

<b>Address:</b>	254 Kilburn High Road London NW6 2BS		<b>5</b>
<b>Application Number:</b>	2014/3244/P	<b>Officer:</b> Jenna Litherland	
<b>Ward:</b>	Kilburn		
<b>Date Received:</b>	12/05/2014		
<b>Proposal:</b> Redevelopment of the site (following demolition of existing buildings) to provide a mixed use development, comprising the erection of six storey building (with set back top floor) to provide 989 sqm of commercial space (Classes B1 and B8) and 62 dwellings plus cycle parking, 2x disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space.			
<b>Drawing Numbers:</b> 12066-S.00; 12066-S.01; 12066-GA.00-A; 12066-GA.01-B; 12066-GA.02-B; 12066-GA.03-B; 12066-GA.04-B; 12066-GA.05-C; 12066-GA.06-B; 12066-GE.01-C; 12066-GE.02-D; 12066-GE.03-B; 12066-GE.04-A; 12066-GE.06-A; 12066-GE.07-A; 12066-GE.08-A; 12066-GE.09-A; 12066-GE.10-A; 12066-GS.00; 12066-GS.01; 12066-WC.02 (marked up the meet Lifetime Homes Standard 14); 12066-GA.01 (marked up to show private wheelchair unit - private); 12066-GA.02 (marked up to show affordable wheelchair unit); Design and Access Statement by Claridge Architects dated April 2014; Schedule of Areas Revision E by Claridge Architects dated 7 April 2014; Planning Statement by CMA Planning dated May 2014; Transport Statement by Price and Myers dated May 2014; Noise Assessment by Entran Environmental and Transportation dated 3 April 2014; Geo-Environmental Desk Study by Jomas Associates Ltd dated 16 September 2013; Flood Risk Assessment by Price and Myers dated April 2014; Energy Strategy Report by Price and Myers dated 28 September 2014; Extended Phase I Habitat Survey by PJC Ecology dated November 2014 Updated 2014; Daylight and Sunlight Report by GL Hearn dated 6 May 2014; Code for Sustainable Homes Pre-Assessment Report by Price and Myers dated 8 May 2014; Construction Logistics Plan by Price and Myers dated May 2014; BREEAM Pre-Assessment Report by Price and Myers dated May 2014; Air Quality Report by Entran Environmental and Transportation dated 6 March 2014; Air Quality Addendum by Entran Environmental and Transportation dated 28 November 2014; Air Quality Check List; Viability Assessment by Savills dated 16 June 2014; Un-named CGIs x 3; Arboricultural Impact Assessment by PJC Consultancy dated 29 May 2014; email from CMA Planning dated 04 September 2014; email from CMA planning dated 21 August 2014; Independent Viability Review by BPS dated 18 November 2014; email from CMA Planning dated 04 September 2014.			
<b>RECOMMENDATION SUMMARY:</b> Grant conditional permission subject to a S106 agreement.			
<b>Applicant:</b>			<b>Agent:</b>

Mr C/O agent	CMA Planning 113 The Timberyard Drysdale Street London N1 6ND
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### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>B1(a) Business B1(c) Light Industry B8 Warehousing</i>		<i>357 sqm GIA 253 sqm GIA 860 sqm GIA</i>
Proposed	<i>B1 Business and B8 (Storage) C3 Residential</i>		<i>989 sqm GIA 4656 sqm GIA</i>

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Proposed	<i>Flat/Maisonette</i>	18	27	17						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	12	0
Proposed	0	2

## OFFICERS' REPORT

**Reason for Referral to Committee:** The application is reported to Development Control Committee as it is a Major application involving the creation of more than 10 residential units [Clause 3(i)]; and requires the making of a S106 obligation for matters which the Director of Culture and Environment does not have delegated authority [Clause 3(vi)].

### 1. SITE

- 1.1 The site is located on the north-east side of Kilburn High Road. Access to the site is via a narrow access route between Nos. 252 and 256 Kilburn High Road. The site comprises the land between the rear of No. 256-274 Kilburn High Road and Kilburn Grange Park. The site is currently vacant but until recently was occupied by a marble workshop (Class B2 and B8) located within a four storey Victorian building to the rear of the site and two single storey double height warehouse buildings. There is no formal parking at the site however there is space to park around 12 vehicles in the yard.
- 1.2 To the north-east and north-west of the site is a public park, Kilburn Grange Park. To the south west of the site are a terrace of buildings which front on the Kilburn High Road which are in retail use at ground floor level and generally in residential use at upper floors. To the south-east of the site is No. 248 Kilburn High Road which is currently vacant however, it has planning permission for a residential development within a part 4 and part 5 storey and the other part 2, part 3 and part 5 storey, to provide 14 self-contained flats.
- 1.3 The application site is not located within a Conservation Area and the existing building is not listed. However, the site does adjoin a grade II listed building to the north-west, the Black Lion Pub on Kilburn High Road. The site is located within the Town Centre of Kilburn. It is located close to boundary with the London Borough of Brent which runs down the centre of Kilburn High Road.

### 2. THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a six storey building with a set-back top floor to provide 989 sqm of commercial space (Classes B1 and B8) at ground floor level and 62 residential flats ( 18 x 1beds, 27 x 2beds, and 17 x 3beds). The proposal includes, 4 disabled car parking bays, 85 bicycle spaces and integrated refuse storage, and external landscaping.
- 2.2 The building would be finished in brick from ground to fourth floor level. The elevations will have set back and projecting bays. On the north-west elevation the set back bays will have projecting balconies with metal railings and the projecting bays will have glazed Juliette balconies. On the north-east elevation (park elevation) the set back bays will have projecting balconies and the projecting bays will have inset balconies. The south-west elevation facing No. 248 Kilburn High Road will be a solid brick wall with no openings. The north-east elevation will also be constructed of brick and will have punched window openings and inset panels of brickwork where windows are not possible. The set back fifth floor would have an undulating form and would be constructed in an aluminium cladding with a dark grey metal finish.
- 2.3 The existing vehicular access to the site would be retained and 2 disabled car parking spaces would be provided south of the commercial amenity space. Bin and the main bike storage areas are located within the building at ground floor level. A further 13 cycle spaces are provided in the courtyard adjacent to the commercial amenity space and disabled parking.

- 2.4 At ground floor level there are three commercial units each with a separate access. There are two residential entrances which would be accessed from the courtyard. One serving the private units in Blocks A and B and one serving the affordable units in Block C. Both entrances have stair and lift access to the flats at upper levels.
- 2.5 All of the residential units would have private outdoor amenity space in the form of private balconies or roof terraces. 30 of the units would be dual aspect and 32 would be single aspect.

### **Revisions**

- 2.6 The following amendments have been made during the course of the application:
- The southernmost units at levels 1-4 have been reduced in size and part of the bay of which these units form has been set back to address concerns over loss of daylight to the development at the adjoining site No. 248 Kilburn High Road.
  - The terraces that previously served units 202, 302, and 402 have altered to serve units 201, 301 and 401 respectively to ensure they do not result in unreasonable overlooking of the adjoining proposed units.
  - The number of disabled car parking spaces has been reduced from 5 (2 for the commercial) and 3 for the residential units) to just 2 for the affordable wheelchair units.
  - The level of affordable housing has been reduced from 32% to 27% (two intermediate units unit change to market units) to account for S106 contributions which were not included as a development cost in the original viability appraisal.

