultants AECOM (see paragraph 2.9), survey work within the Kilburn area with assistance from other organisations such as Anglia Ruskin University, and the development of a draft vision and set of objectives for the Plan.
- 3.8 Stage 3 extended from January 2020 through to the end of 2022, which spanned the period of the Covid pandemic. In November 2021, consultants were appointed to commence work on the preparation of the draft Plan for Regulation 14 consultation. Discussions on the initial draft Plan took place in early-2022, including with the London Boroughs of Brent and Camden, and with local community groups and organisations, other stakeholders and supporters of the Forum's work. This stage was also accompanied during 2022 by a series of meetings and presentations with community organisations, and culminated with the presentation of the revised draft Plan to the Councils in November 2022 for their consideration.
- 3.9 Stage 4 was focused on the work necessary for the Regulation 14 consultation, and extended throughout 2023. Comments were received from the Councils, which required some further redrafting work to the Plan, and the amended Plan was then re-submitted to the Councils for their consideration in June 2023. At this point, the Councils then commenced the Strategic Environmental Assessment (SEA) screening assessment. An initial SEA Screening Opinion was prepared in July 2023, although this was updated subsequent to the Regulation 14 consultation (see paragraph 4.1 below). The draft Plan was then published for Regulation 14 Pre-submission public consultation for a period of 17 weeks from 1 October 2023 to 31 January 2024. The consultation was accompanied by extensive local publicity, the distribution of leaflets through many neighbourhood community organisations, face-to-face engagement at a series of events, meetings and presentations and specific consultations to statutory consultees, key stakeholders and organisations with interests in Kilburn. The consultation responses that were received are fully recorded at Part 3 of the Consultation Statement and, in the case of the statutory consultees, at Appendices 5 and 6 to the Consultation Statement.
- 3.10 Stage 5 commenced following the Regulation 14 Pre-submission consultation and involved amendments to the draft Plan, where considered appropriate, to take account of the 348 responses received during the consultation. The main amendments and other changes are fully recorded at Part 4 of the Consultation Statement. This stage concluded with the formal submission of the draft Plan to the London Boroughs of Brent and Camden for examination on 6 February 2025.

- 3.11 The Consultation Statement provides a comprehensive record of the community engagement and consultation that was undertaken during the preparation of the Plan, including summaries of the issues that were identified at various stages during the engagement process.
- 3.12 Regulation 16 consultation was then held for a period of six weeks from 29 May to 11 July 2025. I have taken account of the comments that were received during that consultation, as well as the Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.13 I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.14 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.¹²

Human Rights

- 3.15 Neither the London Boroughs of Brent and Camden nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents, including the Equalities Impact Assessment, and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The London Boroughs of Brent and Camden issued a Strategic Environmental Assessment (SEA) Screening Opinion in July 2023 in accordance with the Environmental Assessment of Plans and Programmes

¹² The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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Regulations 2004 ('the SEA Regulations'). Following the Regulation 14 consultation, the Councils undertook a further SEA screening assessment in July 2024 to take account of a number of changes to the draft Plan. The revised and updated SEA Screening Opinion was published in May 2025, and this Screening Opinion accompanied the Regulation 16 consultation. The Screening Opinion (at Section 4), states that the screening assessment has identified that the draft Plan is unlikely to give rise to significant environmental effects arising from the draft Plan, and that on this basis an SEA is not required. The results of the Screening Assessment were the subject of consultation with the Environment Agency, Natural England and Historic England between 13 July and 24 August 2023. Natural England and Historic England did not raise any concerns such that an SEA would be required for the Plan. Their full responses are included within the Screening Opinion report. The Environment Agency did not respond to the consultation.

- 4.2 I have considered the SEA methodology by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects. I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential environmental effects upon interests of importance in the Plan area.
- 4.3 The Plan has not been screened in order to establish whether the Plan required a Habitats Regulations Assessment (HRA) Appropriate Assessment in accordance with the Habitats Regulations, as the HRA Screening Assessments for both the adopted Brent Local Plan and the adopted Camden Local Plan concluded that it was not necessary to undertake Habitats Regulations Appropriate Assessment.
- 4.4 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA Screening Opinion and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

Main Assessment

- 4.5 The NPPF states (at paragraph 30) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans; and should shape and direct development that is outside of these strategic policies.

- 4.6 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic Development Plan policies.
- 4.7 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's nine policies, which address the following themes: 'A welcoming Kilburn'; 'A characterful Kilburn'; and 'A distinct Kilburn'. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹³ I recommend some modifications as a result.

Synopsis

- 4.8 The Plan is addressing a period up to 2033 and seeks to ensure that the Plan reflects the community's passion for and about Kilburn. It seeks to promote the opportunities that exist in this distinctive London neighbourhood, with its architectural merits, its long and varied history, its cultural diversity and its community. The Plan aims to present a collective vision for Kilburn with its land-use planning policies and its accompanying projects which reflect the community's ideas and initiatives for environmental and social improvements within the Plan area.
- 4.9 Section 1 of the Plan provides an introduction to the Plan following the designation of the Neighbourhood Area by the London Boroughs of Brent and Camden in June 2016 and the establishment of the Kilburn Neighbourhood Forum. The designated Neighbourhood Area largely comprises the Kilburn Wards of both authorities together with small parts of the Queens Park Ward and the Brondesbury Park Ward both within the London Borough of Brent. The Neighbourhood Area extends along the entire frontage of Kilburn High Road, except for a small section at the southern end which falls within the City of Westminster. Figure 1 on Page 2 of the draft Plan shows the extent of the designated Neighbourhood Area.
- 4.10 Section 2 of the Plan, entitled 'Kilburn past', sets out a brief history of Kilburn. Originally, a Celtic trackway, Kilburn High Road was paved by the Romans, and became an important part of the Roman Road running from Dover, through London and on to Chester. Today, it forms part of the A5 route from London to Holyhead. The major growth of the Kilburn area occurred during the 19th century and at the start of the 20th century, supported by the development of suburban railways in London. During

¹³ PPG Reference ID: 41-041-20140306.

the early 20th century, Kilburn was a bustling retail, light industrial and entertainment centre, with a large Irish community. After the Second World War, the area experienced a progressive decline, with closures of larger retail stores and a number of hospitality and entertainment venues. The opening of the Brent Cross Shopping Centre in 1976 had a further adverse impact upon the quality of retail provision in Kilburn. Despite this decline, Kilburn remains a vibrant centre with a wide mix of uses serving its local communities.

