

Delegated Report (Refusal)		Analysis sheet		Expiry Date:		05/04/2017	
		N/A / attached		Consultation Expiry Date:		08/03/2017	
Officer				Application Number(s)			
Laura Hazelton				2016/6407/P			
Application Address				Drawing Numbers			
286-290 Kilburn High Road London NW6 2DB				Refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of part ground, 1st, 2nd and 3rd floors from office (B1a) to residential (C3) to provide 16 self-contained units (4 x studios, 9 x 1 bed and 3 x 2 bed); erection of rear extension at 1st and 2nd floor levels; alterations to rear fenestration; and shopfront alterations.							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		3 site notices were displayed around the site between 15/02/2017 and 08/03/2017. The application was not advertised in the local press because the site is not within a Conservation Area. No objections or comments were received from neighbouring residents.					
CAAC/Local groups* comments: *Please Specify		The application site sits on the border with the London Borough of Brent who confirmed that they have no objection to the works, subject to a S106 Agreement being secured withdrawing the right of future residents to apply for on-street parking permits.					

Site Description

The application site consists of 3 mid-terrace 4 storey buildings on the north-eastern side of Kilburn High Road. The site has most recently been used as solicitors offices (as per PWX0103835). A prior approval was recently granted on 13 October 2015 (2015/4791/P) for the change of use from B1 to C3 (residential use) on part of the ground floors of the building and the upper floors.

The application site is not listed, nor located within a conservation area; however, it is within the designated Kilburn Town Centre. The building is now subject to an Article 4 Direction which has removed permitted development rights (through the prior approval process) to apply for a change of use from office to residential.

The surrounding area is a mixture of office, commercial and residential uses.

Relevant History

2016/6409/P – Change of use of part ground, 1st, 2nd and 3rd floors from office (B1a) to residential (C3) to provide 16 self-contained units (2 x studios, 9 x 1 bed and 5 x 2 bed); erection of mansard roof extension; erection of rear extension at 1st and 2nd floor levels; alterations to rear fenestration and shopfront alterations. Awaiting determination.

2015/4791/P – Prior approval – Change of use of ground floor (part), first, second and third floors from office (Class B1a) to residential (Class C3) to create 11 one bed units, 1 two bed unit, and 4 studio units. Granted 13/10/2015.

PWX0103835 - Alterations and extensions in connection with the use of the whole building as a solicitor's office, including the installation of new shop fronts, the erection of rear extensions at first and second floor levels. Granted 18/06/2002.

Neighbouring terrace

No.280

2013/7833/P - Conversion of existing flats above ground floor level, comprised of 3 x 1 bed and 1 x 2 bed units, into 1 x 1 bed and 2 x 2 bed units, erection of second floor rear infill extension, erection of third floor rear roof terrace, erection of fourth floor roof extension, alterations to front and rear elevations, and alterations to roof of ground floor rear extension including new plant enclosure. Refused 23/04/2014 for the following reasons:

The proposed roof extension, by reason of its location, scale, and detailed design would interrupt the unbroken roofline of the terrace to the detriment of the wider area, contrary to LDF policies.

The proposed second floor rear extensions, by virtue of its height, bulk, and detailed design, would appear as an incongruous additions detracting from the character and appearance of the host building and surrounding area. The proposal is therefore contrary to LDF policies.

The proposed roof terrace, would have an unacceptable impact on the amenity in terms of overlooking and loss of privacy of both adjoining properties (Nos.278 and 282 Kilburn High Road), contrary to policies.

Appeal APP/X5210/A/14/2224856 dismissed 11/12/2014.

2015/0696/P - Conversion of existing flats above ground floor level, comprised of 3 x 1 bed and 1 x 2 bed units, into 1 x 1 bed and 2 x 2 bed units, erection of second floor rear infill extension, erection of third floor rear roof terrace, erection of roof extension, alterations to front and rear elevations, and alterations to roof of ground floor rear extension including new plant enclosure. Refused 16/06/2015 for the following reasons:

The proposed second and third floor rear extensions, by virtue of their height, bulk, mass and detailed design, would appear as overly dominant and incongruous additions detracting from the character and appearance of the host building and surrounding area.