## **3. RELEVANT HISTORY**

### **3.1 Relevant history at the application site:**

**PW9902785:** An application was submitted for change of use of the North-West part of warehouse 2 into a martial arts school training centre (within Class D2 use). **Refused permission 23/11/1999.**

**CTP/H3/3/AP1:** An application was submitted for erection of a single storey building for use for storage purposes. **Granted planning permission 12/07/1965.**

**CTP/H3/3/A/27643:** An application was submitted for erection of a single-storey building for use for storage purposes ancillary to the light industrial use of the remainder of the site. **Granted planning permission 07/01/1979.**

### **3.2 The following planning history at adjoining sites is also relevant:**

#### **246 Kilburn High Road**

**2009/5625/P:** An application was submitted for amendments to planning permission 2007/3467/P dated 12/10/2007 (Erection of building fronting Kilburn High Road comprising ground floor retail unit (Class A1) and 4 upper floors to provide 4 x 2-bedroom residential units, plus erection of a building to the rear comprising basement and ground floor (Class B1) business use and 3 upper floors to provide 3 x 3-bedroom flats and 3 x 2-bedroom flats with balconies and terraces) to remove basement and other internal alterations at ground floor level with associated revisions to the south east elevation. **Application granted on 17/02/2010 subject to a S106 agreement 11/05/2005.**

**2005/1186/P:** An application was submitted for erection of a second floor roof extension and a first floor extension at front part of building, to create additional habitable floorspace

for the existing two storey live/work unit. **Application granted on 11/05/2005 subject to a S106 agreement 11/05/2005.**

### **248 Kilburn High Road**

**2014/2662/P:** An application was submitted for the erection of 2 buildings, one part 4 and part 5 storey and the other part 2, part 3 and part 5 storey, to provide 14 self-contained flats (Class C3) (4x1 bed, 7x2 bed and 3x3 bed) including vehicular access via an undercroft in the building, roof terraces and landscaping. **The application was heard at Committee on the 9 October and Members resolved to grant planning permission subject to a S106 agreement. The S106 agreement has not yet been completed.**

#### **4. CONSULTATIONS**

##### **Statutory Consultees**

- 4.1 **Thames Water:** No Objection. Request that the applicant: incorporates a non-return valve or other suitable device to avoid the risk of backflow should the sewerage network surcharge to ground level during storm conditions; provides adequate surface water drainage; and provides future residents adequate minimum water pressure.
- 4.2 **Environment Agency:** No objection.
- 4.3 **London Borough of Brent:** No response to date.
- 4.4 **Metropolitan Police (Designing out Crime Officer):** No objection.

##### **Adjoining Occupiers**

	<b>Original</b>
<i>Number of letters sent</i>	54
<i>Total number of responses received</i>	2
<i>Number in support</i>	0
<i>Number of objections</i>	2

- 4.5 Letters were sent to 54 adjoining occupiers. A site notice was displayed from 25/06/2014 until 16/07/2014. A press notice was placed in the Ham and High on 26/06/2014 (expired 17/07/2014). 2 letter of objection have been received on from No. 246 Kilburn High Road and one behalf of No. 248 Kilburn High Road.
- 4.6 Objections are on the following grounds:

##### **Design**

- The building is out of scale with the rest of the park frontage, especially the penthouse floors.
- The proposal should close the gap between Nos. 252 and 256 Kilburn High Road.
- The images in the Design and Access Statement do not show the building in context.
- The proposal amounts to overdevelopment of the site.
- The proposed building will overshadow Kilburn Grange Park.
- The proposed roof storey is not contextual.
- The 3D visuals of the roof storeys are misleading. The zinc/aluminium cladding would not disappear into the sky as it appears in the images.

## **Amenity**

- The scheme is contrary to BRE guidelines and the daylight study is inadequate. The assessment does not include the north facing windows at No. 246 Kilburn High Road which serve the kitchen/living area.
- The 5 storey blank wall facing Nos. 246 and 248 Kilburn High Road will create an unacceptable sense of enclosure from the roof terrace at No. 246 and will block light to the new development at No. 248 Kilburn High Road.
- The proposal includes no communal amenity space for residents.

## **Other**

- The proposal would result in increased traffic to the site given that there would now be 3 commercial units plus residential.
- The proposal should include 50% affordable housing.

## **5. POLICIES**

### **5.1 National Planning Policy Framework (2012)**

### **5.2 The London Plan (2011) (as amended 2013)**

### **5.3 LDF Core Strategy and Development Policies 2010**

#### LDF Core Strategy

CS1 Distribution of growth

CS3 Other highly assessable areas

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS7 Promoting Camden's centres and shops

CS8 Promoting a successful and inclusive Camden economy

CS10 Supporting community facilities and services

CS11 Promoting Sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high Quality Places and Conserving Our Heritage

CS15 Protecting and Improving our Parks and Open Spaces & encouraging Biodiversity

CS16 Improving Camden's health and well-being

CS17 Making Camden a safer place

CS18 Dealing with waste and encouraging recycling

CS19 Delivering and monitoring the Core Strategy

#### LDF Development Policies

DP2 Making full use of Camden's capacity for housing

DP3 Contributions to the supply of affordable housing

DP5 Homes of different sizes

DP6 Lifetimes Homes and Wheelchair Housing

DP13 Employment sites and premises

DP15 Community and Leisure Uses

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

DP20 Movement of Goods and Materials

DP21 Development Connecting to the Highway Network

DP22 Promoting Sustainable Design and Construction

DP23 Water

DP24 Securing High Quality Design

DP25 Conserving Camden's Heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and Vibration  
DP29 Improving access  
DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities  
DP32 Air quality and Camden's Clear Zone

#### 5.4 **Supplementary Planning Policies**

Updated Camden Planning Guidance 2011 (updated 2013)

CPG1 – Design

CGP2 – Housing

CPG3 – Sustainability

CPG6 - Amenity

CPG7 – Transport

CPG8 – Planning Obligations

### 6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Land Use;
- Housing land use and density;
- Housing mix, unit size and quality of accommodation;
- Affordable housing;
- Design;
- Play and Open Space;
- Amenity;
- Transport;
- Community Safety;
- Sustainability;
- Trees, landscaping and biodiversity;
- Air Quality;
- Contaminated land;
- Construction;
- Planning obligations;
- Other matters.

#### 6.2 **Land use**

6.2.1 Policies CS8 and DP13 seek to retain land and buildings that are suitable for continued business use and will resist change to a non-business use. CPG5 provides details on assessing whether loss of employment land uses would be acceptable. Camden has a very restricted supply of sites and premises suitable for light industrial, storage and distribution uses. This means that there is a high level of demand for the remaining sites and that the majority of sites are well occupied and able to secure relatively high rents as long as they have good access and separation from conflicting premises.

6.2.2 CPG5 sets out 3 categories for light industrial, storage and distribution sites and premises in the borough. Category 1 sites provide the highest quality of accommodation and will always be protected. Category 2 sites are more common in Camden and will usually be protected. Category 3 sites are heavily compromised and may not be considered suitable for continued industrial use. The criteria for the categories is set out in CPG4.

