

Perceptions
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Application Ref: **2015/2328/P**

06 August 2015

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
200 Kilburn High Road
London
NW6 4JD

DECISION
Proposal:
Erection of a part two, part three storey rear extension and external alterations to create 2 x 1 bedroom flats, 1 x 2 bedroom & 1 x Studios.
Drawing Nos: Design & Access Statement, Location Plan, Drg 434-01 G, 434-02 Rev B, 434-03 Rev B, 434-04 Rev A, 434-05, 434-6 Rev C, 434-07 Rev A, 434-08 Rev C & Lifetimes Homes Statement,

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Conditions and Reasons:

- 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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, Drg 434-01 G, 434-02 Rev B, 434-03 Rev B, 434-04 Rev A, 434-05, 434-6 Rev C, 434-07 Rev A & 434-08 Rev C.

Reason:

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

- 4 The secure cycle storage illustrated in Drg 434-01 Rev G shall be provided in its entirety prior to the first occupation of the 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 & DP18 of the London Borough of Camden Local Development Framework Development Policies.

- 5 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.

Informatives:

- 1 Reason for granting permission

The proposed creation of 2 x 1 bedroom flat, 1 x 2 bedroom flat & 1 x Studio are considered to be acceptable in principle meeting policy DP2, seeking to maximise the supply of housing with Camden. The site recently received permission to

change the use from (B1) office on the 1st, 2nd and 3rd floors to 4 studio flats (C3) under Prior Approval Class J Part 3 of the Town and Country planning Act, Camden reference 2015/0427/P.

The proposed application would extend the first floor and second floor rear of the building by 3.9m and 7.7m respectively. The proposed size break down of the four proposed dwellings would not satisfy policy DP5 (homes of different sizes) which stipulates 40% of new dwellings should be two bedroom dwellings. However, on balance, the proposed size of the dwellings would represent an improvement on the existing permission for the four studio flats and provide better living accommodation. The proposed development meets residential standards guidance in CPG 2 and the London plan, and a lifetime homes statement has been submitted with the application outlining the adherence to the 16 point criteria.

The proposed rear extension would project along the flank elevation of No 198 Kilburn High Road and would not extend beyond the rear build line. Camden design guidance in CPG1 expects rear extensions to appear secondary to the host property and respect the historic pattern of development. The mass of the extension is not considered to be excessive and would appear subservient to both the host property and the neighbouring property. The proposed rear extension would not project from the third floor rear elevation in accordance with guidance in CPG1 which states that extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring extensions, will be strongly discouraged. The decorative window designs that are present on the first floor elevation are to be continued along the flank extension preserving the facade character of the building.

The amenity impacts to neighbouring residential and commercial uses are considered to be within acceptable levels. The residential block of flats located at the rear of the site are approximately 15 metres away from the proposed first floor rear elevation and have no facing habitable windows. The modest depth of the adjacent corner building (no 204 Kilburn High Road) does not result in the proposed flank windows looking directly into the adjacent habitable windows, preserving private amenity. No overbearing or outlook issues would result from the proposed rear extension on account of it being constructed along the party wall of the attached property. A light well would be formed around the small side window on the flank elevation at first floor level on the adjacent property to protect against loss of light. The window serves a non-habitable room and is North/West facing, receiving limited light. The window would result in some loss of ambient light however overall the difference is considered to be acceptable to guidance in CPG6.

- 2 The site has a high Public Transport Accessibility level (PTAL). Policy DP18 expects development to be car free in the central London Area, Town centres, and other areas within Controlled Parking Zones that are easily accessible by Public transport (PTAL of 4 or above). The development of four independent dwellings meets the criteria for car free development and therefore the applicant has entered into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), to permanently remove the entitlement to a parking permit for

the Lower Ground floor flat. The development provides space for five secure cycle storage facilities meeting Camden policy DP18 (Standards in Appendix 2) and London Plan standards.

Development Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. The footway directly adjacent to the site is likely to be damaged as a direct result of the proposed works. The applicant has entered into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), to secure a financial contribution for highway complying with Development Policy DP21.

9 neighbouring properties have been consulted, no objections have been received. The site's planning history and relevant appeal decisions were taken into account when coming to this decision. As such, the proposed development would not harm the character and design of the site within its location and is considered to accord with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2015; and paragraphs 14, 17, 56-66 of the National Planning Policy Framework.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable

housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 8 Highway licenses may be required to facilitate the proposed works, including temporary parking bay suspension, a skip licence, a scaffolding licence and a hoarding licence. The applicant would need to obtain such highway licences from the Council prior to commencing work on site.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate