

**Date:** 22 August 2016  
**Our Ref:** 2016/3255/PRE  
**Your Ref:** S2M-KIL-001  
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Alexandra Webster/ Stephen Birrell  
Andmore Planning

Dear Ms Webster/Mr Birrell,

**Re. Planning Pre-application advice ref. 2016/3255/NEW**

**246 248 Kilburn High Road, London NW6 2BS**

**Description:** Demolition of existing building on site (live work unit) and the erection of 2 buildings for residential use; comprising 27 units. Building A would comprise 5 storeys and Building B would comprise 6 storeys.

**Documents submitted:**

- Covering letter dated 7<sup>th</sup> June 2016
- Plan numbers: P1512\_F\_100, 101, 102, 110, 111, 200, 201, 202, 203, 204, 205, 300, 301, 310, 311, 900, 901.
- Pre-Application Statement (Inside Out Architecture).
- Daylighting Impact Assessment (Fabric Building Physics).

I refer to our pre-application meeting held on 15<sup>th</sup> July 2016 regarding the above proposal. Set out in this letter is a detailed note of the principal issues regarding the proposal.

**Site description**

- Contaminated sites potential
- Local flood risk zone
- Town centre
- Underground development constraints – ground water flow, surface water flow, slope stability

The site is located on the north-east side of Kilburn High Road. A large proportion of the site, (on the Kilburn High Road side) is currently vacant and the only building on the site is located at the rear. This building is a part 2 storey/part 3 storey property in use as a live/work unit with a photographer's studio operating from the premises. Beyond this building to the northeast is an area of public open space known as Kilburn Grange Park.

North-west of the site are Nos. 250-252 Kilburn High Road which comprise ground, and first to third floors with retail at ground floor level and residential accommodation above. Beyond this is No. 254 which is currently a vacant industrial site with a planning permission which was approved at Planning Committee but is still pending the finalisation of the Section 106 Agreement (see history).

The application site is not located within a Conservation Area and the existing building is not listed. The site is located within the Town Centre of Kilburn. It is located opposite the boundary with the London Borough of Brent.

## **Proposal**

The proposal is for the demolition of the existing building housing the live/work unit and the erection of 2 buildings to accommodate 27 residential units. Building A at the front of the site is the same as was previously approved (see history) and would consist 5 storeys and accommodate 4 residential units. Building B at the rear of the site has been amended in response to the application on the adjoining site at 254 Kilburn High Road.

## **History**

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

2014/2662/P: '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'. Approved 29/01/2015.

2013/7487/P: An application was submitted for erection of 2 buildings providing 14 self-contained flats, building A: fronting 248 Kilburn High Road and building B: rear of 250-252 Kilburn High Road including 1x disabled parking space, 18 bicycle spaces and integrated refuse storage. Building A: Erection of a part 4, part 5 storey building to provide 4 flats (Class C3) (4x2 bed) including roof terrace fronting Kilburn High Road elevation and landscaping. Building B: Erection of a part 2, part 3, part 5 storey building to provide 10 flats (Class C3) (4x1 bed, 3x2 bed and 3x3 bed) (access via undercroft within building A) including roof terraces and landscaping. Application withdrawn to enable time for affordable housing discussion.

2009/5625/P (246A – 248 Kilburn High Road): An application was submitted on 24/11/2009 for an amendment 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 was granted subject to a Section 106 Legal Agreement on 17/02/2010. The permission was not implemented.

2007/3467/P (246A – 248 Kilburn High Road): An application was submitted on 11/07/2007 for the 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. The application was Granted subject to a Section 106 Legal Agreement on 12/10/2007. The permission was not implemented.

2007/2027/P (246A – 248 Kilburn High Road): An application was submitted on 19/04/07 for demolition of existing buildings (Class B1) and erection of building fronting Kilburn High Road comprising ground and 4 upper floors to provide retail unit (Class A1) on ground floor and 4 residential units on the upper floors and building to rear of site comprising basement, ground and 3 upper floors to provide offices (Class

B1) at ground floor and 8 self-contained flats on the upper floors. The application was withdrawn on 18/07/07 following officer advice that the scheme conflicted with the permission granted in respect of No. 246 Kilburn High Road (2005/1186/P).