- 6.2.3 The site is currently vacant but until recently was occupied by a marble workshop (Class B1(c), B8 and B1(a)) located within a four storey Victorian building to the rear of the site and two single storey double height warehouse buildings. There is a large yard which is used for vans and cars associated with the use. The existing use is broken down into the following components:
- 253sqm of B1c light industrial use (the workshop)
  - 860 sqm of B8 storage use (where the marble was stored)
  - 357 sqm of B1a office floorspace.
- 6.2.4 This totals 1470sqm of employment floorspace. The marble workshop vacated the site earlier this year and has relocated to Wembley.
- 6.2.5 The existing buildings to have some of the qualities of Category 2 space such as some of the buildings being purpose built single storey buildings with large doors. However, they do not have good access to natural light and the surrounding uses include a large proportion of residential which is not particularly compatible with industrial use. Furthermore, the purpose built structures were constructed in the 1960's and are outdated. All of the existing buildings on site are in a very poor state of repair. The buildings suffer from leaks, damp, poor electrics, and part of the buildings have undergone poor quality repairs such as hard board patching. In areas the walls and roofs are in disrepair.
- 6.2.6 The proposed development comprises 989 sqm of employment floorspace which would be flexible B1a office, B1c light industrial, and B8 storage space dependant on the market. As such, the majority of the employment use would be retained and the ground floor site coverage would be a similar size to as existing. The loss of space would be 481 sqm which largely equates to the upper floors of the converted Victorian buildings to the rear of the site which have poor layout and access. The proposed space would be high quality and would adhere to modern standard. It would have high floor to ceiling heights, good levels of natural light, and space for vehicle set down which ensures the space would be suitable for B1(a), B1(c) and B8 uses. As such, given that the replacement accommodation would be much higher quality the loss of employment floorspace is likely to be acceptable.
- 6.2.7 The proposed accommodation would receive good levels of daylight with windows on the front as well as the park elevation which ensures it would be suitable for both light industrial and office uses. The floorspace is broken down into 3 units of different size (508 sqm, 306 sqm, 175 sqm) the provision of a mix of unit sizes is welcomed and the smaller units may be attractive to SMEs which is in accordance with CPG5. The employment space would also benefit from outdoor amenity space within the courtyard. Based on employment densities the proposed accommodation could provide employment for up to 82 full time employees.
- 6.2.8 It is considered that the loss of 481 sqm of employment floorspace is balanced by the fact the proposed accommodation would be high quality accommodation which is replacing poor quality and dated accommodation which is not suitable for continued use.

### **6.3 Housing land use and density**

- 6.3.1 The application proposes a total of 62 units incorporating a mix of 18 x 1beds, 27 x 2beds, and 17 x 3beds. The total residential floorspace would be 4656 sqm. The provision of new housing in appropriate areas is a core principle of the development plan and in accordance with Policy CS6 which seeks to make the best use of the borough's capacity for housing. The local area has a mix of residential and commercial uses and is considered to be an appropriate location for residential flats.



6.3.2 Policy DP2 seeks to maximise the supply of additional homes in the borough and expects the maximum appropriate contribution to the supply of housing on sites that are underused or vacant. London Plan Policy 3.4 sets out the considerations for determining appropriate density levels for sites. Policy CS1 seeks to encourage higher densities in appropriate location and supporting paragraph 1.23 states *“the Council will expect densities towards the higher end of the appropriate density range in the matrix unless it can be demonstrated that the specific circumstances of a development mean this is not appropriate.”*

6.3.3 Using Table 3.2 (density matrix) of the London Plan the local built environment characteristics are identified as ‘central’ and the site has an excellent PTAL rating of 6a. The proposed development would provide a total of 62 units across a site footprint of 0.2ha (2000m<sup>2</sup>) which equates to a density of 310 units/ha or 935 habitable rooms/ha. This sits within the mid-range specified for central settings and is considered appropriate for this site which is well served by amenities and has very good access to public transport links. The density accords with policy DP2.

#### 6.4 Housing mix, unit size and quality of accommodation.

##### Mix

6.4.1 The unit mix is broken down into 44 private market rate units, 15 affordable rent and 3 intermediate units. The mix is detailed in the table below:

	1 bed	2 bed	3 bed	Total
Market rent	14	20	10	44
Affordable rent	2	6	7	15
Intermediate	1	1	1	3
Total	17	27	18	62

6.4.2 Policy DP5 seeks the provision of at least 40% of market units to contain 2 bed homes, which are in very high demand and 50% of social rented units to be family sized units (3bed +). For intermediate units the priority is for 1 and 2 bed units as given the high land values in Camden which render larger intermediate properties unaffordable. 48% of the market rate units would be 2 beds. 46% of affordable rent units would be family units which falls slightly below the target. The majority of the intermediate units would be one and two beds. It is considered that on the whole the mix would fulfil the requirements of DP5 and no objection is raised to the proposed mix of units.

6.4.3 The proposal includes affordable rented housing rather than social rented housing. Affordable rented housing is a new product devised by the Government. Rents should not exceed 80% of local market rents. However, in this instance the rents proposed are substantially lower. The proposed 1 and 2 bed flats would be marketed at 50% of market rate and the 3 bed flats would be 27% of market rate. This is in accordance with London Plan requirements and these levels will be secured through the S106 agreement. There would be an 83:17 split between affordable rent and intermediate tenures. CS6 sets a guideline that 60% of affordable housing should be social rented and 40% intermediate. The 83:17 split has derived from amendments during the course of the application to reduce the level of affordable housing to ensure full S106 contributions for education, open space and community facilities can be secured without impacting on the development viability. In this particular circumstance this split was considered to provide the best viable affordable housing contribution on site. Therefore, the split is considered acceptable in this instance.

##### Residential development standards

6.4.4 Development Plan policy DP26 requires residential developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes,

amenity space and an internal living environment which affords acceptable levels of sunlight, daylight, privacy and outlook.

- 6.4.5 Residential development standards are outlined in Camden Planning Guidance (CPG2) which requires certain floorspace sizes to be incorporated into new residential development. The London Plan minimum space standards are higher than those set out in the Camden CPG. The following table sets out the proposed flat sizes against both sets of space standards:

	<b>Proposed flat sizes</b>	<b>Camden CPG</b>	<b>London Plan standards</b>
<b>1 bed</b>	50-52.6 sqm	32sqm	50sqm/1b 2person
<b>2 bed</b>	61 -92.2 sqm	48sqm	70sqm/2b 4person 61sqm/2b 3person
<b>3 bed</b>	91.3- 125 sqm	61sqm	86sqm/3b 5person

- 6.4.6 As can be seen from the above table the proposed units meet and exceed the requirements set out in Camden Planning Guidance and the London Plan. All of the units benefit from private outdoor amenity space and there is a communal roof terrace.
- 6.4.7 Policy requires that development should provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. With regard to daylight all habitable rooms should have access to natural daylight.
- 6.4.8 The units are split between 3 blocks within the building each with their own core with stair and lift access. Blocks A and B would have a shared entrance at ground floor level from the courtyard between commercial units 1 and 2. Block 3 would have a separate access and core with lifts and stairs between commercial units 2 and 3. Blocks A and B would contain the market units and Block C would contain the affordable rent and intermediate units, plus two market units which would share a corridor with the shared ownership units. Ceiling heights are compliant with the standards and the units would be naturally ventilated. 30 of the units would be dual aspect and 32 would be single aspect. The single aspect units would face either east or west.
- 6.4.9 Daylight and Sunlight – An independent daylight and sunlight assessment, based on the guidance and methods contained in the Building Research Establishment (BRE) report “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (October 2011), accompanies the application. This guidance outlines the sequential tests including the Vertical Sky Component (VSC), the Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH).
- 6.4.10 All of the rooms within the development have been tested for using Average Daylight Factor (ADF). BRE guidelines state that kitchens should have a minimum ADF of 2%, livingrooms 1.5% and bedrooms 1%. 78.6% of the proposed rooms would meet or exceed the BRE standards. In total 41 rooms fail. Generally the rooms which fail are the open plan kitchen/living rooms, however the majority of the fails are marginal. Examples of some of the worst fails are an ADF of 0.76 for a bedroom serving a first floor level dual aspect 3 bed units and an ADF of 1.15 for an open plan livingroom/kitchen serving a first floor level dual aspect 2 bedroom flat where the other rooms received good daylight levels. This room suffers largely due to the depth of the room. Therefore, the part of the room closest to the window would receive a good standard of daylight and whether as the rear part of the rooms would receive a lower standard of daylight. When these units are considered as a whole they are considered to receive good levels of daylight. The units at upper floor levels would generally receive high levels of daylight, in excess of the requirements set out in the BRE guidelines.