- 4.11 Section 3 of the Plan, entitled 'Kilburn present', contains a detailed description of the Neighbourhood Area, and its key social and community infrastructure. It notes that the area contains two significant green spaces, Paddington Old Cemetery and Kilburn Grange Park, together with a range of smaller open spaces. It contains 15 listed buildings and 22 locally listed buildings and there are eight Conservation Areas wholly or partly within the Neighbourhood Area. The area has excellent public transport by bus, underground and overground services to Central London and other parts of North and North-West London.
- 4.12 This section also sets out the relevant strategic planning policy objectives for Kilburn that are contained in the London Plan, the adopted Brent Local Plan (2022) which covers the period up to 2041, and in the adopted Camden Local Plan (2017) which covers the period to 2031. It notes that the strategic policies of relevance to this Plan that are contained in the adopted Local Plans are listed at Appendix 1 to the draft Plan. In the London Plan, Kilburn is identified as a 'major centre' in the network of town centres and also as an area where the night-time economy is of more than local significance. It is also considered to be an area with low growth potential for commercial uses, medium growth potential for residential development and an area with some demand for existing office functions, but generally within smaller units.
- 4.13 Section 3 also describes the wider community initiatives and projects that the London Boroughs of Brent and Camden have implemented across the Kilburn area during recent years, including public realm projects and bringing some vacant spaces back into use.
- 4.14 Section 4 of the Plan, entitled 'Kilburn future' summarises the issues of importance that were raised by the Kilburn community during the consultation and engagement activities that were undertaken during the Plan's preparation. It notes that some of these issues are matters for the Local Plans being prepared by the London Boroughs of Brent and Camden, and that others are not land-use planning matters which, in a number of cases, are carried forward into the draft Plan as potential projects that will be explored and developed in conjunction with other organisations and delivery partners.
- 4.15 This section also contains the Plan's vision and objectives. The vision, which has been informed and developed through consultation and

establishes the community's aspirations for the futures of the area, is as follows:

"Our vision is for Kilburn to evolve, modernise and prosper.

Kilburn will remain a distinctive and important part of London, an area that stitches together a community divided by an administrative boundary. The character of Kilburn shall be strengthened, reflecting its rich legacy of architectural quality, vibrant social and commercial life, and cultural identity. New development on the High Road will consistently embody high standards of design while preserving and enhancing local character.

Kilburn will be a bustling, commercially thriving, urban hub, important and well recognized by both Brent and Camden, which appeals to the diverse communities living in, visiting, and shopping in the area and facilitates, supports and sustains everyday needs. Whilst, reflecting Kilburn's history as a 'music mile', creative and cultural activities and artworks will continue to flourish.

Highly visible public realm improvements will systematically contribute to a more pedestrian-friendly High Road, encouraging social interaction, and featuring varied and convivial cafés, pubs, and restaurants. They will offer and attract different cultures and cuisines (while maintaining some indigenous original British establishments) and improve the quality and range of the retail, entertainment, and hospitality sectors, with a greater joint appeal to visitors. Coordinated renewal will have attracted new businesses, enhancing the setting and experience of the 'string of pearls' along the High Road, including an impressively modernised and iconic Kilburn Square commercial and residential complex, a revived, refurbished, and community friendly Gaumont Cinema site, the Kiln arts theatre and restaurant venue, and existing and new outdoor markets.

There will be an appropriately generous provision of facilities such as public lavatories and seating areas for older visitors and residents. Disabled access to transport, hospitality, and shopping will be examined and improved.

The Kilburn High Road and its adjacent streets will be cleaner and will feel safer.

Drainage will also have been improved so that Kilburn and its streets are no longer subject to disruptive and unhealthy flooding.

A programme of street greening instigated along the High Road and extending into green corridors in side streets will help create an appealing environment for people to walk, cycle, and spend time and help link the High Road with surrounding communities, public

transport hubs and routes, and green assets, including Grange Park, and Paddington Old Cemetery.”

4.16 The Plan’s objectives are as follows:

Objective 1: ‘A welcoming Kilburn’

To enhance the experience of the High Road for all, by improving the public realm, access to and movement along it.

Objective 2: ‘A characterful Kilburn’

To promote high levels of design that respond to the local character and existing high-quality architecture.

Objective 3: ‘A distinct Kilburn’

To preserve, enhance and promote the distinct identity and heritage of Kilburn.

Objective 4: ‘A coordinated Kilburn’

To present a coordinated voice and Governance structure to oversee the continuous improvement of the Plan area.

4.17 Section 4 also contains a short sub-section on the future review of the Plan. I consider that this should be extended to also address the future monitoring of the Plan’s policies and accordingly I recommend modification **PM1** to encompass that point.