The proposed roof extension, by reason of its location, scale, and detailed design would interrupt a line of unbroken roofscapes in this terrace of properties to the detriment of the wider area, contrary to policies.

Appeal APP/X5210/W/15/3130914 dismissed 11/01/2016.

Although the roof extension was considered unacceptable, the inspector noted that *“Taking into account the slightly more jumbled appearance of the rear elevation from the third storey and below, I find that the second floor extension would form a relatively discrete and sympathetic addition that would not appear unduly prominent or visually intrusive from the public realm. Combined with the removal of extract ducts this would also improve the character and appearance of the building.”*

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2016

LDF Core Strategy

- CS5 (Managing the impact of growth and development)
- CS14 (Promoting high quality places and conserving our heritage)
- CS6 (Providing quality homes)
- CS7 (Promoting Camden's centres)

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)
- DP13 (Employment sites and premises)
- DP16 (The transport implications of development)
- DP18 (Parking standards and limiting the availability of car parking)
- DP24 (Securing high quality design)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP30 (Shopfronts)

Camden Planning Guidance

- CPG1 Design 2015
- CPG 2 Housing 2016
- CPG5 Town Centres, Retail and Employment 2011
- CPG 6 Amenity 2011
- CPG7 Transport 2011

Camden Local Plan Submission Draft 2016

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

The following policies are considered relevant:

A1 Managing the impact of development
D1 Design
D2 Heritage
H1 Maximising housing supply
H4 Maximising supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
E2 Employment premises and sites
T1 Prioritising walking, cycling and public transport
T2 Parking and car free development
D3 Shopfronts

Assessment

1.0 Background

1.1 Prior approval was previously approved for the change of use of part of the ground floor, first, second and third floors from a solicitors office to residential use (Class C3) to create 11 x 1 bed units, 1 x 2 bed unit, and 4 x studio units (granted on 13/10/2015 under reference 2015/4791/P).

1.2 The Council does not consider the residential use to be established at the site as none of the units have been occupied. Construction works in association with prior approval ref: 2015/4791/P have only recently commenced; therefore the change of use has not been implemented and the building is still considered to be office (B1a) use.

2.0 Proposal

2.1 Planning permission is sought for the following works:

- Change of use from office (B1a) to residential (C3) to provide 4 x studio units, 9 x 1 bedroom units and 3 x 2 bedroom units.
- Alterations to office shopfronts and layouts at ground floor level.
- Erection of infill extension at first floor level measuring 10m wide and 8m deep.
- Erection of stepped second floor extension measuring 13.5m wide and 2.5m deep, with 3 closet wing projections extending to 5.3m deep.
- Creation of door and window openings to rear elevation at ground, first and second floor level.

3.0 Assessment

3.1 The material considerations in the determination of this application are considered to be:

- Land use – loss of office floor space and creation of residential housing
- Residential mix
- Affordable housing
- Standard of residential accommodation
- Design (impact of the development on the character of the host building and surrounding area)
- Impact of the development on the amenity of neighbouring residents
- Transport impacts
- Refuse and recycling
- Energy and Sustainability
- Play and Open Space
- CIL

4.0 Land use

Loss of employment space

4.1 The Camden Core Strategy 2010-2025 sets out the key elements of the Council's planning vision and strategy for the borough and Camden Development Policies contribute to implementing the Core Strategy by setting out detailed planning policies that the Council will use when determining planning applications. The Camden Planning Guidance (CPG) Supplementary Planning Document supports the policies in the LDF by giving detailed guidance on the implementation of the policies.

4.2 Policy DP13 states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless:

a) It can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and

b) There is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

4.3 The site is located within the Kilburn Town Centre and has a PTAL rating of 5 which indicates a very good level of accessibility and public transport links. Until recently, part of the ground floor and the entire first, second and third floors were in use as office space. The site is also included within an Article 4 Direction area (adopted 5 November 2015) which removes permitted development rights for the change of use from office to residential use. The site and surrounding office uses were included within the Article 4 Direction area after it was demonstrated that there were a high number of businesses which compose a crucial element of Camden's economy. Furthermore, The Camden Employment Land Review 2008 identifies Kilburn Town Centre as having an important role for businesses that provide local services (Policy CS8 para. 8.9).