- 6.4.11 All rooms which face within 90 degrees of due south have been tested for Annual Probable Sunlight Hours (APSH). 73% of the rooms would be fully compliant in terms of annual sunlight access and 96.5% would be fully compliant in terms of winter sunlight amenity access. Where transgressions occur they are minor in nature. This is considered acceptable given the urban context.
- 6.4.12 Outlook - Outlook from the windows on the north-east elevation would be views across Kilburn Grange Park. Outlook for the windows on the south-west elevation would be views back to the rear of the buildings which front onto Kilburn High Road at a distance of 18 metres. The outlook over the park is considered to be excellent and outlook towards the buildings on Kilburn High Road is considered to be decent. 70% of the units would have a park view and excellent outlook. It is considered that all units have decent outlook and would provide an acceptable level of amenity in terms of outlook.
- 6.4.13 Outdoor amenity space – All units would have access to private outdoor amenity space in the form of private balconies. This is welcomed. It will be necessary to secure privacy screens between some of the balconies to protect the proposed units from overlooking. This would be secured by condition.
- 6.4.14 Lifetime Homes and wheelchair housing - Policy DP6 requires all new homes to comply with 'Lifetime Homes' criteria and states that 10% of homes developed should either meet wheelchair housing standards or be easily adaptable to meet them. The applicant has submitted a Lifetime Homes Assessment which indicates that all of the relevant criteria will be met. This assessment has been reviewed by the Council's access officer who agrees that relevant lifetime homes will be met. 4 easily adaptable wheelchair units are required in the private housing (blocks A & B) and 2 fully fitted out wheelchair units are required in the affordable housing (block C). The applicant has demonstrated that this provision is possible in compliance with the standards. The fitted out affordable wheelchair units will be 2 bed units. The submitted plans indicate that there would be sufficient turning space within each of the rooms of the fitted out and easily adaptable wheelchair units. The fitted wheelchair accessible units would be secured through the S106 agreement.
- 6.4.15 Refuse and recycling - There would be a refuse and recycling store for the residential units at ground floor between the entrances for block C and Commercial unit 3. The bin store would have level access. The bin store has an internal measurement of 42sqm. This provides sufficient space for both waste and recycling. The refuse and recycling store would be secured by condition.

#### Acoustic amenity

- 6.4.16 The submitted noise assessment identifies that an environmental noise survey was carried out from 10th to 13th January 2014 to determine the existing noise levels at the site. The data was used to inform the recommendations for how to achieve acceptable internal noise criteria for the flats and for background noise levels to establish noise emission criteria. The report identifies that peak noise levels are within Camden's threshold beyond which attenuation measures would be required and confirms that conventional sound insulation measures would readily achieve the necessary acoustic protection. A condition would be added to secure implementation of acoustic reduction measures in accordance with details to be submitted for approval.
- 6.4.17 Residential developments are not inherently noisy. Noise from the commercial elements would be contained within the buildings and sound transfer from commercial elements to residential units above will be controlled through the design and construction of the development. The noise insulation measures specified in the noise report will be secured by condition.

6.4.18 Areas of plant equipment are proposed to the rear of the building at ground floor and at roof level. A condition would be added to secure details of plant equipment to the rear of the building and the roof, prior to installation.

6.4.19 It is considered that the proposed development would provide good quality residential accommodation which complies with Council policies.

## 6.5 **Affordable Housing**

6.5.1 Policy DP3 expects all developments with a capacity to provide 10 units or more to make a contribution to affordable housing. DP3 introduces a sliding scale for developments between 10 units and 50 units. The 50% target operates on a sliding scale for housing developments, subject to the financial viability of the development, with a norm of 10% for 1,000 sqm of additional housing and 50% for 5,000 sqm of additional housing, considered to be sites with capacity of 10 dwellings and 50 dwellings respectively. Therefore, in accordance with policy DP3 a 50% contribution is required towards affordable housing. In line with the requirements of the policy, the provision of affordable housing is expected on site. A policy compliant scheme at this site should provide 2777 sqm of affordable housing.

6.5.2 The affordable units would be provided on site, however, the level of provision falls short of the policy requirement. The proposal comprises 44 private units and 18 affordable units. This equate to a 27% (floorspace) contribution towards affordable housing. Therefore there is a deficit of 23% which equates to 1088 sqm.

6.5.3 The application is accompanied by a financial viability appraisal which confirms that a fully policy compliant scheme would not be viable. The report set out two options for affordable housing provision. Scenario 1 is for a 32% provision of affordable housing on site with no Planning Obligation payments or scenario 2 for a 24% provision of affordable housing with Planning Obligation payments (up to £550,000). However, when BPS undertook an independent review of the appraisal they found that the profit target were overstated and therefore there would be scope to include Planning Obligation contribution of £207,000 and provide a 32% contribution to affordable housing. BPS have confirmed that they are in agreement with the viability appraisal in relation to the cost and value inputs.

### Benchmark land value

6.5.4 The viability appraisal has been undertaken in accordance with the RICS valuation guidance and the benchmark land value has been supported by 4 recent comparable land transactions within the locality of the application site including the adjoining site at No. 248 Kilburn High Road. BPS state in their review that it is clear that the comparable transactions provided are highly relevant, as they are residential development sites in close proximity to the subject site. The analysis of these comparable transactions is detailed, and the approach taken is supported by RICS Guidance. It is also supported in part by the Council's CPG8 which does not preclude the use of a Market Value approach, provided that any benchmark arrived at via this approach is suitably evidenced and has regard to the cost of meeting planning obligations.

6.5.5 Following submission of the viability appraisal at the request of Officers and BPS the developer have created an Alternative Use Value (AUV) to back up the land value benchmark. This is based on a student housing scheme over ground floor commercial uses. The level of commercial space would equal that of the current proposal and the envelope of the building would remain the same, however rather than providing 62 residential units 200 student bedrooms would be provided. The principle of a mixed employment use and residential scheme at this site may be acceptable, however insufficient information has been provided in relation to AUV scheme to assess whether it

would be a fully policy compliant scheme. BPS question some of the AUV appraisal inputs including proposed rents, yields and occupancy costs, which overall suggest in our view over-optimistic assumptions of the value of student housing scheme in this locality. This is not a 'prime' location for student housing and the relevance of the comparable evidence provided is questioned as it reflects terms secured for units in more central London locations. Therefore, BPS consider that the AUV is substantially overstated. Other concerns over the AUV have been raised such as low build costs, no S106 contributions, and lower profit targets than the current scheme, amongst other issues. Therefore, the AUV approach is insufficient to provide the basis for the land values.

- 6.5.6 However, despite the concerns in relation to the AUV BPS are satisfied that given the level of detail provided in analysing the comparable land transactions and similar sites that the Benchmark land values in appropriately justified.

#### Development values

- 6.5.7 BPS's analysis of the proposed residential unit values suggested they are potentially understated, given that local agents have assigned considerably higher values per sqm to a similar scheme hereby. However, it is apparent that the applicant's estimates are on a par with available evidence of achieved values and asking prices at a number of nearby schemes including Harlequin Mansions. Therefore it would be difficult to argue that the residential value estimates are unreasonable. It is acknowledged that there is differing opinions over achievable residential values in the locality therefore it is considered that the adoption of higher values is not supported. However, in order to cover a situation where profits were to increase it is recommended that a review mechanism is secured to secure additional affordable housing contributions.

#### Developer's return

- 6.5.8 The developer originally applied a profit of 25%, which is in excess of the standard profit margin of 20%. BPS have suggested applying a blended rate of 20% profit on cost for the scheme as a whole. If this profit margin were to be applied the applicant's scenario 1 (32% affordable housing) would move from a deficit to surplus, and would enable a £207,000 of requisite S106 contributions, as opposed to the nil contributions currently offered in this Scenario.

