



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

HEARINGS APPEAL

STATEMENT OF CASE

APPEAL SITE

254 Kilburn High Road, London NW6 2BS

APPELLANT

Kilburn High Road LLP

c/o Tim Gaskell

CMA Planning

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London N1 6ND

SUBJECT OF APPEAL

Appeal Statement in Support of the Council's decision on 19th January 2015 to refuse planning permission for "*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.*"

The main reasons for refusal supported by the Council in this appeal are:

- by reason of its scale, bulk and associated deep floor plan would result in an unacceptable proportion of the habitable rooms providing a poor standard of accommodation for future occupants by way of daylight amenity

- by reason of the small proportion of family sized affordable units in the residential mix, would fail to contribute to the creation of mixed and inclusive communities

A further ten reasons for refusal relate to the absence of a legal agreement for car-free housing, a construction management plan, travel plan, contributions towards public highways works and public realm and environmental improvements, design and post-construction sustainability review and an Energy Efficiency Plan, contribution towards affordable housing, open space contribution, educational facilities contribution, community facilities contribution, local employment and an apprenticeships agreement.

COUNCIL REFERENCE: 2014/3244/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/15/3010521

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1.0 SUMMARY

1.1 The Council refused planning permission for '*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,*' on 19 January 2015.

1.2 The 2 main reasons for refusal are :

1. '*The proposed development, by reason of its scale, bulk and associated deep floor plan would result in an unacceptable proportion of the habitable rooms providing a poor standard of accommodation for future occupants by way of daylight amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*'
2. '*The proposed development, by reason of the small proportion of family sized affordable units in the residential mix, would fail to contribute to the creation of mixed and inclusive communities, contrary to CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP5 (Homes of different sizes) of the London Borough of Camden Local Development Framework Development Policies.*'

1.3 It is the Council's assessment that the proposal would be acceptable, except for the 2 reasons set out above. The remaining reasons for refusal could be overcome with an appropriate Section 106 agreement and CIL payment.

Whilst the application had been recommended for approval by the case officer, Members took a different view on the basis of the information presented to them.

2 SITE AND SURROUNDINGS

2.1 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. Prior approval has been granted for the demolition of these buildings. There is no formal parking at the site however there is space to park around 12 vehicles in the yard.

- 2.2 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.
- 2.3 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 adjacent to 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.

3 RELEVANT PLANNING HISTORY

3.1 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/A/P1: 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.**

2015/0733/P: An application for the demolition of all buildings on the site for redevelopment. **Granted 09/03/2015.**

2015/2775/P: A revised application was submitted on 18/05/2015 for the '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 955 sqm of commercial space (Classes B1 and B8) and 60 dwellings plus cycle parking, 2x disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space.' **Application pending decision. This application differs from the appeal application with less flats (60 instead of 62), slightly revised floorplans and with 8 social rented units, 4 of which would be family.**

3.2 Adjoining sites:

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.
Application granted on 9/10/2014 subject to a S106 agreement 29/01/2015.

4 PLANNING POLICY FRAMEWORK

4.1 National Planning Policy Framework (NPPF) (2012)

On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications.

4.2 The Development Plan

- The London Plan (2011) including Further Alterations to the London Plan (FALP) 2015
- For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 will be the Core Strategy and Development Policies of the London Borough of Camden Local Development Framework. The LDF was adopted on November 2010. It is therefore recent and up-to-date in accordance with paragraphs 214 and 216 of the NPPF and should be given substantial weight. The relevant LDF policies to this appeal are listed below:

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

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

4.3 Camden Planning Guidance 2011 (updated 2013)

CPG1 – Design

CGP2 – Housing

CPG3 – Sustainability

CPG6 - Amenity

CPG7 – Transport

CPG8 – Planning Obligations

- 4.4 Full text of each of the relevant policies has been sent with the questionnaire documents.

5 REASONS FOR REFUSAL

5.1 The subject Planning Application was refused on 19th January 2015 by the Council for the following 2 reasons:

1. *'The proposed development, by reason of its scale, bulk and associated deep floor plan would result in an unacceptable proportion of the habitable rooms providing a poor standard of accommodation for future occupants by way of daylight amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.'*
2. *'The proposed development, by reason of the small proportion of family sized affordable units in the residential mix, would fail to contribute to the creation of mixed and inclusive communities, contrary to CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP5 (Homes of different sizes) of the London Borough of Camden Local Development Framework Development Policies.'*

5.2 Reasons 3 to 12 can be addressed by way of planning obligations (entering into a S106 legal agreement with heads of terms addressing the issues cited) and by CIL.

6 APPELLANT'S GROUNDS OF APPEAL

The appellant's grounds of appeal can be summarised as follows:

Reason 1 (poor standard of accommodation):

- 6.1 The majority (78.6%) of rooms would meet BRE guidelines. Some rooms fail due to their depth and the closest part of the room to the window would receive sufficient light. Units on the upper floors pass BRE guidelines.
- 6.2 The appellant, as part of the appeal, now proposes internal amendments and amendments to the fenestration to resolve this reason for refusal. These are considered to constitute material alterations. The revised plans have not been consulted upon, nor formally assessed by officers nor presented to the Development Control Committee to consider whether such amendments overcome concerns. No updated daylight/sunlight reports have been offered to support the proposed amendment. The Inspector is respectfully urged not to consider the material revisions for the above reasons. The revisions are discussed further below.

Reason 2 (small proportion of family-sized units):

- 6.3 The appellant argues that the site is not suitable for family housing given the proposal is 'relatively high density'. The appellant states that the proposal would meet housing need for other tenures including for intermediate and market housing (although this did not form part of the reason for refusal, which only cites the small amount of family sized affordable units as being unacceptable). The appellant states that the proposal would contribute to the creation of mixed and balanced communities.

Reasons 3-12 (Section 106)

- 6.4 The Council is currently discussing the Section 106 and CIL matters with the appellant with the aim of resolving these before the hearing. A section 106 note discussing all the section 106 reasons for refusal (reasons 3-12) is attached to this statement.

7 COMMENTS ON GROUNDS OF APPEAL:

Reason 1: Poor standard of accommodation:

7.1 Policy CS5 (Managing the impact of growth and development) seeks to protect the amenity of Camden's residents. The supporting text of this policy in paragraph 5.8 states that:

"Protecting amenity is a key part of successfully managing growth in Camden. We will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts."

7.2 Policy DP26 (Managing the impact of development on occupiers and neighbours) seeks to protect the quality of life of occupiers, including with regards to daylight and sunlight. The supporting text of this policy in paragraph 26.3 states that:

"A development's impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours. To assess whether acceptable levels of daylight and sunlight are available to habitable spaces, the Council will take into account the standards recommended in the British Research Establishment's Site Layout Planning for Daylight and Sunlight– A Guide to Good Practice (1991)."

7.3 Camden Planning Guidance 2 – Housing, states that:

"Development should provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms".

7.4 The London Plan Housing SPG states in paragraph 2.3.33:

“Where limited numbers of rooms are required, the frontage is generous, the plan is shallow, and the orientation is favourable, good single aspect one and two bedroom homes are possible.”

- 7.5 The appellant has offered amendments to the fenestration and the internal layout in their statement. These have not been consulted upon or fully assessed by the Council, in terms of the amenity of the new accommodation or the design changes to the facades. This matter was raised with PINs on as a query as to whether the revisions should be accepted. PINs advised that the matter would be taken up by the Inspector. The Council object to submission of new material at this stage and respectfully ask the Inspector not to consider these amendments. The following statement refers to the original submissions that were consulted upon and determined by the DCC.
- 7.6 The proposal is a new-build scheme and there are no site constraints or other reasons as to why the proposed flats cannot be designed to provide well-lit and well-designed accommodation. Indeed one side of the site looks over Kilburn Grange Park and is therefore unobstructed.
- 7.7 35 flats in total are affected by low standards amenity in accordance with BRE minimum guidelines. Of these, 9 have bedrooms with an ADF below minimum standards. In addition, 30 have kitchen/living/dining rooms below minimum guidelines. 18 are single-aspect, 10 of which would face north-east.
- 7.8 Of the 187 rooms tested for ADF (average daylight factor), 147 (78.6%) passed and 40 (21.4%) failed the BRE guidelines. In terms of annual probable sunlight hours (APSH) 73% would be compliant in terms of annual sunlight access and 27% would not be compliant. The majority (96.5%) would be compliant in terms of winter sunlight amenity access. The table in appendix 2 provides a summary of all the flats with substandard rooms.
- 7.9 Of the 40 rooms that are substandard in terms of ADF, 35 are living/dining/kitchen and 5 are bedrooms. It is acknowledged that some of these rooms fall only marginally below the BRE guidelines, however, a number of these rooms fell

significantly below. The table in appendix 2 provides a summary of all the flats with substandard rooms. The number of rooms that are substandard against the guidelines, as well as the amount that some of the rooms fail by is considered by the council as being unacceptable in terms of daylight amenity.

7.10 According to BRE guidelines, bedrooms should have an ADF of 1%. The bedroom that would receive the poorest level of light (R4 – 1st floor) would achieve just 0.76%, however, it should also be noted that R15 (1st floor) achieves just 0.81% and R18 (1st floor) just 0.83%.

7.11 According to BRE guidelines, kitchens should have a minimum ADF of 2% and living rooms 1.5%.

7.12 It should be noted that the 1%, 1.5% and 2% ADF figures are the BRE minimum guidelines and that rooms should therefore meet or exceed this level. Paragraph 2.19 of the BRE guidelines states that:

“Although minimum values can be used as targets for daylight in obstructed situations, achieving 2% in living rooms (as opposed to 1.5%) for instance, will give improved daylight provision, and 3% or 4% would be better still.”

7.13 The BRE document ‘Site Layout Planning for Daylight and Sunlight’ (paragraph 2.1.8 states that

‘Below 2% the room will look dull and electric lighting is likely to be turned on.’

Paragraph 2.1.9 goes on to state that:

‘achieving 2% in living rooms will give improved daylight provision, and 3% or 4% better still.’

7.14 Of the BRE substandard flats, 18 are single aspect flats. These flats would be extremely deep and narrow, with a depth of 10m and a width of 6m. These dimensions produce a long tunnel-like design. The kitchen element of the kitchen/living/dining room, which requires the most light under BRE guidelines (minimum 2% ADF) would be located at the far back of these rooms and would therefore receive the poorest levels of light. 5 of the single aspect flats would have

no rooms that met BRE guidelines and would therefore provide a poor level of amenity. Apartment 109 on the first floor would be single-aspect and have a kitchen/living/dining room with an ADF of just 1.48% and a bedroom of just 0.81%. Both of these rooms would be significantly below the minimum BRE guidelines and this flat would likely provide the worst amenity in terms of light of the whole development.

7.15 The 3 kitchen/living/dining rooms with the poorest ADF are those serving apartments 107, 208 and 308, which would all have an ADF of 1.15%, as opposed to the minimum guideline of 2%. These rooms would be particularly tunnel shaped with a depth of 11m and a width of 3m. These rooms would provide particularly poor levels of light due to their depth and narrowness rather than any site constraints.

7.16 Apartment 107 at 1st floor level is dual aspect, but would receive poor levels of light. This flat is 1 of the 3 flats discussed in the paragraph above, where the kitchen/living/dining room would have a very poor ADF (in this case 1.15%). Of the 2 bedrooms for this flat, 1 would be substandard (0.94%). This flat has a particularly elongated plan due to the depth of the building and due to the layout would receive substandard levels of light.

7.17 The table below summarises the short fallings of the proposed scheme in terms of light amenity:

Number of flats with 1 substandard room	35
Number of single-aspect flats with substandard kitchen/living/dining room	12
Number of single-aspect flats where all rooms are sub-standard	3

7.18 To conclude, the proposal is a new build scheme on a large site without significant constraints. Any flats on the site should therefore provide good levels of light in line with the BRE guidelines. The proposal is considered unacceptable given the number of rooms falling below BRE guidelines, the amount these fall below and the resulting poor level of light amenity. The poor amenity would be as a result of the design and layout of the proposed flats with very deep floorplans and narrow fronts. The proposed flats are neither well-designed nor well-lit. The applicant

could have done more to resolve the amenity light issue in the design of the proposal.

- 7.19 The appellant refers to the application at 1-33 Liddell Road (para 6.16) in their statement and states that 88% of the rooms assessed fully meet or exceed BRE guidelines. The appellant goes on to state that the reason given for some rooms to not meet BRE guidelines was a result of balconies or terraces attached to these rooms. It should be noted that only 16 rooms fell below BRE guidelines and that these were only marginally below. These flats fell marginally below as a result of the balconies/terraces and not as a result of the poorly designed floorplans.
- 7.20 The appellant also makes reference to 248 Kilburn High Road, which had a 73% pass rate for BRE guidelines. Each application however is taken on its merits and the site constraints are an important factor. The subject appeal site has no significant constraint factors whereas the substantially smaller 248 Kilburn High Road site was surrounded by a number of other properties and had significant constraints.

Reason 2: Small proportion of family-sized units

- 7.21 Policy CS6 (Providing quality homes) seeks to create mixed and inclusive communities across Camden, with a diverse range of housing products to provide a range of homes across the spectrum of household incomes, to meet dwelling size priorities. Policy DP5 (Homes of different sizes) seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table (see below). Large homes are homes with 3 bedrooms or more. As can be seen in the table below, 3-bedrooms social rented flats are 'high' priority and 4-bedrooms or more are 'very high' priority.

Dwelling Size Priorities Table					
	1-bedroom (or studio)	2-bedrooms	3-bedrooms	4-bedrooms or more	Aim
Social rented	lower	medium	high	very high	50% large
Intermediate affordable	medium	high	high	high	10% large
Market	lower	very high	medium	medium	40% 2-bed

7.22 Relevant sections of the supporting text to this policy are as follows:

“(the Council will expect proposals to) meet the very high priorities wherever it is practicable to do so. We will seek to focus provision around the very high and high priority sizes by assessing dwelling mixes against the aims in the Priorities Table. The Council will aim for at least 50% of social rented dwellings and 10% of intermediate affordable dwellings in each scheme to be large homes with 3-bedrooms or more.”

“The Council will be flexible when assessing development against policy DP5, the dwelling size priority table, and the aims set out in paragraph 5.5. The mix of dwelling sizes appropriate in a specific development will be considered taking into account the character of the development, the site and the area.”

“Where a development involves re-use of an existing building, this may limit the potential to provide a range of dwelling sizes. Issues that can arise include the creation of access via an existing staircase or lift; respect for the integrity of existing structural walls and patterns of windows; changes in floor level; and heritage designations (listed building and conservation area status) that may restrict alterations.”

7.23 Paragraph 5.10 of the supporting text goes on to list features that that make developments particularly suitable for children. However, the text goes on to state: *“However, the Council does not consider that the absence of any or all of these features justifies the omission of large homes from a development.”*