4.4 No evidence has been submitted to justify that the site is no longer suitable for its existing business use. The Council considers the site to provide good quality employment space and has not been satisfied that it was no longer suitable for continued business use.

4.5 The applicant's only justification for the loss of employment space is through the prior approval scheme (2015/4791/P) which they claim has been established as the commencement of internal works began on 14 November 2016. The Council does not consider that the scheme has been implemented as none of the units are completed or occupied. Officers consider that the prior approval would not be implemented until at least 50% of the units are occupied or potentially at the very least ready for occupation. The commencement of construction is not considered to establish residential use as claimed by the applicant. Therefore, Policy DP13 is relevant and the loss of office space must be justified.

4.6 The proposal would result in the loss of approximately 720sqm of office floor space which was recently occupied and suitable for continued business use. Whilst housing is considered to be an important use in the Borough, the loss of office space is contrary to policies CS8 and DP13 and the provision of residential floor space would not outweigh the harm caused by the significant loss of employment space.

4.7 As stated above the applicant has not provided any evidence demonstrating that the site is no longer suitable for its existing business use; nor that the possibility of retaining, reusing or redeveloping the site for similar or alternative business use has been explored. The change of use would therefore be contrary to Policy DP13 and the application should be refused on the grounds of the unacceptable loss of office floorspace.

4.8 Paragraph 22 of the NPPF states that policies should avoid the long term protection of sites allocated for employment use only 'where there is no reasonable prospect of a site being used for that purpose'. In this case, a sustained marketing exercise has not been undertaken nor has it been demonstrated that a continued business use is not feasible. In the absence of evidence that justifies the loss of office space, the principle of the change of use is considered to be unacceptable.

Principle of residential accommodation

4.9 Given that the site is suitable for continued business use, residential accommodation is not considered to be acceptable in this location. Policy DP2 states that the Council will seek to maximise the supply of homes on sites that are underused or vacant. The site is neither underused nor vacant.

5.0 Residential Mix

5.1 Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the Borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme providing private sector rental housing will meet the priorities outlined in the table and will provide at least 40% 2-bed units.

5.2 The development would provide 4 x studio flats, 8 x 1 bedroom flats and 4 x 2 bedroom flats. Policy DP5 describes private rented 1 bedroom/studio flats as being the lowest priority dwelling size. Although the council acknowledges that there is a need and/or demand for dwellings of every size, the development would provide only 25% of the flats as 2 bedroom units which is a significant shortfall of the 40% policy target. The mix would be heavily dominated by smaller units which are of the lowest priority. Furthermore, there is no provision of larger units (3 bed and 4 bed or more). Larger units have a medium priority in the borough and this has not sufficiently been accounted for. Therefore, the housing does not contribute to meeting the priorities set out in the Dwelling Size Priorities Table and would fail to provide an adequate mixture of unit sizes.

6.0 Affordable housing

6.1 Under London Plan Policies 3.8, 3.10, 3.11 and 3.12, Camden Policies CS6 and DP3 and CPG2 (Housing), the borough seeks to maximise affordable housing provision with a contribution towards affordable housing being sought in development schemes providing 10 or more units.

6.2 Policy 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, with a norm of 10% for 10 units of additional housing and 50% for 50 units of additional housing.

6.3 The proposal would provide 16 self-contained residential units. In line with the requirements of policy DP3, a policy compliant scheme would need to provide 2 units of affordable housing. The Council would expect this to be made on site, but where it cannot practically be achieved on site; the Council may accept off-site affordable housing, or exceptionally, a payment in-lieu. The submitted application does not provide any contribution towards affordable housing nor does it include any justification for not providing any. Therefore, Officers consider that the proposal has failed to demonstrate that the maximum reasonable amount of affordable housing has been achieved.

7.0 Standard of residential accommodation

7.1 The Council expects development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms in accordance with guidance provided by CPG2 (Housing). The Department of Communities and Local Government (DCLG) released nationally described space standards in March 2015 which all new dwellings, including conversions of existing residential units, must meet.