2006/2674/P (246A – 248 Kilburn High Road): An application was submitted on 12/10/06 for demolition of existing buildings (Class B1) and erection of a 4-storey building with basement to provide retail unit (Class A1) on ground floor at No.248, business unit (Class B1) at ground and basement at No.246A, and 14 self-contained flats on first, second and third floors of both Nos.246A and 248. The application was withdrawn on 16/01/07. The application was withdrawn following advice from officers that the proposal was unacceptable in terms of mix of units, design, sustainability and that inadequate information had been submitted in relation to the amenity impact of the development, refuse storage and collection, cycle parking and lifetime homes standards.

2004/4552/P (246a-248 Kilburn High Road): An application was granted on 31/03/05 for demolition of existing building (Class B1) and erection of a part 4/part 3 storey new building comprising of a gymnasium (Class D2) with ancillary café. This application was granted on 22/08/2005.

*Neighbouring site at 254 Kilburn High Road:*

2015/2775/P: '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'. Approved at committee 15/10/2015 – decision pending signing of section 106 agreement.

## **Considerations**

The following issues are material considerations with regards to your proposal:

- Land use
- Proposed housing
- Design
- Proposed courtyard
- Amenity of neighbouring properties
- Transport and highways
- Refuse and recycling
- Sustainability
- Planning obligations.

## **Land use**

### *Loss of live/work unit*

It is recognised that combined live/work units can provide a valuable contribution to the range of business premises in the borough. Policy DP13 (Employment premises and sites) states that:

The Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business 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.

When assessing proposals that involve the loss of a business use we will consider whether there is potential for that use to continue, taking into account whether the site is in a location suitable for a mix of uses. You stated in your covering letter that ‘the principle for a wholly residential development on the site was accepted through the extant permission’. However this application retained the live/work unit.

No justification has been received for the loss of the live work unit and the loss of employment on the site is therefore considered unacceptable in the absence of this information.

*Principle of residential use*

Policies CS6, DP2, DP13 and CPG2 (Housing) support the provision of extra residential units in principle.

**Proposed housing**

Policies CS6, DP2, DP5, DP6, CPG2 (Housing) and CPG6 (Amenity) are relevant with regards to the proposed housing.

14 units were approved under the previous permission 2014/2662/P (in addition to the retained live/work unit). 4 of these were in Building A at the front of the site with the other 10 in Building B at the rear of the site.

The current proposal is for 27 flats; 4 in Building A and 23 in Building B.

*Tenure*

London Plan policies 3.10, 3.11 and 3.12, Camden policies CS6 and DP3 and CPG2 (Housing) are relevant with regards to affordable housing. Applying the sliding scale in Policy DP3, given that 2048sqm of new residential floorspace is proposed, 20% of this floorspace should be affordable. The split of the affordable housing provided should be 60% social rented and 40% intermediate.

No details have been provided in terms of the tenures of the units. A robust justification based on this assessment would be required should less than 20% affordable housing be provided. A viability assessment would also need to be submitted as part of your application, which would be independently verified at the applicant’s expense.

*Unit mix*

Policy DP5 requires homes of different sizes to meet the priorities set out in the Dwelling Size Priorities Table (see below). The proposed unit mix should broadly accord with this table, although the Council will be flexible when assessing development.

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

The pre-application proposes:

No. of bedrooms	No. of units	%
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1 bed	9	33
2 bed	13	48
3 bed	5	19

The scheme provides a good mix of units, however, it is not possible to assess this mix's compliance with policy at this point, without knowing the tenure breakdown.

#### Unit sizes

You state in your covering letter that all units meet London Plan standards for room and unit sizes.

