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Date: 19/02/2021
Our ref: 2020/2097/PRE
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Dear Haleem Kherallah,

Re: 238 Kilburn High Road, London, NW6 2BS

Thank you for submitting a pre-planning application enquiry for the above property which was received on 12/05/2020. Three further design iterations have been carried out since submission and this advice is based on the latest iteration received 21/01/2021.

1. **Proposal**

The proposal is for a part-three, part-four storey extension above the existing restaurant (Class E) at ground and first floor level to provide an additional 9 residential units (7x1-bed; 2x2-bed). In association, 5 existing residential units at 240-242 Kilburn High Road (within same ownership) along the party wall would be reconfigured so as to prevent an unacceptable impact on residential amenity.

2. **Site description**

The application site is a part-one, part-two storey commercial building on the eastern side of Kilburn High Road. It occupies a corner site at the junction with Grangeway. To the north of the property is 240-242 Kilburn High Road, a 5-storey building with commercial use at ground floor level and residential above.

The site is located within Kilburn Town Centre and is designated as Secondary frontage. The property is not located within a conservation area; however it is adjacent to a Grade II listed building at no.236 Kilburn High Road.

3. **Relevant planning history**

APPLICATION SITE

8500008 - Erection of a ground floor extension to restaurant and installation of a new shopfront to the front and side. **Granted 30/01/1985**

8700308 - Erection of a first floor rear extension to provide ancillary restaurant floorspace. **Granted 15/04/1987**

240-242 KILBURN HIGH ROAD

2019/0722/P - Installation of 17x windows to flank wall of building - **Certificate Granted 06/03/2019**

2005/2545/P - Redevelopment of the site to provide a 5 storey building comprising ground floor in retail use (Class A1) to provide two retail units, change of use from office (Class B1a) to residential at first floor level in association with the provision of thirteen residential units (Class C3) on first, second, third and fourth floor levels (2 x bedsits, 3 x 1-bedroom self-contained flats, 4 x 2-bedroom self-contained flats, 4 x 3-bedroom self-contained flats). **Granted Subject to a Section 106 Legal Agreement 14/11/2005**

There is a closed enforcement case at 240-242 Kilburn High Road relating to a number of window openings that have been installed on the south elevation without permission. Planning permission was originally granted for 13 units; however, it would seem that the building has been divided into 25 units. Given the time lapsed since the work was completed (i.e. over 4 years), the windows are now immune from enforcement action and the Council are obliged to treat the windows as lawful and as such will seek to protect their amenity.

244 KILBURN HIGH ROAD

2003/3333/P - The demolition of the existing first floor, alterations to the existing shop fronts and the erection of 3x new floors on the Kilburn High Road frontage and 2x new floors at the rear to accommodate 3 x 3 bed residential units and 4 x 1 bedroom flats above the existing ground floor retail premises. **Granted subject to s.106 Legal Agreement 27/04/2005**

1-2 GRANGEWAY

2004/0381/P - Demolition of two-storey office building and redevelopment of the site by the erection of a six-storey building to accommodate 23 affordable homes. **Granted subject to s.106 Legal Agreement 13/01/2005**

4. Relevant policies and guidance

[National Planning Policy Framework 2019](#)

[The London Plan 2016](#)

Publication London Plan 2020

Camden Local Plan 2017

- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- A1 Managing the impact of development
- A5 Basements and lightwells
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste
- T1 Prioritising walking, cycling and public transport
- T2 Car-free development and limiting the availability of parking

TC2 Camden's centres and other shopping areas
 TC4 Town centre uses
 DM1 Delivery and monitoring

[Camden Planning Guidance – adopted 2018 - 2021](#)

CPG (Design)
 CPG (Housing)
 CPG (Energy efficiency and adaptation)
 CPG (Air quality)
 CPG (Water and flooding)
 CPG (Amenity)
 CPG (Transport)
 CPG (Developer's Contributions)

5. Assessment

The planning considerations material to the determination of this application are as follows:

- Land Use
- Design
- Impact on Neighbour Amenities
- Standard of residential accommodation
- Affordable housing
- Transport and Parking
- Energy and Sustainability
- Air Quality
- Trees
- Planning Obligations
- CIL

Land Use

The proposal would re-provide the existing restaurant (class E) use with three floors of residential (C3) above, providing an additional nine units in total.

The principle of additional residential units in this location is supported and would comply with policies H1 which regards self-contained homes as the priority land use of the Local Plan and policy G1 which directs high density developments toward the most accessible parts of the borough which includes Kilburn High Road.

Policy TC2 supports the development of housing within centres including above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses. The restaurant use would be retained at ground floor level and would continue to provide an active frontage.

It will be important to ensure that the mixed-use nature of the site is complementary and the noise / odours associated with the restaurant do not harm the amenities of the residential units.

Design

General points

- The proposed design is an improvement on previously submitted schemes, however there are still fundamental issues that need to be addressed to make the scheme acceptable in design terms.
- A general point, which has been raised throughout pre-application discussions, is the impact of retaining the ground floor restaurant on the potential success of the scheme. It seriously compromises the development in terms of providing a welcoming residential entrance and core and provides a blank, inactive frontage to Grangeway. It is also not clear how it will work practically i.e. is it possible for the existing building to support the increased loads without significant structural intervention? Where will the plant be relocated to where it will avoid an impact on residential amenities? No plant equipment appears on the proposed drawings
- The document, 'design justification and proposals' fails to demonstrate a sophisticated analysis of the local context and does not come across as a confident narrative of why the design has evolved in the way it has.

External appearance

- The height is comfortable but the form needs further work. There is scope to step up at the corner, as other buildings on Kilburn High Road do, but this needs to be finessed further. At present, the building does not have a defined 'top' and terminates with a sharp corner which feels out of character. In the design justification document provided as part of the pre-app pack it is mentioned that many corner buildings on Kilburn High Road are characterised by an accentuated corner, through details and angles. However, the proposed design does not respond accordingly.
- The retained building elements and the new addition are not well integrated and do not read as a holistic design. The new building appears to 'swallow up' the retained element.
- The parapet of the existing building has been removed and 'chopped off' on both the Kilburn High Road and Grangeway elevations, abruptly stopping where the new building starts and creating a stark contrast between old and new rather than a coherent design. We would recommend to keep the first floor elements and parapet in their entirety and give more thought on the transition to the upper floors. Furthermore, the fenestration bears little relationship with the proportions of the existing building, or established style of the surrounding area.
- Consider improving the relationship with the existing building through fenestration, but also in terms of other building elements/lines (for example, could there be a different brick treatment/type/something else to create continuity between the columns at first floor going upwards?)
- The fourth and fifth window bays on Grangeway, which are bricked up, have been removed from the proposal. It's not clear whether or not this is a drawing error. We would encourage to keep them to maintain consistency with the proportions of the existing building. Looking at the various options studied for the subdivision of long elevation on Grangeway, option 2 seems the only option that maintains that section of the existing building, and we would encourage that as a starting point.

- The relocation of the balconies to Grangeway rather than Kilburn High Road is welcomed but they appear as 'bolt on' features and would provide a much more usable space if they were integrated into the fabric of the building.
- The proposed fenestration also seem to not respond to the retained building on site. It is mentioned that the proposed windows respond to the size of windows of the surrounding buildings, but officers think they should also respond to the windows of the existing building, both in term of their location and size. In addition, we would like to understand more the logic behind the positioning of the windows, in particular on the Grangeway elevation.

Materials

- The building should not imitate the materiality of the adjoining building which is low-quality.
- It is recommended that the material palette should be brick in response to the surrounding townscape.
- A brick palette is definitely preferred over render. We are not opposed to the use of contrasting brick tones, however we will need more detail on their type and location. The comparison images between the proposed brickwork and a scheme by Burd Hayward is inaccurate.

Internal layout

- Some of the layouts appear particularly poor with the shape of the room not corresponding well with its use. For example, the 2-bed unit at fourth floor level has double bedrooms with jutting out corners that prevent comfortable access around the bed. Likewise, the 1-bed at the same level is shown to have a small kitchen directly adjacent to the terrace doors.
- Consider the uses of rooms adjacent to one another when a party wall is involved, and also how they are stacked. There are multiple instances where bathrooms are next to bedrooms or living rooms above bedrooms. Sound insulation must be provided if this is the case.

Impact on Neighbour Amenity

Policy A1 aims to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers and ensure sufficient daylight to occupiers of new dwellings taking in account overall planning and site considerations.

The key issue throughout pre-application discussions to date has been the need to avoid harm to the rooms served by the existing windows on the flank wall which would be lost. The plans demonstrate that this can be done with internal reconfiguration and the creation of new window openings on the rear elevation. The affected flats are all 1b1p which would be reconfigured and slightly enlarged to enable the bedroom and living room to be served by a window. On the face of it, the reconfiguration looks acceptable but an ADF daylight assessment should be provided with the application to demonstrate all habitable rooms would meet the minimum levels.

There is also a concern regarding the impact of the additional height on the occupiers of the flats on the southern corner at no. 1-2 Grangeway, particularly because the windows in question serve living rooms. A BRE daylight and sunlight assessment should be provided to demonstrate the impact on daylight and sunlight to these neighbouring residents.

It would be helpful for assessment purposes if the location of the windows of 1-2 Grangeway could be shown on future drawings so the impact can be fully understood.

Standard of residential accommodation

The proposal would provide 9 new units (7 x 1-bed; 2 x 2-bed) and reconfigure 6 existing units.

Policy H7 identifies 2 and 3 bedroom flats as being of higher priority whilst 1-bed flats are lower priority. It seeks to ensure that all developments contribute to meeting the priorities and includes a mix of large and small homes. As it stands, the proposal poorly aligns with the objectives of the policy and there is no reason why the proposal cannot perform better, for instance incorporating more 2-bed units and potentially a 3-bed in place of two adjacent 1-beds.

The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The relevant GIA standards are as follows:

- 1 bedroom 1 person flat – 39 sqm (37 sqm with shower room)
- 1 bedroom 2 person flat – 50 sqm
- 2 bedroom 3 person flat – 61 sqm
- 2 bedroom 4 person flat – 70 sqm
- 3 bedroom 4 person flat – 74 sqm

All units would be capable of complying with the space standards.

As well as complying with space standards, residential dwellings are required to have acceptable outlook, daylight and ventilation. With new residential schemes, the Council will encourage, wherever possible, units that are dual aspect and benefit from south facing windows. Several of the 1-bed units are single aspect which is less of a problem for smaller units but the reasons why it is not possible to provide dual aspect should be made clear. Whilst there might be privacy issues involved with creating openings on the rear elevation, the glazing could be obscured to mitigate the impact but still provide daylight. The deep kitchen/living rooms positioned in the south-east corner at first, second and third floor levels are likely to be particularly poorly lit given it is served by one relatively small window opening.

The arrangement of the units may also be problematic in terms of noise transmission through the walls where there are incompatible uses adjacent, for instance kitchens of one flat next to the bedroom of another. A noise report detailing proposed sound insulation and resulting noise levels should therefore be provided with an application.

There also needs to be further information provided as to the location and arrangement of plant equipment associated with the retained restaurant following the development. The outlets should not discharge near to residential windows and appropriate mitigation measures must be incorporated. A noise and odour assessment should support the application.

In terms of the reconfigured units, the existing units are all undersized as the development was not built out in accordance with plans (see planning history section) and the proposal would improve on this situation and bring them in line with nationally described space standards.

Wheelchair accessible/ adaptable units

As the proposals are for a new development, there is a requirement for 90% of units to be built to M4(2) and 10% of units to be built to M4(3). As there is no identified end user, the unit will need to be an M4(3)(2)(a) i.e. be wheelchair adaptable. Given the existing lift access, it appears there is scope for the units to achieve compliance but consideration will need to be given to how the units are laid out.

Affordable Housing

Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.

In this case, the total additional floorspace is 504 sqm GIA and the development would result in an uplift of 9 units. The development is therefore required to make a contribution to affordable housing. For schemes of fewer than 10 additional units, the Council will expect a contribution calculated based on a sliding target as a percentage of floor area starting at 2% for one home (measured as 100sqm GIA of C3 floorspace) and increasing by 2% for each 100sqm of additional GIA added to capacity. The contribution for this site is therefore 10% which results in an affordable housing floorspace target of 50.4 GIA. This is then multiplied by £5,000 (PIL rate for housing developments lieu of affordable housing) in order to obtain an affordable housing contribution of £252,000. The contribution would be secured by a Section 106 legal agreement.

Transport considerations

Cycle provision

Cycle provision is shown at ground floor level, although it is not clear for how many cycles or what type of storage it would be. The new London Plan requires 1 space per studio and 1 bedroom unit and 2 spaces for all other dwellings, resulting in a requirement of 11 spaces. If space allows, provision should be included for the reconfigured units in the existing building which will have new occupiers following the redevelopment and do not appear to have any existing cycle provision.

Car-free

Policy T1 requires all new development to be car-free. This would be secured by way of a Section 106 legal agreement. For 'car free' developments, the Council will:

- not issue on-street parking permits;
- use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits

Construction Management Plan (CMP)

Due to the location of the building in a busy town centre location and the scale of the works, a Construction Management Plan (CMP) would be secured plus an implementation support contribution (£tbc) and a construction impact bond (£7,500). These would be secured by a section 106 legal agreement.

The Council has a CMP pro-forma (available on the [Council's website](#)) which must be used once a Principal Contractor has been appointed. The CMP, in the form of the pro-forma, would need to be approved by the Council prior to any works commencing on site.

We will also expect the development to be registered with the Considerate Constructors' Scheme. Details are available at <https://www.ccscheme.org.uk/>

Highway and Public Realm Contribution

The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development.

We would therefore need to secure a financial contribution for highway works (repaving the footway) directly adjacent to the site as a Section 106 planning obligation if planning permission is granted. This would allow for any damage caused during construction of the proposed development to be repaired. A cost estimate will be requested from the Highways team once a planning application is submitted and will form part of the S106 Agreement if planning permission is granted.

Pedestrian, cyclist and environmental improvements

New developments also have wider impacts and may increase the demands on a transport network that at certain times already operates above capacity. Traffic problems include congestion, traffic intrusion (e.g. additional traffic on quiet lanes), road safety, air quality and the impact of additional traffic on other, especially vulnerable, highway users. Such development also increases the need to improve transport alternatives such as walking, cycling and public transport; this requires further investment so as to make these modes more attractive. Where these are site specific and necessary works to make a scheme acceptable they may be secured through planning obligations.

Energy and sustainability

There is no mention of energy and sustainability considerations which is concerning as an energy strategy should be closely connected with the design and considered from the outset.

The Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

The Council promotes zero carbon development and requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy; requires all major development to demonstrate how London Plan targets for carbon dioxide emissions have been met, including zero carbon development; and expects all developments to optimise resource efficiency. All major developments are required to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible, establishing a new network.

The Council aims to tackle the causes of climate change in the borough by ensuring developments use less energy and through the use of decentralised energy and renewable energy technologies. Policy CC1 requires all development to minimise the effects of

climate change and encourages all developments to meet the highest feasible environmental standards. It requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures.

Policy 5.2 of the London plan requires development to be designed in accordance with the energy hierarchy: be lean (use less energy), be clean (supply energy efficiently), be green (use renewable energy). In addition chapter 5 of the London Plan sets out the need for schemes to secure a minimum 35% reduction in regulated CO2 emissions below the maximum threshold allowed under Part L 2013. The Council expects zero carbon development, with at least 35% reduction to be made on-site. A carbon offset contribution would be required for the shortfall. This would be used to secure the delivery of carbon reduction measures elsewhere in the borough.

Developments are also expected to implement the sustainable design principles as noted in policy CC2 by achieving a BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%).

As part of the assessment of resource efficiency, all developments involving five or more dwellings and/or more than 500 sqm gross internal floor space are encouraged to assess the embodied carbon emissions associated with the development within the energy and sustainability statement. Where such an assessment has been completed we would encourage that the results are logged on the WRAP embodied carbon database in order to contribute to the embodied carbon knowledge base.

Cooling

All new developments will be expected to submit a statement demonstrating how the London Plan's 'cooling hierarchy' has informed the building design. Any development that is likely to be at risk of overheating (for example due to large expanses of south or south west facing glazing) will be required to complete dynamic thermal modelling to demonstrate that any risk of overheating has been mitigated.

Active cooling (air-conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.

Water and flooding

The Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible, through the incorporation of water efficiency measures (policy CC3).

Developments must be designed to be water efficient. This can be achieved through the installation of water efficient fittings and appliances (which can help reduce energy consumption as well as water consumption) and by capturing and re-using rain water and grey water on-site.

Policies D1 and CC2 of the Local Plan encourage sustainable urban drainage systems, blue / green roofs and walls and high quality hard and soft landscaping. The inclusion of a blue / green roof is therefore encouraged

Air Quality

The Council will take into account the impact of air quality when assessing development proposals, through the consideration of both the exposure of occupants to air pollution and the effect of the development on air quality.

Owing to the site's location near to a busy road, there is the possibility that new occupants will be exposed to poor air quality. Furthermore, the demolition and construction work could have a detrimental impact on local air quality. As such, a basic Air Quality Assessment should be submitted with an application. For more information, refer to CPG Air Quality.

Trees

The proposal has potential to impact on the mature street tree which currently abuts the building. Where a planning application involves works that affects trees we will require the following information to determine the application:

1. A Tree Survey (see section 4.2 of BS5837:2005)
2. A Tree Constraints Plan (see sections 5.2 and 5.3 of BS5837:2005)
3. An Arboricultural Implications Assessment (see section 6 of BS5837:2005)
4. An Arboricultural Method Statement for the protection of trees to be retained including a Tree Protection Plan (see section 7 of BS5837:2005)

6. CIL

You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice prior to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

7. Conclusion

There are still fundamental issues with the proposed development and it would not be supported at planning application stage. The design remains unresolved and out of character with both the existing building and surrounding vernacular. A high quality design should resolve issues to do with quality of residential accommodation (including accessibility) and neighbouring amenity.

There are also a number of concerns relating to housing mix and energy and sustainability that do not appear to have been acknowledged in the submission.

8. Planning application information

With the above advice in mind, should you wish to submit a planning application, I would advise you to submit the following for a valid planning application:

- Completed form – Full Planning Application
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and access statement
- Noise assessment
- Air quality assessment
- Daylight and sunlight assessment
- Energy and sustainability statements
- Arboricultural reports
- The appropriate fee
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals and we would do this by displaying several notices near the site. The Council must allow 21 days from the consultation start date for responses to be received.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Kristina Smith on **020 7974 4986**

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Kristina Smith

**Principal Planning Officer
Planning Solutions Team**