- 7.24 Camden's Housing Needs Survey Update (2008) found that an additional 4,787 affordable homes a year over a five year period would be required to meet current and newly arising need. It also found overcrowding to be the commonest factor making households' accommodation unsuitable. It identified 5,540 overcrowded households, 5.7% of all households and 46.5% of those in unsuitable accommodation.
- 7.25 Camden's existing stock of homes is made up largely of relatively small dwellings, particularly homes rented from Housing Associations and the Council. The 2011 Census indicates that 70% of Camden households live in homes with 2 bedrooms or fewer, rising to 75% for households in social rented housing. The 2011 Census indicates that 12.5% of households overall are overcrowded (bedroom occupancy ratio of -1 or lower), compared with 20% for households in social rented housing, and 6.2% for households in owner-occupation and shared ownership.
- 7.26 The ONS (Office for National Statistics) mid 2013 residential population estimate confirms that 229,700 people currently live in the borough and that Camden's population is forecast to increase by 22,600 (9.8%) between 2014 and 2029. Camden covers approximately 22sqm and is a very dense borough. The southern part of the borough forms part of Central London, which is denser than the north of the borough.
- 7.27 The appellant is correct to point out that the policies regarding dwelling mix should be applied flexibly. The supporting text to the policy states the Council acknowledges that it will not be appropriate for every development to meet the aims set out in the Priorities Table. However, we consider that each development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall (5.6). However, the Council's approach to securing homes of different sizes has been informed by evidence that shows an over-representation of small dwellings in the borough, and a need for larger family accommodation, particularly in the social rented sector.
- 7.28 Using Table 3.2 (density matrix) of the London Plan the local built environment characteristics of the site 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 (2000m²) which equates to a density of 310 units/ha or 935 habitable rooms/ha. This sits within the mid-range specified for central settings. The proposed development is not high density.

7.29 The appellant argues that the proposal is unsuitable for family accommodation given it is 'relatively high density'. The appeal site is located in Kilburn in the north of the borough which is much less dense than many other parts of the borough. The proposal involves a complete redevelopment with purpose-built residential accommodation. The site is located close to a large park, close to a town centre and has a PTAL rating of 6a (Excellent). Given the local amenities and the excellent transport links, the site is considered highly suitable for family sized accommodation. Notwithstanding the above, the appellant's argument that high density sites (and even 'relatively high density sites') are not suitable for family-sized accommodation is not accepted. Were the Council to accept this argument, then most of the borough would be inappropriate. Indeed, following the appellant's argument, then the majority of Camden is unsuitable for families. This argument disregards the substantial housing need for family housing. Furthermore if the Council were to consider 'relatively' high density schemes unsuitable for family-sized accommodation, then no family-sized accommodation would come forward from larger major developments.

7.30 Paragraph 5.8 of policy DP5 states that:

"Where a development involves re-use of an existing building, this may limit the potential to provide a range of dwelling sizes. Issues that can arise include the creation of access via an existing staircase or lift; respect for the integrity of existing structural walls and patterns of windows; changes in floor level; and heritage designations (listed building and conservation area status)."

The Council considers that no material reason for not providing family-sized affordable housing has been put forward by the appellant.

7.31 Given the need for family-sized affordable housing (as detailed above), sites and developments like this must provide family-sized affordable accommodation to meet the borough's housing need. Given the significant shortfall in family-sized

affordable housing proposed, the scheme fails to contribute to mixed and inclusive communities.

7.32 The scheme’s tenure and unit size mix is laid out in the table below. It should be noted that of all the market homes proposed, 23% were family-sized, even though family market housing is just a medium priority (see table below). 20% of the affordable homes proposed were family-sized even though family-sized social rented accommodation is a high/very high priority. The appellant claims that the site is unsuitable for family-sized accommodation, yet proposed a higher percentage of family-sized market units than family-sized affordable. If the appellant considered the site unsuitable for family accommodation, it is inconsistent that they did not consider it inappropriate for market family units.

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

Tenure and unit size mix of proposal

7.33 To conclude, there is overcrowding in the borough and a clear demand for large social rented homes. The provision of 20% affordable family-sized housing falls significantly short of the 50% requirement, does not meet housing need and does not contribute to a mixed and balanced community. The site is considered suitable for family sized housing. As such, the proposal fails to comply with policies CS6 and DP5 of the Local Development Framework.

Other issues – Viability

7.34 The appellants have alluded to a new issue with the viability of the scheme. This information was not submitted when the application was determined and has only arisen during the appeal. The information that has been submitted includes a Development Appraisal (draft) and a Viability Assessment Addendum (working draft).

Other issues – the appeal

- 7.39 The appellant requested a public inquiry, however the Council considered that written representations would be sufficient. The Planning Inspector has decided that a hearing would be the most appropriate and has allocated 1 day for this hearing. The Council considers 1 day to be sufficient to cover all the relevant issues of the hearing.
- 7.40 The appellant and Council are still discussing the section 106 agreement. Once agreed, this will be forwarded to the Inspector.

8.0 CONCLUSION

- 8.1 The Council has set out above the reasons why the planning application was refused and why it upholds the reasons for refusal on grounds of an unacceptable proportion of habitable rooms providing a poor standard of accommodation by reason of the scale, bulk and associated deep floor plans and the small proportion of family sized affordable units and considers the development unacceptable.
- 8.2 The inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning permission.

9 CIL

- 9.1 If the appeal is allowed the proposed scheme would be liable for Mayor of London's and Camden's Community Infrastructure Levy due to the scale of the development.

10.0 LIST OF APPENDICES

Appendix 1 – Section 106 Note

Appendix 2 – Table of all flats with substandard rooms

Appendix 3 – Suggested conditions

Appendix 4 – Section 106

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APPENDIX 1 – SECTION 106 NOTE

**SECTION 106 AGREEMENT - NOTE
254 KILBURN HIGH ROAD**

Introduction

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the “CIL Regulations”) creates statutory tests to determine whether a planning obligation is capable of being a reason for granting planning permission.

Obligations must be:

- 1 necessary to make the development acceptable in planning terms;
- 2 directly related to the development; and
- 3 fairly and reasonably related in scale and kind to the development. This note

considers and explains, in respect of each of the planning obligations proposed in the draft Section 106 agreement, with reference to the London Borough of Camden’s (“the Council”) core strategy and development plan policies and associated guidance and the impacts of the development, how each of the measures proposed can be demonstrated to be compliant with these legislative tests.

Having considered these three tests and applied them to the obligations contained in the Section 106 Agreement the Council is satisfied that the obligations contained in the Section 106 Agreement relating to 254 Kilburn High Road meet the three tests.

Section 106 Agreement

Reasons for refusal 3-12 related to section 106 obligations were deemed necessary to mitigate the impact of the proposal. Some of these obligations would now be covered by CIL and some would be amended, as agreed by the appellant, with the remaining obligations agreed by the appellant. All of the reasons for refusal are considered and justified where necessary below.

1. Agreed obligations

The following obligations are included in the Section 106 Agreement and are agreed by the parties:

- Car Free (reason 3)
- Construction Management Plan (reason 4)
- Travel Plan (reason 5)
- Design and post-construction sustainability review (reason 7)
- Public Open Space Contribution (reason 9)
- Local Employment and Training (reason 12)

Each of the obligations and its compliance with the CIL Regulations is considered below.

2. Agreed part amended obligations

The following obligations are included in the Section 106 Agreement and would be part

amended as agreed by the parties:

Public Highway Works (to be retained in s106) and Public Realm and Environmental Improvements (to be covered by CIL) (reason 6)

Affordable housing (reason 8)

3. Obligations to be replaced by CIL payment

The following obligations were included in the Section 106 Agreement but would now be covered by CIL, as agreed by the parties:

Public Open Space Contribution (reason 9)

Educational facilities (reason 10)

Community facilities contribution (reason 11)

1. Agreed obligations

Reason for Refusal 3 – Car Free Housing

Core Strategy CS11 (Promoting sustainable and efficient travel), Development Policies DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking), CPG7 (Transport), and London Plan Policy 6.13 (Parking) address and point towards the need for car free and car capped development in areas of high public transport accessibility. The site is located directly adjacent to Kilburn High Road which is one of our Town Centres. The site has a public transport accessibility level (PTAL) of 6A (excellent) which confirms that it is easily/highly accessible by public transport. The site is located within convenient walking distance from Brondesbury Station (London Overground trains), Kilburn Station (London Underground) and various bus stops are also located directly adjacent to the site on Kilburn High Road.

The site is located in the Kilburn controlled parking zone (CPZ) (CA-Q). Our records indicate that parking stress is a significant issue with a ratio of parking permits to parking spaces of 0.81 (i.e. 81 parking permits issued for every 100 parking spaces). The Council needs to ensure that the proposed scheme does not contribute to parking stress. This is a significant concern given that the proposal would create 62 new residential units and 989 sqm of B1/B8 floor space. The Council also needs to ensure that the proposal does not add to existing traffic and environmental problems in the local area (e.g. traffic congestion, road safety and air quality).

Failure to secure a car free development would have a severe impact on the operation of the CPZ in the vicinity of the site. Residents could obtain up to 246 on-street parking permits and this could add up to 246 cars to the road network (based on a worst case scenario of 2 eligible residents per bedroom). This would do nothing to promote sustainable transport, indeed it would actively encourage travel by motor vehicle. This would exacerbate existing traffic congestion, road safety and air quality problems which Camden and Transport for London are currently working to address. It would also have a severe impact on parking stress in the local area.

The Council is therefore justified in seeking to secure a car free development (except for disabled and operational parking spaces). This would need to be secured as a Section 106 planning obligation which would prevent the occupiers of the development from obtaining on-street parking permits from the Council. The appellant would be required to ensure that future occupants are aware that they would not be eligible to obtain on-street parking permits from the Council, and that the Council will not grant planning permission for any subsequent development that incorporates additional car parking spaces, other than spaces designated for people with

disabilities or operational requirements (e.g. off-street loading bays).

The Planning Inspector is respectfully requested to read the following extracts from Camden's Local Development Framework when assessing the need for the planning obligation requested:

- Core Strategy CS11 (Promoting sustainable and efficient travel).
- Core Strategy CS19 (Delivering and monitoring the Core Strategy); specifically paragraphs 19.14 to 19.19.
- Development Policy DP18 (Parking standards and limiting the availability of car parking).
- Development Policy DP19 (Managing the impact of parking).
- Planning Guidance CPG7 (Transport); specifically section 5 (Car free and car capped development).
- Planning Guidance CPG8 (Planning Obligations); specifically section 10 (Transport), paragraphs 10.1 to 10.3.

The appellant is willing to sign a Section 106 planning obligation in respect of car free housing. The Council would then deem reason for refusal 3 to have been resolved.

CIL Compliance: The Car Free requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. This supports key principle 4 of the National Planning Policy Framework: Promoting sustainable transport.

Reason for Refusal 4 – Construction Management Plan

A construction management plan (CMP) outlines how construction work will be carried out and how this work will be serviced (e.g. delivery and removal of materials, set down and collection of skips etc), with the objective of minimising traffic disruption and avoiding dangerous situations for cyclists, pedestrians and other road users, and of minimising the impact on amenity on construction vehicle routes to and from the site. The scale, type and location of a development will dictate whether the impacts of servicing a development during construction are significant or not.