Specific Issues of Compliance

4.18 I turn now to consider the proposed policies in the draft Plan, and I take into account, where appropriate, the representations that have been made concerning those policies, together with the responses by the Qualifying Body and the London Boroughs of Brent and Camden to my questions (see paragraphs 2.10 and 2.11 above). Sections 5-7 of the Plan set out the proposed nine policies for the Plan area under the headings of ‘A welcoming Kilburn’, ‘A characterful Kilburn’ and ‘A distinct Kilburn’.

4.19 The Basic Conditions Statement (at Section 3 and at Table 1) describes how the Plan, and its policies, has regard to national policies contained in the NPPF and (at Table 2) contributes to the achievement of sustainable development. Table 3 sets out how each of the Plan’s nine policies are in general conformity with the strategic policies in the adopted London Plan (2021), the Brent Local Plan (2022), the Camden Local Plan (2017) and the emerging new draft Camden Local Plan (2024).

4.20 I consider that overall, subject to the detailed modifications which I recommend to specific policies below, that individually and collectively the

Plan's policies will contribute to the achievement of sustainable patterns of development. There are a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and to the strategic policies of the London Boroughs of Brent and Camden. Accordingly, I recommend modifications in this report in order to address those matters.

A welcoming Kilburn

- 4.21 Section 5 addresses the Plan's first objective of 'A welcoming Kilburn' and contains two policies (Policies WK1 and WK2).
- 4.22 The supporting text and justification for the two policies is set out at paragraphs 5.1-5.33, with accompanying Figures 3-6. From my initial assessment of the Plan, I noted from Figure 6 (and also paragraphs 5.17 and 5.18) that some significant parts of the Plan area are at Medium and High Risk of Surface Water Flooding, and that the draft Plan does not contain any specific policy interventions that would seek to mitigate any impacts from surface water run-off that might arise from additional developments in the Plan area. It was my assessment that the Plan should be confirming a requirement for new developments in the Plan area to incorporate Sustainable Drainage Systems (SuDS) and other such measures to mitigate surface water run-off to adjoining areas, in accordance with national policy. I raised this matter as the third of my questions (see paragraph 2.10 above), and requested that the Qualifying Body review the points that I had made and provide me with a note that sets out potential amendments to the draft Plan that addresses the mitigation of Surface Water Flood Risk across the Plan area.
- 4.23 The Qualifying Body responded by noting that flood risk is an issue in the Neighbourhood Plan area, and that flood risk and sustainable drainage is adequately covered in both the Brent and Camden Local Plans. Therefore, it was not considered necessary for the Neighbourhood Plan to repeat those policies. However, the Qualifying Body suggested that a part of Project Box A relating to 'rain gardens' (on page 19 of the draft Plan) could be moved into Policy WK1 to add a local policy requirement, with SuDS opportunity mapping showing that this would be very effective along part of Kilburn High Road. The Qualifying Body also suggested some appropriate amendments to paragraph 5.18 of the supporting text. Finally, it is noted that more recent flood risk data is available to update Figure 6 in the Plan. I concur with these suggestions, which will ensure that the management of surface water flood risk will be addressed within Policy WK1 (see paragraph 4.25 below). The accompanying amendments to paragraph 5.18 and Figure 6 are addressed by recommended modification **PM2**.
- 4.24 This section of the Plan also identifies potential 'Areas for Intervention' which are shown on Figure 3 (at Page 13). Paragraph 5.10 notes that the areas currently identified are mainly underutilised spaces which have potential for alternative uses and activities, such as pocket parks.

However, I note that some of the proposed 'Areas for Intervention' do address other potential enhancements. As part of my initial assessment of the draft Plan, I noted a representation concerning the environmental conditions (relating to traffic volumes, air quality and noise) at Kingsgate Place, which is a road to the east of Kilburn High Road, and which is used as a route by traffic avoiding traffic congestion on nearby roads. The representation seeks the identification of Kingsgate Place as a priority site for intervention in the Plan. I raised this matter as the first of my questions (see paragraph 2.10 above), and the Qualifying Body responded by stating that, although Kingsgate Place was not raised specifically at any time during the preparation of the Plan, *"the Qualifying Body would find it advantageous to include Kingsgate Place as an "area of intervention" and amend the Plan accordingly"*. I visited Kingsgate Place, together with the other proposed 'Areas of Intervention', during the course of my site visit, and it is my assessment that there is the potential for traffic management measures, linked to public realm enhancements within the area, including at Kilburn High Road, that could lead to significant reductions in the volume of traffic using Kingsgate Place and consequent improvements to the environmental conditions along that road, which are presently having adverse impacts for residents. I therefore concur with the Qualifying Body's view that Kingsgate Place should be identified as an 'Area of Intervention' and be so identified on Figure 3 in the Plan. This matter is also addressed as part of recommended modification **PM2**.

- 4.25 Policy WK1 (High Road Public Realm) states that development proposals should, wherever possible and appropriate to the scale of development, take opportunities to make improvements to the quality of the public realm along the High Road. Proposals should emphasise the use of high-quality, sustainable materials and design elements that reflect the local historic character and sustain the significance of heritage buildings and spaces. It goes on to state that proposals will be supported where they:
- a) Provide new areas of public open space, particularly at key gateway locations adjacent to tube and train stations.
 - b) Provide, as appropriate, clearly defined areas of outdoor seating or spaces for the sale of goods in the public realm where they do not obstruct pedestrian movement
 - c) Support the revitalisation of unused or left-over spaces, through artwork or lighting, other design or management measures or through uses that front onto and activate these spaces. Temporary use of these spaces through pop-up activities and meanwhile uses will be supported
 - d) Reconfigure unused or leftover spaces to avoid dark or hidden corners and allow for the safe movement of people through the space.
 - e) Support the delivery of biodiversity net gain through greening initiatives in the public realm.
 - f) Support the reduction of "clutter" such as unnecessary telecoms infrastructure and advertising panels

4.26 As presently drafted, the second part of this policy requires some focused amendments in order to ensure that there is the necessary clarity for future users of the Plan, particularly as it does not make clear whether some or all of criteria a)-f) must be met for development proposals to be supported. In my assessment, the support for development proposals should be contingent upon meeting only some of those criteria. Additionally, as noted above, the policy should be extended to include appropriate text regarding the management of surface water flood risk and also to address the future maintenance of the public realm, as requested in the representations submitted by Transport for London (TfL). Recommended modification **PM3** addresses the necessary amendments to the policy text.