The proposed residential accommodation should meet the National Space Standards (included in the London Plan minor alterations March 2016). Please note these standards supersede the previous London Plan standards. These standards can be found

at [https://www.london.gov.uk/sites/default/files/housing\\_standards\\_malp\\_for\\_publication\\_7\\_april\\_2016.pdf](https://www.london.gov.uk/sites/default/files/housing_standards_malp_for_publication_7_april_2016.pdf) are outlined in the table below:

**Table 3.3 Minimum space standards for new dwellings<sup>7</sup>**

Number of bedrooms	Number of bed spaces	Minimum GIA (m <sup>2</sup> )			Built-in storage (m <sup>2</sup> )
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
<b>1b</b>	1p	39 (37)*			1.0
	2p	50	58		1.5
<b>2b</b>	3p	61	70		2.0
	4p	70	79		
<b>3b</b>	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
<b>4b</b>	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
<b>5b</b>	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
<b>6b</b>	7p	116	123	129	4.0

#### Notes to Table 3 3

- \* Where a one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>, as shown bracketed.
- The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls<sup>1</sup> that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres (m<sup>2</sup>).
- The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

4 of the proposed 1 bedroom/2 occupants flats fail to meet the minimum size of 50sqm (B5, B8, B9 and B21). The discrepancy is considered fairly minor for most of

these flats, however you should aim to meet these guidelines. B21 has the greatest discrepancy at 46sqm.

#### *Amenity of proposed units*

The proposed flats must provide a good level of amenity to prospective occupants in terms of light, aspect, internal space, external space and privacy. A Daylight/Sunlight Report has been submitted as part of this pre-application submission.

All of the proposed flats should be dual aspect where possible and single-aspect north-facing flats will not be considered acceptable. The 4 units proposed in Building A are all dual aspect. 19 of the 23 units proposed in Building B are dual aspect, with the 4 single aspect flats facing north-east/east. I note that the submitted Daylight/Sunlight Report found that all of the rooms of the proposed units would achieve an Average Daylight Factor (ADF) above the BRE guidelines. Given the findings of this report and that the single-aspect flats would have an aspect on to a park, the proposed flats are considered acceptable in terms of aspect in this instance.

Private external amenity space should be provided for each unit, in line with London Plan requirements. It is noted that each flat would benefit from a private amenity space as well as the communal courtyard.

All housing should meet Part M standards. 10% of homes developed should either meet wheelchair housing standards, or be easily adaptable to meet them. Of the 27 flats proposed, 3 would be wheelchair accessible in accordance with the above.

The site has potential for contamination and a Land Contamination Report would therefore be required.

An Air Quality Assessment would be required as part of any future application.

#### **Design**

Policies CS14, DP24, DP25, CPG1 (Design) are relevant to the design of the proposals.

The proposals would see the demolition of the existing live/work unit on the site (retained in the previous proposal). Whilst the live/work unit is of merit and is a positive addition, particularly to Kilburn Grange Park, and its loss would be regrettable, it is not within a conservation area/or designated and providing a new proposal of a high quality can be developed then its loss is considered acceptable.

In terms of scale, bulk and massing the previous proposals were for a building that stepped up to 5 a storey building, with the 5th storey set back from Kilburn Grange Park (due to the presence of the live/work unit). The revised proposals are for a single 6 storey building with the 6th storey currently conceived as an 'attic storey' set back from the parapet. Whilst it is noted that the neighbouring site has approval for 5 storey building plus set back attic storey – and 5 storeys is also considered acceptable on this site - the same attic storey should not be seen as a given on this site. As opposed to a tight street setting the rear block has a prominent position on the edge of Kilburn Grange, opening up views not just to parapet but the attic storey also, so for an attic storey to be considered acceptable it will need to be carefully considered and given the same level of attention and craft as the rest of the building.

With no guarantee that the approval on the neighbouring site will be built (especially given the uncertainty around it), the proposed rear block of this site, which 'fronts' on to Kilburn Grange Park, needs to be able to stand on its own. Therefore consideration needs to not only be given to the neighbouring approved scheme as in the design statement but also in its relationship with the existing context particularly in that park elevation. Officers would encourage the design team to look at options to

see how this would work, e.g. strengthening the base by introducing a commercial type scale at the ground floor which could potentially also improve the relationship with the park, respond to the historic industrial character of this side of Kilburn Grange Park and potentially improve the privacy/outlook/security and light penetration for residents of the ground floor residents.