- 6.5.9 However, the £207,000 contribution does not meet all of the required S106 contributions. As such, officers have negotiated a scheme which would provide an appropriate level of S106 contributions and the maximum viable amount of affordable housing. This results in proposal which makes at 27% contribution towards affordable housing and £480,000 in S106 contributions. This has also given rise to an opportunity to reduce the 1 bed affordable rent units from 65% of market rate to 50% of market rate. This scheme result in a lesser number of affordable housing units than the original proposal, however, the units now proposed would be more affordable given that rent levels have been reduced. Furthermore, CPG2 clearly states that planning obligations other than affordable housing should be considered as cost input of a development and an either affordable housing or S106 contributions approach is therefore not acceptable. As such, this is considered to be the maximum reasonable amount of affordable housing this scheme can provide. BPS are supportive of this approach.

#### Summary

- 6.5.10 BPS are satisfied that the development is providing the maximum viable level of affordable housing on-site. However, as the scheme is not fully policy compliant a deferred affordable housing contribution will be secured by S106 legal agreement. London Plan policy 3.12 and Policy DP3 of the LDF indicate that the Council should seek the maximum reasonable amount of affordable housing in negotiations on residential developments. Many factors can have a significant impact on the maximum viable contribution to affordable housing,

including changes to sales values, changes to build costs, changed specifications for materials and finishes and changes to the cost of finance. These factors can change quickly, and changes of a few percentage points can have a significant impact on the viability of a development. The Council therefore seek to negotiate deferred affordable housing contributions for developments where the provision of housing/ affordable housing falls significantly short of targets in Policy DP3 due to financial viability, and there is a prospect of viability improving prior to completion.

6.5.11 The deferred contribution is not a fixed amount, but is capped at the shortfall between the amount of additional housing/ affordable housing proposed and the Council's policy targets. The actual contribution is determined by a further viability appraisal undertaken at an agreed point after approval of the development but before the scheme is fully occupied.

6.5.12 The deferred contribution of up to £2,883,200 would be secured through a S106 legal agreement.

## 6.6 Design

6.6.1 Policies CS14 and DP24 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings. It is necessary to consider whether the scheme would preserve or enhance the character and appearance of the area having particular regard for views from Kilburn Grange Park.

6.6.2 The site is not in a Conservation Area, however, it immediately abuts the site of the Black Lion Pub on Kilburn High Rd which is a Grade II\* listed building. Kilburn Grange Park which also adjoins the site is listed as a non-designated heritage asset and forms part of Camden's draft Local List. The park was formerly part of the estate of The Grange which was a large house built by Samuel Were as a speculative venture in c.1831, the estate then enlarged in the late 1860s by the purchase of a neighbouring market garden. After the death of the last owner the house was demolished and part of the estate was purchased by the LCC for a public park, which opened to the public in May 1913.

### Demolition of existing buildings

6.6.3 The existing buildings are not considered to have any particular architectural merit, therefore there is no objection to their demolition. Parts of the original wall along the park edge remain intact along the edge of this site. Kilburn Grange is listed as a non-designated heritage asset. The wall is considered to form part of this listing. The wall represents the last remaining section of wall along the park edge however when the wall was more intact the original approval for the redevelopment of the site at No 146 (Ref PW0103302) allowed the demolition of a large section of wall. The remaining section of wall is in a poor state of repair and is built into the elevation of the buildings on site. When the wall was more intact it would have appeared as a more prominent feature acting as the park boundary. However, it has been undermined by the piecemeal removal of the wall and the remaining part of the wall is considered to have limited significance to the character and appearance of the Park. Officers have investigated the potential for the retention of the wall where possible however these investigations have demonstrated that retention of the wall e.g. the brick piers does not provide a satisfactory outcome in design terms or in terms of the residential amenity. Therefore there is no objection to the demolition of the wall on the edge of the park.

### Existing townscape and local character

6.6.4 The local area is mixed in character and building heights. The predominant architectural style along Kilburn High Road and the surrounding residential streets dates from the Victorian period. Typically building heights range between 3 – 5 storeys although there are examples of higher buildings particularly behind Kilburn High Road. For example a more recent development at 275 Kilburn High Road within the border of Brent rises to 7 storeys.

- 6.6.5 On the park edge a similarly recent development, Nos. 2-23 Grangeway, sets a precedent for development along this edge of the park with a building at 5 storeys and 6<sup>th</sup> set back storey. To the north eastern corner of the park adjacent to 65 Palmerston Gardens, Beacon House also meets the park edge at 5 storeys.

#### Height and massing

- 6.6.7 The proposed building is formed by a 5 storey building along the park edge with a 6 storey set back roof storey. The five storey height relates to the five storey height of Nos. 2-23 Grangeway. The parapet height is circa 700mm taller than Nos. 2-23. In addition No. 248 has recently been approved at 5 storeys adjacent to No. 254. This building will be visible from the park behind the 2 storey component to No.246 immediately adjacent to the park.
- 6.6.8 On the park edge the horizontality of the built form is broken down by a number of projecting bays which provide a more vertical emphasis. Additional depth and shadow on the façade is provided by the inset balconies. Cantilevered balconies between the projecting bays provide additional vertical expression and articulation to the elevation.
- 6.6.9 The northern most façade will also be visible from the park. This elevation is modulated by a rhythm of larger and narrower apertures.
- 6.9.10 The western most elevation to the courtyard off Kilburn High Road is treated in a similar way as the elevation to the park.
- 6.9.11 The set-back roof storey is pulled back from the southern most façade of the building to form a roof top amenity space. The elevation to the roof storey is formed by inflecting the plan to create a dynamic edge to this elevation which, along with varying the pitch and heights of the sloping roofs creates a faceted roof form. The effect of this is to create a picturesque roof scape which provides a positive correspondence to the irregular and varied roof scape of the surrounding area and provides added visual interest to the skyline in views from the park.
- 6.9.12 It is considered that the proposed building provides an effective counterpoint to Nos. 2-23 Grangeway and a bookend to this developed section of the boundary to the park.

#### Architectural detailing

- 6.9.13 The proposed materials palette comprises of brick for the main body of the building and dark grey metallic aluminium cladding for the roof storey. Brick is the dominant material in the area however there is no consistent colour. London stocks are a common material. The proposed brick, Engels Mystique, is a slightly lighter and softer in tone to a yellow London Stock. This is considered an appropriate material complimenting the predominant colour tones and materiality of the area.
- 6.9.14 The use of aluminium cladding to the set back roof storey is considered to provide a positive correspondence with the surrounding roof scape in terms of colour and form. The windows, doors and balcony fascias will be powder coated aluminium. Full detail of all external finishes will be secured by condition.

#### Visual Impacts

- 6.9.15 Views and CGIs of the development have been provided to aid assessment of the visual impact of the proposals. Key views being those across Kilburn Grange Park which show the main body of the building below the parapet line partially screened by trees and the roof storey providing visual interest on the skyline. Views from the south eastern corner of the park from behind the tennis courts shows 2-13 Grangeway on the edge of the park partially screened by trees with 254 Kilburn High Rd also partially screened by trees. In the winter both buildings will be more visible.

- 6.9.16 In views in a north westerly direction along Grangeway from the junction of Messina Avenue shows that the roof line of the building would be visible just above the roof of 2-13 Grangeway. In views looking westwards along Dynham Rd. The building is partially visible in this view although remains within the existing visual parameters of existing buildings within this view.
- 6.9.17 The CGIs provided demonstrate the calm and ordered expression the elevational composition along with the added interest the faceted roof form. The quality of the material treatments is also apparent.
- 6.9.18 The proposed building will be visible from the western most pavement on Kilburn High Road above the single storey frontage of the Black Lion Pub on Kilburn High Rd, However this view is not considered to be harmful to the setting of the listed pub. The proposed building will not be otherwise visible from Kilburn High Rd except for a glimpsed view through the passage leading to the building entrances.