Section 8.8 of CPG6 (Amenity) states:

- Construction management plans are required for developments that are on constrained sites or are near vulnerable buildings or structures.
- They are essential to ensure developments do not damage nearby properties or the amenity of neighbours.

Section 8.8 of CPG6 also states that a CMP is usually required for sites that create 10 or more dwellings or 1,000 sqm or more of floor space. The proposed development far exceeds these thresholds. The proposed development would result in a significant amount of construction vehicle movements in a busy town centre location. This would worsen existing traffic congestion issues in the local area. However, the safety of road users, particularly vulnerable road users such as cyclists and pedestrians, is our primary concern. This could potentially be a problem as pedestrian routes are located directly adjacent to the site on Kilburn High Road. In addition, observations suggest that Kilburn High Road is a popular route for commuter cyclists during peak periods.

The site is located in a busy town centre. Access to and from the site would be highly constrained for construction vehicles due to the narrowness of the access road from Kilburn High Road.

The site is located in a residential area directly adjacent to Kilburn Grange Park. The proposed works are likely to have amenity impacts (i.e. noise, vibration, air pollution).

The site is located in close proximity to Kingsgate Primary School. Construction vehicles would be unlikely to pass the school directly on their way to and from the site. However, many children are likely to walk along Kilburn High Road directly adjacent to the site on their way to and from school. Ensuring the safety of vulnerable road users such as school children is one of our primary concerns.

Failure to secure a CMP would potentially have a severe impact on the operation of the public highway in the vicinity of the site. Kilburn High Road is a busy traffic corridor and indeed forms part of the Strategic Road Network in London. Construction vehicles arriving at or departing from the site on an unscheduled basis could contribute to traffic congestion in the local area, particularly during peak periods. In addition, vulnerable road users, especially cyclists and pedestrians would be at significant risk without dedicated arrangements to provide for their safety.

Given the above points and noting that access to and from the site would be highly constrained, a CMP is required to manage and mitigate any impacts on the operation of the public highway. The CMP would need to be secured as a Section 106 planning obligation.

The Planning Inspector is respectfully requested to read the following extracts from Camden's Local Development Framework when assessing the need for the planning obligation requested:

- Core Strategy CS11 (Promoting sustainable and efficient travel); specifically the summary page (page 100) and paragraphs 11.23 to 11.25.
- Core Strategy CS19 (Delivering and monitoring the Core Strategy); specifically paragraphs 19.14 to 19.19.
- Development Policy DP20 (Movement of goods and materials); specifically paragraphs 20.10, 20.13, and 20.14.
- Development Policy DP21 (Development connecting to the highway network).
- Planning Guidance CPG6 (Amenity); specifically section 6 (Construction management plans).
- Planning Guidance CPG8 (Planning Obligations); specifically section 3 (Amenity).
- Planning Guidance CPG8 (Planning Obligations); specifically section 7 (Sustainability).
- Planning Guidance CPG8 (Planning Obligations); specifically section 5 (Community Safety); specifically paragraphs 5.25 to 5.29.

The appellant is willing to sign a Section 106 planning obligation in respect of a construction management plan. The Council would then deem reason for refusal 4 to have been resolved.

CIL Compliance: The CMP requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed.

Reason for Refusal 5 – Travel Plan

Transport for London (TfL) guidance published in November 2013 requires travel plan statements to be secured for the following types of development:

- C3 Residential development (C3) of between 50 and 80 units.
- B1 business development with more than 20 staff but less than 2,500 sqm.
- B8 warehouse and distribution development with more than 20 staff but less than 5,000 sqm.

The proposed development would provide 62 residential units and 989 sqm of B1/B8 floor space. The TfL guidance suggests that a full travel plan should be provided for mixed use developments. Camden generally seeks to secure travel plans covering all use classes for mixed use developments such as this.

A Travel Plan monitoring contribution of £3,001 would also need to be secured. This financial contribution is required to cover costs associated with the Council's Travel Planning Officer assessing the travel plan at regular intervals over a 5 year period. The travel plan monitoring contribution of £3,001 would need to be secured as a section 106 planning obligation.

The Planning Inspector is respectfully requested to read the aforementioned TfL guidance document and the following extracts from Camden's Local Development Framework when assessing the need for the planning obligation requested:

- Core Strategy CS11 (Promoting sustainable and efficient travel); specifically the summary page (page 100) and paragraphs 11.8 to 11.16.
- Core Strategy CS19 (Delivering and monitoring the Core Strategy); specifically paragraphs 19.14 to 19.19.
- Development Policy DP16 (The transport implications of development); specifically paragraphs 16.18 and 16.19.
- Planning Guidance CPG7 (Transport); specifically section 3 (Travel plans).
- Planning Guidance CPG8 (Planning Obligations); specifically:
 - paragraph 2.19 (Costs and fees)
 - paragraphs 2.22 to 2.24 (Expenditure of funds)
 - paragraph 10.4 (Travel Plans)

The appellant is willing to sign a Section 106 planning obligation in respect of the travel plan. The Council would then deem reason for refusal 5 to have been resolved.

CIL Compliance: It is considered that the Travel Plan complies with the CIL Regulations as it is necessary to make the development acceptable in planning terms as identified in the development plan and is directly related to the effects of the development.