7.2 The development would result in the majority of the units providing sub-standard living accommodation. At ground floor level, all three studio flats (units 1-3) would be single aspect and would be below the minimum gross internal floor area (GIA) requirement of 39sqm for 1 bedroom 1 person dwellings (two flats would be 34sqm and one would be 35sqm). The units would be northeast facing with very poor outlook and amenity as they would only have a very small unusual area of external space and would overlook a 2 storey high wire fence (setback between 1.06m-1.61m) which is used as a Multi-Use Games Area (MUGA). Due to their size and the above constraints the units would provide a very poor standard of living accommodation for prospective occupiers through poor outlook, light, internal and external space and noise and disturbance from the adjacent MUGA. As the units are only single aspect occupiers would be likely to keep all openings closed when the MUGA is in use.

7.3 At first floor level, the three 1 bedroom flats (units 5, 6 and 8) would be single aspect and they would fall well below the minimum GIA requirement of 50sqm for 1 bedroom 2 person dwellings (34, 38 and 41sqm). The two 2 bedroom flats at this level provide an acceptable level of internal space; however, they are single aspect, the main habitable living areas have a deep plan form and the openings and small balcony are located immediately adjacent to a MUGA. The main habitable living areas would be served by a window that would be recessed behind the balcony. This recessed window would be enclosed by walls and screening treatment. On this basis all of the units on the second floor would provide a sub-standard quality of living accommodation.

7.4 At second floor level the two 1 bedroom flats (units 11-12) to the front of the building would be well below the national standards (50sqm) in terms of floor sizes (both 32sqm). The 1 bedroom unit (10) to the rear would meet the 50sqm requirement and the 2 bedroom unit would be below the requirement of 61sqm for a 2 bedroom 2 person dwelling by only providing 56sqm. Both units are single aspect (the side facing windows at unit 10 would need to be obscured and fixed shut to prevent overlooking) and provide an enclosed small balcony as their only external amenity space. The main habitable rooms have a deep plan form and the proximity to the neighbouring MUGA is a further concern.

7.5 Four units (13-16) are provided at third floor level which are all well below the minimum GIA requirement, ranging from 27 – 30sqm. These are labelled as studios however they have 2 partitioned habitable rooms. They would therefore be considered 1 bedroom flats (so would need to have a minimum GIA of 50sqm).

7.6 Overall, the majority of the proposed units would result in substandard living accommodation for the prospective occupiers and a substandard quality of life due to a limited provision of internal and external amenity space, poor outlook, access to light and noise and general disturbance due to the proximity to a MUGA to the rear of the site. This would be contrary to policy DP26 which requires new developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes, amenity space and external amenity space.

8.0 Design

8.1 Policy CS14 aims to ensure the highest design standards from developments. Policy DP24 states that the Council will require all development to be of the highest standard of design and to respect the character, setting, form and scale of the neighbouring properties as well as the character and proportions of the existing building.

Shopfront alterations

8.2 The proposals include alterations to the ground floor shopfronts in order to allow for the installation of a new door providing access to the proposed flats. The proposals also include minor alterations to the proportions of the shopfront fenestration and fascia signs.

8.3 The existing shopfronts are not considered to be high quality and do not retain any historic architectural details which the Council would be minded to preserve. At present, units 286 and 290

feature overly large fascia signs, and the proposal to reduce these and unify the size of the fascias across all three units is welcomed. The alterations would bring the shopfronts more in line with recommendations set out in Policy DP30 (Shopfronts) and CPG1 (Design) and are considered acceptable.

Rear extensions

8.4 At present, the application buildings feature a full width, close to full depth ground floor extension, with piecemeal development at first and second floor level of varying heights, widths and depths. The proposed extension at first floor level would extend the existing first floor projection at no.290 so that it would cover the same width and depth as the ground floor. A small inset would be created to the middle to allow for two balconies, which would provide a visual break and reduce the bulk of the extension. Although it would increase the mass at this height, it would replace a number of discordant structures at this level, and overall, is considered to improve the appearance of the host buildings. The extension would project from the existing first floor extension at no.290 across to meet the raised boundary wall with no. 284, and therefore would not appear to greatly increase the built form at this level when viewed from the south/east.