4.27 Policy WK2 (Mobility hubs) states that proposals for mobility hubs in the Neighbourhood Area will be supported where they incorporate some or all of the following elements:

- a) Docking points for bikes and e-scooter hire.
- b) Secure cycle parking facilities/sheds for residents.
- c) EV charging points for cars.
- d) Provision of car club parking spaces.

It goes on to state that mobility hubs should be located in the carriageway, replacing car parking spaces or helping to reduce road width. Where EV charging points are provided, cables must be directed away from the pavement so as not to cause hindrance to pedestrians. Proposals must be of a high-quality design and, as far as possible, integrate planting and seating alongside delivery of parklets and micro-parks. Finally, it states that in line with Transport for London's policy, mobility hubs should ideally be limited to active travel modes and caution should be taken when combining this with the provision of EV charging points and car club vehicles. They could attract additional traffic into unsuitable locations and may detract from conditions for people who are walking, wheeling or cycling.

4.28 I consider that the policy is suitably drafted, subject to providing some additional guidance on the potential location of mobility hubs, for example as part of wider public realm and street scene improvements. Recommended modification **PM4** sets out the additional policy text to address this point.

4.29 With recommended modifications PM2-PM4, I consider that the draft Plan's section on 'A welcoming Kilburn' and its accompanying two policies (Policies WK1 and WK2) is in general conformity with the strategic policies of the adopted London Plan and the adopted Brent and Camden Local Plans, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

A characterful Kilburn

4.30 Section 6 addresses the Plan's second objective of 'A characterful Kilburn' and contains three policies (Policies CK1-CK3).

4.31 Policy CK1 (A characterful Kilburn Design Principles) is in two parts. Part 1 addresses context-driven design, and states that proposals for development must respond to the character of the immediately adjacent area within which it is located, defined in terms of heights, scale, massing and relationship with the street. It further states that development should consider features of architectural merit present on nearby buildings which help articulate and add interest to building frontages, and that along the High Road, Willesden Lane and Belsize Road retail frontages proposals will be supported where they conform to the 'Kilburn High Road Code' that is set out within Figure 8 in the draft Plan. It also states that outside of the High Road, Willesden Lane and Belsize Road, retail frontages development should respond to and contribute towards the verdant nature of Kilburn's residential streetscape, should respond positively to the existing architectural style of the residential area and be informed by the prevailing height of buildings in the immediately adjacent area. Part 2 addresses safer places through design, and states that development should be designed with safety in mind and will be supported where the following criteria are met:

- a) Provide pedestrian routes that are visually open, direct and well used. Footpaths should not be placed at the rear of properties.
- b) Ensure that the planting of trees and shrubs does not create a physical obstruction or restrict the performance of street lighting
- c) Development must clearly define the boundary between public and private areas.
- d) Allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.
- e) Avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces.

4.32 As drafted, the policy lacks any cross-references to Figures 7 and 8 which provide further guidance on the Design Code Areas for Kilburn High Road, Willesden Lane and Belsize Road, and to Table 1 which summarises the 'Secure by Design' guidance. Transport for London (TfL) considers that the second part of criterion c) iii) in Part 2 of the policy does not generally conform to Policy D3 in the adopted London Plan. I concur with that view, and accordingly recommend the deletion of that material. There are also a number of errors in the policy text, which require correction.¹⁴ The necessary amendments to this policy are all addressed by recommended modification **PM5**.

¹⁴ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

- 4.33 Policy CK2 (Shopfronts) states that proposals for altering, replacing or new shopfronts which follow design guidance are more likely to be supported where they meet the following criteria:
- a) The shopfront should relate in scale, proportion and architectural style to the host building and wider street scene, including the scale, character and features of adjoining buildings as appropriate.
 - b) The fascia should complement rather than obscure or damage existing architectural features including windows.
 - c) Fascia should only be illuminated in a subtle way; it should not cause any disturbance to others due to its intensity or direction.
 - d) On modern shopfronts robust materials will be considered but plastics, bare metal and reflective materials should be avoided,
 - e) Large areas of plate glass, often incorporating a doorway, create a visually non-cohesive appearance and should be avoided.
 - f) Restoration of original and traditional shopfronts must replicate the original materials of the host building and be as close to the original shopfront as possible. Common materials include wood, brick and stone and sometimes iron work.

Finally, it states that planning applicants for shopfront changes within the Neighbourhood Plan area, may need professional advice dependent on location, conservation and or historic building status.

- 4.34 The Councils consider that the final paragraph of policy text is unnecessary, and I concur with that view. In other respects, I consider that the policy is suitably drafted. Recommended modification **PM6** addresses the necessary amendment to the policy text.

- 4.35 Policy CK3 (A Characterful Kilburn: Streets for People) states that proposals for development will be supported which:
- a) Provide safe routes and crossing points for pedestrians and cyclists.
 - b) Incorporate a car free policy.
 - c) Incorporate conveniently located and secure cycle parking, including areas of cycle parking within the public realm subject to compliance with wider design policies and compliance with appropriate minimum standards in force at the time.

- 4.36 I consider that the policy is suitably drafted, subject to one focused amendment to criterion b) to make it clear that proposals should be car free, rather than incorporating a 'car free policy'. This amendment is addressed by recommended modification **PM7**.