In terms of the approved infill block along Kilburn High Road, it is considered that given the rear block is being revised with a new character and approach, there is a need to reconsider the front block to ensure that the 2 elements have a positive relationship i.e. form, materiality and detail. This will be particularly key in ensuring that the 'courtyard' is a unified and pleasant space, and it will also provide an opportunity draw on the positive characteristics of Kilburn High Road.

Overall we consider that the proposal is moving in the right direction, and we look forward to working with you as the scheme develops in more detail. Should you wish, the design officer is happy to informally chat through his comments as and when necessary.

### **Proposed courtyard**

Policies CS15 and DP31 are relevant with regards to landscaping and trees.

#### *Landscaping*

The success of the courtyard is integral to the success of the development. Landscaping details should be submitted as part of your application, or the provision of full details would be subject to condition. Permeable paving should be employed, as with the extant permission. Further details of landscaping are required before comments can be made. The proposed landscaping areas must be accessible.

#### *Trees and biodiversity*

There are no trees on or adjoining that application site. As such, tree protection details are not required. In line with Policy CS15, a green roof is proposed on Building A. A green roof should also be included on Building B. The green wall proposed on the south-eastern boundary wall is welcomed, as is the planting proposed within the courtyard and on the roof terraces.

### **Amenity of neighbours**

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

A Daylight/Sunlight Study has been submitted as part of the pre-application, demonstrating any impacts on residential properties in the area. A study should also be included as part of any future full application. The submitted study assesses the impact on neighbouring residential properties in terms of Vertical Sky Component (VSC) and View of Sky (aka 'No Sky Line'). The VSC is calculated at the centre point of each affected window on the outside face of the wall in question. A window looking into an empty field will achieve a maximum value of 40%. BRE guidelines suggest that 27% VSC is a good level of daylight. If a window does not achieve 27% VSC as a result of the development, then it is assessed whether the reduction in value would be greater than 20% of the existing VSC – which is when the reduction in light would become noticeable to occupants. However, officers consider that VSCs lower than 27% are normal for urban areas, with 20% still considered acceptable. The following 10 windows would experience less than 27% VSC and a reduction of over 20% under the proposals:

<b>Window</b>	<b>Proposed VSC</b>	<b>Reduction</b>
W16	2.85	35%
W22	12.59	21%
W23	11.53	22%
W24	7.78	33%

W42	13.36	33%
W46	3.01	70%
W47	16.81	30%
W59	8.5	33%
W60	17.09	29%
W61	14.68	24%

The following arguments have been put forward to justify the loss of daylight/sunlight:

- windows currently shaded by own balcony and would be acceptable if the balcony is removed from the equation  
Officer's comment: it is noted that this is covered in 2.2.11 of the BRE guidelines (*"the presence of the balcony rather than the size of the new obstruction, was the main factor in the relative loss of light"*).
- windows on boundary/close to boundary ('poor neighbour') and served by skylight  
Officer's comment: it is noted that the windows affected here do not serve a 'good neighbour' and that skylights improve the light to these rooms. It would nevertheless be useful to know what these rooms are used for.
- windows serve bathrooms  
Officer's comment: bathrooms require less light and there would therefore be no concern. However, the applicant should try and confirm that these rooms definitely are bathrooms.
- windows obscured by their own extensions  
Officer's comment: this point is noted, however the applicant should demonstrate that the extensions in question and the affected windows serve the same property. It would be more difficult to justify a significant reduction in light from a new development based on a neighbour's extension.

Full details of all plant proposed should be submitted as part of any future application. A Noise Report would be required should plant be proposed.

### **Transport and highways**

Any future submission will be required to be compliant with the Council's Policies relating to Transport, these cover CS11, DP16, DP17, DP18, DP19, DP20 and DP21. In connection to specific detailed design aspects reference should also be made to CPG7 (Transport) as well as the London Plan 2015.

Transport officers have been consulted and their comments will be reported at a later date.