8.5 At second floor level, the extension would measure 13.5m wide, and would be set back from the boundary with no. 292 by 2m. It would feature three projections with a maximum depth of 5.3m, with two balconies measuring 2.3m x 2.2m within the inset spaces between them. At present, the rear elevation of the wider terrace is characterised by a fairly consistent row of half width second floor rear projections at this level (including one to the rear of no. 286). From the rear, the proposed second floor extension would appear as three separate and distinct projections of the same height, continuing this pattern and is therefore not considered to significantly harm the appearance of the host building and wider terrace.

8.6 The extensions would be constructed of matching brickwork to complement the host building. The fenestration would be timber-framed sash windows and doors which respect the existing style and are considered an improvement on the existing appearance which features small gated windows and fire escape doors in no uniform pattern.

8.7 Although the rear extensions would be fairly large, they are set down one full storey below the eaves in accordance with Camden's design guidance (CPG1), and the use of setbacks and balconies helps to break up the mass of the development.

9.0 Impact of the development on the amenity of neighbouring residents

9.1 Policy CS5 (Managing the impact of growth and development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 (Managing the impact of development on occupiers and neighbours) seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight.

9.2 The majority of the proposed windows would face towards the rear which would ensure the privacy of neighbouring occupants was preserved. However, the second floor extension includes two small windows to the north elevation which would face towards no.292. If the development was deemed acceptable in all other elements, these windows would be conditioned to be obscure glazed and fixed shut. No. 284 is unlikely to be affected by the additional extensions in terms of privacy, outlook or daylight as they would not project beyond the existing extension at second floor level.

9.3 The proposed extension would be to the south east of no.292 and the increased massing at first and second floor level could impact the levels of daylight entering the rear windows of this property. This building is currently used for non-residential purposes for religious/education use and therefore impacts to daylight/sunlight are considered to be of less significance than if a residential property were

affected. The second floor extensions may cast a slightly longer shadow to the north, but as they would sit within the shadow of the existing projection at this level, it is not considered to cause significant harm to the amenity of the neighbouring buildings.

10.0 Transport

Car parking

10.1 Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council expects development to be car-free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones (CPZ) that are easily accessible by public transport.

10.2 The application site has a PTAL score of 5 which indicates that it has a very good level of accessibility by public transport. The nearest station is Brondesbury, located to the North West, whilst the nearest bus stops are located in close proximity to the site on Kilburn High Road. The Council would therefore expect all 16 units to be secured as car-free via S106 legal agreement should planning permission be granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Cycle parking

10.3 Policies DP17 and DP18 require development to provide for the needs of cyclists. The London Plan cycle parking standard has a higher requirement and is the most up to date and relevant standard. For 1 bedroom residential units the requirement is for 1 space per unit, whilst for units with 2 or more bedrooms the requirement is for 2 spaces per unit. This gives a requirement of 20 spaces for this development. The submitted plans only show a very small indicative area for cycle parking within the ground floor entrance hallway of the flats and this is considered to be insufficient for the required number of spaces.

10.4 CPG7 (Transport) section 9 (cycling facilities) provides guidance on meeting cycle parking standards effectively in the borough. Cycle parking must be convenient and secure so that users of a development are more likely to use cycles to travel to and from the site (para 9.1). The Council recommends the use of either "Camden" or Sheffield stands for the provision of off-street cycle parking, as they meet the Council's requirements in terms of accessibility and security provided they are laid out correctly. Josta (two-tier) stands are also acceptable subject to appropriate dimensions to ensure usability. The submitted plans do not indicate the type, spacing and dimensions of the cycle parking and the Council is not convinced that this could be provided within the space indicated on the plans. Notwithstanding this, if the development were to be approved the Council could condition pre-commencement details to confirm the number, type and details of the cycle parking. As this could be conditioned the Council has not included this matter in its reasons for refusal.

Construction management

10.5 Camden LDF Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Camden Development Policy DP21 relates to how a development is connected to the highway network. For some developments this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

10.6 Whilst construction traffic flows are likely to be low, due to the amount of construction works required, the proximity of the site to the bus lane, and the sensitive nature of the local streets, a CMP would be required. The Council's primary concern is public safety and the need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The

proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc.). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A CMP would therefore need to be secured via S106 agreement should planning permission be granted. The failure to secure this through legal agreement constitutes a further reason for refusal of the application.

