

Application ref: 2021/5295/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 22 November 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Barton Willmore
26 Kings Hill Avenue
Kings Hill
West Malling
ME19 4AE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**172-176 Kilburn High Road
London
NW6 4JD**

Proposal:

Redevelopment of existing 2 storey building including partial demolition and extensions to provide 2 additional storeys consisting of 8 self-contained flats with balconies at rear; alterations to the ground floor shopfronts; alterations to ground floor to provide new access to upper floors, plant, refuse and cycle facilities; provision of new access gates at rear, green perimeter wall at rear 1st floor, green roof and air source heat pumps within enclosures at rear 1st floor and on main roof; plus associated works to the rear.

Drawing Nos: A-E10-001; A-P11-001 REV P1; A-P11-002 REV P1; A-P11-003 REV P1; A-P11-004 REV P1; A-P11-005 REV P1; A-P11-005 REV P1; A-P12-001 REV P1; A-P13-001 REV P1; Daylight and Sunlight Report by GL Hearn dated 1st July 2021; Design and Access Statement Addendum by Barton Willmore dated June 2022; Energy Statement by Create Consultancy Engineers Ltd dated October 2021; Overheating Assessment by Create Consultancy Engineers Ltd dated October 2021; Sustainability Statement by Create Consultancy Engineers Ltd dated October 2021; Noise Assessment Technical Report dated July 2021.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: A-E10-001; A-P11-001 REV P1; A-P11-002 REV P1; A-P11-003 REV P1; A-P11-004 REV P1; A-P11-005 REV P1; A-P11-005 REV P1; A-P12-001 REV P1; A-P13-001 REV P1; Daylight and Sunlight Report by GL Hearn dated 1st July 2021; Design and Access Statement Addendum by Barton Wilmore dated June 2022; Energy Statement by Create Consultancy Engineers Ltd dated October 2021; Overheating Assessment by Create Consultancy Engineers Ltd dated October 2021; Sustainability Statement by Create Consultancy Engineers Ltd dated October 2021; Noise Assessment Technical Report dated July 2021.

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

- 3 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grilles, external doors and gates;
- b) Plan, elevation and section drawings of the new shopfronts at a scale of 1:10;
- c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).
- d) Details of Air Source Heat Pumps (ASHP) and acoustic enclosures on roofs.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 5 Before the development commences, details of the cycle storage areas for 16 long stay and 2 short stay cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its

entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 6 The waste storage facility hereby approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5, A1, A4 and TC4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of development, full details in respect of the green roofs and green wall in the area indicated on the approved roof plans shall be submitted to and approved by the local planning authority. The details shall include:
- i. a detailed scheme of maintenance;
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used, and;
 - iii. full details of planting species and density

The green roofs and wall shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3 and A3 of the London Borough of Camden Local Plan 2017.

- 8 The green roofs hereby approved shall not be used as amenity roof terraces and shall only be accessible for maintenance purposes.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 9 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3 and D1 of the London Borough of Camden Local Plan 2017.

- 10 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling/s shall not be occupied until the

Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 11 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 12 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport and commercial noise sources in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 Prior to first use of the proposed Air Source Heat Pumps (ASHP) hereby approved, the active cooling function for the residential flats shall be disabled on the factory setting and the ASHPs shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.

- 14 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration-isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 15 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of an enhanced sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] of at least 5dB above the Building Regulations value for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings (eg. living room and kitchen above bedroom of separate dwellings). Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of occupiers of the development site in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 16 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1, A4 and TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The scheme involves partial demolition of the first floor and the construction of a 2 storey roof extension associated with the use of the 3 upper floors as 8 new self-contained flats, plus alterations to the front and rear façades including replacement of the existing shopfronts, provision of new gates, new green roofs, plant enclosure at 1st floor and main roof levels, and associated works all to the rear.

In principle the proposed roof extension at nos 172-176 Kilburn High Road is considered appropriate in height and mass on account of the relatively tall buildings that occupy the adjoining plots. The roof extension is of sufficiently high design quality to be read as a sympathetic addition to the principal elevation on Kilburn High Road. The scheme also will restore the brickwork, windows and other architectural features of the existing 1st floor front facade to preserve the character of the streetscape. The proposed roof extension, by virtue of its articulation with lower height and setback on its southern side, will relate to the adjoining 'Coopers Arms' Public House, whereas to the north the new second floor would line up with the third floor of 178 Kilburn High Road. The revised scheme with a reduced bulk and increased setback from the eastern boundary would ensure the rear building facade aligns with adjoining

building lines and creates a separation distance of approximately 12m away from the rear at 10 Kingsgate Place.

The proposed roof addition would be constructed using predominantly brick with stone detailing, which is acceptable; the window proportions and detailed design will be similar to those on the adjacent terraces and the existing building's fenestration. Conditions are attached to ensure appropriate detailing and materials.

The detailed design, articulation and setbacks of the property from neighbouring properties to the rear and sides would ensure that the proposed scheme would have an appropriate elevational treatment, footprint, bulk and height for this plot and would create a sympathetic addition to the existing building and area. Overall the new extended building would not harm the character and appearance of the streetscape.

The existing perimeter wall at rear first floor would be repurposed as green living wall at a height of 2.1m which would enhance privacy from the new rear facing windows and balconies facing Kingsgate Place. New green roofs are also provided on all flat roofs of the 1st floor rear extension and main roof. These elements would increase biodiversity and visual amenity and would also help to lower peak rainfall runoff, reducing the risk of floods. Details of the green roofs and wall shall be secured by condition to ensure they are viable in the long term and include a biodiverse mix of species.

The replacement of the existing shopfronts by modern fully glazed units with new fascia signage are considered to be acceptable in terms of size, design and materials.

The residential units would be accessed via Kingsgate Place where the existing access point is located. A new gated access system is proposed to control access and ensure that the residents are provided with a safe and secure access to the building. Access to the retained retail units are primarily from Kilburn High Road and the proposed new shopfront would ensure level access for all users. The proposal is considered acceptable.

The rear of the building and accessway will include new paving, plant, bin and cycle stores for both retail and residential occupiers. Further details in relation to this would be secured by conditions.

- 2 Policy H7 (Large and small homes) seeks to ensure a range of homes for different sizes contributes to the creation of mixed, inclusive and sustainable communities.

The Dwelling Size Priority Table identifies 2 and 3 bedroom market housing units as being high priority and 1 bedroom units as lower priority. The proposal would involve the erection of 2 storey roof extension to provide 8 flats within the 3 upper floors of approx. 627 sqm GIA, consisting of 2 x 1bed 1person studio (41sqm & 43sqm), 3 x 1b2p (50sqm), 1 x 2b3p (61sqm) and 2 x 2b4p (70sqm). The proposed residential mix is considered acceptable given the existing site constraints and the need for large and small homes. Thus, the proposal complies with Policy H7.

All 8 units would meet the minimum space standards as per the Government's Nationally Described Space Standards. The bedrooms would include built-in storage. There would be adequate amenity spaces, with private balconies for the larger flats and a 10sqm communal balcony for the 2 studio flats. Only the 2 studio flats would have single aspect whereas all others have dual aspect consisting of living accommodation facing onto Kilburn High Street and the bedrooms towards to the rear to be away from the noisy high street. On balance these units are considered to have an acceptable standard of accommodation with good outlook and natural light and the units would have a flexible open plan layout.

The proposal includes new residential units and an uplift of 627sqm GIA of floorspace. This would result in a requirement by Local Plan Policy H4 for 12% affordable housing (capacity is rounded up to the nearest 100sqm) based on measurements taken from the submitted plans. On this basis, a payment-in-lieu of $12\% \times 75.2 \times \text{£}5000 = \text{£}376,000$ is required towards affordable housing which will be secured by a S106 legal agreement.

In accordance with Policy T2, the Council expects all flats to be car-free to prevent the future occupiers of the newly created flats from adding to existing on-street parking pressure, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. This would be subject to S106 legal agreement.

- 3 The submitted drawings show there would be sufficient cycle spaces for the newly created residential units; 15 long-stay and 2 short-stay cycle parking spaces are required by London Plan standards for this development. Although the location and design appear acceptable, a condition is attached requiring the submission of further cycle storage details. The separate retail and residential refuse stores would be located to the rear of the property. However, the acceptability of this element is subject to more detail provided. Nonetheless, the waste store would be easily accessible for residents and would be collected from the rear of the property. A Waste Management Plan would be secured by planning condition.

The footway directly adjacent to the site is likely to sustain damage because of the proposed works, and the crossover would need to be reinstated. A highways contribution $\text{£}13,808.21$ would need to be secured by S106 legal agreement.

Due to the site being on a busy high street and the amount of construction proposed, a Construction Management Plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and neighbouring community. In addition, in accordance with Policy A1, a CMP implementation support contribution of $\text{£}3,920$ and a Construction Impact Bond of $\text{£}7,500$ would be secured by S106 legal agreement.

The new extension would utilise the passive solar design principles through orientation of its main living room windows towards southwest elevations. This would enable daylight and sunlight penetration into the new building, reducing its heating load. Moreover, the report calculated the overall projected

improvement over the Part L Fabric Energy Efficiency (FEE) standard for the new dwellings has exceeded 13% demonstrating the development's high standard of building fabric. The application was submitted with an energy and sustainability statement, which demonstrates a 42% reduction in CO2 beyond existing building baseline and BREEAM Excellent. To maintain compliance, an energy and renewable energy plan would be secured by way of S106 legal agreement.

A Daylight and Sunlight Assessment has been prepared by GL Hearn to assess the impact on neighbouring residential properties, in accordance with the BRE guidance. The report confirmed that the daylight has been assessed for 73 of the neighbouring residential windows, using the Vertical Sky Component test (VSC). A large majority of 69 windows meet the guidelines detailed by BRE, equating to a 95% pass rate. The internal daylight has been assessed using the Daylight Distribution test and all 44 rooms were all considered BRE compliant, equating to a 100% pass rate. In the relevant 21 neighbouring windows which required a sunlight assessment, all were BRE compliant, concluding a 100% pass rate. Overall the development will have a minor adverse effect on the neighbouring properties. On balance, it is considered that no significant harm would be caused to the amenity of neighbouring occupiers in terms of loss of light.

The proposal would not have a detrimental impact on outlook or privacy to the rear with 10 Kingsgate Place, given that this rear property is in commercial use, there is a significant setback of the building which matches that of neighbouring buildings, and there will be a 2m high enclosure around the 1st floor roof.

- 4 New ventilation equipment is proposed and Air Source Heat Pumps (ASHP) for both retail and residential units would be installed externally on both the main roof and the rear 1st floor. The submitted acoustic assessment meets the local plan policy requirements and is considered acceptable by the Council's Environmental Health officer, subject to imposition of standard conditions to limit noise levels and vibration as well as more details on the ASHPs and acoustic enclosures. In principle the latter elements are considered acceptable in location and bulk as they are discreetly set back from the front roof edge or located on the rear 1st floor roof behind the green wall.

One objection was received from a local resident that opposes the development in principle. However, the proposal would provide new homes to the borough that would meet local and national planning objectives. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A3, A4, D1, D3, CC1, CC2, CC3, CC5, H1, H2, H6, H7, T1 and T2 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2021 and the London Plan 2021.

- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building

Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS
(tel: 020-7974 6941).

- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 7 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 10 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 11 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact

Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer