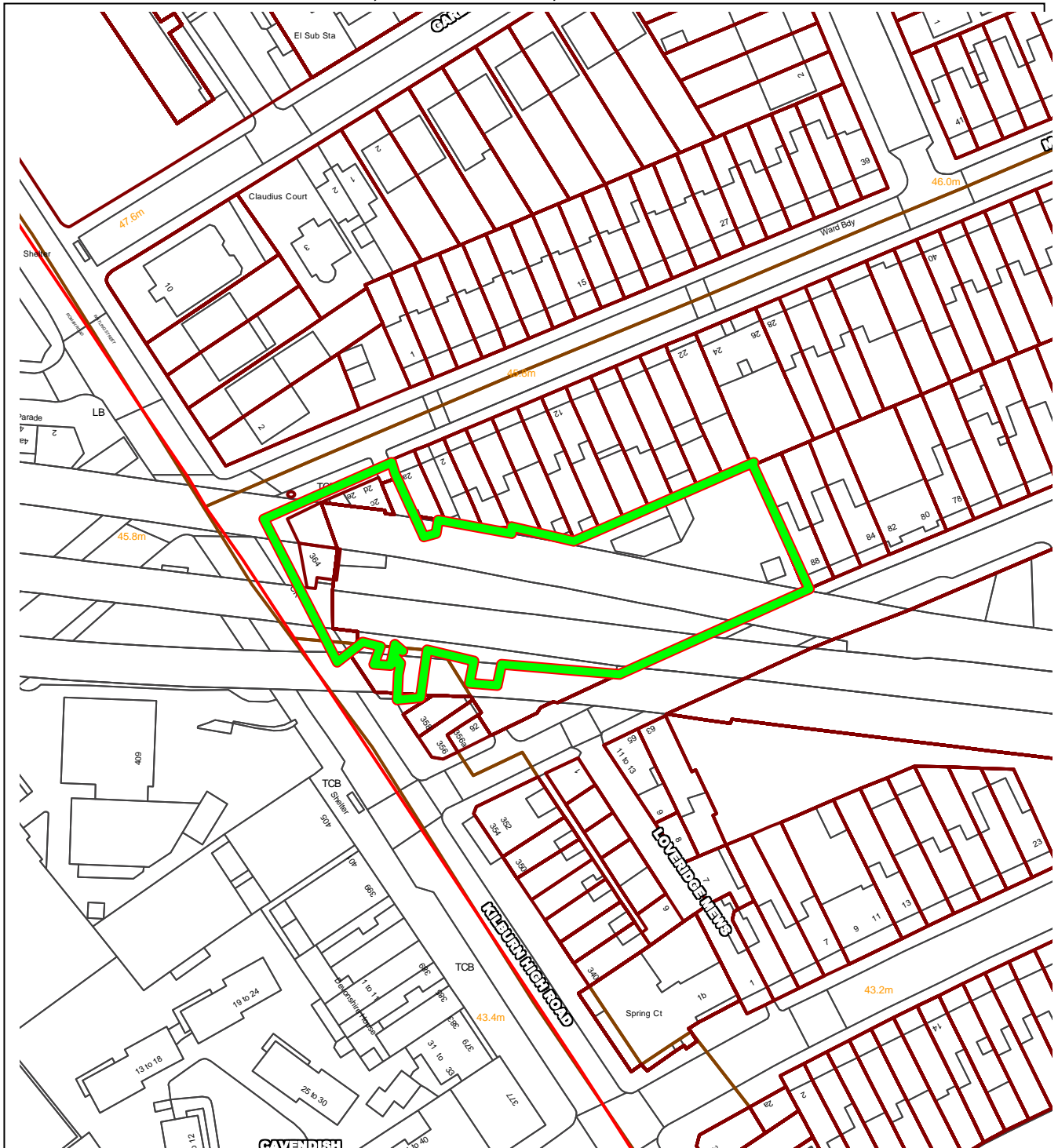
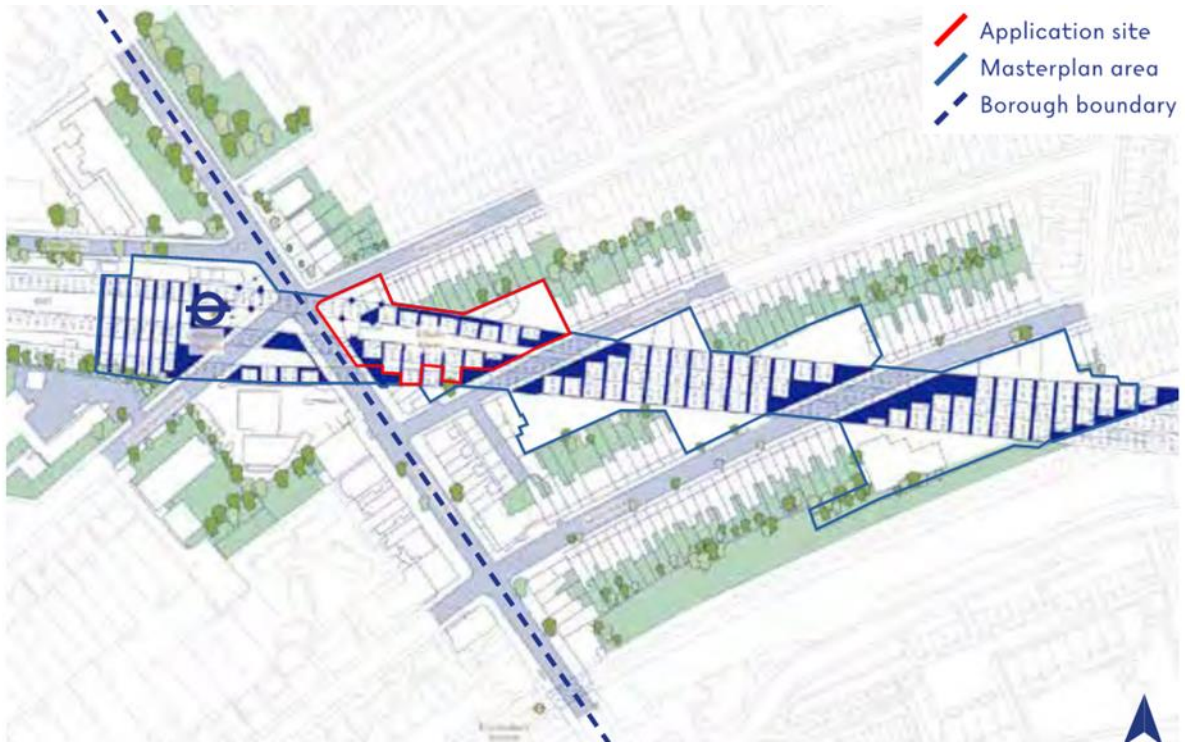


