

Address:	12 West End Lane London Camden NW6 4NX		3
Application Number(s):	2022/3430/P	Officer: Nora Constantinescu	
Ward:	Kilburn		
Date Received:	10/08/2022		
<p>Proposal: Conversion of former Bird in Hand Public House (Sui Generis) and associated flat to provide 1 no dwellinghouse, and erection of five storey block to the rear to provide 9 self-contained flats, with associated landscaping, plant, refuse, cycle storage, new side gate (Class C3).</p>			
<p>Background Papers, Supporting Documents and Drawing Numbers:</p> <p>Existing:</p> <p>2019-008_PL1000; 2019-008_PL1010 Revision A; 2019-008_PL100 Revision A; 2019-008_PL1100; 2019-008_PL1101; 2019-008_PL1103; 2019-008_PL1104; 2019-008_PL1200; 2019-008_PL1201; 2019-008_PL1230;</p> <p>Proposed:</p> <p>2019-008_PL2010 Revision B; 2019-008_PL2101 Revision B; 2019-008_PL2102 Revision B; 2019-008_PL2103 Revision C; 2019-008_PL2104 Revision B; 2019-008_PL2105 Revision B; 2019-008_PL2106 Revision B; 2019-008_PL2200 Revision B; 2019-008_PL2201 Revision A; 2019-008_PL2211 Revision A; 2019-008_PL2220 Revision A; 2019-008_PL2221 Revision A; 2019-008_PL7000 Rev A;</p> <p>Documents:</p> <p>Daylight and Sunlight Report by Robinsons dated 22 April 2022; Design and Access Statement August 2022 by Metashape Architects; Cover letter 9 August 2022 by Peacock+Smith; Flood Risk and Sustainable Drainage Strategy June 2022, Technical Note November 2022, Technical Note February 2023 by Water Environment Limited dated; Externals Spaces Concept Plan, Planting Palette, Green/Blue Roof, 1001 Landscape General Arrangement, 1002 Soft Landscape Proposals by Sudio 413 Landscape Architecture; Construction Management Plan by London Building Company May 2022; Transport Statement by vectos. KK4 Ltd July 2022; Travel plan statement by vectos. KK4 Ltd July 2022; Fire Safety Design Strategy Issue 1.3 by Paul Molloy, August 2022; Viability Assessment dated 28 July 2022, letter dated 20 March 2023 (appendix 1-4), by Dauglas Birt Consulting; Heath Impact Assessment Matrix dated August 2022; Planning Statement August 2022 by Peacock + Smith; Statement of community</p>			

involvement dated August 2022 by Peacock+Smith; Energy Assessment dated 09/06/2022 by eight associates; Sustainability Statement dated 09/06/2022 by eight associates; Air Quality Assessment dated 09/06/2022 by eight associates; Archaeological Desk Based Assessment June 2022 by HCUK Group; Basement Impact assessment Phase I Desktop study report January 2022, Phase II Environmental Report February 2022, Geotechnical Assessments February 2022 by Herts & Essex Site Investigations.

RECOMMENDATION SUMMARY: Grant conditional planning permission subject to s106 legal agreement

Applicant: Mr Peter Cunningham

Agent: Peacock + Smith

Miss Katie Hutchings
Peacock + Smith Ltd
8 Baltic Street East
Clerkenwell
EC1Y 0UP

ANALYSIS INFORMATION

Land Use Details:

	Use Class	Use Description	Floorspace (GIA sqm)
Existing	Public House (Sui-Generis)		179sqm
	Residential (in association with pub)		95sqm
	TOTAL		274sqm
Proposed	Conversion - C3 Residential (minus pub extensions)		194sqm
	New - C3 Residential		814sqm
	TOTAL		1,008sqm

Residential Use Details:

	Residential Type	No. of Bedrooms per Unit				
		1	2	3	4	Total
Market	Flat	4	5			9
	House			1		1
	TOTAL					10
Intermediate	Flat					0
Affordable (rented)	Flat					0

TOTAL - All	Flats & Houses					10
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Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

OFFICERS' REPORT

Reason for Referral to Committee: Major development involving the change of use or the construction of a building resulting in the provision of 10 or more dwellings [Clause 3 (i)].

EXECUTIVE SUMMARY

- i) The application site is occupied by a three-storey building and its garden which includes a former pub, The Bird in Hand, at basement and ground floor level and residential accommodation above in association with the pub. A more recent residential property adjoins the pub building at No.14. The site is not in a conservation area but is in the Kilburn Neighbourhood Area. The Kilburn Park Estate lies behind the site, and to the rear it is bordered by a row of garages, which are in Council ownership and have been identified as having potential for future redevelopment.
- ii) The existing pub has been vacant since its last occupation in 2003. The proposal is to retain the main pub building fronting the street and convert it into a 3-bedroom dwelling, demolish the later rear additions and erect a five-storey block of 9 self-contained flats. The loss of the pub has been justified by the applicant and it has taken into account the needs of the local community in doing so.
- iii) The proposed uplift in housing on the site is welcomed given that housing is the priority use of the local plan, and there is a significant need to deliver additional housing. The scheme would provide new high-quality homes in the Kilburn area. The proposed floorspace does not trigger a policy requirement to provide affordable housing on site and a payment is acceptable. Due to viability issues, a payment-in-lieu of £227,920 will be secured (more than the identified surplus) which represents 35% of the policy required value of £651,200.
- iv) The proposed development would be highly sustainable, retaining and converting the existing pub and exceeding the carbon reduction targets in the development plan. It would minimise water consumption, use Air Source Heat Pumps (ASHPs) and solar PV panels and employ SUDs such as blue roofs. The scheme would improve on the existing biodiversity of the site, with landscaped gardens at ground floor and green roofs.
- v) Given the scale, distance, and orientation of the proposed building with respect to neighbouring residential properties, there would not be a material detrimental impact on their amenity.
- vi) The pub building has architectural value and this will be retained in the proposed scheme. The proposed block behind, has been set back to allow the prominence of the pub building, and to better relate to the other blocks within Kilburn Estate. Its scale, architecture and detailed design have been grounded in the existing context and further expressed through careful detailing and a simple palette of materials.
- vii) Overall, the proposals are considered to be an improvement to the existing situation, by bringing a vacant site back in use with a sustainable residential development that would deliver much needed new homes for the borough.

1 SITE

- 1.1 The application site covers an area of approximately 0.05 hectares (500 sqm), and the site is located on the southern side of West End Lane, in between the junction with Mutrix Road and Kilburn High Road. It is occupied by a three-storey building and its garden which includes the vacant pub, The Bird in Hand, at basement and ground floor level and residential accommodation above in association with the pub. The pub, the Bird in Hand has been vacant since its last occupation in 2003.
- 1.2 The site is not part of a Conservation Area, but falls within the boundary of Kilburn Neighbourhood Forum Area.



Figure 1 – The existing site

- 1.3 The site sits within the south side of West End Lane, characterised by blocks of flats of 3-5 storey buildings, and part of Kilburn Estate. To the north of West End Lane there is a fine grain of three storey terraced houses which contrasts in typology, scale, and openness with those on the opposite side of the road. The pub building is the last one within Kilburn estate which resonates with the fine grain of terraced buildings opposite.
- 1.4 The area is predominantly residential though it is linked with Kilburn High Road to the west. Belsize Road runs to the south which contains a short shopping

parade. Kilburn High Road Overground Station is located approximately a 5 minute walk from the application site and a number of buses serve the area on Kilburn High Road and Belsize Road. The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent).

2 THE PROPOSAL

- 2.1 The proposal is for conversion of the former Bird in Hand Public House (Sui Generis) and its associated flat to provide 1 dwellinghouse, to demolish the rear part of the building and erect a five storey block to provide 9 self-contained flats with associated landscaping, plant, refuse, cycle storage, and a gate facing West End Lane.
- 2.2 The proposed development has carefully considered the interaction between the existing pattern of development to the north and south of west end lane. The pub building still preserves the character of the area prior to the estate's development and has some architectural quality which will be preserved. The proposed block at the back of the pub, relates more closely to the architectural detailing and scale of the existing estate blocks.
- 2.3 In addition, at the rear of the site there are a row of garages, which have potential for redevelopment. The proposals have been designed to take into account the potential redevelopment of the garages site and therefore present the rear of the site with a flank wall.



Figure 2 – The proposed site

3 RELEVANT HISTORY

3.1 General history of the application site:

PWX0103913 – 12 West End Lane - The demolition of an existing public house and the erection of a 3-storey building to provide 7 self-contained flats. As shown on drawing no(s) SK/21/232, H21/231A, location plan – **Refused 2003**

Reasons for refusal:

- 1 Impact on neighbouring amenity.
- 2 Residential mix contrary to policy.
- 3 No ground floor entrance to front elevation contrary to existing character.
- 4 Density exceeds policy requirements.
- 5 No car parking and no car-free legal agreement.

3.2 Previous records in vicinity of the application site:

9501689 – 12-14 West End Lane - Outline application for the erection of 2 storey single town house on vacant land adjacent to public house, as shown on plan number K - 1001. – **Granted 1996**

4 CONSULTATION SUMMARY

STATUTORY

4.1 Thames Water

Waste

- The proposed development is located within 15 metres of a strategic sewer. Thames Water requests that a piling method statement to be submitted by condition prior to any piling taking place.
- An informative is required to require details of measures that will be undertaken to minimise groundwater discharges into the public sewer.

Surface water drainage

- No objection if the developer follows the sequential approach to the disposal of surface water.
- In relation to waste water network and sewage treatment works infrastructure capacity, there are no objections.

Water Comments

- No objection regarding water network and water treatment infrastructure capacity. Informative in relation to the minimum pressure provided is suggested and this to be taken account of this minimum pressure in the design of the proposed development.

Officer's response: Conditions 16 and informatives 4 and 5

4.2 Historic England (GLAAS) (Archaeology service)

- Advises that the development could cause harm to the archaeological interest of the building and therefore recommended details of historic building recording and public engagement.

Officer's response: Conditions 24 and informatives 7 and 8 will be added to the decision notice.

4.3 Metropolitan Police (Design out Crime) – No objection

Adjoining Occupiers

- 4.4 A site notice was displayed from the 7th September 2022 until the 1st October 2022. A press advert was placed on 8th September 2022 until the 2nd October 2022 in the Ham and High.

Representations summary

Letters and petitions of objection

- 4.5 Objections were raised by four local residents at 14 Lorton House, 10 Ribblesdale, 25 West End Lane, 51 Sumatra Road, two from wider area at 51

Sumatra Road, 4e Rowley Way and one from Northampton (out of London) on the issues outlined below. These issues raised are considered in the relevant section of this report.

Open space

- Use of the green space on Kilburn Vale estate as its upkeep is paid by leaseholders.
Officer's response: See sections on Quality of Accommodation and Landscape and trees

Design and conservation

- Losing the original character of the area if the pub is converted into residential.
- The proposed height does not respect the hierarchy of the street.
- Poor design.
- Inappropriate materials.
- Hotchpotch of uncoordinated buildings.
- Overbearing and out of scale height.
Officer's response: See sections on Design and Conservation.

Proposed flats

- Space standards met but no space for storage.
- Management of bin collection - Bins location unfeasible for collection as it would trespass onto the Kilburn Vale which is illegal.
- Poor internal layouts, small bedrooms, access to/from bikes.
Officer's response: See sections on Quality of Accommodation

Amenity impact

- Loss of light to the Kilburn Vale Estate.
- Overshadowing.
- Loss of privacy.
Officer's response: See sections on Impact on neighbouring amenity

Transport

- No parking spaces.
Officer's response: See section on Transport.

Flood Risk

- Increase in the change of flooding in the area with impact on the Kilburn Estate buildings.
Officer's response: See section on Flood Risk

Safety and security

- The proposed blank wall will increase crime.
- Increase of noise and crime in the area.
- Existing issues of anti-social behaviour and the proposed new homes will increase in this.
Officer's response: See section on Safety and security.

- 4.6 Some comments of support in relation to some elements of the proposal were included by residents, as follows:
- Retention of pub building is appreciated.
 - No objection to the principle of development in general.