Reason for Refusal 7 – Design and post-construction sustainability review

The s106 Agreement secures a design and post-construction sustainability review and an Energy Efficiency Plan setting out how the development would incorporate appropriate carbon reduction measures through design and provision of renewables. This is to mitigate against the effects of climate change and the impact of the development in accordance with policies CS13, CS19, DP22 and DP23 and Camden Planning Guidance 3 –Sustainability.

The Council requires all development to take measures to minimise the effects of, and adapt to, climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. Although climate change is not specific to Camden, the borough's highly built-up, inner urban environment means that we face specific environmental issues such as poor air quality and surface water flooding. The measures we can take to minimise the impacts of climate change and adapt to its effects need to consider and be appropriate to the borough's dense and historic character and sensitive environments.

The appellant is willing to sign a Section 106 planning obligation in respect of the design and post-construction sustainability review plan. The Council would then deem reason for refusal 7 to have been resolved.

CIL Compliance: The contribution is considered to be CIL compliant is necessary in planning

terms as identified in the development plan to mitigate against the environmental impact of the proposal and its contribution to climate change.

Reason for Refusal 9 – Public Open Space Contribution

Policies CS15, CS19 and DP31 require new developments to meet increased demand for public open space and ensure that deficiencies are not made worse. These policies seek improvements to existing open space where there will be increased demand. Pursuant to these policies, 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). 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.

CIL Compliance: The contribution is considered to be CIL compliant as it is necessary in planning terms as identified in the development plan to mitigate against the under provision of open space in the proposed development and the increase in pressure that there would be from an increase in local population.

Reason for Refusal 12 – Local Employment

The proposed scheme involves a major development construction contract and in accordance with policies CS8 (promoting a successful and inclusive Camden Economy) and CS19 (Delivering and monitoring the Core Strategy) and CPG 8 (Planning Obligations) (particularly paragraphs 8.3 and 8.17) it is required that the developer assist with training and employment initiatives.

The s106 Agreement sets targets of the amount of the work force to be comprised of residents of the London Borough of Camden and sets out how the developer can meet that target working in partnership with the King's Cross Construction Training Centre and providing apprentices and work placements. The S106 secures an Employment and Training Plan and Procurement provisions and 4 constructions apprentices

There is an identified skills gap between Camden residents and the jobs on offer in the Borough. Currently, only 23% of the workforce in Camden is resident in the Borough. Local employment and training initiatives can open up job opportunities for people from many sectors of the community, who may otherwise find it difficult to access employment offered by existing and new businesses, helping to bridge the identified skills gap. Such benefits can help to alleviate the recognised impacts that major development and construction works can bring.

CPG8 sets out at section 8 that the Council may require developers to assist with training and employment initiatives via the section 106 Agreement where the development impacts on the availability of jobs for Camden residents. Included in the list is when the development is a major infrastructure or development projects involving significant construction contracts (e.g. over £3 million), which would apply to this scheme. This achieves the strategic requirements of Core Strategy policy CS8.

This also supports key principle 1 of the National Planning Policy Framework: Building a strong, competitive economy.

CIL Compliance: This obligation comply with the CIL Regulations as it ensures that the

development is acceptable in planning terms to facilitate the inclusion of local training opportunities during the construction of the development. The creation of local employment and business opportunities will reinforce neighbourhood renewal objectives and improve the sustainability of the local economy. This supports key principle 1 of the National Planning Policy Framework: Building a strong competitive economy.

Reason for Refusal 6 – Public Highway Works and Public Realm and Environmental Improvements

The applicant originally agreed to provide a highway works contribution of £5,500 prior to determination of the planning application at Development Control Committee. A cost estimate for this amount was prepared by the Council's Highways Delivery Team. The cost estimate is based on our term contractor's schedule of rates. These rates are commercially sensitive and cannot be shared. The financial contribution is required to allow the Council to repave the vehicular access to the site from Kilburn High Road on completion of the development. This would include repairs to any damage caused as a direct result of the development. A highways contribution of £5,500 would need to be secured as a section 106 planning obligation.

The applicant also originally agreed to provide a public realm and environmental contribution of £80,000 prior to determination of the planning application at Development Control Committee. The Council planned to spend this funding on Kilburn High Road with the intention of improving conditions for cyclists and pedestrians. This would help to encourage new residents and employees to travel by sustainable modes of transport such as cycling, walking, and public transport.

However, it is acknowledged that the applicant will now be required to make a separate financial contribution in respect of Camden's Community Infrastructure Levy (CIL). The Kilburn Area Scheme is specifically referenced on page 3 of Camden's CIL Strategic Funding List which was published in February 2015. The public realm and environmental contribution is therefore no longer required and any public realm and environmental improvements would be funded via the CIL contribution.

The Planning Inspector is respectfully requested to read the following extracts from Camden's Local Development Framework when assessing the need for the planning obligation requested:

- Core Strategy CS11 (Promoting sustainable and efficient travel); specifically the summary page (page 100) and paragraphs 11.9 to 11.12.
- Core Strategy CS19 (Delivering and monitoring the Core Strategy); specifically paragraphs 19.14 to 19.19.
- Development Policy DP21 (Development connecting to the highway network); specifically the summary page on page 96. This states that the Council will expect works affecting highways to:
 - address the needs of wheelchair users and other people with mobility difficulties, people with sight impairments, children, elderly people and other vulnerable users.
 - avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter.
 - contribute to the creation of high quality streets and public spaces.
 - repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development.
- Development Policy DP21 (Development connecting to the highway network); specifically paragraphs 21.8 to 21.13 (Works affecting highways).

- Planning Guidance CPG8 (Planning Obligations); specifically:
 - paragraph 2.19 (Costs and fees)
 - paragraphs 2.22 to 2.24 (Expenditure of funds)
 - paragraph 5.6 (Works to streets, highways and public realm)
 - paragraph 5.7 (Highway works)
 - paragraph 5.8 (Level plans)
 - paragraphs 5.9 to 5.13 (Agreement of highway works)
 - paragraphs 5.14 to 5.19 (Payment for highways works)
 - paragraphs 5.25 to 5.28 (Community Safety)

The appellant is willing to sign a Section 106 planning obligation in respect of a highway works contribution. The Council would then deem reason for refusal 6 to have been resolved.

CIL Compliance: The highways contribution is considered to be CIL compliant and is necessary in planning terms as identified in the development plan to mitigate against the increased impact that will be generated by the development. The contribution has been calculated taking into account the particular characteristics of the development, it is directly related to the development and is fairly and reasonably related in scale and kind to the development.

2. Agreed part amended obligations

Reason for Refusal 8 – Affordable Housing

London Plan policy 3.12 and Camden Development Policy DP3 indicate that the Council should seek the maximum reasonable amount of affordable housing in negotiations relating to residential and mixed-use sites.

Camden Policy Guidance 2 (Housing) (paragraph 2.69 to 2.73) recognises that many factors can have a significant impact on the maximum viable contribution to affordable housing. Affordable housing is necessary for the proposal to meet policy and to contribute to mixed and inclusive communities.

The Council has agreed with the appellant that given that a Camden CIL payment would now be required, this may affect viability of the proposal. Therefore, it has been agreed that the Deferred Affordable Housing Contribution is no longer required but should be replaced by a pre-implementation review in the event that the applicant fails to implement the scheme within 12 months of any consent being issued.

CIL Compliance: The AH contribution is considered to be CIL compliant as it relates directly to the effects of the development, is necessary in planning terms, and is fairly and reasonably related in scale and kind to the development. This supports key principle 6 of the National Planning Policy Framework: Delivering a choice of high quality homes.

3. Obligations to be replaced by CIL payment

Reason for Refusal 10 – Education Contribution

This contribution is now covered by the CIL payment which the appellant has agreed to pay.

Reason for Refusal 11 – Community facilities contribution

This contribution is now covered by the CIL payment which the appellant has agreed to pay.

APPENDIX 2 – Table of all flats with substandard rooms

*the windows stated below are the main window to substandard rooms

Flat	Substandard Rooms (number)	Substandard Rooms (function)	ADF
First floor			
101	1 of 4	bedroom (W6)	0.75
103	1 of 3	kitchen/living/dining (W44)	1.45
104	1 of 3	kitchen/living/dining (W43)	1.45
105	2 of 2	bedroom (W13)	0.98
		kitchen/living/dining (W15)	1.58
107	2 of 3	kitchen/living/dining (W37)	1.15
		bedroom (W18)	0.94
108	1 of 3	kitchen/living/dining (W36)	1.45
109	1 of 3	bedroom (W22)	0.81
		kitchen/living/dining (W24)	1.48
110	1 of 3	kitchen/living/dining (W32)	1.75
111	2 of 2	kitchen/living/dining (W25)	1.46
		bedroom (W27)	0.83
112	1 of 3	bedroom (W28)	1.02
Second floor			
203	1 of 2	kitchen/living/dining (W4)	1.91
204	1 of 3	kitchen/living/dining (W45)	1.45
205	1 of 3	kitchen/living/dining (W44)	1.45

206	1 of 3	kitchen/living/dining (W15)	1.73
208	1 of 3	kitchen/living/dining (W38)	1.15
209	1 of 3	kitchen/living/dining (W37)	1.45
210	1 of 2	kitchen/living/dining (W24)	1.64
212	1 of 2	kitchen/living/dining (W25)	1.63
213	1 of 3	bedroom (W28)	1.25
Third floor			
304	1 of 3	kitchen/living/dining (W45)	1.45
305	1 of 3	kitchen/living/dining (W44)	1.45
306	1 of 3	kitchen/living/dining (W15)	1.86
308	1 of 3	kitchen/living/dining (W38)	1.15
309	1 of 3	kitchen/living/dining (W37)	1.45
310	1 of 3	kitchen/living/dining (W24)	1.79
312	1 of 3	kitchen/living/dining (W25)	1.79
313	1 of 3	bedroom (W28)	1.44
Fourth floor			
404	1 of 3	kitchen/living/dining (W45)	1.72
405	1 of 3	kitchen/living/dining (W44)	1.72
406	1 of 3	kitchen/living/dining (W15)	1.99
408	1 of 3	kitchen/living/dining (W38)	1.35
409	1 of 3	kitchen/living/dining (W37)	1.72
410	1 of 3	kitchen/living/dining (W24)	1.96
412	1 of 3	kitchen/living/dining (W25)	1.97
413	1 of 3	Bedroom (W28)	1.87

APPENDIX 3 – SUGGESTED CONDITIONS

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 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).

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.