# 2022/3578/P - 366-366a Kilburn High Road, London, NW6 2QH



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## Site photographs



1. Site map with context (site in red line)



2. Within the arches



3. Rear yard



4. View of cottage in rear yard



5. Arch leading to Marygrove Road



6. Derelict condition of many of the arches



7. Unauthorised extensions in the yard area to be removed





8. Unsympathetic infilling of the arches



9. View towards rear unit front Kilburn High Road – area to be opened up to pedestrians



10. Front of the unit on Kilburn High Road

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	
		N/A / attached		<b>14/10/2022</b>	
				<b>Consultation Expiry Date:</b>	
				<b>13/10/2022</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Josh Lawlor			2022/3578/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
366 - 366a Kilburn High Road London NW6 2QH			See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
The renovation and utilisation of 12 railway arches in flexible Class E uses, the demolition of two units beneath and adjacent to the Metropolitan Railway bridge in flexible Class E uses, the removal of non-compliant temporary prefab unit at 364 Kilburn High Road and improvements to the public realm including semi-mature trees, re-surfacing, and planters at Kilburn Mews, Kilburn High Street NW6 2QH					
<b>Recommendation:</b>		<b>Grant planning permission subject to a S106 Legal Agreement</b>			
<b>Application Type:</b>		<b>Full Planning Permission</b>			
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>					
<b>Consultations</b>					
<b>Adjoining Occupiers:</b>	No. of responses	<b>19</b>	No. of objections	<b>4</b>	
<b>Summary of consultation responses:</b>	<p>Site notices were displayed outside on Maygrove Road, Kilburn Road, Loveridge Road and within the arch space (the site) 09/09/2022 (expiring 03/10/2022)</p> <p>Objection from the Kilburn Mews Group (five businesses located in railway arches)</p> <ol style="list-style-type: none"> <li>1. Disagree that the arches are unsafe and unlettable. Point to the arches being in use by long standing businesses who are able to operate successfully.</li> <li>2. We believe that after the development is concluded, rents will increase and local businesses will not be able to afford them, especially during the current financial situation. Surely it would be preferable for the community to rent out the arches at the current state at affordable rates</li> </ol>				

3. Only 2.5 arches out of the 13 are currently vacant
4. The arches that are in a state of disrepair could be refurbished and then rented out. We have noticed that throughout many years, some of the arches remained neglected
5. We are very concerned about how this new development will affect our business, as none of us want to leave and we are being forcibly evicted. We have spent many years building our client base in the local area and supporting the local community with our work. We have hundreds of clients from Kilburn and North West London who would not be prepared to travel further if we were asked to vacate our studios.
6. We have been told we can continue to be TfL's customers but when we asked about other premises, we were informed that no arches were available in Kilburn and that we would need to look outside the area and at market value rates which are two to three times what we are paying now.
7. We put to TfL that we would want LIKE for LIKE (in the area) at a similar rent to our existing lease rather than compensation. One tenant has an active five-year lease which he signed on 1st October 2020, with over three years yet to run. Other tenants are in a similar situation. We would be more than happy to accept similar size premises in a nearby location so we can keep our businesses local.
8. The compensation is not enough to cover even one year's rent at the current market value elsewhere
9. We believe the arches are very lettable. TfL intends to sacrifice these small businesses (which are all existing tenants), to help out new potential businesses
10. In all our 35 years of occupying the premises, we have only seen anti-social behaviour during the pandemic when people weren't working.
11. Access is good with a wide gate allowing access to vehicles, something that TfL is planning to restrict/eliminate altogether.