#### Design Conclusion

- 6.9.19 The proposals are considered to provide a high quality architectural design. Whilst the building will be visible from the park by varying degrees the building is not considered to be overly prominent and in the most part the main body of the building will be screened by existing trees on the park edge. The most prominent aspect of the building will be the roof storey which is considered to provide visual interest on the skyline.

### **6.10 Play and open space**

- 6.10.1 Pursuant to Core Strategy policy CS15 and Development Policy DP24, residential developments are required to provide communal and private outdoor space to meet the needs of prospective residents. Guidance requires 9sqm per bedspace which equates to 1,098sqm for the development (123 bedspaces x 9sqm). Achieving this full quantum can be challenging, particularly on sites within densely built up parts of the borough like this. As such, the proposal does not include any onsite open space. In circumstances such as this a financial contribution is required toward provision, maintenance and improvement of open space. In accordance with the methodologies in CPG8 Planning Obligations a public open space contribution of £89,303 would be required for this development. This would be secured by S106 agreement.
- 6.10.2 The site adjoins Kilburn Grange Park which will serve the future occupiers of the development. Given the proximity of the development to the park it may be appropriate to spend S106 monies on improvements and maintenance of Kilburn Grange Park.

### **6.11 Amenity**

- 6.11.1 Core Strategy policy CS5 and Development Policy DP26 seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, daylight and sunlight, noise and air quality.

#### Privacy and Overlooking

- 6.11.2 The closest residential properties are located at No. 246 Kilburn High Road and at the upper floor levels of Nos. 252 - 274 Kilburn High Road. Consideration should also been given to impact on the proposed units at No. 246 Kilburn High Road, as proposed in application ref: 2014/2662/P.
- 6.11.3 The proposed development is directly to the rear of Nos. 254-274 Kilburn High Road which are in retail use at ground floor level and residential uses at upper floor levels. There is a separation distance of 18 metres between the proposed windows of the residential units



and the existing upper floor level windows serving the residential units at Nos. 254-274 Kilburn High Road. CPG6 – Amenity states that it is good practice to provide a minimum distance of 18 metres between habitable room windows to avoid overlooking. As this is complied with the proposal would not impact on the privacy of the occupiers of the residential units at Nos. 254-274 Kilburn High Road. At nos. 260 and 262 Kilburn High Road there is a rear extension at first floor level which has rear facing windows which are within 10 metre from the proposed residential windows at the proposed development. However, from the planning history it appears that these extensions are ancillary spaces to the retail uses at ground floor level.

- 6.11.4 No. 252 has residential uses at upper floor level including within the closet wing which has rear facing windows. The proposed windows are a distance of c. 17 metres from the habitable room windows. The combination of the distance and the angle between the windows ensures the proposal would not result in harmful overlooking.
- 6.11.5 The house at No. 246 and the development site at No. 248 adjoin the application site to the south east. The proposal includes no windows on the south-east elevation. As such, the proposal would not result in overlooking to Nos. 246 or the future residential units at No. 248.

#### Outlook

- 6.11.6 With regards to the impact on outlook for neighbouring properties as a result of the development, it is considered that while the proposed buildings would be visible from the surrounding residential units the physical distances between the buildings would be sufficient to ensure it would not significantly harm outlook.

#### Daylight and sunlight

- 6.11.7 A daylight and sunlight study using similar methodologies to the assessment of light in the new units has been applied to those surrounding the site.
- 6.11.8 The report assesses daylight and sunlight received by adjoining residential units at Nos. 246-248 Kilburn High Road, Nos. 1-23 Grangeway, 240-242, 244, 250, 252, 256, 258, 260, 262, 262, 268, 270-272, and 274 Kilburn High Road.
- 6.11.9 The scheme has been designed with the approved development at No. 248 in mind. The scheme at No. 248 has been developed and recommended for approval on the understanding that both schemes would come forward. Daylight analysis submitted with this application and the application at No. 248 Kilburn High Road demonstrated that the proposed units at No. 248 would have an acceptable level of daylight without having to rely on light from across the application site at No. 254. As such, both schemes can be developed to provide a good standard of living accommodation.
- 6.11.10 At No. 246 Kilburn High Road 2 of the eight windows tested fail the VSC test. These are the two north facing windows at second floor level which serve the kitchen/livingroom. However, this rooms received daylight from a further 5 windows which would not be impacted as a result of this development and a daylight distribution test shows that the room as a whole would not receive noticeable decreased light levels as a result of the proposal. The development will have no impact on sunlight to this property.
- 6.11.11 At Nos. 1-23 Grangeway there are two windows which face the application site. These windows pass the VSC test. Sunlight testing on these windows is not required as they are not within 90 degrees of due south.

- 6.11.12 At Nos. 240-242 and 244 Kilburn High Road there would be very little difference to existing sunlight (where windows are within 90 degrees of south) and daylight and the values would remain fully compliant with BRE guidelines.
- 6.11.13 10 windows at No. 250 overlook the development site. 9 of which will remain fully BRE compliant. 1 window will see a minor transgression of the VSC target values, but will maintain 0.73 times its existing value. This window is 1 of 3 windows serving a single room and the other windows serving this room will remain compliant with BRE guidelines. This compliance level indicates the daylight distribution within the room served is likely to remain compliant with BRE guidelines. Sunlight analysis of the five windows requiring analysis under BRE Report guidance shows four will remain fully compliant. One minor transgression will occur to a window at second floor level, which will see its annual sunlight amenity reduced to 0.77 times its existing value. However, this level of variance is within the limits in the BRE guidelines.
- 6.11.14 At No. 252 6 of the 7 windows pass the VSC test. The one window which does not pass at first floor level would have a resultant VSC of 25.5% which is 1.5% below the BRE requirement. This transgression is not considered to be so harmful that it would harm the amenity of the occupier of the flat. All windows pass sunlight testing.
- 6.11.15 At Nos. 256 and 258 a number of the windows would have a VSC of less than 27% as a result of the proposed development. The worst case at No. 256 being a change from 30.27% to 23.66% and at No. 258 from 29.48% to 20.31%. This is not ideal and artificial lighting may be required at times, however these levels are not uncommon in urban areas. The majority of the windows pass the sunlight test.
- 6.11.16 At No. 260 and 262 the majority of the windows exceed 20% VSC as a result of the proposed development. The windows at first floor level would fail the VSC test, however, according to the planning history these windows are not in residential use and are poorly located right on the boundary. There would also be some reduction in sunlight however, again the levels are common with those found in urban areas.
- 6.11.17 At No. 268 Daylight amenity analysis undertaken using the VSC test shows both windows will maintain close to or above 20% VSC, the level normally seen in urban areas. Desktop research has shown that the rooms served by these windows are studio flats. Daylight distribution analysis shows that these rooms will maintain daylight access to 40% of their room areas. Sunlight amenity analysis shows the majority of windows analysed will maintain BRE compliant levels of sunlight access. Where transgressions occur, the sunlight levels maintained are consistent with those normally seen in urban areas.
- 6.11.18 At Nos. 270-272 daylight and sunlight analysis shows all of the windows analysed will maintain levels of VSC and APSH in line with the levels normally to be expected in urban areas. Daylight distribution analysis shows the vast majority of rooms will see little or no modification to their existing daylight amenity. The one transgression that does occur appears to serve circulation space which has no requirement for daylight amenity.
- 6.11.19 No. 274 is a public house at ground floor level with ancillary residential at upper floor levels. Daylight and sunlight analysis shows there will be one minor transgression at first floor level which will see its existing VSC reduced to 0.77 time its former value, just slightly under the 0.8 times BRE guideline. All other windows will be fully BRE Report compliant
- 6.11.20 Summary – The majority of the surrounding residential properties would not suffer harmful impact in terms of access to daylight and sunlight. However, there would be some minor transgressions in terms of daylight and sunlight. This needs to be weighed in the balance

with the benefits the development provides and in light of the fact that a fully BRE complaint scheme would result in a significant reduction of the number of flats proposed.

#### Noise

- 6.11.21 As stated in paragraph 6.4.16 that application is accompanied by a noise assessment which set out existing background noise levels.
- 6.11.22 Areas of plant equipment are proposed to the rear of the building at ground floor and at roof level. A condition would be added to secure details of plant equipment to the rear of the building and the roof prior to installation.

### 6.12 **Transport**

- 6.12.1 The site is located within an area with a PTAL of 6a with excellent access to public transport.

#### Car parking

- 6.12.2 The development includes 2 disabled car parking bays for the affordable wheelchair units. No general needs parking is proposed. In order to ensure there would be no strain on the existing on-street parking a Section 106 agreement will be used to secure the new residential units as car free in accordance with DP18. A condition would be included to prevent other vehicles parking in the forecourt outside of the designated disabled bays.

#### Cycle parking

- 6.12.3 Camden's Parking Standards for cycles have now been superseded by the London Plan 2011 standards. For residential units, one storage or parking space per 1-2 bed unit, and two per 3-bed unit. This would equate to 79 spaces for the 62 flats proposed. The development includes 2 cycle store at ground floor level for the residential units which could accommodate 72 cycles, space for a further 13 cycles is provided in the courtyard. As such, a minimum of 79 spaces would be available for the residential units.
- 6.12.4 For the B1 uses 1 space is required per 250sqm for staff and a minimum of 2 for visitors or 10% of the number of visitors likely to be present at any one time. As the uses do not have occupiers it is considered that a minimum of 2 spaces for visitors should be provided. In total a minimum of 6 spaces are required. This is provided within the courtyard. Full details of the courtyard cycle parking will be secured by condition.

#### Construction Management Plan

- 6.12.5 The site is located on Kilburn High Road, which is a busy road which forms part of the bus route. The proposal will involve significant works due to the erection of new buildings on site. A Construction Management Plan (CMP) is required in order to address the issues around how the demolition and construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The applicant has confirmed that all construction access will be via the existing access on to Kilburn High Road. This will be secured through a S106 agreement.

#### Servicing Management Plan

- 6.12.6 The servicing arrangements for the proposed scheme would be broadly similar to the existing site in that most types of delivery and servicing activity would take place from the courtyard. A delivery and servicing management plan is not required for a development of this type or scale.

### Highway Contribution

- 6.12.7 The Council would be likely to secure a S106 financial contribution for resurfacing the footway adjacent to the site and resurfacing the entrance to the park if the park is used for access. A highways estimate has confirm this is likely to be around £5,000. This would mitigate any harm caused to this part of the site during the construction stage and tie the development into the surrounding streetscape.

### Environmental Improvements

- 6.12.8 The development would introduce new residents to the area and our core strategy aims to encourage walking and cycling as the primary mode of transport for short journeys. The Council is committed to improving cycling and pedestrian routes in the area. Indeed, the Council is currently developing proposals to improve the public realm on Kilburn High Road. The proposals will make the local area more attractive for pedestrians and there will also be road safety benefits for cyclists and pedestrians. We would therefore seek to secure a financial contribution towards the Kilburn High Road scheme. A financial contribution of £80,000 should be secured as a section 106 planning obligation.

### Travel Plan

- 6.12.9 Transport for London travel planning guidance requires a travel plan statement for residential developments of between 50 and 80 units. This would set out measures to promote use of sustainable transport by future occupant. A residential Travel Plan Statement and a review/monitoring fee of £2,951 would need to be secured as a section 106 legal agreement. The commercial element of the proposal is not sufficient large to require a comparable commercial Travel Plan Statement (More than 20 staff but less than 2,500m2).

## 6.13 **Community Safety**

- 6.13.1 Windows overlooking the park will create for added security to the park by providing surveillance to areas overlooked by the building users. Details of lighting and CCTV for the courtyard will be secured by condition.
- 6.13.2 The site entrance from Kilburn High Road is 4.1 metres in width. This is considered to be a sufficient width to ensure the proposal would not result in conflict between vehicles, pedestrians and cyclists entering and leaving the site. However, full details of the entrance and access arrangements would be required by condition.

## 6.14 **Sustainability**

- 6.14.1 Policy DP22 (Promoting sustainable design and construction) states that the Council will require development to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. Policy DP22 expects all new build residential development schemes to meet Code for Sustainable Homes level 4 and achieve 50% of the un-weighted credits in the fields of Energy, Water and Materials. All new none residential scheme should be BREEAM 'very good' and achieve 60% of the un-weighted credits in the fields of Energy, Water and 40% in Materials.
- 6.14.2 The application is accompanied by a Sustainability Report which confirms that the proposal will meet Code Level 4 in a Code for Sustainable Homes assessment and that 71% of the un-weighted credits would be achieved in Energy, 66.7% in Water and 50% in Materials. The credits achieved in Energy, Water and Materials meet or succeed 50% required and are welcomed. A S106 legal agreement should ensure that these targets are maintained at design stage and post construction.

- 6.14.3 A BREEAM pre-assessment submitted with the application confirms that the development would achieve 'excellent' rating and that 64% of the un-weighted credits would be achieved in Energy, 66.7% in Water and 88.3% in Materials. The credits achieved in Energy, Water and Materials meet or succeed 50% required and are welcomed. A S106 legal agreement should ensure that these targets are maintained at design stage and post construction.
- 6.14.4 The proposed scheme will result in 43.9% improvement in carbon emissions and has been developed in accordance with the Energy Hierarchy 'Be lean, be clean, be green'.
- 6.14.5 'Be lean' measures include use of materials with high thermal performance, solar gain control, high specification glazing with low U-values, and low energy light fittings. In terms of 'Be clean' a CHP is proposed for residential units. CHP is not always appropriate for residential development as there is heat demand is low during the day. Suitability of CHP will be explored through the S106 agreement to ensure the approach taken is as sustainable as possible. Be Green measures include Air Source Heat Pumps for the commercial units and PVs which will be located on the pitches of the roof.
- 6.14.6 The carbon emission reductions, the energy strategy, BREEAM assessment; and Code for Sustainable Homes assessment scores are welcomed and will be secured as a head of term on the S106 agreement.
- 6.14.7 The proposal results in an increase in built form at the application site. As such, it is considered appropriate to secure provision and details of SUDs by condition.

#### **6.15 Trees, landscaping and biodiversity**

- 6.15.1 There are no trees on the application site. However, there are trees adjoining the site within Kilburn Grange Park. The application is accompanied an Arboricultural Impact Assessment which considered impact on these trees as a result of the development. The tree officer has reviewed this report and has confirmed that the tree protection plan is considered to be sufficient demonstrate that the trees on neighbouring land would be adequately protected during development. Compliance with the Tree protection plan would be secured by condition.
- 6.15.2 The application is accompanied by an ecological report. The report has been reviewed by the sustainability officer who has confirmed that ecology report follows appropriate methodology and concludes that the site is of low ecological value and that there are unlikely to be any protected species present. However, in order to improve the biodiversity of the site it is recommended that bird, bat and insect boxes are secured by condition.
- 6.15.3 The main roof would not be a green roof. This is owing to the light weight nature of the roof storey. A green roof would require as more solid structure which would have raised concerns in design terms. As such, not providing a green roof in this instance is considered acceptable. However, the area of flat roof flat roof at the southeastern side of the building would be a brown roof. Full details of the brown roof would be secured by condition.
- 6.15.4 The main courtyard would be hard landscaped and at the northern end there would be an amenity area of the commercial use which would include trees and planting. A detailed landscaping plan has not been included with the application as such full details of planting, landscaping would be secured by condition. In informative will also be included advising that all hard landscaping should be permeable paving.

#### **6.16 Air Quality**

- 6.10.1 Policy DP32 requires that consideration is given to air pollution matters and the London Plan state that proposals should minimise increased exposure to existing poor air quality

and make provision to address local problems of air quality. As part of this, development should promote sustainable design and construction to reduce emissions and schemes should not lead to further deterioration of existing poor air quality. The aim is that they should be 'air quality neutral'.

6.10.2 In terms of construction activity the report advises that emissions of dust and exhaust gases can be effectively controlled through suitable mitigation measures, controlled by the Construction Management Plan. During the operational phase of development the assessments show that the proposed energy strategy for the site would have negligible impact on air quality at the nearest location of relevant exposure.

#### **6.17 Contaminated land**

6.17.1 The site is identified as having the potential for ground contamination. In accordance with Environmental Health officers' recommendations a condition would be added to secure a written statement of ground investigation prior to commencement of works, with remediation measure to be identified and applied as necessary.

#### **6.18 Construction**

6.18.1 The proposed development is large enough to generate significant local economic benefits. Policy CS19 and Camden Planning Guidance state that in the case of such developments the Council will seek to secure employment and training opportunities for local residents and opportunities for businesses based in the Borough to secure contracts to provide goods and services.

6.18.2 In line with CPG8, a range of training and employment benefits are to be secured in order to provide opportunities during and after the construction phase for local residents and businesses. This package of recruitment, apprenticeship and procurement measures will be secured via the S106 and will comprise:

- That the contractor be required to work to a target of 20% local recruitment.
- That the contractor advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre (KXCSC) for a period of 1 week before marketing more widely.
- That the contractor recruits a minimum of 4 construction apprentices and pay the council a support fee of £1,500 per apprentice. Recruitment of construction apprentices should be conducted through the Council's KXCSC.
- That the contractor sign up to the Camden Local Procurement Code, which includes a local supply chain target of 10%.
- That the contractor provides a local employment, skills and local supply plan setting out their plan for delivering the above requirements.

6.18.3 The proposals are therefore in accordance with the guidance set out in CPG5 and policies CS8 and DP13 of the LDF.

#### **6.19 Planning obligations**

6.19.1 Based on the planning obligations formulae set out in CPG6 and CPG8, a public open space contribution of £89,303 is required along with an education contribution of £167,225 and a community facilities contribution of £120,540.

#### **6.20 Other matters**

6.20.1 The proposal will be liable for the Mayor of London's CIL as the proposal involves additional residential units. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £232,800 (4,656sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

## 7. **CONCLUSION**

7.1 The proposed development is an imaginative and carefully designed scheme that maximises the development of a back land brownfield site. In line with strategic objectives it provides much needed residential accommodation, with on-site affordable housing. The development will be built to a highly sustainable standard and does not on the whole detract from the amenity of occupiers of the adjoining sites. The significant benefits of the scheme are considered to outweigh the minor daylight and sunlight issues experienced by a small number of the residential units at Nos. 260-272 Kilburn High Road. Therefore, the application is recommended for approval subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:-

- Car free;
- Construction management plan;
- Travel Plan and monitoring fee of £2,951.
- Energy strategy and suitability of CHP;
- Sustainability Plan (CfSH and BREEAM) –design stage and post construction review;
- On site affordable housing;
- Deferred Housing Contribution;
- Provision of wheelchair accessible units;
- Open space contribution of £89,303;
- Education contribution of £167,225;
- Community facilities contribution of £120,540;
- Local employment plan including 4 apprentices and a support fee of £6,000.
- Associated highways works contribution of c. £ 5,000;
- Environmental Improvement Contribution of £80,000

7.2 In the event that the S106 Legal Agreement referred to above has is not completed, the Development Control Service Manager be given authority to refuse planning permission for the following reasons:- Lack of S106 agreement to secure the following: car free; CMP; travel plan; associated highway works; energy strategy; sustainability design stage and post construction review; on site affordable housing; open space contribution of £89,303;; education contribution of £167,225; community facilities contribution of £120,540; an associated highways works contribution of £5,000 and an environmental improvement contribution of £80,000.

## 8. **LEGAL COMMENTS**

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

Condition(s) and Reason(s):

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

12066-S.00; 12066-S.01; 12066-GA.00-A; 12066-GA.01-B; 12066-GA.02-B; 12066-GA.03-B; 12066-GA.04-B; 12066-GA.05-C; 12066-GA.06-B; 12066-GE.01-C; 12066-GE.02-D; 12066-GE.03-B; 12066-GE.04-A; 12066-GE.06-A; 12066-GE.07-A; 12066-GE.08-A; 12066-GE.09-A; 12066-GE.10-A; 12066-GS.00; 12066-GS.01; 12066-WC.02 (marked up to meet Lifetime Homes Standard 14); 12066-GA.01 (marked up to show private wheelchair unit - private); 12066-GA.02 (marked up to show affordable wheelchair unit).

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

- 3 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 before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill) and external doors;

c) Typical plan, elevation and section drawings of balustrading and privacy screens to terraces and balconies;

d) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 4 A sample panel (1.5 x 1.5m) of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the



immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or man-safe rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include the following:
  - a. lighting to the commercial amenity space and on-site public areas;
  - b. external CCTV and security monitors/fixtures;
  - c. layout and landscaping of the commercial amenity space;
  - d. the courtyard planters including sections, materials and finishes and planting schedules including a detailed scheme of maintenance and irrigation;
  - e. tree planting and other soft landscaping
  - f. samples of all ground surface materials and finishes

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 7 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 any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting 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.

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 policy CS14 & CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 9 At least 28 days before development commences (other than site clearance & preparation, relocation of services, utilities and public infrastructure, but prior to removal of any soil from the site),:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and

(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Before the development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), commences, details of secure and covered cycle storage area for 85 cycles shall be submitted to and approved by the local planning authority. The approved storage areas shall be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden

Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 12 Prior to first occupation of flats 111, 212, 312, 412,510 details of privacy measures, shall be submitted to and approved in writing by the local planning authority. Such details to include:
  - a. Privacy measures to the roof terraces serving flats 111, 212, 312, 412,510 to protect the privacy of the future occupiers of the flats proposed at No. 248 Kilburn High Road.

All such measures shall be implemented in accordance with the approved details prior to first occupation of the development and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS18 of the London Borough of Camden LDF Core Strategy and DP26 of the London Borough of Camden LDF Development Policies.

- 14 Prior to the commencement of development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), a plan showing details of the brown roof including a section at scale 1:20, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The brown roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the brown roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 15 Prior to commencement of development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

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 CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 16 Prior to commencement on the development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), details of bird, bat and insect box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 17 The trees adjoining the application site in Kilburn Grange Park, shall be retained and protected from damage in accordance with the approved protection details. Protection measures shall be put in place prior to the commencement of any works on site.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 18 The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Noise Assessment by Entran Environmental and Transportation dated 3 April 2014 and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 19 Prior to use of any plant full details of all plant, including details of sound attenuation and an acoustic report shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the local planning authority.

Reason: To safeguard the amenities of the neighbouring premises and the area

generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 20 Prior to commencement of development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) full details of pedestrian, cyclist and vehicles access to the site including any gate or means of enclosure shall be submitted to and approved in writing by the local planning authority.

The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the local planning authority.

Reason: To ensure pedestrian and cyclist safety in accordance with in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.