

Delegated Report	Analysis sheet	Expiry Date:	8/07/2014
	N/A	Consultation Expiry Date:	30/06/2014
Officer		Application Number(s)	
David Fowler		2014/2786/P	
Application Address		Drawing Numbers	
34A-36 Kilburn High Road London NW6 5UA		See draft decision notice	
Proposal(s)			
Erection of an additional storey to provide 5 x additional residential units at 6 th floor level.			
Recommendation(s):	Refuse permission		
Application Type:	Full Planning Permission		

Consultations

Adjoining Occupiers:	No. notified	86	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	2 letters of objection were received on the following grounds: <ul style="list-style-type: none">- Loss of light- Existing problem of refuse being left outside building will be worsened- Noise from occupants- Parking stress- Loss of privacy- Impact on ventilation					
CAAC/Local groups comments:	None; the site is not within a conservation area.					

Site Description

The site in question is a 5 storey contemporary building at the corner of Kilburn High Road and Springfield Lane.

The building is in mixed use with retail and gym at ground floor level, a hotel on the first, second and third floor levels and residential flats on the fourth floor level.

Kilburn High Road lies to the west of the site and Springfield Lane lies to the north and east of the site. To the north of the site (across Springfield Lane), building heights drop significantly to The Bell public house which consist of part 2/part 3 storeys allowing the application building to appear visually dominant in views along Kilburn High Road. The adjoining building to the south at 32 Kilburn High Road is the Red Lion pub building which is a traditional four storey building. The building to the south again in this block, at 24-32 Kilburn High Road consists of 6 storeys, the top storey being set back. The last building in the block at 12-22 Kilburn High Road (the library building) consists of 8 storeys, with some set back at the top. The terrace opposite the application site is 4 storeys.

The buildings adjoining the site to the rear (east), on Springfield Lane (numbers 6 – 12), is a Georgian/early Victorian terrace consisting of 3 storeys and is in residential use. 14-18 Springfield lies to the south-east of this terrace and is 1960s/70s block consisting of 4 storeys in residential use.

The building on the site curls around a 'courtyard' area. This area as well as the rear areas to other properties in the block has been built over with low-level buildings.

The site is not in a conservation area and the building in question is not listed.

Relevant History

Application Site:

2008/1336/P- Certificate of lawfulness was granted on 09/05/2008 for the internal alterations to facilitate an increase in the number of suites (from 38 to 73) within the existing Hotel (Class C1) on first, second and third floor level.

2006/3489/P – Planning permission was granted on 20/12/2006 for the retention of a new 5-storey plus basement building, comprising a basement Class D2 health club/snooker hall, ground floor Class A1 retail unit, 1st -3rd floors aparthotel (Class C1) comprising 38 suites, and 4th floor residential units (Class C3) comprising 11x 1 bed and 1x 2 bed self-contained flats, as a variation to planning permission granted on 12 April 2005 (PWX0302236/P) for erection of a new 5-storey plus basement building comprising a basement Class D2 health club/snooker hall, ground floor Class A1 retail unit, and 1st to 4th floors Sui Generis hostel for homeless people (in the form of 40 self-contained units with communal facilities).

PW9902721 – Planning permission was granted on 21/05/2002 for the redevelopment of site to provide a 5 storey building with 3 basement levels, comprising a 40 bedroom hotel, 2 Class A1 retail units, Class A3 wine bar, Class D2 health club, Class B1 offices, plus underground parking for 10 cars and a rear loading bay.

PWX0302236/P – Planning permission was granted on 12/04/2005 for the 'Erection of a new 5-storey plus basement building comprising a basement Class D2 health club/snooker hall, ground floor Class A1 retail unit, and 1st to 4th floors "Sui Generis" hostel for homeless people (in the form of 40 self-contained units with communal facilities)'.

PWX0302235/P – Planning permission was **refused** on 03/02/2004 for the 'Erection of a new 6 storey plus basement building, comprising a basement Class D2 health club/snooker hall, ground floor Class A1 retail unit, 1st to 5th floors "Sui Generis" hostel for homeless people (in the form of 48 self-contained units with communal facilities)'. The reasons for refusal:

- 1) *The proposed development, as a result of the 6th storey roof extension, would be excessively bulky in terms of its height, scale and mass and would be detrimental to the appearance and setting of adjoining buildings, the general streetscene in Kilburn High Road and the surrounding townscape.*
- 2) *It is considered that, as a result of the proposed 6th storey roof extension, the proposed residential units on the 1st and 2nd floors facing the internal lightwell will receive inadequate daylight and outlook to the detriment of the amenities of future residents in these units.*

An appeal was dismissed on 15th October 2004. Although the Inspectorate noted the proposed building and the library building at the other corner of the terrace as taller "bookends" he considered the proposed building to appear over large in comparison with the adjacent Red Lion and The Bell public house (2/3 storey high) and to be unsympathetic in scale when compared to the terrace opposite. In terms of neighbouring amenity the Inspector considered that the proposal would not have a significant impact on the daylight amenities of the neighbouring properties but it would have an unacceptable intrusive and overbearing effect on the outlook from some sui generis hostel accommodation on the lower storeys (facing into the light well along its north east side).

24-32 Kilburn High Road:

2005/3051/P – Planning permission was granted on 23/12/2005 for the revision (incorporating addition of new 5th floor roof extension containing 10 additional bedrooms) to planning permission approved on 6th April 2005 (ref 2005/0291/P) for provision of basement car parking, a ground floor Class A1/B1 unit, and a 59 bedroom residential hostel with communal facilities on basement to 4th floors, remodelling of front and rear facades with new balconies on both, erection of 2nd to 4th floor rear extensions, and erection of a rear ground floor refuse store.

The approved additional floor was 12m deep and set back by 1.5m from the front building line. The officer's report stated that the approved additional floor did not set a precedent for the block at 34-36 Kilburn High Road as no 34-36 was at a more prominent location in the streetscene and adjoined much lower buildings to the north.

12-22 Kilburn High Road:

PW9902480 – Planning permission was granted on 16/01/2003 for the redevelopment of the site by the erection of a new 8 storey building, comprising a library, art gallery and community facilities on the main ground and lower ground floors, 7 self-contained residential flats on the first floor, and 36 residential flats for use as either permanent residential accommodation or serviced apartments (occupation for less than 90 days) on the upper floors, together with two levels of basement parking.

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2011) including Revised Early Minor Alterations (REMA) 2013

LDF Core Strategy and Development Policies (2010)

CS5 (Managing the impact of growth and development);

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage);

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP19 (Managing the impact of parking)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design);

DP26 (Managing the impact of development on occupiers and neighbours).

Camden Planning Guidance(CPG) (2010)

CPG1 (Design)

CPG6 (Amenity)

Assessment

Proposal

Planning permission is sought for the erection of an additional level on the roof at 5th floor level. This would be set back by an average of around 2.1m from the building lines from the front, north side and rear building lines, except where balconies are proposed where the setback would be around 0.8m. Balconies are proposed on the front (6.1m x 1.2m) facing Kilburn High Road, on the north (10m x 1.2m) and to the rear (5m x 1m) and would be enclosed with glass balustrades. The new storey would be largely glazed with stainless steel window frames and would rise 3.1m above the existing roof.

The GEA of the proposed new floor would be 468.7sqm and would provide 5 additional self-contained residential units (1 x one-bedroom and 4 x two-bedroom).

These units would share the same core as the hotel and the residential units on the 4th floor.

Land use

The 5 additional residential units would be welcomed by the LDF policies CS1, CS6 and DP2. However, this is subject to the consideration that needs to be given to the impact of the proposed roof addition on the character and appearance of the streetscape and the architectural composition of the host building, the mix and living standards of the proposed units and the impact on the neighbouring amenity.

Design and conservation

Policies CS14, DP24 and CPG1 (Design) alterations should consider the character and proportions of the existing building, and the character, setting, context and form of neighbouring buildings. CPG1 states that rear extensions should be subordinate to the building extended in terms of location, form, scale, proportions and dimensions.

The application site is located at a prominent corner location and therefore highly visible from street views on Kilburn High Road and also Springfield Lane. To the north west of the site, Kilburn High Road (across Springfield Lane), the building heights fall to part 2/part 3 storey (The Bell public house). The buildings in the block fronting Kilburn High Road to the south of the site (12-34 Kilburn High Road) vary between 6-8 storeys with the corner building at the south end of the terrace (the library block) being much taller than the rest of the properties in the terrace which the application property forms part. However, it should be noted that the road slopes downwards towards the southern end of the block. The height and scale of the immediately adjacent and adjoining properties need to be considered in this case.

The main issue in design terms is the impact of the additional storey on the character and appearance of the surrounding area. In comparison to the refused scheme (ref: PWX0302235/P) the proposed additional floor would be around 1.2m further set back from the front and side building lines which are visible from the Kilburn High Road. The additional setback is not considered to address the impact of the proposed new storey in terms of bulk, height, scale and mass. Given the height difference between the host building and the adjacent buildings to the north, the proposed additional floor would be highly visible from the long view on Kilburn High Road and would harm the transition between the scale of development on Kilburn High Road. It should also be noted that the previously refused additional storey was also lightweight in appearance. The proposed framed glass balustrade for the roof terraces would also be highly visible from the street views and would harm the appearance of the parapet line.

The proposed additional storey by reason of its scale, bulk and height is still considered to be excessively bulky and therefore harmful to the appearance and setting of adjoining buildings, the general streetscene in Kilburn High Road and the surrounding townscape.

There have been no significant changes to the surroundings of the site and the Council's specific design policies since the appeal decision. The example cited for an additional floor level to 24-32 Kilburn High Road granted permission in 2005 does not affect the principle of a roof extension on the application building, as this site is located in the middle of the terrace and the additional floor level at this property is not as prominent as the proposed additional level on Kilburn High Street. The officer's report for the application for the additional storey to 24-32 Kilburn High Road was careful to state that the approved additional floor did not set a precedent for the block at 34-36 Kilburn High Road as no. 34-36 was at a more prominent location in the streetscene and adjoined much lower buildings to the north (see above relevant history section). In views south down Kilburn High Road, this additional storey is not visible above the roof of the Red Lion pub building and the application building.

There remain no justifiable circumstances in the surrounding area or in design policy to disregard the scale relationship with the host building and the adjacent part 2/ part 3 storey building.

The proposed additional floor level is considered to be unacceptable in principle as it would add significantly to the visual bulk of the already visually dominant building when viewed from important public views and would make the host building appear excessively large in comparison to the adjacent pub to the north-west and structures near Kilburn High Road station and the terrace opposite. The proposal is contrary to LDF policies CS14 and DP24.

Mix and standard of accommodation

LDF Policy DP5 states that the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes. It goes on to state that the Council will expect a mix of large and small homes in all residential developments. In addition to this, the dwelling size priorities table (on page 38 of Camden Development Policies) places a 'very high priority' on 2 bed units, a 'medium priority' on 3 bed units and a 'lower' priority on 1 bed units and aims to secure 40% of the proposed units to be 2 bed units in residential developments.

The proposed mix would be 1 x one-bedroom unit and 4 x two-bedroom units. There are also 11 x one-bedroom and 1 x two-bedroom units in the existing building. Two-bedroom units are a very high priority for market housing and their provision (80% of the total) would be welcomed. The proposal therefore complies with policy DP5.

The floor area of the proposed one-bedroom unit is 51.3sqm. The floor areas of the proposed two-bedroom units would range from 61.1sqm to 77.3sqm. The Council's minimum internal space standards for new self-contained dwellings in accordance with section 4 of Camden Planning Guidance for housing (CPG2) are:

Number of Persons	1	2	3	4	5	6
Minimum floorspace (sqm)	32	48	61	75	84	93

The proposed units therefore meet and exceed minimum floor areas.

4 of the 5 units would benefit from a small balcony or terrace. The unit without a terrace is considered

acceptable given its orientation to the south-east and its large size (77.3sqm) and that a terrace may impact on the privacy of neighbours to the rear. One of the units is single-aspect north-west facing, however this unit has a large terrace which would improve the outlook and aspect for the occupants.

A Lifetime Homes Design Criteria Assessment has been submitted as part of the application and demonstrates that the proposed units would be in accordance with policy DP26 as far as it is practically possible. Should the application be approved this would be secured via condition.