- 4.37 With recommended modifications PM5-PM7, I consider that the draft Plan's section on 'A characterful Kilburn' and its accompanying three policies (Policies CK1-CK3) is in general conformity with the strategic policies of the adopted London Plan and the adopted Brent and Camden Local Plans, has regard to national guidance, would contribute to the

achievement of sustainable development and so would meet the Basic Conditions.

A distinct Kilburn

- 4.38 Section 7 of the draft Plan addresses the Plan's third objective of 'A distinct Kilburn' and contains four policies (Policies DK1-DK4).
- 4.39 Policy DK1 (Land use of retail frontage (Kilburn High Rd, Willesden Lane, Belsize Road)) states that Use Classes which include retail, financial and professional services, cafes and restaurants (Use Class E(a) – E(c)), indoor sports and fitness (Use Class E(d)) and community facilities (Use Class E(e), E(f), F1, F2) will be strongly supported in the defined retail frontages along the High Road, Willesden Lane and Belsize Road. This includes the use of vacant premises on a temporary basis and which fall within the Use Classes above. Proposals for residential development (Use Class C3) will be appropriate where they comprise part of a mixed-use scheme, with residential accommodation on upper storeys. Proposals for offices and other employment uses within Use Class E(g) do not require planning consent. Proposals for leisure and entertainment uses, including theatres, drinking establishments, cinemas, live music venues, concert and dance halls (all Use Class 'sui generis'), will be supported where they are located in the 'entertainment clusters' identified on Figure 9. Proposals for the refurbishment and reuse of the previous Gaumont State Cinema and The National as leisure and entertainment venues will be supported. Finally, it states that proposals for mixed use development on the High Road, Willesden Lane and Belsize Road (as indicated on Figure 9) will be supported where:
- a) Ground floor uses should generally comprise retail, commercial or community activities that open onto and activate the street.
 - b) Development creates a strong and consistent building line that relates well to adjacent buildings.
 - c) Residential and office uses are appropriate on upper storeys and should include windows and balconies that look out across the street and create variety and interest in building form, and where consistent with criterion b).
 - d) Schemes are designed carefully to avoid noise and odour conflicts between uses.
- 4.40 I consider, as drafted, this policy will be difficult for users of the Plan to interpret, as it seeks to cover a wide range of potential developments falling within various Use Classes, and at different locations. The Councils have also commented that the policy needs to provide the necessary level of clarity, particularly regarding the nature of leisure and entertainment uses, which could conflict with Local Plan policies. Accordingly, the policy needs to be reframed. Accompanying Figure 9 also does not specifically identify the 'entertainment clusters' that are referenced within the policy, but instead shows the location of 19 (past and present) public houses and other entertainment and leisure venues. Taking into account the Councils'

comments, recommended modification **PM8** sets out the revised text for this policy, in order to provide the necessary clarity for users of the Plan.

- 4.41 Policy DK2 (Creative industries) states that proposals for developments which incorporate affordable workspace (within current local guidelines) (Use Class E(g)) for creative industries and opportunities for co-working and space sharing, will be strongly supported. Such uses will be appropriate within the defined retail frontages along the High Road. Willesden Lane and Belsize Road. Proposals for such uses will also be supported across the Neighbourhood Area where they do not cause noise or disturbance to the detriment of residential amenity.
- 4.42 Subject to three focused amendments, in order to ensure the policy is sufficiently clear for users of the Plan, I consider that the Policy is suitably drafted. Recommended modification **PM9** sets out the necessary amendments.
- 4.43 Policy DK3 (Markets and outdoor stalls) states that the provision of new markets and street stalls within the defined retail frontages along the High Road is welcome. Proposals for such uses which activate under-utilised and left-over spaces along the High Road will be supported. It goes on to state that new market stalls should generally be moveable, but permanent markets stalls will also be supported where they:
- a) complement the appearance of the street;
 - b) allow sufficient space for shoppers and pedestrians to pass and use the market without obstruction; and
 - c) are designed such that they can be adapted over time for use by different vendors.
- 4.44 The Councils have requested that a further environmental criterion be added to the second part of the policy to ensure that new market stalls do not result in significant detrimental impact upon residential amenities. I concur with that point and recommended modification **PM10** addresses this matter.
- 4.45 Policy DK4 (Social and Community facilities) is in two parts. Part 1 concerns important local social and community facilities, and states that the important local facilities in the Kilburn plan area are listed in Table 2 of the Plan (as at May 2023). It goes on to state that social and community use will generally be protected from loss. Proposals that involve the loss of any space used for social or community purposes will only be supported where a replacement facility that would better meet the needs of existing users is provided, or where the application is supported by material which demonstrates the benefits to the community would outweigh the harm created by loss of that facility.
- 4.46 Part 2 of the policy concerns new or improved facilities and states that proposals for new or improved community facilities will be supported and should:

- a) include provision of flexible space that can be used for a variety of community uses;
- b) be provided in locations that capitalise on opportunities to promote walking, cycling and use of public transport;
- c) be easily accessible to all; and
- d) respond to local character, design policies and guidance set out in the Neighbourhood Plan.

4.47 Subject to two focused amendments, I consider that this policy is suitably drafted. Recommended modification **PM11** sets out the necessary amendments.

4.48 With recommended modifications PM8- PM11, I consider that the draft Plan's section on 'A distinct Kilburn' and its accompanying four policies (Policies DK1-DK4) is in general conformity with the strategic policies of the adopted London Plan and the adopted Brent and Camden Local Plans, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

A coordinated Kilburn

4.49 Section 8 of the draft Plan addresses the Plan's fourth objective of 'A coordinated Kilburn'. This section of the Plan does not contain any land-use planning policies but includes material relating to the future implementation of the Plan. The Kilburn Neighbourhood Forum, having been re-designated in 2022, will exist as a formal organisation until early-2027. The Plan suggests that a Standing Committee be established for Kilburn, comprising members of the Forum and representatives from the London Boroughs of Brent and Camden to meet on a regular basis to monitor the implementation of the Neighbourhood Plan.

4.50 This section also includes a sub-section relating to the Community Infrastructure Levy (CIL), noting that the Brent and Camden CIL Charging Schedules took effect in July 2013 and October 2020 respectively. It further notes that a series of projects have been identified, which the Forum is keen to see funded through the neighbourhood portion of CIL.

Appendices

4.51 The draft Plan contains two Appendices, as follows:

- Appendix 1. Strategic Planning Policies – which contains a listing of the strategic policies in the Brent and Camden Local Plans that are of relevance to the Kilburn area.
- Appendix 2. Kilburn's Local Heritage - which presently contains listings of the Conservation Areas, the 15 listed buildings and 22 locally listed buildings within the Plan area, together with a Map (Figure 10) showing the locations of the listed buildings.

As part of my initial assessment of the draft Plan, I noted that a representation had been submitted setting out a number of omissions from

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the list of Locally Listed Buildings in Appendix 2, and an error concerning the Listing details of Paddington Old Cemetery. The same representation also set out some possible errors, inconsistencies and omissions concerning the Open Green Spaces Map (Figure 5) at Page 15 in the draft Plan. I raised these matters as the second of my questions (see paragraph 2.10). The Qualifying Body responded by commenting that it was pleased to receive this comment in order to complete the list of locally listed buildings, and it supplied amended text for Appendix 2 taking account of the updated information. The Qualifying Body also commented, with regard to the Listing details of Paddington Old Cemetery, that it is seeking further information from the Friends of Paddington Old Cemetery. However, I have not been supplied with any further information on that matter. Finally, with regard to Figure 5, the Qualifying Body stated that *"we are reviewing the information contained in the map concerning Open Green Spaces (Fig 5) to make the information as accurate as possible."*

- 4.52 I consider that the draft amended text for Appendix 2, as supplied by the Qualifying Body is appropriate, subject to some further focused amendments, and this is set out in full at recommended modification **PM12**, together with an accompanying consequential amendment to Paragraph 6.10 (at Page 23) to ensure that the information contained in that paragraph is accurate. Finally, with regard to Figure 5, I consider that the Qualifying Body should take account of the matters raised in the relevant representation, and ensure that the Map contains the most accurate information available, for the benefit of users of the Plan.

Other Matters

- 4.53 The draft Plan contains a range of (in the main) minor errors, inconsistencies and inaccuracies which have been comprehensively listed in the joint Regulation 16 representations of the London Boroughs of Brent and Camden. Where I consider such matters do more substantively affect the draft policies in the Plan, I have taken account of the Councils' comments as part of the recommended modifications in the main body of this report. However, in the interests of brevity, I have not addressed the more minor matters raised by the Councils, and these are only summarised at recommended modification **PM13**, and which are, in all cases, additional to the matters covered by recommended modifications **PM1-PM12**. The Qualifying Body's attention is drawn to the need to make the necessary corrections that are set out at **PM13**, and reference should also be made to the representations submitted by the London Boroughs of Brent and Camden for more detailed information.
- 4.54 With regard to the Project Boxes within the draft Plan, as none of the potential projects are the subject of land-use planning policies, I have not considered this section of the Plan as part of this examination. However, the Qualifying Body's attention is drawn to a number of representations which relate specifically to the Project Boxes within the draft Plan. These include the representations submitted by Kilburn Older Voices Exchange

(KOVE), Transport for London (TfL) and the Friends of Kilburn Grange Park.

Concluding Remarks

- 4.55 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Kilburn Neighbourhood Plan 2023-2033 meets the Basic Conditions for Neighbourhood Plans. Other changes (that do not affect the Basic Conditions) could be made prior to the referendum at the Council's discretion. These could include minor non-material amendments, consequential amendments resulting from the policy modifications, typographical corrections and factual up-dates.¹⁵

5. Conclusions

Summary

- 5.1 The Kilburn Neighbourhood Plan 2023-2033 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for Neighbourhood Plans. I have had regard to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan, together with the responses to my questions.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Kilburn Neighbourhood Plan 2023-2033, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Area boundary, requiring the referendum to extend to areas beyond the Plan boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Kilburn Neighbourhood Area, which includes areas within the London Boroughs of Brent and Camden.

¹⁵ PPG Reference ID:41-106-20190509.

Overview

- 5.4 It is clear that the Kilburn Neighbourhood Plan is the product of much hard work undertaken since 2016 by the Forum, its Neighbourhood Plan Committee and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Kilburn community for the future planning of their area up to 2033. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by the London Boroughs of Brent and Camden.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 9	<u>Reviewing the Neighbourhood Plan</u> Amend the title of this sub-section to read 'Monitoring and Review'. Paragraph 4.9 – delete existing text in full, and replace with: "The effectiveness of the policies in the Neighbourhood Plan will be monitored on a regular basis up to 2033. Brent and Camden Councils are presently reviewing their current adopted Local Plans, and it may be necessary to formally review the Neighbourhood Plan prior to 2033 to take account of the policies and proposals in those updated Local Plans, and also to reflect any future changes to national planning policies, in order that the Neighbourhood Plan will remain as a key part of the statutory development plans for Kilburn."
PM2	Pages 12, 13 and 16	<u>Green Infrastructure – Paragraph 5.18, Figure 3 and Figure 6</u> <u>Paragraph 5.18</u> Amend to read as follows: "5.18 Introduction of rain gardens and other sustainable drainage features, such as permeable surfacing, would also help address localised flooding risks by managing surface water run-off in a way that mimics natural processes, slowing down the run-off rate while providing wider benefits. While Kilburn does not suffer any flood risk from rivers, apart from at Kingsgate Road where the former water course of the Kilburn stream has flooded in the past, the High Road also flooded in 1975

		and other areas do have a significant threat from surface level flooding as shown on Figure 6." <u>Figure 3</u> Identify Kingsgate Place, NW6 as an 'Area for Intervention' on Figure 3 (Areas for intervention), as follows: "12. Kingsgate Place, with the potential for environmental and public realm improvements to alleviate the adverse impacts of vehicular traffic" <u>Figure 6</u> Update to show the latest available flood risk data for the Plan area, and identify the source and date of this data as a footnote to the Map (for the information of users of the Plan).
PM3	Page 18	<u>Policy WK1: High Road Public Realm</u> Amend the second part of the policy text, as follows: Delete the words "<i>Proposals will be supported where they:</i>" and replace with: "Proposals will be supported where they comply with the following criteria, as appropriate to the nature of the proposed development and its site:" Criterion e) – delete the words "<i>net gain</i>" and replace with "improvements". Criterion f) – delete the words "<i>Support the reduction of clutter such as</i>" and replace with: "Secure improvements to the street scene by removing less attractive elements such as". Add additional criterion g) to read as follows: "g) Contribute to or help deliver the introduction of 'rain gardens', helping to manage surface water run-off and

		introducing areas of greenery and biodiversity. The implementation of rain gardens or similar and, where appropriate, permeable surfacing, will be supported both along the High Road and across the Plan area." Add additional criterion h) to read as follows: "h) Contribute, through choice of durable, sustainable materials and resources for future maintenance, to ensuring that new public realm is well cared-for and remains high quality."
PM4	Page 18	<u>Policy WK2: Mobility hubs</u> Amend the second paragraph of policy text to read as follows: "Mobility hubs should be located in the carriageway, replacing car parking spaces or helping to reduce road width, and could be incorporated as part of wider public realm and streetscene improvement schemes within the Plan area, or also as part of schemes to encourage sustainable travel at existing transport hubs."
PM5	Page 26	<u>Policy CK1: A characterful Kilburn Design Principles</u> <u>Part 1</u> b) – delete existing text in full and replace with: "Along the High Road, Willesden Lane and Belsize Road retail frontages, as shown on Figure 7, and with the exception of the Kilburn Square site allocation, allocation proposals will be supported where they conform to the 'Kilburn High Road Design Code' that is set out on Figure 8." c) iii – delete the second sentence within this criterion.

		<u>Part 2</u> Delete the policy text in full and replace with: “Development should be designed with safety in mind, taking account of the ‘Secure by Design’ guidance set out at Table 1, and will be supported where it: a) Provides pedestrian routes that are visually open and direct. Footpaths should not be placed at the rear of properties. b) Ensures that the planting of trees and shrubs does not create a physical obstruction or restrict the performance of street lighting. c) Allows natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. d) Avoids the creation of windowless elevations and blank walls immediately adjacent to public spaces.”
PM6	Page 28	<u>Policy CK2: Shopfronts</u> Delete the final paragraph of policy text.
PM7	Page 30	<u>Policy CK3: (A characterful Kilburn): Streets for people</u> Amend criterion b) to read “Are car free”
PM8	Page 34	<u>Policy DK1: Land use of retail frontages (Kilburn High Rd, Willesden Lane, Belsize Road)</u> Amend policy title to read: “Land Use of Defined Retail Frontages at Kilburn High Road, Willesden Lane and Belsize Road Delete existing policy text in full and replace with: “Proposals for development at sites and premises within the defined retail frontages at Kilburn High Road, Willesden Lane and Belsize Road, as

		defined on Figure 9, will be supported, where they meet the following criteria: a) The proposals fall within Use Classes E(a)-E(g), F1 and F2; or b) The proposals are for mixed-use development falling within the above Use Classes and which include residential development (Use Class C3) on upper storeys; or c) The proposals are for leisure and entertainment uses falling within Use Class 'Sui Generis', with the exception that gambling-related uses including betting shops/bookmakers, adult gaming centres and casinos will not be supported. Proposals for the refurbishment and re-use of the former Gaumont State Cinema and The National as leisure and entertainment venues will be supported. Proposals for mixed-use development should meet the following design requirements: • Ground floor uses should generally comprise retail, commercial or community activities that open onto and activate the street; • The development creates a strong and consistent building line that relates well to adjacent buildings; • Residential and office uses are appropriate on upper storeys and should include windows and balconies that look out across the street and create variety and interest in building form; and • Schemes are designed carefully to avoid noise and odour conflicts between uses in line with Agents of Change principles, where relevant."
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PM9	Page 36	<u>Policy DK2: Creative industries</u> Delete the words "<i>(within current local guidelines)</i>" in the first paragraph of policy text and replace with "in accordance with the Borough Councils' policies". Delete the word "<i>frontage</i>" in the second paragraph of policy text and replace with: "frontages". Add the words "as identified on Figure 9." following the words "Belsize Road" in the second paragraph of policy text.
PM10	Page 37	<u>Policy DK3: Markets and outdoor stalls</u> Add new criterion d) to the second part of the policy, as follows: "d) do not result in any significant detrimental impacts upon residential amenities." Add the word "and" after criteria a) and c).
PM11	Page 39	<u>Policy DK4: Social and Community facilities</u> Delete the words "<i>Kilburn plan</i>" in the first part of the policy text and replace with "Plan". Amend criterion d) in the second part of the policy text to read as follows: "respond to local character and take account of all other relevant Policies and guidance contained in this Plan."
PM12	Pages 23, 45 and 46	<u>Paragraph 6.10 and Appendix 2 – Kilburn's Local Heritage</u> Amend the text on Page 45 to read as follows: "This appendix presents a summary of the heritage assets within the Neighbourhood Plan area. Kilburn is an area rich in local heritage features and