Highways Contribution

10.7 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 Council would therefore seek to secure a financial contribution for highway works (repaving the footway) directly adjacent to the site on Kilburn High Road as a Section 106 planning obligation if planning permission is granted. This would allow for any damage caused during construction of the proposed development to be repaired and enable the proposal to comply with Development Policy DP21. In the absence of a S106 agreement to secure such contributions, this would form a further reason for refusal.

11.0 Refuse and recycling

11.1 All new developments are required to provide adequate facilities for recycling and the storage and disposal of waste in accordance with CS18 and Policy DP26. The submitted plans show a dedicated refuse store at ground floor level for 8 x 240l wheelie bins. This would provide 1,920 litres of refuse storage which would meet the requirement of 1,810 litres for the proposed housing mix. If the development were to be considered acceptable, the details could be secured via planning condition.

12.0 Energy and Sustainability

12.1 Pursuant to Core Strategy policy CS13 and Development Policies DP22 and DP23 all developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Developments involving 5 or more dwellings and/or 500sqm (gross internal) floorspace or more are required to submit an energy statement which demonstrates how carbon dioxide emissions will be reduced in line with the energy hierarchy.

12.2 Section 5 of the London Plan outlines the Mayor's policies on climate change and sustainability. Policy 5.2 sets out the Mayor's approach to minimising carbon dioxide emissions through the energy hierarchy of "Be Lean, Be Clean, Be Green" and sets a target, explained further in the Sustainable Design and Construction SPG, that all new developments will be expected to secure a minimum 35% reduction in regulated CO2 emissions below the maximum threshold allowed under Part L 2013. CS13 requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies.

13.2 The applicant has not submitted an energy and sustainability strategy, nor included renewable technologies or measures to reduce carbon dioxide emissions within the proposals. Without this information, the Council cannot determine whether the application would comply with policies CS13 and DP22. The application is therefore recommended for refusal based on the lack of satisfactory evidence to demonstrate that the proposed development would take measures to minimise the effects of, and adapt to, climate change through sustainable design and construction measures.

13.0 Play and Open Space

13.1 Policies CS15 and DP31 seek to secure the provision of adequate open space to meet local needs. All developments that increase the demand for public open space facilities will be expected to make an appropriate contribution to meeting that additional demand. Policy DP31 (para.31.6) states that schemes of 5 or more dwellings, developments of 500sqm or more of floorspace, or student

housing schemes creating 10 or more units are considered to increase the demand for public open space include

13.2 The Council's priority for open space provision is for it to be provided on-site. No public open space is private as part of the proposal. In terms of private amenity space, 11.7sqm is proposed for 1 bedroom units and 17sqm for 2 bedroom units. It is acknowledged that many development sites will be too small to provide open space on-site. Where this is the case, developments should provide an appropriate financial contribution towards improving existing open space.

13.3 For a site of this nature, the current unit mix would generate an open space requirement of 203sqm. In this case, the application site is fairly constrained in size, with no additional land available for public open space. If the application were deemed to be acceptable, the Council would expect a financial contribution towards public open space in the area (specifically, Kilburn Grange Park) to be secured via S106 legal agreement. A financial contribution would be based on:

- capital cost of providing new public open space;
- cost of maintenance for the first 5 years; and
- cost for the open space team to administer the contribution and design schemes.

13.4 This would equate to a financial contribution of £14,533 for 13 x 1 bed units and 3 x 2 bed units. In the absence of a S106 agreement to secure such contributions, this would form a further reason for refusal.

14.0 CIL

14.1 This proposal would be liable for Camden's and the Mayor of London's Community Infrastructure Levy (CIL) as 16 new units of residential accommodation would be created.

15.0 Recommendation

15.1 Refuse planning permission for the following reasons:

- Unacceptable loss of office floor space
- Unacceptable mix of residential units
- Unacceptable standard of residential accommodation
- Lack of affordable Housing
- Absence of S106 to secure:
 - Construction Management Plan
 - Car-free development
 - Public highway works
 - Design and post-construction energy and sustainability review
 - Public open space contributions