

Application ref: 2020/0541/P  
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Date: 30 June 2020

**Development Management**  
Regeneration and Planning  
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SM Planning  
80-83 Long Lane  
London  
EC1A 9ET

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Section 106A Granted Subject to a Section 106 Legal Agreement**

Address:

**254 Kilburn High Road  
London  
NW6 2BS**

Proposal:

Application under section 106A (3) to modify a legal agreement and amend clause 4.1 (Affordable Housing) of the S106 associated with planning permission 2015/2775/P dated 22/12/2016 (as amended by 2017/4669/P dated 18/09/2018) (for Redevelopment of the site to provide a mixed use development, comprising the erection of six storey building to provide commercial space (Classes B1 and B8) and 60 dwellings), namely to allow 30% of the marketing housing units to be occupied prior to completion of the Affordable Housing Units.

Drawing Nos: Letter from SM Planning dated 31st January 2020; Reservation of Rights Letter prepared by OakNorth Bank dated 7th April 2020; Reservation of Rights Letter prepared by OakNorth Bank dated 6th November 2019; Email from Cogress dated 7/04/20; Email from Cogress dated 21/04/20; Email from OakNorth dated 20/04/20

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Informative(s):

## 1 Reason for granting permission

The applicant requested the s106 to be varied so as to allow the release of 70% of market housing units before the completion of the affordable housing units. This was justified in terms of the applicant's financial difficulties and challenges which have emerged with the transfer of the affordable housing units to a Registered Provider (RP) worsened the Covid-19 situation.

Allowing the release of market units before the affordable housing is delivered raises the risk that the applicant may fail to transfer the affordable housing to a registered provider. Therefore, in normal circumstances, the Council would not consider releasing any market housing until the affordable housing has been transferred. Officers are aware that the applicant's discussions with a RP were very far progressed and that delays have worsened due to the COVID-19 situation. Given this, the Council is prepared to make an exception to allow the release of 30% of market housing in this particular instance.

The planning and appeal history of the site has been taken into account when coming to this decision. One objection was received prior to making this decision. The objector requested that affordable units should be prioritised. It is considered that the release of 30% of the market housing before the affordable housing units are delivered, strikes the right balance to ensure the affordable housing would be delivered given the context set out above.

As such, the proposed development is in general accordance with policies DM1, H4 and H1 of the Camden Local Plan 2017. The development also accords with the NPPF and the London Plan 2016.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Director of Economy, Regeneration and Investment