5 POLICIES & GUIDANCE

5.1 National Planning Policy Framework 2021

5.2 NPPG

5.3 National First Homes Policy (Written Ministerial Statement May 2021)

5.4 The London Plan 2021

5.5 Camden Local Plan (2017)

- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H3 Protecting existing homes
- Policy H4 Maximising supply of affordable housing
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy C2 Community facilities
- Policy C4 Public houses
- Policy C5 Safety and security
- Policy C6 Access for all
- Policy E1 Economic development
- Policy E2 Employment premises and sites
- Policy A1 Managing the impact of development
- Policy A2 Open Space
- Policy A3 Biodiversity
- Policy D1 Design
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change
- Policy CC3 Water and flooding
- Policy CC4 Air quality
- Policy CC5 Waste
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car-free development
- Policy T4 Sustainable movement of goods and materials
- Policy DM1 Delivery and monitoring

5.6 Supplementary Planning Guidance

Mayor's London Plan Guidance

Camden Planning Guidance (2021)

- CPG – Design
- CPG – Basements
- CPG – Water and flooding
- CPG - Housing
- CPG – Amenity
- CPG – Energy efficiency and adaptation
- CPG – Biodiversity
- CPG – Air quality
- CPG – Access for all
- CPG – Transport
- CPG – Planning Obligations

Planning Statement - Intermediate Housing Strategy and First Homes (2022)

5.7 Other Documents

The site lies within Kilburn Neighbourhood Forum area, however there is no neighbourhood plan for this area.

6 ASSESSMENT

The principal considerations material to the determination of this application are considered in the following sections of this report:

7	<u>Consultation and procedure</u>
8	<u>Land use principles</u>
9	<u>Tenure and unit size mix of the proposed housing</u>
10	<u>Quality of accommodation</u>
11	<u>Conservation and design</u>
12	<u>Landscape and trees</u>
13	<u>Impact on neighbouring amenity</u>
14	<u>Basement</u>
15	<u>Air quality</u>
16	<u>Sustainable design and construction</u>
17	<u>Flood risk and drainage</u>
18	<u>Transport</u>
19	<u>Safety and security</u>
20	<u>Refuse and recycling</u>
21	<u>Planning obligations</u>
22	<u>Mayor of London's Crossrail CIL</u>
23	<u>Camden CIL</u>
24	<u>Conclusion</u>
25	<u>Recommendations</u>
26	<u>Legal comments</u>
27	<u>Conditions – planning application</u>
28	<u>Informatives</u>

7 CONSULTATION AND PROCEDURE

Consultation

- 7.1 A Statement of Community Involvement (SCI) has been submitted as part of the application which details the consultation that the applicant undertook prior to submitting their application. Officers consider this consultation was sufficient, with numerous events over a period of time. The proposal was amended in response to comments received through consultation. The application was also subject to the council's consultation as part of the planning application process.

8 LAND USE PRINCIPLES

- 8.1 The existing site is currently occupied by the Bird in Hand pub building, vacant since 2003 and a 3-bedroom residential flat above. Under policy C4 'Public houses' the Council seeks to protect public houses which are of community, heritage or townscape value. In instances where a public house is converted to an alternative use, the Council will seek the retention of significant features of historic or character value.
- 8.2 The pub has been vacant since its last use in 2003. With over 20 years of inactivity, it is considered less likely that the use of the pub would have community value. Given its close proximity to other residential properties, the use of the site as a public house again could potentially affect the amenity of neighbours. Nevertheless, the site lies within 3 min walk from Kilburn High Street, which has variety of public houses and other amenities, and therefore the reprovision of the pub is not required.
- 8.3 Initial pre-application submissions showed, the provision of a community space at the ground floor of the pub building. The applicant further investigated if there is a need for such use in this location and found that Abbey Community Centre is located near the site (recently been relocated on Belsize Road, at 10min walk from the application site) and confirmed their capacity is comfortable. Without an identified need in the locality for a community use, officers advised the applicant to explore converting the pub building in a larger family-sized dwelling.

Residential use

- 8.4 Residential is the priority land use of the Local Plan. Camden Local Plan policies H1, H3, H4, H6 and H7 are relevant with regards to the provision of housing and set out what is required in terms of tenure and unit mix. There is currently one 3-bedroom flat on site above the pub building which was understood to be used in conjunction with the pub. This will be re-provided throughout the whole pub building as a larger home. 9 new flats are proposed at the rear of the pub building, within a five-storey block. The overall increase in new build area is 814sqm with 194sqm retained of the existing 274sqm on site. This is welcomed in principal as it is in line with policy H1.
- 8.5 The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area of relevant plan-making authorities introduced by the government. It measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The government's most recently published

figure is for 2021, when the measurement for Camden was 76% - which means that Camden has to produce an action plan and apply a 20% buffer to our 5-year housing land supply. In view of this measurement, officers have recently reviewed the 5-year housing land supply as part of the Authority Monitoring Report, and have concluded that the amount of deliverable housing land in the borough falls substantially short of what is needed for a 5-year supply. Consequently, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.

- 8.6 The proposed dwellings would contribute towards the strategic objectives of the Local Plan and contribute to the borough's housing, which must be given significant weight.

Conclusion; land use principles

- 8.7 The proposal would bring a long-term vacant site back into use. The pub has not been used for 20 years so its loss in land use terms has been established over a significant period of time. There are other pubs and uses of community value in the local area so using the site for residential is acceptable in this particular case. The provision of new homes on the site, in an urban area with excellent public transport links, meets the aims and objectives of national, regional, and local policy and complies with the provisions of the development plan.

9 TENURE AND UNIT SIZE MIX OF THE PROPOSED HOUSING

- 9.1 The considerations with regards to tenure and unit size and mix are as follows:
- Policy review
 - Mix of unit sizes
 - Tenure mix and viability

Policy review

- 9.2 Policies H1, H3, H4, H6, H7 and CPG2 (Housing) are relevant with regards to new housing, including to tenure and unit size.

Mix of unit sizes

- 9.3 Policy H7 requires homes of different sizes, the need for small and large homes varies depending on the tenure of the accommodation. The proposed unit mix should broadly accord with the Dwelling Size Priorities Table in this policy, although the Council will be flexible when assessing development.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

- 9.4 Policy H7 sets out the targets for unit sizes, which reflect broad needs across the borough. To create mixed, balanced communities, officers would normally seek a policy compliant mix of sizes, including a proportion of 4-bed homes. The proposal includes retention of the existing pub building and reprovision of the existing flat above the pub, within the whole retained building, as a 3-bedroom house. At the rear of the pub a new block would be erected which includes nine new flats. All residential flats would be market tenure homes. The proposed layout of the flats has been limited by the orientation of the site in relation to the main street and the existing blocks but designed to ensure sufficient daylight and sunlight is received by future occupiers and minimise impact on existing ones.
- 9.5 The proposed unit mix is in accordance with the development plan and provides most of the homes as 2-bed and 3-bed which are high priority, with the four 1-bed units being in the lower priority bracket. There is a good mix of different sizes provided and given that more than half of the homes proposed are of high priority, the mix of unit sizes is considered in accordance with policy H7.

Tenure mix

- 9.6 Camden Local Plan policy H4 and the CPG on Housing seek the provision of affordable housing. Where the uplift in residential floorspace has the capacity for 10 or more new homes (assuming 100sqm per home on average), the council expects affordable housing to be provided on site, subject to viability. Where the capacity is for fewer than 10 homes (less than 950sqm when rounded) then the policy accepts a payment instead of on-site affordable housing.
- 9.7 As the proposed development would provide 814sqm of residential uplift (capacity for eight homes) the Council will accept a payment-in-lieu of affordable housing. Given the proposed residential uplift of 814sqm, the sliding scale in Policy H4 (d) applies, starting at 2% for one home and increasing by 2% for each home added to capacity. The additional residential area would have a home capacity of 8 which equates to a target of 16% affordable housing on the sliding scale.
- 9.8 Applying the payment in lieu of £5,000 per sqm set out in Housing CPG, the total payment under the policy target would be:

$$814\text{sqm} \times 16\% \times £5,000/\text{sqm} = 130.24\text{sqm of AH} \times £5,000 = £651,200$$

- 9.9 A Viability Assessment has been submitted by Douglas Birt Consulting, and reviewed by third party consultants at BPS. There have been several points of disagreement which included the Benchmark Land Value. Further information has been provided by the applicant and BPS's rebuttal the Benchmark Land Value is agreed at £1,030,000. A surplus of £209,000 has been identified by BPS to which the applicant agreed to provide in full as an up-front payment. This would represent 32% of the policy required value of £651,200. Further negotiation with the applicant resulted in an agreed PIL of £227,920 which is 35% of the policy required value which is considered appropriate in this instance as it represents more than the maximum viable contribution in line with development plan policy, which is considered an additional benefit in the planning balance. Given this, and the fact that the up-front payment represents 35% of the total available payment, it is recommended there is no need for a review mechanism in this instance as there is

unlikely to be a realistic chance of the viability improving beyond the offer. The contribution would be secured by s106 legal agreement.

- 9.10 The national First Homes policy has now come into effect for developments that trigger an affordable housing contribution. First Homes are a new type of discount housing for sale. National policy indicates that First Homes should form 25% of the affordable housing sought in a development, and that where a payment in lieu (PIL) is sought in place of affordable housing, 25% of the value should be used to deliver First Homes. However, the Council has adopted a Planning Statement on the Intermediate Housing Strategy and First Homes, which indicates that First Homes in Camden would not be affordable to median income residents, and consequently First Homes will not be sought in the borough. Having regard to the national and local policies relating to First Homes, any funds arising from PIL and deferred affordable housing contributions are expected to contribute to the Council's preferred affordable housing types identified by Local Plan Policy H4 and CPG Housing 2021, namely social-affordable rented housing and intermediate rented housing.

10 QUALITY OF ACCOMMODATION

- 10.1 The considerations with regards to the quality of the proposed residential accommodation are:

- Policy review
- Design and layout
- Aspect
- Daylight and sunlight
- External amenity space
- Noise
- Conclusion

Policy review

- 10.2 Camden Local Plan policy H6 is about housing choice and mix, and it aims to minimise social polarisation and create mixed, inclusive, and sustainable communities, by seeking high quality accessible homes and a variety of housing suitable for Camden's existing and future households. London Plan policy D5 says development should provide the highest standard of accessible and inclusive design, which allows them to be used safely, easily and with dignity by all.
- 10.3 London Plan policy D6 and Camden Local Plan policies H6 and D1 require that housing should be high quality and provide adequately sized homes and rooms and maximise the number of dual aspect dwellings. Camden Local Plan policy A2 encourages opportunities to provide private amenity space which is reflected in a requirement to provide amenity space in LP policy D6. Camden Local Plan policy A1 seeks to protect the amenity of occupiers in relation to several factors, including privacy, outlook, light, and noise. Camden Local Plan policy A4 says suitable noise and vibration measures should be incorporated in new noise sensitive development.

Design and layout

- 10.4 New development should conform with the minimum space standards set out the London Plan (see below) and Camden Planning Guidance - Housing.

Table 3.3 Minimum space standards for new dwellings⁵⁷

Number of bedrooms	Number of bed spaces	Minimum GIA (m2)			Built-in storage (m2)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

- 10.5 All of the proposed units meet Camden's floorspace standards both in terms of overall size and bedroom size, except for the small bedroom in the 3-bed house, which has a floor area of 6.3sqm which is just below the minimum requirement for a single bed by 1.2sqm. The building has been designed with a study room in the attic, with over 12sqm floor area, which could potentially be accommodated as a bedroom, which is accepted. However, given the limitations on converting the existing building, and the overall standard of accommodation for that home, the marginal shortfall in one bedroom is not harmful or prevent the unit providing a good quality home.
- 10.6 The proposed homes have been designed to a high standard in terms of size, aspect and layout, with step-free access. An Access Strategy is included in the Design and Access Statement. New entrances are created to the pub building and apartment block to allow level access from West End Lane and Abbey Lane. The grounds surrounding the two entrances are secured and defined for their exclusive use by metal gates and railings.
- 10.7 The scheme will be designed to comply with building regulation's part M4(2). All dwellings provide well-proportioned rooms, hallways of min. 900mm wide circulation zones and accessible WC facilities. Kitchens, dining areas and living rooms have been designed to allow future adaptation for a wheelchair user, however some of the double bedrooms do not benefit from the sufficient space for wheelchair.
- 10.8 In applying the requirement for 90% M4(2) accessible and adaptable dwellings and 10% M4(3) wheelchair user dwellings, the Council will round the number of homes required in each category to the nearest whole number such that the total requirement for M4(2) and M4(3) dwellings adds up to 100%. The Council will not require M4(3) wheelchair user dwellings as part of developments that provide five additional dwellings or fewer. As such a wheelchair adaptable unit (M4(3)) will be required to be provided on site and its provision will be secured by condition 21. The

unit in the former pub, and the ground floor flat to the rear are both capable of being adapted to an M4(3) unit with only minor and non-material changes to things like internal door widths.

Aspect

- 10.9 All proposed residential flats would have dual aspect, to the south-east, south-west and north, with large windows to allow for cross-ventilation.



Proposed First Floor Plan which shows dual aspect rooms

Daylight and sunlight

- 10.10 The proposed self-contained units would receive adequate levels of daylight and sunlight, due to their position and sun orientation. The proposed dwelling within the pub building would be north and west facing and be served by large windows at ground and first floor which allow for adequate levels of daylight and sunlight to reach all the rooms.
- 10.11 The proposed new block would sit behind the pub building and project up to fifth storey with all except for one flat being located above ground floor, and benefiting from adequate levels of daylight and sunlight.
- 10.12 The ground floor flat would be located towards the rear of the site and be bordered to the south-east by the boundary wall shared with the garages site, which cumulatively with the shape of the new building would result in slightly reduced levels of daylight to the living area.
- 10.13 At first floor the bedrooms which are facing the rear of the pub building would receive slightly reduced levels of daylight due to the site constraints given by the retention of the pub building and sun orientation. However, this flat has window openings in four directions, with adequate levels of light throughout.

- 10.14 The submission includes a Daylight Sunlight report based on old BRE guidance targets for proposed units (ADF). The report was prepared prior to the new BRE guidance, and the scheme designed with the old guidance in mind. Notwithstanding this, the ADF values still give a useful indication of the quality of accommodation in relation to proposed rooms. The report mentions some of the shortfalls highlighted above, but concluded that overall the proposed residential accommodation would receive adequate levels of daylight and sunlight throughout the year. Officers agree with the conclusions of the report, and that the levels of light in the proposed units are appropriate and proportionate to the urban context.

External amenity space

- 10.15 Camden Local Plan policy A2 states that developments should seek opportunities for providing private amenity space, and LP policy D6 says that 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 10.16 Each of the proposed new residential flats has external amenity space such as gardens or balconies. The proposed dwelling would benefit from a garden of 35sqm to the side of the pub building. The other flat at ground floor level would benefit from a garden as well of 23sqm. All other flats would have balconies between 5sqm and 7sqm, with a depth of approximately 1.8m. The balconies are well designed, and their design contributes to a building with architectural interest.
- 10.17 The proposed external amenity space would have a good depth and width and will provide usable amenity space for the future occupiers. The provision of private amenity space complies with policy and would result in a high-quality development and provision for future occupiers.

Noise

- 10.18 An acoustic assessment has been submitted as part of the application, with regards to the Air Source Heat Pumps (ASHP) to be located on the roof of the building. Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, Camden Council's Local Plan, and British Standards.
- 10.19 Environmental Health officers have reviewed the information provided and consider that the plant noise criteria have been slightly under predicted taking into consideration distance losses, surface acoustic reflections and where applicable screening provided by the building. However they are satisfied that the acoustic submission should meet the local plan guidelines subject to further details of the mitigation measures proposed to be secured by condition, to ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity (condition 17).

- 10.20 In terms of internal noise, the flats have been appropriately stacked to ensure limited noise transfer between the rooms with different uses. Details have been provided which show adequate sound insulation between dwellings, and a compliance condition will be added as advised by Environmental Health officers (condition 19). Given that the whole development is for residential use, no additional information in relation to insulation would be required.

Conclusion

- 10.21 The proposed flats are considered acceptable in terms of layout and design, aspect, outlook, light, noise and amenity space and would provide an acceptable level of amenity.

11 CONSERVATION AND DESIGN

- 11.1 The conservation considerations are as follows:

- Policy review
- Designated and non-designated heritage assets
- Existing building and site
- Design response
- Proposed layout
- Scale and massing
- Architectural appearance and materiality
- Conclusion
- Archaeology

Policy review

- 11.2 Policies D1 and CPG (Design) of the Camden Local Plan are relevant to design elements. The site does not lie within a Conservation Area; however, Priory Road CA lies to the southeast, and therefore policy D2 still needs to be considered as it states that the Council will resist development outside of a conservation area that causes harm to the character or appearance of that conservation area.

Existing building on site

- 11.3 The site comprises an existing former public house and rear car park. There is a later terraced house adjoining the pub to the west. Surrounding the site on three sides is the Kilburn Vale Estate, with the pub, a remaining fragment of the Victorian terraces that once fronted onto West End Lane.
- 11.4 Development on the site presents an opportunity to bring the public house building back into use, make more efficient use of the site, and create a strong contextual relationship with the surrounding buildings through a high-quality new building.



From D&A: Photo of the pub building in 1936 and today (left); Pub original features to be retained (right)

Designated and non-designated heritage assets

- 11.5 The site is not in a conservation and the pub is not locally listed. However, the site is in the setting of the Priory Grove Conservation Area, as well as in the setting of several locally listed buildings. These include Ebenezer Baptist Chapel and Priory Works to the south, which are just outside Priory Grove Conservation Area, and 2 West End Lane which is on the corner of Kilburn Place. However, this part of the setting in which the site sits is within Kilburn Vale Estate, amongst the housing blocks. This part of the setting of these heritage assets (the conservation area and locally listed buildings) does not contribute to their significance and is in contrast to their character. As such, there would be no harm to any heritage assets resulting from any impact on this part of their setting.

Design response

- 11.6 The proposed development is for a single building that occupies much of the vacant development plot, comprising nine flats across five floors, with a central core. The existing former public house is retained providing further residential accommodation.

- 11.7 The proposal interprets the post-war residential block typology of the Kilburn Vale Estate and marries this with the historic fragment of the Victorian building on site.
- 11.8 Because of its local and historical relevance, this simple and considered building typology offers good quality accommodation and is deemed to be an appropriate design response to the site.

Site layout

- 11.9 The site layout comprises two parts with buildings arranged to address the streets around the site. The existing public house building facing West End Lane is retained, and a new building to the rear addresses the Kilburn Vale Estate.
- 11.10 The new building is a simple block orientated north-south of two flats around a central core. Its main entrance faces the existing road into the Kilburn Vale Estate. This presents a coherent street arrangement and sets up a party wall condition for the garage site to come forward at a later date.
- 11.11 The Design Review Panel raised concerns around access into both of the residential components, which have been addressed within the current application. Previously access to the new building had been split into two and created an alleyway down the side of the building, which compromised the amenity of the new Bird in Hand dwelling and had implications around safety. Amendments were made to simplify the access arrangements, with a single main entrance for the new building removing the need for the alleyway. This also results in a safer and more comfortable access route to the new Bird in Hand dwelling via a private garden facing West End Lane, which provides some defensible space.
- 11.12 The site layout makes more efficient use of the site, with simple entrance arrangements positively activating the streets.

Scale and massing

- 11.13 The development proposal retains the existing pub building on West End Lane, with a new five storey building proposed to the rear. This is commensurate with the heights of the residential buildings within the Kilburn Vale Estate, which are 3-5 storeys. The new building line sits to the rear of the existing Bird in Hand building, and follows the building lines of Bishopsdale and Holmesdale House, which are set back from the street edge and are 3 and 5 storeys respectively. Following this established building line prevents any increased sense of enclosure on West End Lane.
- 11.14 Previous iterations subsumed the Bird in Hand building into a larger block of flats, which increased its prominence on the street and lost the character of the historic building. Through discussion with officers, options of demolishing the pub, or extensions to it have been removed, retaining it as a single dwelling house and setting back the proposed additional massing to be contained within a new building to the rear of the pub. This was a view echoed by the Design Review Panel, which considered that extensions would be damaging to the Bird in Hand building that has many positive characteristics. This has resulted in a simpler proposal with less impact on the streetscape and improved flat layouts.

- 11.15 Thought has been given to the way the building relates to its near neighbours as well as how it fits within the context of the wider area. At the rear, the massing steps away from Bishopdale House. This provides a careful transition from the shallower building depth of Bishopdale to this broader block typology. It ensures that the proposed building is not overbearing and protects the amenity of the neighbouring properties.

Architectural appearance and materiality

- 11.16 The key design principles are influenced by the simple geometric forms of the estate buildings. The design draws on the language of the surrounding buildings and applies a high-quality contemporary approach resulting in a proposal that responds to its setting. The architectural detailing within the proposed facade is carefully considered to complement the modern blocks of the Kilburn Vale Estate whilst not overly dominating or competing with the retained Victorian former public house.
- 11.17 The proposal draws heavily on the material palette of the Kilburn Vale Estate, with red brick as the primary facing material. Creative use of white brick complements existing white rendered elements within the Estate and provides horizontal emphasis and brings lighter, cleaner exterior balcony spaces. Brick detailing is used to bring architectural interest, and the chamfered window reveals and the recessed brickwork add depth and texture to the proposal. Brickwork banding complements the horizontality of the neighbouring Kilburn Vale buildings and provides horizontal articulation on dividing the building into a lower plinth, body, and crown.
- 11.18 Brick as the primary material is deemed appropriate due to its robustness and ability to stand the test of time, and particularly suitable for this residential typology. Overall, the proposed materials respond contextually to the established palette in the area and are welcomed in this proposal, and details of these would be secured by condition 4.

Conclusion

- 11.19 The proposals display a considered and creative design response to this vacant and underused site.
- 11.20 The design of the building shows ingenuity and sensitivity in how to intensify residential development within an existing estate through thoughtful analysis and understanding of the surrounding character. The high-quality design, detailing and materials result in a scheme that is well designed in line with the NPPF and Local Plan policy D1.

Archaeology

- 11.21 Section 16 of NPPF, policy HC1 of the London Plan and policy D2 of the Camden Local Plan all recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. The site lies within an area of Archaeological Priority Tier II. An Archaeological Report has been submitted with the application and comments have been provided by Historic England GLAAS. The Archaeological Priority Area covers the medieval settlement of Kilburn and Kilburn Priory. The Priory buildings are thought to have been located c160m to the south-east of the site and are not thought to have

extended with the site boundary. West End Lane to the immediate north of the site has its origins as medieval route, and a historic stream (a tributary of the Westbourne) extends along the western boundary of the site and is now canalised. A Roman road followed the line of Kilburn High Road, c100m west of the site.

- 11.22 Despite the proximity to these sites of archaeological interest, GLAAS advised it is likely that the site remained rural farmland until the public house was constructed in the 19th Century. The construction of the pub and extensions will have removed or heavily disturbed any buried archaeological remains which existed on the site.
- 11.23 GLAAS advised including conditions for Historic Building Recording because the pub is to be altered internally, and also suggested a requirement for public engagement of the findings. There was no advice to attach a condition that covers the whole site however, the submitted Archaeological Assessment acknowledges that the works, both within the building and on the area of the site to the rear, are capable of uncovering remains of negligible to medium significance.
- 11.24 Policy D2 states that the Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate. As such, a condition 24 is recommended securing a Written Scheme of Investigation for the whole site, ensuring any remains in the building, or discovered on site during works, are recorded and publicised, including public engagement.

Conclusion

- 11.25 The scheme is a high-quality design that will preserve surrounding heritage assets and mitigate any potential impact on undiscovered archaeological remains in accordance with the NPPF and the development plan.

12 LANDSCAPE AND TREES

- 12.1 The landscaping, public realm and trees considerations are as follows:

- Policy review
- Landscape design

Policy review

- 12.2 Camden Local Plan policy A2 (Open Space) and A3 (Biodiversity) and CPG Biodiversity seek to protect existing trees and vegetation of biodiversity and amenity value.

Landscape design

- 12.3 The existing site has a rear garden of low biodiversity value, largely paved with areas of moss and shrubs growing through the pavement slabs. The proposal includes two gardens, one to the front of the site to the west side of the pub, one at the rear on the west side, and a communal amenity space on the east side to the rear.

- 12.4 The gardens have areas of soft landscaping on the borders with paving in the middle. They include a mix of shrubs and flowers appropriate for the site. The communal amenity space includes three trees, shrubs and flowers. Trees officers have reviewed the information submitted and consider it sufficient. A compliance condition 15 would be added to ensure the areas of planting and trees will be adequately replaced in case they die or are removed.
- 12.5 A green roof is proposed on the top of the block of flats along with PV panels. A broad range of species is proposed here which is supported. Trees officers require a maintenance schedule to be submitted and details of the irrigation system to be secured by condition 9.
- 12.6 Overall, the proposals represent a vast improvement on the existing site conditions in terms of amenity and biodiversity value.

13 IMPACT ON NEIGHBOURING AMENITY

- 13.1 The considerations of the impact on the amenity of the occupiers of neighbouring properties are as follows:

- Policy review
- Daylight and sunlight
- Outlook
- Overlooking
- Noise and disturbance

Policy review

- 13.2 Camden Local Plan policies A1, A4 and CPG Amenity are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. Impacts from construction works are also relevant but are dealt with in the 'Transport' section. The aim of the policies is that the quality of life of residents should be protected and development which causes an unacceptable level of harm to amenity should be refused.

- 13.3 The closest buildings to the site are:

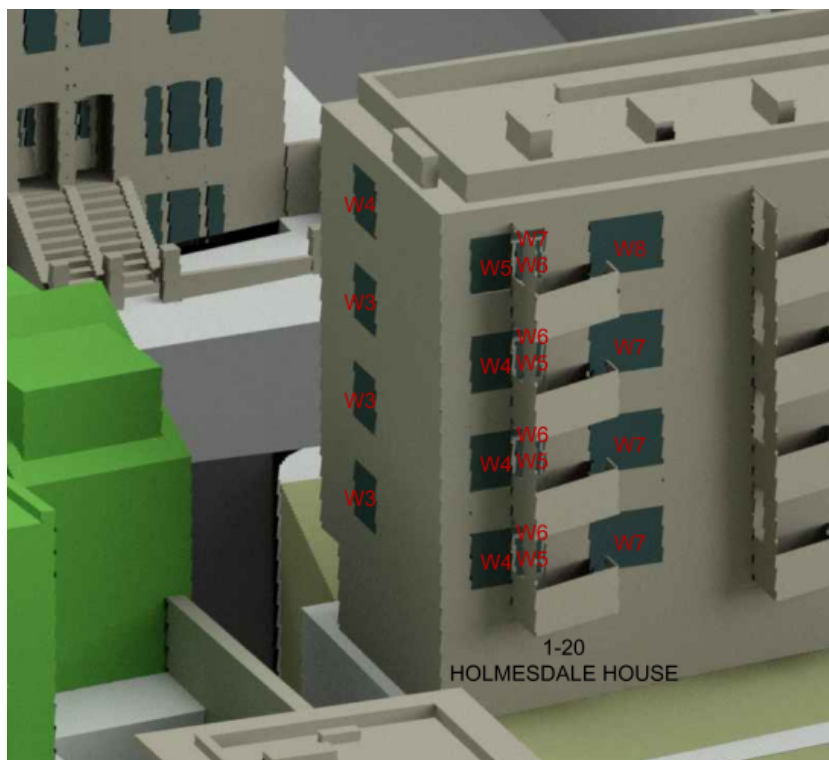
1. 1-20 Holmesdale House to the east
2. 1-12 Bishopsdale House to the south-west
3. 13, 15, 17, 19, 21, 23, 25 West End Lane, to the north in front of the site
4. 1-16 Marshwood House to the south-east
5. 1-16 Ribblesdale House to the south-east
6. 1-24 Lorton House to the south-west

- 13.4 All buildings house permanent residential accommodation and therefore the impact on their amenity is a material planning consideration.

Daylight and sunlight

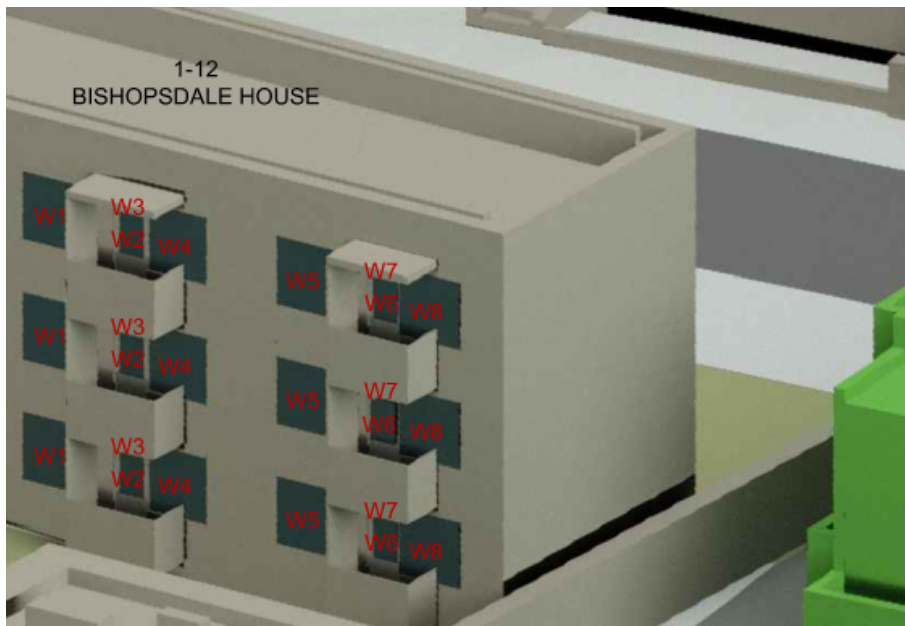
13.5 A Daylight and Sunlight Report has been submitted which details any impacts upon neighbouring properties. This has considered the closest properties within the neighbouring blocks to be affected by development. The report makes use of 4 standards in the assessment of existing versus proposed daylight and sunlight levels:

- Vertical Sky Component (VSC) - A measure of the amount of sky visible at the centre of a window. The BRE considers that daylight may be adversely affected if, after development the VSC is both less than 27% and less than 0.8 times its former value. It should nevertheless be noted, that the 27% VSC target value is derived from a low-density suburban housing model. In inner city urban environments and historic city centres, VSC lower values below 20% are not uncommon, and the BRE guidance states that the guidelines should be interpreted flexibly.
- No Sky Line (NSC)/Daylight Distribution (DD) - The area at desk level inside a room that will have a direct view of the sky. The NSC figure can be reduced by up to 20% before the daylight loss is noticeable.
- Average Daylight Factor (ADF) - A measure of the ratio of the luminance in a room to the external unobstructed sky
- Annual Probable Sunlight Hour (APSH) - A measure of the amount of sunlight that windows within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period. BRE guide explains that sunlight availability may be adversely affected if the centre of the window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March and; receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.



Holmesdale House

- 13.6 Considering the proposed development, the property will largely meet the BRE Guide daylight aspirations for suburban environments. Out of 12 rooms assessed, 7 are fully compliant with the BRE Guide strict aspirations for daylight and sunlight for suburban environment. The other rooms within the block, given their location are not considered to be affected by development.
- 13.7 Out of 5 shortfalls, four are very marginal and relate to rooms which have served by three windows. The fifth shortfall is in relation to a kitchen at ground floor level (R3) would result in the most noticeable reduction on VSC to 15% from 27.17%, DD of 65.68% from 99.22%, annual APSH of 25.00 from 53.00, and in winter 8.00 from 20.00. Whilst the VSC is on the low side of an acceptable target for dense urban environment, the room receives a DD of above a 50% target meaning daylight is received for more than 50% of the room at a "working plane". The APSH are also within the target. As such, the daylight sunlight levels for room R3 at ground floor would be room would be affected by the development to an acceptable level.



Bishopsdale House

- 13.8 This block is located south-west of the proposed development. The rooms within the block would largely retain adequate levels of daylight and sunlight. There are some rooms which due to their orientation do not currently receive adequate levels of daylight and sunlight, particularly those at the ground floor. The proposal however does not impact these significantly. Out of 21 rooms assessed, there are two minor shortfalls, one for one of the windows within a living room at ground floor (R4) but this is served by three windows. The other shortfall is in relation to the kitchen at ground floor (R8) which results in a reduced VSC of 24.94% from 27.39% which is still very good for an urban location. Overall, the rooms would meet the guidance on APSH and DD.

Ribblesdale House

13.9 This block is located to the south-east of the site. The rooms within the block largely meet the BRE requirements. 16 rooms have been assessed, a mix of living rooms and bedrooms, with minor shortfalls within 3 rooms. In the proposed context there are 3 living rooms (R4 living rooms at ground, first and second floors) have windows that will experience a shortfall against the VSC guidelines. However, these are multi-aspect rooms which benefit from excellent levels of DD and therefore the modest derogations can be supported in this context.

13.10 For R3 at ground floor and first floor, 2 windows experience shortfalls of APSH. These rooms are bedrooms which benefit from excellent levels of winter sunlight. These windows are located under balconies and if removed from testing (as recommended by BRE Guide) it would be shown that the existing balconies are contributing to the shortfalls, not just the proposed scheme.

13, 15, 17, 19, 21, 23, 25 West End Lane

13.11 Due to the distance between the buildings and the proposed higher block being set back from the pub building, there would be no reduction to the levels of daylight to the terraced properties located in front of the application site.

Conclusion – Daylight and sunlight

13.12 The proposed development would have limited impact on the daylight and sunlight of neighbouring properties and where there are more notable impacts, the retained levels of light are generally in line with what is normally expected in more urban locations. As such, the proposal would not result in significant impact to neighbouring amenity in terms of light.

Outlook

13.13 The proposed development would follow the existing pattern of the blocks within Kilburn Estate. Due to the proximity of the block and their position, the corner flats at Bishopsdale House and Holmesdale House will be some limited restrictions in outlook, to the east and west respectively. However, the new block has been designed with stepped elevations to ensure the amenity of neighbouring occupiers has been protected.

Noise and disturbance

13.14 The development is for residential use and by its nature will not create substantial noise nuisance. The block includes proposed plant on its roof and sound insulation measures for it will be conditioned. All the houses will be ventilated naturally. A noise assessment has been submitted as part of this application and is considered acceptable by Environmental Health subject to conditions 17 and 18.

Overlooking

13.15 The guidelines for separation between direct facing windows serving habitable rooms is 18m. Part of the rear block sits at over 8.5m oblique distance from the corner flats at Bishopsdale House. Small balconies are projecting to these flats which reduce the distance to 7.5m. The rooms facing these flats are bedrooms and therefore with limited activity during the day, reducing the potential for overlooking. Due to the existing distance and oblique orientation, it is not considered that harmful overlooking would occur between the existing and future occupiers.

- 13.16 Balconies are proposed from living rooms, parallel with the ones at the corner flats at Bishopsdale. Due to the proposed internal heights and depth of the balconies proposed, there will be opportunities for overlooking arising. Within the estate there are examples of close proximity between balconies (Holmesdale – distance 3.5m), as they are not used permanently, are outdoor space rather than private internal space, and some level of overlooking is reasonable. The proposal includes privacy screens at the end of the balconies, which would protect the amenity of existing neighbouring occupiers, details of which would be conditioned under condition 4.
- 13.17 In relation to the impact on the occupiers at Holmesdale House, the proposed windows to habitable rooms sit at an oblique distance of more than 12m, and more than 13m from balcony to balcony. Given there is no direct overlooking, the distance is considered appropriate in a dense urban setting, and therefore considered that no harmful overlooking will occur.

Overshadowing

- 13.18 The areas surrounding the blocks with Kilburn Estate are private amenity spaces. The assessment considered the area in front and rear of Bishopsdale House, rear of Holmesdale House, and lightwells of the terraces properties opposite the site.
- 13.19 With the exception of small area (A1) in front of Bishopsdale House, all the surrounding amenity areas will fully comply with the 2 hours sun on ground criteria (for suburban environments) as detailed in the BRE Guide. When the three amenity space areas surrounding the blocks are considered, the scheme provides 2 hours of sun on over 52% of the ground, which is above the 50% target for suburban environments.



Figure 3 - Overshadowing map

- 14.1 Policy A5 (Basements) states that the Council will only permit basement development where it is demonstrated that it will not cause harm, structurally, in amenity terms, environmentally or in conservation/design terms. The proposal would maintain the existing basement level and only modification would be tanking to all walls. Campbell Reith have confirmed no Basement Impact Assessment will be required in this instance.

15 AIR QUALITY

- 15.1 Camden Local Plan policy CC4 is relevant with regards to air quality.
- 15.2 An Air Quality Detailed Assessment (AQA) has been submitted as part of this application which was assessed by an Air Quality Officer. The report indicates a moderate risk of dust given the total building construction volume is way below 25,000m³; however, air quality officers consider that given the proposed structure of the building is a dusty material (reinforced concrete) the risk of dust to be high. As such, air quality monitoring will be required prior to any works on site to be secured by condition 5. Further mitigation measures to control construction-related air quality impacts will be secured within the Construction Management Plan (CMP) as per the standard CMP Pro-Forma, to be secured through S106.
- 15.3 The proposals are car-free which is positive in terms of air-quality.
- 15.4 In relation to the air quality for future occupants, the proposed ventilation strategy includes mechanical ventilation with heat recovery. The report submitted makes some recommendations of where the air inlets will be located, however further details will be required by condition 6.
- 15.5 The proposed residential accommodation will be heated and provided with hot water from Air Source Heat Pumps (ASHPs), which are non-air pollutant which is positive in terms of air quality.

16 SUSTAINABLE DESIGN AND CONSTRUCTION

- 16.1 In November 2019, Camden Council formally declared a Climate and Ecological Emergency. The council adopted the Camden Climate Action Plan 2020-2025 which aims to achieve a net zero carbon Camden by 2030.

Redevelopment strategy

- 16.2 The development plan promotes circular economy principles and local plan policy CC1 and London Plan policy SI7 require proposals involving substantial demolition to demonstrate that it is not possible to retain and improve the existing building and to optimise resource efficiency.
- 16.3 In this case, early iterations of the scheme considered substantial demolition of the pub, but these were discounted in discussions with officers for sustainability and design reasons. The application submitted retains the pub, only removing the later extensions to the rear. This is welcomed and to ensure even greater resource

efficiency through recycling and reuse of materials, a condition is attached requiring 95% of demolition waste to be diverted from landfill (condition 23).

Energy reductions and carbon

16.4 In line with London Plan (LP) policies G1, SI 1, SI 2, SI 3, SI 4, SI 5 and SI 7 and Camden Local Plan (CLP) policies CC1, CC2, CC3, CC4 and CC5, all developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

16.5 Development should follow the energy hierarchy set out in the London Plan (2021) Chapter 9 (particularly Policy SI2 and Figure 9.2) and larger developments meet the target for zero carbon residential buildings. The first stage of the energy hierarchy is to reduce demand (be lean), the second stage is to supply energy locally and efficiently (be clean) and the third step is to use renewable energy (be green).

Energy and carbon summary

16.6 The following summary table shows the proposal exceeds the policy targets for carbon reductions set out in the London Plan and Camden Local Plan.

Policy requirement (on site)	Min policy target	Proposal reductions
Total carbon reduction: LP policy SI2 and LP CC1	35%	68.5%
Be lean stage (low demand): LP policy SI2	10%	18.8%
Be green stage (renewables): CLP policy CC1	20%	49.7%

Total reductions

16.7 Development should achieve at least 35% reduction on site in regulated carbon emissions below the minimums set out in the building regulations (Part L of the Building Regulations 2013). The remainder of the carbon savings to 100% reduction (zero carbon) should then be secured through a carbon off-set payment. This is charged at £60/tonne CO2/yr (over a 30 year period) which is spent on delivery of carbon reduction measures in the borough.

16.8 In this case, the development significantly exceeds the policy target of 35% reductions, achieving an overall on-site reduction of 68.5% below Part L requirements. A carbon offset of £15,219 to bring it to zero carbon will be secured through a section 106 legal agreement, in compliance with the development plan.

Be lean stage (reduce energy demand)

16.9 London Plan policy SI 2 sets a policy target of at least a 10% reduction through reduced energy demand at the first stage of the energy hierarchy.

16.10 In this case, the development exceeds the policy target of 10%, reducing emissions by 18.8% at this stage through energy efficient design, in compliance with the development plan. The proposals adequately address the requirements of the cooling hierarchy and overheating can be avoided without the use of active cooling in the development. The proposal includes energy efficient measures like Air Source Heat Pumps (ASHPs) which are proposed on the roof of the building.

Be clean stage (decentralised energy supply)

- 16.11 London Plan Policy SI3 requires developers to prioritise connection to existing or planned decentralised energy networks, where feasible, for the second stage of the energy hierarchy. Camden Local Plan policy CC1 requires all major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network.
- 16.12 In this case an assessment of the existing London heat map has been made and demonstrated that there are no existing local networks present within connectable range of the scheme.

Be green stage (renewables)

- 16.13 Camden Local Plan policy CC1 requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies, where feasible, for the third stage in the energy hierarchy.
- 16.14 In this case, the development exceeds the policy target of 20%, reducing emissions by 49.7% at this stage through renewables, in compliance with the development plan. The proposal includes PV panels on the roof with full details secured by condition 8. A condition will be added to secure a meter to monitor the energy output from the approved renewable energy systems (condition 7).

Water efficiency

- 16.15 The development plan (CLP policy CC3 and LP policy SI12 and SI13) also seeks to ensure development does not increase flood risk, reducing the risk of flooding where possible. Development should incorporate sustainable drainage systems (SUDS) and water efficiency measures.
- 16.16 In this case, the development incorporates SUDS and blue roofs. Furthermore, the proposal also includes the provision of a green / blue roof integrated with the solar panels, which would enhance the biodiversity of the site and reduce water runoff. Details of this system will be secured by condition 9. Condition 22 will secure water efficiency measures, ensuring a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use) for each home. Flood risk is covered in the 'Flood risk and drainage' section of this report.

17 FLOOD RISK AND DRAINAGE

- 17.1 Camden Local Plan policy CC3 is relevant with regards to flood risk and drainage, it states that development should not increase flood risk and should reduce the risk of flooding where possible. When considering development proposals we should consider the impact of development in areas at risk of flooding, incorporate flood resilient measures in areas prone to flooding and utilise Sustainable Drainage Systems to achieve a greenfield runoff rate where possible.
- 17.2 The application site is located within an area of high risk from surface water, located within the Group 3_010 Critical Drainage Area and is located on a previously flooded street.
- 17.3 It is noted that the proposal includes a basement with habitable use in an area at risk of flooding (previously flooded street). The use is proposed as a cinema room

and store (rather than bedrooms), has egress to upper floors and does not include any facilities such as a bathroom / kitchen which could lead to the use as a self-contained flat. As such with suitable flood protection in place this may be acceptable. However, as the site has high risk of surface water this needs to be carefully considered and a Flood Risk Emergency Plan will be secured by condition 10.

- 17.4 A Flood Risk Assessment has been provided which proposes the use of a green and blue roof system, and permeable paving to attenuate the water runoff. Further details of the SUDs system to demonstrate a site run-off rate of no more than 2l/s, storage capacities and results of infiltration testing, proposed surface water discharge rates of volumes and confirmation of flow control measures, and details of the number and location of control and discharge points will be secured by condition 11. Evidence of installation of SUDs measures will also be conditioned 12.
- 17.5 Thames Water has been consulted and has no objections subject to conditions 16 and 22.

18 TRANSPORT

- 18.1 The following transport considerations are covered below:

- Policy review
- The site
- Cycle parking
- Car parking
- Construction management
- Public Highway Improvements directly adjacent to the Site
- Pedestrian, Cycling and Environmental Improvements in the local area

Policy review

- 18.2 Camden Local Plan policies T1, T2, T3 and T4 and CPG7 (Transport) are relevant with regards to transport issues.

The site

- 18.3 The application site is located on the south side of West End Lane, to the west of the junction with Mutrix Road and within a short walking distance of Kilburn High Road. The site sits within the Kilburn Neighbourhood Plan area. The site has a PTAL rating of 6a, which indicates that it has an excellent level of accessibility by public transport. The nearest station is Kilburn High Road (Overground), located to the south of the site, whilst Kilburn Park (Bakerloo line) is located to the south west of the site. Kilburn High Road is served by many bus services.

Cycle parking

- 18.4 In line with Local Plan Policy T1, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For residential units of 1 bedroom 2 person the requirement is for 1.5 spaces per unit, whilst for units with 2 or more bedrooms the requirement is for 2 spaces per unit. The dwellinghouse has 3 bedrooms and so a space underneath the ground floor

stairs is provided for the storage of 2 cycles, which is acceptable from a transport perspective but may not be acceptable from a Buildings Regulations perspective due to fire risk of under stair storage. However, sufficient space exists elsewhere within the building to accommodate cycles if required. For the apartment block, there are 4 one bedroom 2 person units and 5 two-bedroom units, which requires the provision of 16 cycle parking spaces plus 2 spaces for short stay use. The submitted plans indicate that there would be a ground floor cycle store capable of accommodating 22 cycles in two tier racks and space for a non-standard cycle, which is equal to the required level of provision including the Camden Planning Guidance on Transport requirement to provide 20% additional spaces (equivalent to 22 spaces in total). The provision of the 22 cycle parking spaces is secured by Condition 13.

Car-free

- 18.5 In accordance with Policy T2 of the adopted Camden Local Plan, all 10 of the residential units should be secured as on-street Residents parking permit (car) free by means of a Section 106 Agreement. This will ensure that the future occupants will not add 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.

Construction management

- 18.6 Given the extensive level of demolition and construction works required, it is considered that a Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500 be secured by means of the Section 106 Agreement. This will help ensure that the development is carried out without unduly affecting the operation of the local highway network or neighbouring amenity. The single yellow lines outside the site can be used for loading, whilst the adjacent resident parking bay can also be suspended to enable deliveries to take place.

Public Highway Improvements directly adjacent to the Site

- 18.7 The proposed works are likely to lead to damage to the adjacent footway, which will need to be repaired following completion of the development. The crossover to the site will become redundant following the development and will need to be removed and the footway reinstated. A Highways Contribution of £6,665.73 will be secured through section 106 legal agreement.

Pedestrian, Cycling and Environmental Improvements in the local area

- 18.8 Given the uplift in trips associated with this site, it is considered appropriate to secure a Section 106 Contribution of £20,000 towards Pedestrian, Cycle and Environmental Improvements in the surrounding area. This contribution will be used towards providing appropriate measures to support walking and cycling in the local area.
- 18.9 Whilst a draft Travel Plan has been submitted in support of the application, the development is below the threshold size at which a formal Travel Plan can be secured by Section 106 Agreement. As such there is no requirement to also secure a Monitoring and Measures Contribution for this development.

19 SAFETY AND SECURITY

- 19.1 Camden Local Plan policy C5 (safety and security) and CPG1 (Design) are relevant with regards to secure by design. London Plan (LP) policy D8 requires public realm to be well-designed, safe, accessible and inclusive. LP policy D6 deals with housing quality and the supporting text explains that gated forms of development that could realistically be provided as a public street are unacceptable, and alternative means of security should be achieved through the principles of good urban design and inclusive design. LP policy D11 requires schemes to work with Designing Out Crime Officers (DOCOs) to design and maintain a safe and secure environment that reduces fear of crime. However, it also deals more generally with safety, security, and resilience to emergency. It says development proposals should maximise resilience and minimise potential physical risks including those resulting from extreme weather, fire, and flood.
- 19.2 The Designing out of Crime officer was consulted prior to the application being submitted and was involved in the design process. The Metropolitan Police have raised no objection to the proposals.
- 19.3 The proposals would have an active frontage along West End Lane and provide natural surveillance along Abbey Lane with a well-designed and secure building.

20 FIRE SAFETY

- 20.1 Policy D12 of the London Plan also requires the application to be accompanied by a fire statement, prepared by a suitably qualified third-party assessor. London Plan Policy D5 seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users.
- 20.2 A Fire Safety Design Strategy by Adena has been submitted as part of the application, although the scheme would still be required to demonstrate compliance with Building Regulations in any event. Pressurisation, fire resistant materials and smoke ventilation measures would be employed. A condition (25) is attached to ensure compliance with the Fire Safety Design Strategy submitted unless otherwise required through Building Regulations requirements.
- 20.3 The floor of the highest level of residential accommodation is less than 18m from ground level (13.3m) and therefore the application is not referable to the Health and Safety Executive and one stair and lift core is sufficient. The detailed build and design will also be subject to Building Regulations requirements in later stages, ensuring the buildings are constructed to a high degree of fire resilience.

21 REFUSE AND RECYCLING

- 21.1 Camden Local Plan policy CC5 (Waste) and Camden Planning Guidance Design are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.

- 21.2 The dwelling accommodated within the pub building has bins and storage area within the side garden. The other flats will be served by one communal area with refuse and recycling stores, at ground floor level of the block and which would comply with Camden waste guidance. The bins will be accessed from Abbey Lane and collected on a bin day by a janitor.
- 21.3 A condition (14) will be added to secure further details of the bins storage dimensions and its implementation prior to occupation of the residential units.

22 PLANNING OBLIGATIONS

- 22.1 The following contributions are required to mitigate the impact of the development upon the local area, including on local services. These heads of terms will mitigate any impact of the proposal on the infrastructure of the area.

Contribution	Amount (£)
Affordable housing	£227,920
Highways	£6,665.73
Pedestrian, cycling and environmental contributions	£20,000
CMP monitoring fee	£3,920
CMP bond	£7,500
Carbon offset	£15,219
TOTAL	£281,215.73

23 MAYOR OF LONDON'S CROSSRAIL CIL

- 23.1 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as it includes the addition of private residential units. Based on the Mayor's CIL charging schedule and the information provided as part of the application, the Mayoral CIL is based at £80 per sqm (Chargeable Housing 734 sqm x £80 per sqm Mayoral CIL = **£58,720**). This would be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

24 CAMDEN CIL

- 24.1 The proposal would be liable for the Camden Community Infrastructure Levy (CIL). The site is located within Zone B. The estimate based on the uplift of floorspace and the proportion of market housing proposed, the Camden CIL liability is **£236,348.00**.

25 CONCLUSION

- 25.1 The proposed development would bring a vacant building back into use and provide high-quality sustainable residential development in a highly accessible area, which complements the surrounding environment and preserves the character of the area by retaining the pub building. The proposed residential accommodation would be of good standard in terms of space standards and amenity space and use renewable energy for heating and hot water. The proposals would improve the biodiversity of the site and promote sustainable modes of transport. The impact on the neighbouring amenity would be minimal. Overall, the scheme would improve the current situation on site.

26 RECOMMENDATION

- 26.1 **Planning Permission is recommended subject to conditions and a Section 106 Legal Agreement covering the following Heads of Terms:-**

- Car-free development
- Affordable housing PIL
- Highways contribution
- Pedestrian, cycling and environmental contributions
- Construction Management Plan implementation support fee
- Construction Impact Bond
- Carbon off-set payment

27 LEGAL COMMENTS

- 27.1 Members are referred to the note from the Legal Division at the start of the Agenda.

28 CONDITIONS

1	<p><u>Three years from the date of this permission</u></p> <p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p><u>Approved drawings</u></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Existing:</p> <p>2019-008_PL1000; 2019-008_PL1010 Revision A; 2019-008_PL100 Revision A; 2019-008_PL1100; 2019-008_PL1101; 2019-008_PL1103; 2019-008_PL1104; 2019-008_PL1200; 2019-008_PL1201; 2019-008_PL1230;</p>

3	<p>All new external work to the pub building shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.</p> <p>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.</p>
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4	<p>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:</p> <ul style="list-style-type: none"> a) Details including sections at 1:10 of typical windows (including jambs, head and cill), ventilation grills; b) Details including sections at 1:10 of new balcony balustrades and gates; c) Samples and manufacturer's details of all new facing materials; d) A sample of all brickwork shall be erected on-site and approved by the Council before the relevant part of the work are commenced and the development shall be carried out in accordance with the approval given. The panel must be constructed at 1:1 scale and be no less than 1sqm in size and should demonstrate the proposed colour, texture, mortar and bond of the brickwork and include a sample of the special bricks and patterns. e) Details including sections 1:10 of privacy screens to balconies. <p>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.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area and safeguard the amenity of neighbouring occupiers in accordance with the requirements of policy D1 and policy A1 of the London Borough of Camden Local Plan 2017.</p>
5	<p><u>Air quality</u></p> <p>No demolition or development shall commence (other than exploratory excavation) until all of the following have been complied with:</p> <ul style="list-style-type: none"> a) prior to installing monitors, full details of the air quality monitors have been submitted to and approved in writing by the local planning authority. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they will be installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance; and b) A confirmation email should be sent to airquality@camden.gov.uk no later than one day after the monitors have been installed with photographic evidence in line with the approved details; and c) Prior to commencement, a baseline monitoring report including evidence that the monitors have been in place and recording valid air quality data for at least 3 months prior to the proposed implementation date shall be submitted to the Local Planning Authority and approved in writing. <p>The monitors shall be retained and maintained on site in the locations agreed with the local planning authority for the duration of the development works, monthly summary reports and automatic notification of any exceedances provided in accordance with the details thus approved. Any changes to the monitoring arrangements must be submitted to the Local Planning Authority and approved in</p>

	<p>writing.</p> <p>Reason: Development must not commence before this condition is discharged to manage and mitigate the impact of the development on the air quality and dust emissions in the area, and London as a whole, and to avoid irreversible and unacceptable damage to the environment, in accordance with policies A1, A4 and CC4 of the Camden Local Plan 2017 and policy SI 1 of the London Plan.</p>
6	<p><u>Mechanical ventilation system</u></p> <p>Prior to commencement of above-ground development, full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the boiler/ CHP stack or any other emission sources and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.</p> <p>Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy SI 1.</p>
7	<p><u>Monitoring Heat pumps and equipment</u></p> <p>Prior to commencement of above ground works, details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment to be installed on the building, shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe access arrangements, shall be provided. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.</p> <p>Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local plan Policies.</p>
8	<p><u>Solar PV panels</u></p> <p>Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.</p> <p>Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 (Climate change</p>

	mitigation) of the London Borough of Camden Local Plan 2017.
9	<p><u>Green/blue roof</u></p> <p>Prior to commencement of above-ground development, full details in respect of the blue/green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. Details of the blue/green roof provided shall include: species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the blue/green roof, as well as details of the maintenance programme for blue/green roof, and details of the irrigation system. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.</p> <p>Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies A3, CC1, CC2, CC3, CC4 and D1 of the London Borough of Camden Local Plan policies.</p>
10	<p><u>Flood Risk</u></p> <p>Prior to above ground development a Flood Risk Emergency Plan should be prepared in accordance with the aims and objectives of the ADEPT/Environment Agency Flood Risk Emergency Plans for New Development guidance and submitted to the Local Planning Authority and approved in writing.</p> <p>Reason: To protect the occupants in the event of a flood in accordance with policy CC3 of the London Borough of Camden Local Plan.</p>
11	<p><u>Flood risk</u></p> <p>Prior to commencement of the development, full details of the sustainable drainage system shall demonstrate a drained site discharge rate of no more than 2l/s approved by the Local Planning Authority and shall be submitted to and approved in writing by the local planning authority. The sustainable drainage system shall include sufficient blue roof storage capacity and permeable paving, and should be designed to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change such that flooding does not occur in any part of a building or in any utility plant susceptible to water, or on any part of the entire development site for up to and including a 1:30 year storm. An up to date drainage statement, SuDS pro-forma, a lifetime maintenance plan and supporting evidence should be provided including:</p> <ul style="list-style-type: none"> - The proposed SuDS or drainage measures including storage capacities and results of infiltration testing; - The proposed surface water discharge rates or volumes and confirmation of flow control measures; - Details on the number and location of control and discharge points. <p>Systems shall thereafter be retained and maintained in accordance with the</p>

	<p>approved details.</p> <p>Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan Policies and Policy SI 13 of the London Plan 2021.</p>
12	<p><u>SUDs system</u></p> <p>Prior to occupation, evidence that the SUDs system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Planning Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.</p> <p>Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan Policies and Policy SI 13 of the London Plan 2021.</p>
13	<p><u>Cycle Parking</u></p> <p>Before the development commences, details of secure and covered cycle storage area for 22 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.</p> <p>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.</p>
14	<p><u>Waste storage</u></p> <p>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.</p> <p>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 of the London Borough of Camden Local Plan 2017.</p>
15	<p><u>Hard and soft landscaping compliance</u></p> <p>All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or prior to the occupation for the permitted use of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed)</p>

	<p>which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.</p> <p>Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 of the London Borough of Camden Local Plan 2017.</p>
16	<p><u>Piling method statement</u></p> <p>No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be near underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
17	<p><u>Noise mitigation</u></p> <p>Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.</p> <p>Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
18	<p><u>Noise and vibration mitigation</u></p> <p>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.</p> <p>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</p>

19	<p><u>Sound insulation</u></p> <p>Prior to first occupation, a scheme of sound insulation works to the floor/ceiling and any party wall structure between separate dwellings shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.</p> <p>Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.</p>
20	<p><u>Sustainability Statement Compliance</u></p> <p>The development hereby approved shall be constructed in accordance with the approved energy strategy Sustainability Statement by eight associated dated 08/06/2022 to achieve overall carbon reduction targets for total reductions of at least 68.5%, and those at the be lean (at least 18.8%) and be green (at least 49.7%) stages, as set out in the energy strategy, or to exceed these values where possible. Prior to occupation a verification report with evidence demonstrating the approved measures have been implemented shall be produced and retained for the duration of the development and made available to the local planning authority upon request.</p> <p>Reason: To ensure the development contributes to minimising the effects of and can adapt to a changing climate in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan.</p>
21	<p><u>Adaptable housing (Part M4(2)) and Wheelchair adaptable housing (Part M4(3))</u></p> <p>Prior to the commencement of development (other than works of demolition or excavation), details shall be submitted identifying the Wheelchair adaptable unit and demonstrating compliance with Part M4(3) of the Building Regulations. The unit identified shall thereafter be constructed to comply with Part M4(3) of the Building Regulations.</p> <p>All other residential units hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.</p> <p>Reason: To secure appropriate access for disabled people, older people and others with mobility constraints in accordance with policies H6 and C6 of the Camden Local Plan 2017.</p>
22	<p><u>Water efficiency</u></p> <p>The development hereby approved shall achieve a maximum water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.</p> <p>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, CC3 of the London Borough of Camden Local Plan 2017.</p>

23	<p><u>Reuse and recycling of demolition waste</u></p> <p>The demolition hereby approved shall divert at least 95% of demolition waste from landfill and comply with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of Policy CC1 of the London Borough of Camden Local Plan 2017, Camden Planning Guidance, and Policy SI 7 of the London Plan 2021.</p>
24	<p><u>Archaeology</u></p> <p>No demolition or excavation (other than exploratory excavation) shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. No development, demolition, or excavation shall take place other than in accordance with the agreed WSI. The WSI shall include:</p> <p>A. The programme and methodology of site and building investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination, public engagement, and deposition of resulting material.</p> <p>The post investigation analysis, publication & dissemination, public engagement, and deposition of resulting material shall be undertaken in accordance with the programme set out in the WSI.</p> <p>Reason: Development must not commence before this condition is discharged to safeguard the heritage of the borough by ensuring that any archaeological remains on site are adequately recorded, in accordance with policy D2 of the Camden Local Plan 2017 and Policy HC1 of the London Plan.</p>
25	<p><u>Fire Strategy</u></p> <p>The proposed development shall be built, managed and operated in accordance with the Fire Strategy Design Strategy Issue 1.3 by Adena Fire Safety Services Ltd dated August 2022 unless otherwise required through Building Regulations requirements.</p> <p>Reason: In order to provide a safe and secure development in accordance with Policy D12 of the London Plan 2021.</p>

1	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).
2	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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
3	This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
4	A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk . Please refer to the Wholesale; Business customers; Groundwater discharges section.
5	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
6	The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

7	The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guideline for Archaeological Projects in Greater London.
8	Historic England's Guidelines for Archaeological Projects in Greater London provides advice on popular interpretation and presentation options.
9	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.
10	<p>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)</p> <p>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.</p>
11	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.

APPENDIX 1 - Independent Viability Review (BPS)

12a West End Lane, Maida Vale,
NW6 4NX

Addendum

Prepared on behalf of Camden Council

11th April 2023

Planning Reference: 2022/3430/P



215a High Street, Dorking RH4 1RU
www.bps-surveyors.co.uk

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1.0 Introduction

- 1.1 BPS Chartered Surveyors have been instructed by Camden Council ('the Council') to undertake a review of a Financial Viability Assessment (FVA) prepared by Douglas Birt Consulting ('DB') on behalf of KK4 Ltd ('the Applicant') in connection with a planning application for the redevelopment of the above site.
- 1.2 We previously reviewed a DB submission in February 2023, and have since received a rebuttal dated March 2023. The purpose of this addendum report is to address the outstanding issues between the respective professional advisors. This addendum should be read in conjunction with our full report.

2.0 Summary Table

2.1 Following our review of the DB rebuttal, our current analysis presents the following outturn financial position for the project:

Input	Douglas Birt	BPS	Comments
Income			
Private Sales Values	£6,782,500 (£826 psf)	£6,782,500 (£826 psf)	Some ambiguity – The applicant's advisor should submit evidence to support this, but the values appear broadly reasonable.
Ground Rents	£nil	£nil	Agreed
Expenditure			
Benchmark Land Value	£1,030,000	£1,030,000	Agreed – We have accepted DB's compromise valuation as being broadly reasonable.
Build Costs	£3,150,000	£3,150,000	Agreed – We have accepted DB's build costs in line with Johnson Associate's advice.
Professional fees	10%	10%	Agreed – We have accepted this input.
Private Marketing & Agent Fees	3%	3%	Agreed – We have accepted this input.
CIL/S106	£446,000	£569,502	Disagreed – We have adopted the amounts as per Camden's comments.
Finance	7%	7%	Agreed – We have accepted this input.
Profit (Private)	17.5%	15%	Disagreed – We consider a target profit of 15% on GDV sufficient for this development.
Development Timeframes			
Construction Period	2 months pre-construction, 12 months construction.	Agreed	Adopted – We have accepted this input.
Sales Period	3 months (1.43 units a month)	Disagreed	Disagreed – The applicant's advisor should submit evidence to support this. We have adopted a sales period of 2 months (5 units a month).
Viability Position	£189K Surplus identified	£209K Surplus identified	Disagreed – We have identified a higher surplus for affordable housing/developer contributions.

3.0 Response to Douglas Birt

Construction Costs

- 3.1 Our Cost Consultants Johnson Associates have responded to the build costs points (correspondence is attached as appendix A).
- 3.2 In summary, Johnson Associates have accepted the build costs of £3.15M.
- 3.3 They have advised the EUV refurbishment costs are “fairly light touch” at £315K.

Benchmark Land Value

- 3.4 We have now been provided with a full suite of photographic evidence of the subject property by the applicant team, albeit it is undated.
- 3.5 DB have critiqued us for stating the building is in poor condition and are seeking to argue the subject property is in reasonable condition, which is paradoxical given the accepted need for a £315K refurbishment.
- 3.6 For the avoidance of doubt we stated we suspected it was in poor condition, having now received the photos we would update our view on condition as being below average, in need of minor refurbishment throughout having suffered cosmetic damage on the caveat we have not actually inspected the building. Given the applicant has had a detailed costing exercise undertaken to bring back up to a good standard is indicative of the property's condition.
- 3.7 We note DB have not provided any further comparable evidence, nor any analysis or commentary on the additional comparables that we put forward in our initial review of the benchmark land value.
- 3.8 As a reminder the subject property extends to 2,612 sq.ft., we are assuming for the purpose of the valuation it is being brought up to a minimum standard of repair, as per the Johnson Associates' commentary.
- 3.9 Referring back to the previous comparables, we have discounted the Highgate comparables which as per our previous commentary are vastly superior and irrelevant.
- 3.10 The former Lord Southampton pub is situated 2.8km north east of the subject property which we consider a comparable location. The internal condition is unknown and A3/4 Ltd have not provided any comments in their assessment, nor have Savills (vendor's agent). The property is larger than the subject at c.4.7K sq. ft., it is boarded up and looks tired externally, we therefore suspect the pub is in poor condition, but understand the flats are let and income

producing which implies at least lettable condition. The property sold for £1.35M (£283psf), reflecting the subject is substantially smaller, but is in a better condition (for the purpose of the exercise), it does broadly support the valuation.

- 3.11 Barring Arms, Hoxton, N1 3DS, 7.2km south east of the subject site. Less relevant because of the distance from the subject, pub only (no flat above), attractive building in good condition, extending to 3,772 sq. ft. sold at £278psf, again does broadly support the valuation of the pub. DB have provide this comparable and we have reasonably assumed it has not been sold with the benefit of the ongoing trade.
- 3.12 Bird in Hand, Forest Hill, 15km south east of the subject. Exchanged at auction 09/02/2023 at £714,000 (£145psf) based off an asking price of £650,000. Old style pub, good condition internally, extending to 4,913 sq. ft. Whilst this is located some distance from the subject property and an inferior location it is a recent transaction of a pub that was trading prior to sale. We have reasonably assumed the property has been sold without the benefit of the ongoing trade.
- 3.13 DB's revised valuation is £1,030,000, which comprises of the flat being valued at £685,000 (£675psf) and the public house £660,000 (£400psf), with the refurbishment of £315K being deducted. DB do not appear to have accounted for purchaser's costs.
- 3.14 Overall we are happy with the valuation of the entire building at £1.03M, which appears to be reasonable overall, if not generous noting our comments on the purchaser's costs.

Profit

- 3.15 DB have not provided any further material evidence to justify a different target profit, but we note they clarify they are of the view 20% on GDV is appropriate but are willing to adopt 17.5% on GDV.
- 3.16 The PPG range is 15-20% on GDV, and of all schemes considered we maintain this is towards the lower end of the risk scale (of all developments envisaged). We are comfortable at 15% on GDV being appropriate for a development of this scale.

Finance rate

- 3.17 We note that DB have increased the finance allowance from 6.5% to 7%, which we do accept is broadly reasonable against the backdrop of rising interest costs.

House prices/evidencing

- 3.18 We note Douglas Birt draw attention to the land registry house priced index which has fallen between July 2022 to date by 2.8%. We have checked this against public records and HPI has

fallen 0.55% to date. As per our original report we would encourage actual transactions of relevant new build developments to be put forward by Douglas Birt which carry more weight than indices in accordance with the RICS hierarchy of evidence. For the avoidance of doubt the onus is on the applicant's professional advisor to prove the case as to why they cannot comply with the affordable housing policies.

- 3.19 Again on the sales rate DB should evidence their choice of sales rate, which we consider to be too cautious.

Conclusion

- 3.20 We have calculated a revised off-site payment of £209,444, say £209K.

4.0 Author Sign Off

- 4.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 4.2 The author(s) of this report confirm that there are no conflicts of interest and measures have been put in place to prevent the risk of the potential for a conflict of interest. In accordance with the RICS Professional Statement *Financial Viability in Planning: Conduct and Reporting* September 2019, this report has been prepared objectively, impartially, and with reference to all appropriate sources of information.
- 4.3 The following persons have been involved in the production of this report:



Tom Mason
RICS Registered Valuer
RICS Membership no. 6715622
For and on behalf of
BPS Chartered Surveyors



Clare Jones
RICS Registered Valuer
RICS Membership no. 0095561
For and on behalf of
BPS Chartered Surveyors

April 2023

Appendix 1: Build Cost Report

Tom Mason

From: Gavin Johnson <gavin@johnsonassociatesltd.co.uk>
Sent: 11 April 2023 08:25
To: Tom Mason
Cc: Sue King
Subject: RE: 2022/3430/P 12 West End Lane
Attachments: West End Lane, EUV refurb costs, 0323 - Appendix 1 GJ.xlsx; Invoice 4301.pdf

Hi Tom,

Hope you had a great Easter.

I have been through the attachments and can comment as follows;

- 1. Douglas Birt letter 20th March 2023 – Build Cost element – Thames Water Build Over Works £174,602.15**
2. The reference to July 2023 is taken to mean July 2022,
3. On the basis that there is a trunk sewer running under the site the applicant would have two options i.e. Building over or diversion – both would require the approval of Thames Water. Building over is likely to be the most economic option and it is good that Thames Water appear to have accepted this (we have had scheme where this approach has been resisted)
4. The cost build up to the building over works generally looks reasonable – a few rates look high such as the ground beam reinforcement at £1,864.28/Tonne (supply £1,150/Tonne) but there is no provision for guide walls for the piling and some of the piling rates look very keen such as cutting off the tops of piles.
5. The CCTV surveys look high but on the basis there will be two (or possibly three) of these this is acceptable.
6. Just an observation is that a Thames Water building over consent normally gives TW the right to enter the development to access the drain and make any emergency repairs – this could potentially impact on the values of the properties as this would normally be picked up in any legal search
7. Our view of these costs is that they are reasonable.

- 8. Douglas Birt letter 20th March 2023 – Build Cost element – Inflation July 2022 – Present 2%-3%**
9. The BCIS all in TPI reflects approx. 2.2% to 2Q2023 so if we are taking costs at present day level, we would say this is the figure that should be applied.

- 10. Douglas Birt letter 20th March 2023 – Overview**
11. It is proposed the £3,150,000 construction cost remains unchanged from the previous FVA,
12. Following our original review, we had reduced the build cost to £2,902,266 with reductions of £247,734 being made to the frame and sanitaryware elements with knock on reductions to the contingency and OH&P (both % retained i.e., 5% and 8% respectively so just a mathematical adjustment).
13. The Build over costs of £174,602.15 and the 2.2% inflation (£63,000) total £237,602.15.
14. On this basis we are approx. £10k apart on the build costs so would recommend that the £3,150,000 is now a reasonable build cost incorporating the build over works and at 2Q2023 pricing levels.
15. Professional fees of £300k (9.5%) are then applied.

- 16. EUV Refurbishment costs £315,000**
17. Generally, the allowances appear reasonable,
18. It is noted that the secondary glazing may not be required (£16,000),
19. We have interpolated a GIA of £252/m² of the existing building so the total cost of £315,000 equates to approx. £1,250/m² GIA,
20. This represents a fairly light touch refurbishment of the property.

- 21. UK House Price Index January 2022 to January 2023 in Camden**
22. Flats and maisonettes Jan 2022 - £770,049
23. Ditto December 2022 - £746,000

24. Noted – not our area of expertise so no comment other than suggest this is viewed for 1Q2023 if available.

I trust the above assists.

Total time spent on these 4 hours AND INVOICE ATTACHED.

Many thanks,

Regards

Gavin Johnson BSc (Hons) MRICS
Director



Johnson Associates (UK) Limited
Chartered Quantity Surveyors • Project Managers

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Appendix 2: Argus Appraisal

12a West End Lane, Bird in hand
BPS Viability Review
Compromise position

Development Appraisal
BPS Surveyors
11 April 2023

APPRAISAL SUMMARY**BPS SURVEYORS**

12a West End Lane, Bird in hand
BPS Viability Review
Compromise position

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
Private sales GDV	10	8,204	826.73	678,250	6,782,500

NET REALISATION**6,782,500****OUTLAY****ACQUISITION COSTS**

BMLV	1,030,000				
BMLV			1,030,000		
				1,030,000	
Stamp Duty	5.00%		51,500		
Agent Fee	1.00%		10,300		
Legal Fee	0.50%		5,150		
				66,950	

CONSTRUCTION COSTS

Construction	ft²	Build Rate ft²	Cost		
Private sales GDV	8,204	383.96	3,150,000		
				3,150,000	
Section 106 Costs					
CIL/S106			569,502		
				569,502	

PROFESSIONAL FEES

Professional fees	10.00%		315,000		
				315,000	

DISPOSAL FEES

Sales Agent Fee	3.00%		203,475		
				203,475	

MISCELLANEOUS FEES

Developer's profit	15.00%		1,017,375		
				1,017,375	

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)					
Land			85,724		
Construction			123,994		
Other			11,037		
Total Finance Cost				220,754	

TOTAL COSTS**6,573,056****PROFIT****209,444****Performance Measures**

Profit on Cost%	3.19%
Profit on GDV%	3.09%
Profit on NDV%	3.09%
IRR% (without Interest)	12.12%
Profit Erosion (finance rate 7.000)	5 mths







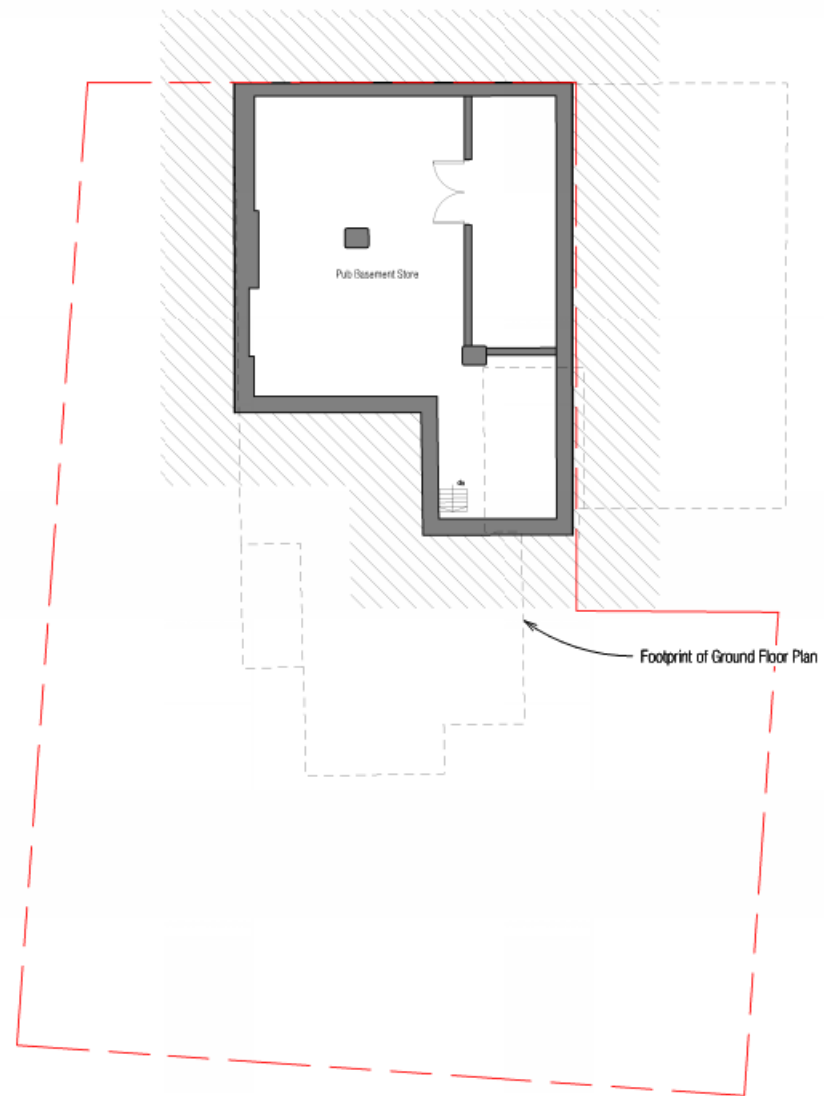




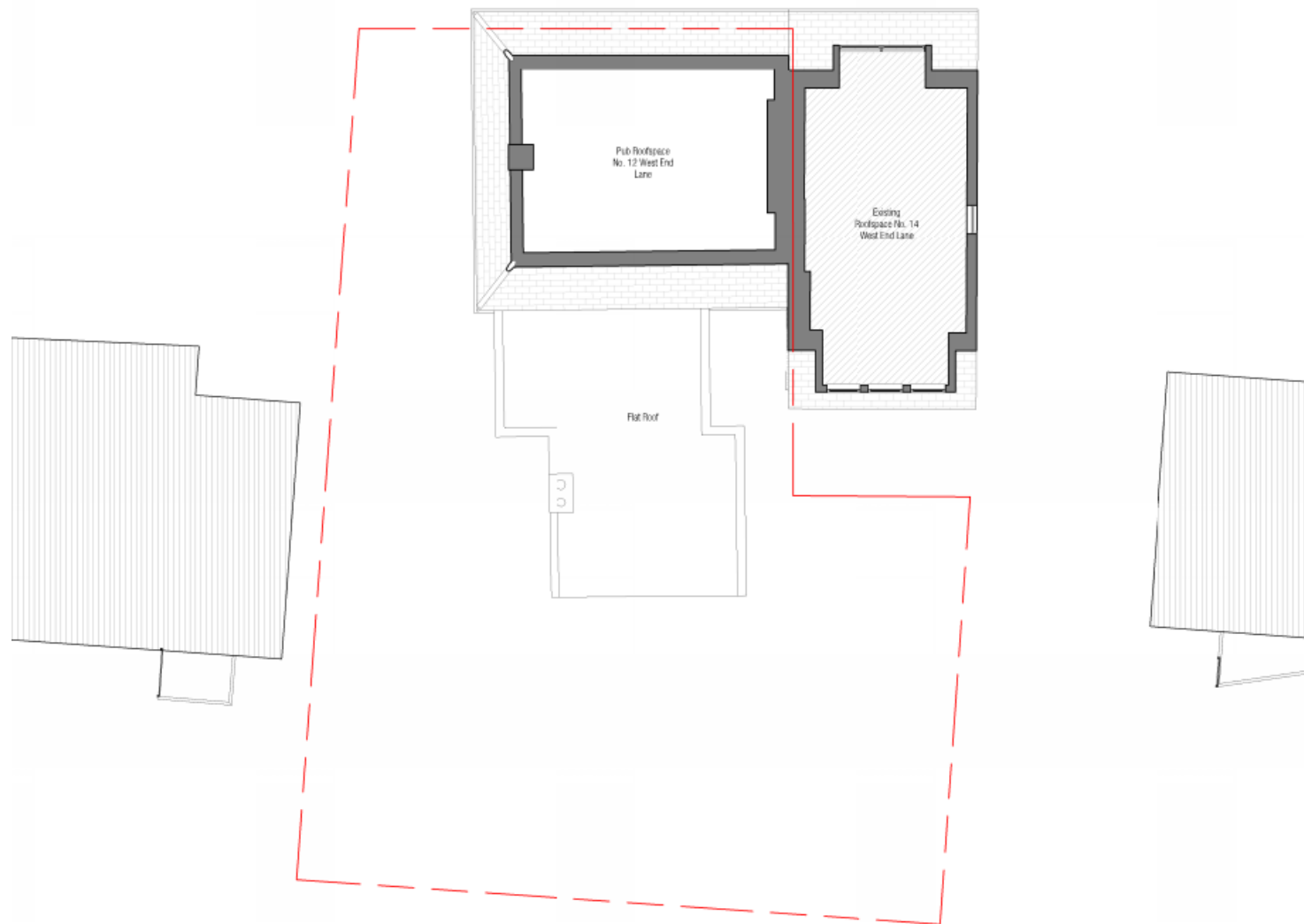




View facing north-east showing the rear of the Bird In Hand Public House and Holmesdale House (Kilburn Vale Estate) in the background.





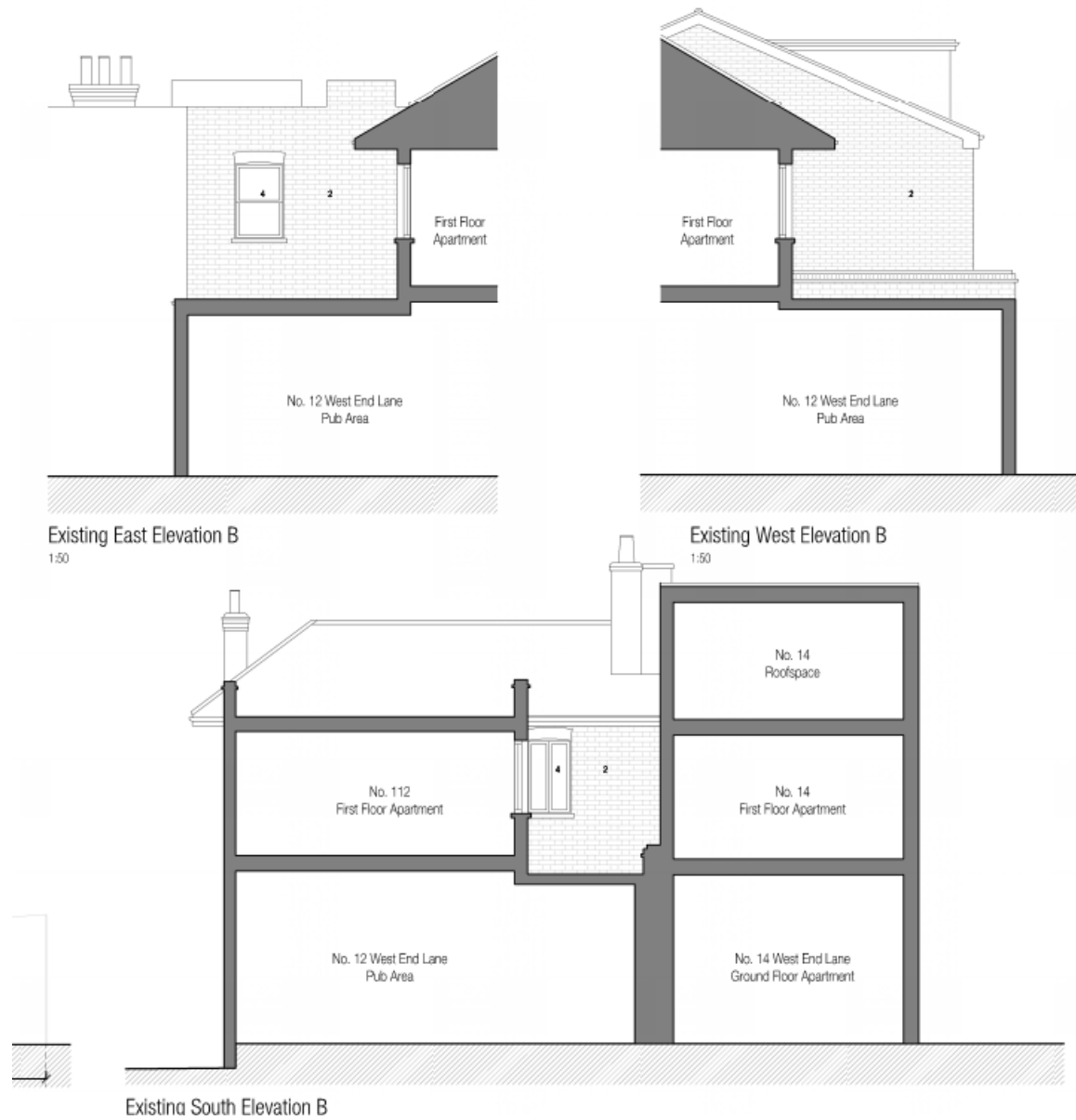


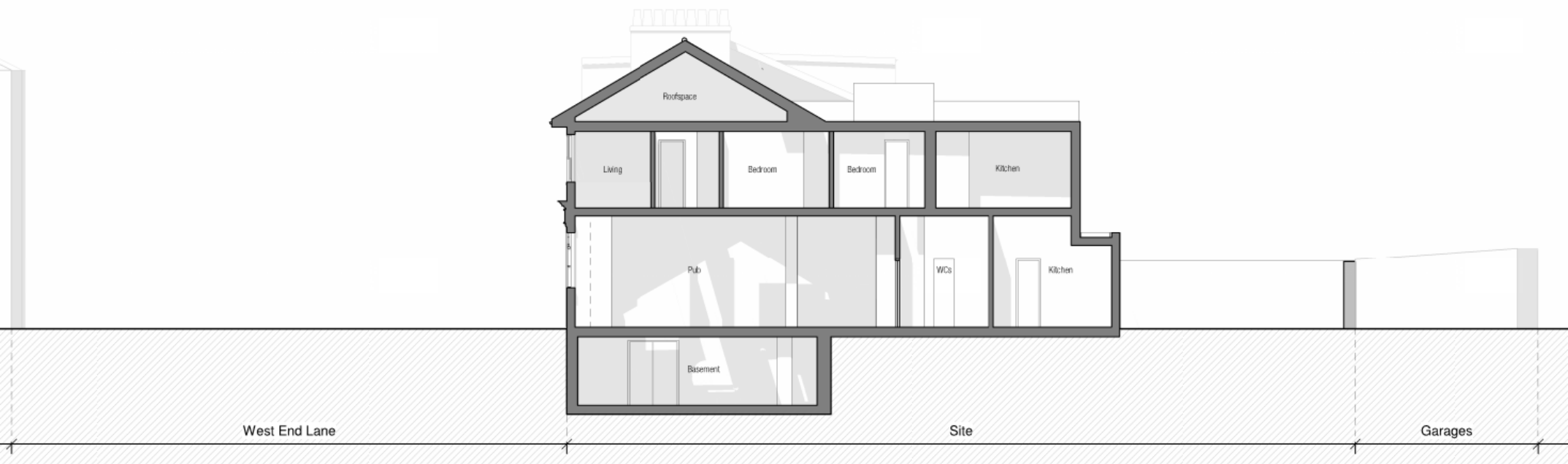












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RECESSED BRICKWORK PRECEDENT



CHAMFERED LINTEL PRECEDENT



BRICK BANDING PRECEDENT





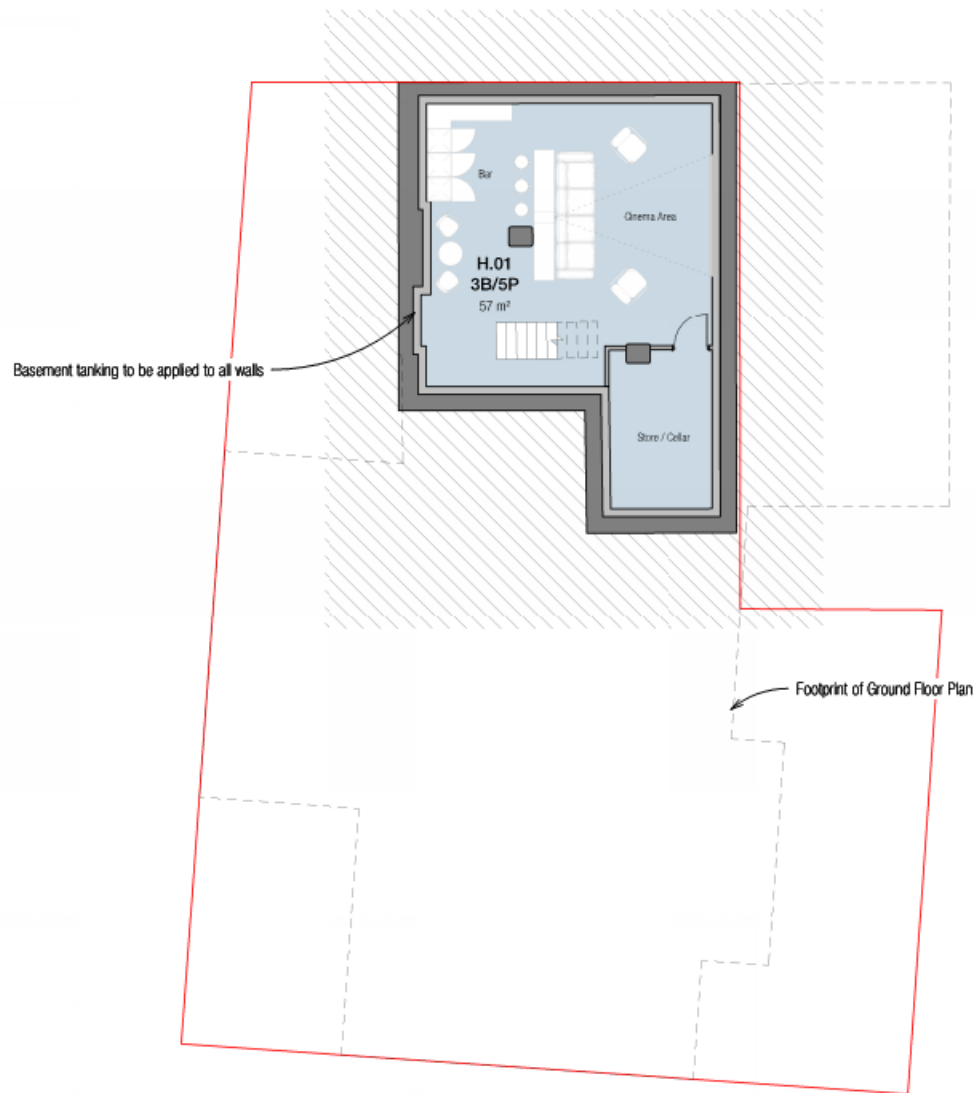




























END