Neighbouring amenity

Policies CS5, DP26 and CPG6 (Amenity) are relevant with regards to the impact on the amenity of residential properties in the area.

On the appeal for application PWX0302235/P (see history), the Inspector considered that the proposed 6th storey would impact on the outlook of (but not daylight to) the proposed residential units on the 1st and 2nd floors facing the internal lightwell. These units were proposed to be used as part of a sui generis hostel for the homeless. The 1st and 2nd floors are now used as part of the existing hotel (as approved in 2006 permission – see history). The impact in terms of loss of outlook to hotel rooms is not considered as important as to a residential hostel and therefore is considered acceptable.

The Inspector did not consider there to be an impact on the upper storeys, such as the 4th floor which is now Class C3 residential, or 6 Springfield Lane which houses the nearest residential properties not located within the application building.

The Inspector did not raise any concerns in terms of overlooking.

Given the above, it is considered that there would be no material amenity impact on any residential properties in the vicinity in terms of loss of light, outlook or privacy.

Sustainability

Pursuant to London Plan policies 5.2, 5.3, 5.6m, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15 and 5.17, Core Strategy policy CS13 and Development Policies DP22 and DP23 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. New housing must meet CfSH Level 4. A Code for Sustainable Homes Assessment has been submitted as part of the application. Camden Planning Guidance (page 69) requires that minimum standards be achieved in the following Code categories:

- Energy 50%
- Water 50%
- Materials 50%

Under the proposals, the following standards will be achieved and therefore complies with the standards laid out above in CPG3:

- Energy 50.61%
- Water 66.67%
- Materials 70.83%.

The site under assessment currently scores 70.02% and results in the development achieving a CODE LEVEL 4 under the scheme (with a margin of 2.02%, where the minimum score required is 68%).

Camden planning guidance for sustainability (CPG3) also states that development involving 5 or more dwellings and/or 500sqm internal floorspace or more are required to submit an energy statement and requires that minimum standards be achieved in the following Code categories:

An Energy Statement has been submitted as part of this application. This demonstrates that a reduction of 47.7% in carbon dioxide emissions is achievable (compared to Building Regulations, Part L), which exceeds the London Plan target of 40%. In the event of an acceptable scheme these measures would be secured by s106 legal agreement, including post-completion certification confirming the achieved levels. In the absence of such a legal agreement the development proposals would fail to ensure sufficient sustainability measures are achieved and the application is therefore refused on this basis.

Transport

Given the site has a PTAL of 6a (excellent public transport accessibility) the proposed development is suitable for a car free development, which would be secured via S106 agreement. The applicant is willing to enter into a section 106 accordingly. In the absence of a s106 to secure car free housing, the proposal would be considered unacceptable as it would add to local parking pressure and would encourage non-sustainable transport.

Given the location of the application property and the scale of the proposed development a construction management plan (CMP) would be required, to be secured via S106 agreement, were the application be approved. In the absence of a s106 to secure a CMP, the proposal would be unacceptable as the Council would have no control over construction arrangements which could result in safety hazards, noise and disruption.

TfL cycle parking standards require 1 space (or storage space) per 1 or 2 bedroom unit and 2 spaces for larger units. 5 cycle parking spaces are therefore required. 6 cycle parking spaces are proposed at 5th floor level. Bicycles would be brought up in the lift. The proposed cycle parking provision meets policy requirements.

Refuse and recycling

It is proposed to utilise the existing refuse and recycling facilities for the hotel and existing flats in the basement.

Planning obligations

Given that 5 units are proposed, an education contribution is required to mitigate the impact on existing education places. A contribution of £8,852 would be required (£2,213 per two-bedroom flat).

Given that 5 units are proposed, a contribution towards the provision of public open space in the borough would be required to mitigate the additional pressure on open space.

The other likely heads of terms of S106 would be car free housing, construction management plan and sustainability measures.

CIL

If any future planning application for the proposed development is successful the Mayor's CIL and S106 agreement would be applicable. The CIL contribution is likely to be £23,435 (468.7 x £50).

Recommendation: Refuse permission.