### **Refuse and recycling**

CS18 and CPG1 are relevant with regards to refuse and recycling storage. It needs to be detailed as part of any future application where refuse and recycling would be stored and what the strategy would be for collection. Refuse and recycling storage should be provided in line with CPG1 (Design; Chapter 10 – Waste and Recycling Storage).

It is noted that refuse and recycling storage areas are proposed at ground floor level. You are advised to contact Ann Baker in the Council's Environmental Health section to discuss refuse and recycling matters. Ann can be contacted on 020 7974 8998 or at [ann.baker@camden.gov.uk](mailto:ann.baker@camden.gov.uk).

### **Security**

Policies CS17 and DP26 are relevant with regards to security.

The site would have a secure front door and the internal courtyard would benefit from passive surveillance. The proposal would also provide passive surveillance to Kilburn Grange Park.



## **Sustainability**

Policies CS13, DP22, DP23 and CPG 3 (Sustainability) require development to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption.

Sustainability and Energy Statements would be required as part of any future applications and must show the proposed development would accord with the above policies. Please note the recent changes in sustainability requirements from the updated London Plan 2016. Regarding major residential developments:

- to meet at least 35% carbon emission reductions on-site beyond Part L 2013 Building Regulations – with remaining regulated emissions (to 100%) to be offset through a financial contribution (to secure delivery of carbon dioxide savings in the borough)

## **Conclusion**

The loss of the live/work unit without robust justification is considered unacceptable. Notwithstanding this, the provision of residential use is welcomed.

No information regarding tenure has been submitted. 20% affordable housing should be provided. The proposed flats are generally acceptable in amenity terms, although some fall below space standards.

There are no significant concerns regarding the bulk and massing of the building. We consider that the attic storey and the base of the building require further work and the Design Officer is happy to discuss this with you.

The Daylight Impact Study shows some impact on neighbouring windows. Further justification is required for some of these windows.

Thank you for seeking pre-application advice. We will continue to work with you to resolve the issues raised above.

## **Community Infrastructure Levy**

The development would be subject to the Mayor of London's Crossrail CIL at £50 per sqm of new floorspace (net uplift) given that more than 100sqm increase in floorspace is proposed.

The proposal by its size and land use type will be liable for the London Borough of Camden's Community Infrastructure Levy (CIL) introduced on the 1st April 2015 to help pay for local infrastructure.

## **S106 Obligations**

Policy CS19 and CPG8 (Planning obligations) are relevant with regards to planning obligations.

The section 106 obligations below are likely to be included in an agreement. Please note that this list is not exhaustive.

### **Potential s106 terms (subject to change if Camden CIL adopted)**

- Affordable housing
- Car free
- Sustainability/energy
- Construction / Servicing Management Plans
- Highways contribution
- Pedestrian, Cycling and Environmental contribution

You are advised to undertake public consultation with neighbours and local groups. Please submit details of your consultation with the application in a Statement of Community Involvement.

Information to be submitted with any planning application

- Planning Statement
- Design and Access Statement(s)
- Affordable Housing Statement
- Viability Report (Private and Confidential) if less than 20% affordable housing
- Transport Assessment
- Flood Risk Assessment
- Air Quality Report
- Statement of Community Involvement
- Energy and Sustainability Statement
- Daylight and Sunlight Assessment (covering neighbouring properties and proposed flats)
- Noise Assessment (if any air condition proposed)
- Details of Refuse and recycling storage
- Noise (and Vibration) Report and details of necessary attenuation measures
- Draft Construction Management Plan
- Land contamination Report.

Please note that failure to provide all of the above information with any planning application is likely to lead to delays in the application being validated. Please note, this list is not exhaustive, and other documents may be required to validate the application if they are considered necessary at a later date.

Disclaimer:

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

Please note that if you (the applicant or their representative) have drafted any notes of the pre-application meeting(s) held with the council you cannot assume that these are agreed unless you have received written confirmation of this from the case officer.

If you have any queries about the above letter or the attached document please contact **David Fowler** on **020 7974 2123**.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

David Fowler  
Principal Planning Officer