		assets. The Neighbourhood Plan Area contains eight different Conservation Areas: 1. South Hampstead (partially) 2. Alexandra Road (partially) 3. Priory Road 4. South Kilburn (partially) 5. St. Johns Wood 6. Paddington Cemetery 7. North Kilburn 8. Kilburn (partially) Recognising the importance of these Conservation Areas is crucial to understanding and seeking to protect Kilburn's character, particularly as there are no Conservation Areas on the High Road itself, meaning the designation of the Conservation Areas plays an important role in maintaining the character of Kilburn's residential areas. It is to be noted that the potential Conservation Area extensions of both North Kilburn and Kilburn Conservation Areas will, if approved, extend to the High Road. The area also contains 15 listed buildings: 1. The Black Lion - Grade II. An imposing corner plot, 274 Kilburn High Rd 2. The National Club - Grade II (United Kingdom Children of God) 3. Gaumont State Cinema - Grade II* (Ruach Ministries) 4. Goetze Grave - Grade II listed building located in Paddington Old Cemetery Non-Civil Parish - 1389534 Historic England
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		5. The Chapels at Paddington Cemetery (and associated structures) - Grade II 6. Mecca Social Club, Carlton Rooms - Maida Vale - Grade II (Islamic Community Centre) 7. 1, 1A, 1B and 1C Greville Place - Grade II 8. 3, 3A Greville Place - Grade II 9. 5, 5A Greville Place - Grade II 10. 24, 26, 26A Greville Road - Grade II 11. 37 Regency Lodge, Greville Road - Grade II 12. 13 -19 Greville Place - Grade II 13. Alexandra Road Estate - Grade II* 14. Former Alexandra Road School, Ainsworth Way and Alexandra Resource Centre- Rowley Way - Grade II 15. Loudoun Road housing, shops and craft workshops, comprising North block (61-83 Loudoun Rd, 1-8 Langtry Walk) and South Block (49-59 Loudoun Road, 2-62 Alexandra Place) - Grade II* Paddington Cemetery is Grade II listed within the Register of Historic Parks and Gardens by Historic England. As a public house, the Black Lion could be subject to further protection as an Asset of Community Value. Kilburn has already witnessed the loss of a considerable number of its pubs, and efforts should be taken to retain the last of its existing ones, especially The Black Lion, situated in an imposing corner plot Grade II * listed building and listed by CAMRA as having a historic pub interior of national importance. There are also 33 locally listed buildings
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		within the Plan boundary. 22 are in Camden and 11 are in Brent, as listed below: 1. 351-353 Kilburn High Road 2. 345 Kilburn High Road 3. 315 & 317 Kilburn High Road 4. 157 Kilburn High Road 5. 127-131 Kilburn High Road Trinity Mansions and shops 6. 77 Kilburn Bridge Pub, Kilburn High Road 7. Priory Road Conservation Area-Boundary Road 8. 131 Kilburn High Road 9. 187-193 Kilburn High Road 10. Jubilee (Metropolitan) railway bridge (forms the arches along Maygrove, Iverson Rd) 11. 330 - 334 Kilburn High Road 12. 308 Kilburn High Road 13. 1-31 Oppidan Apartments, 25 Linstead Street 14. Kilburn Grange Park - Kilburn High Road 15. 105 - 107 Kingsgate Rd 16. 1-8 Smyrna Mansions, Smyrna Road 17. Roman Catholic Church of the Sacred Heart 18. 2 West End Lane 19. Ebenezer Baptist Chapel, Kilburn Vale 20. Priory Works, 252 Belsize Lane 21. 254- 256 Belsize Road 22. 11 Springfield Walk 23. Brondesbury Mews and adjoining public lavatories 24. 10 Brondesbury Road 25. 24-34 Glengall Road 26. 41-61 Kilburn High Road 27. 125 Kilburn High Road (Juniper, formerly The Cock Tavern public house)
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		28. 155 Kilburn High Road (The Earl of Derby public house) 29. 259-267 Kilburn High Road 30. 325 Kilburn High Road 31. 99-101 Willesden Lane (The Prince of Wales public house) 32. 134-136 Willesden Lane 33. 138-142 Willesden Lane (Christ Church School)” Amend the accompanying reference in the first sentence of Paragraph 6.10 (on Page 23) to read as follows: “Kilburn benefits from 15 listed buildings, 33 locally listed buildings (see Appendix 2), and eight different Conservation Areas.”
PM13	Various	<u>Other Matters</u> The London Boroughs of Brent and Camden have identified a number of corrections to the following parts of the draft Plan, to ensure that it is accurate and fully up to date: • Contents Page. • Paragraphs 3.6, 3.7, 3.11, 3.12 and, 3.16-3.24. • The numbering of paragraphs in Section 5, with paragraphs 5.8 and 5.9 being duplicated. • Paragraph 5.14 – to remove duplicate text. • Paragraph 5.29. • Paragraph 6.32. • Paragraphs 7.20, 7.22, 7.28. • Paragraph 8.10. • Paragraph 9.1. • Appendix 1 – last paragraph. • Figures 3, 6 and 9. • Figure 8 – concerning the text at Point Nos. 4, 5 and 7. • Project Boxes on Pages 9, 28 and 30.

		The Qualifying Body should liaise with the Councils to ensure that all necessary amendments are agreed.
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