Officer Response -

1. *The development proposals must be considered in any planning application. It is not possible to dismiss proposals on grounds that existing occupiers do not support proposals. Development proposals must be considered in relation to the policies in the Development Plan and any other material considerations. The proposals are considered in relation to the Development Plan policies and other material considerations below.*
2. *The proposal involves the refurbishment and upgrading of the arches and the creation of new public realm. The proposal would not involve a loss of employment uses that are protected under local plan policy. The increases in land values as a result of the refurbishment has been given due weight by officers, but on balance are not considered a reason for refusing the proposals. The development does not increase floorspace to a scale that triggers the provision of affordable workspace as outlined in CPG Employment Sites and Business Premises.*
3. *The arches are in a state of disrepair and this application seeks to upgrade them and make them suitable for a variety of employment and town center uses.*

4. Please refer to the table under paragraph 4.3 for a list of the arches' uses and vacancy rates. Out of the 18 arches (including 366 and 364 Kilburn Road and the rear yard cottage) 12 are vacant. Four of the arch businesses have been provided with compensation in the form of rent freezes since 2016/17. Covid credits applied. 20% reduction since 2020 to reflect the coming development. TfL reports that two of the businesses have breached their lease contract. TfL provided the tenants of the Kilburn Mews development with circa £68,000 worth of rent support. All occupiers were made aware that improvements to the arches were required to ensure compliance with existing and future building regulations and that they would need to vacate to enable these works to be carried out. Occupiers were given the option to leave or stay taking a short-term lease with a low annual rent in the knowledge that TfL would be requesting them to vacate once funds had been secured for the proposed development. Occupiers understand that they will need to vacate regardless of whether planning permission is granted due to the condition of the arches. Due to the above, the short-term rents within the arches are 65% lower than the other arches within Kilburn. Officers have been advised that TfL have provided the remaining occupiers with relocation options. Officers have negotiated the following planning obligation which requires TfL to make a discounted lease offer to eligible existing tenants:

- On implementation of the planning permission, TfL should take reasonable endeavours to make a lease offer to the eligible existing tenants for vacant/lettable arches within their ownership at 50% of market rent for 1 year and then 80% for the next 3.5 years subject to tenants meeting TfL checks on employment history, credit, health and safety (including assessment of the impacts of existing tenant uses on pedestrians and other future occupiers in the arch run) and the legal checks that that TfL would normally require for a tenancy agreement.

5. As above. This tenant has, according to TfL, breached their lease
6. The lack of antisocial behaviour is noted. The proposals take an appropriate approach to safety and security
7. The Council cannot resist or object to the upgrading of the arches to cater for businesses which are broadly within the same use class.
8. Access would be maintained for servicing, but the arches would become pedestrianised with a new and enhanced public realm provided. Some of the activities such as the motorbike repair shop are not compatible with pedestrianisation

Objection from an occupier in Iverson Road:

1. I think the existing business should remain. There will be a lack of car repair facilities when they go. I do not want the usual gentrification and proliferation of even more cafes and bakers. Everywhere is saturated with cafes. The area could be cleaned up, as it is. This is just an excuse to get rid of the 'dirty' businesses and gloss over an area with the usual, unthinking approach and attitude.

Officer Response -

1. *Please refer to the land use points above, particularly points 1 and 9.*

Comments received from 7 Iverson Road as follows (on behalf of a residents association):

While the planning application is in principle an improvement of the arches and is welcome, there are some important matters that should be secured via planning conditions and/or S106 agreements.

1. Business space affordability. The current arches, despite not being officially designated as “affordable” workspaces de facto currently provide affordable spaces for local businesses. The rent on arches is currently at around £18,000 per annum. Kilburn is lacking in affordable business spaces and thus a percentage of the units (20%?) should be secured as affordable workspaces via a S106 agreement, to provide some affordable working spaces that Kilburn desperately needs.
2. Active Frontages. The beginning of Maygrove Road, by the junction with Kilburn High Road suffers from high levels of anti-social behaviour. 2C Maygrove Road has provided an active frontage for years. Sadly the plan is to change this unit into a bin store, therefore removing an active frontage that is critical for reducing anti-social behaviour by natural surveillance. Plans should be reviewed to keep an active frontage at this location.
3. Businesses opening hours. Opening hours of businesses should be clearly defined as part of the planning permission. Currently the site operates between 8am and 6pm week days, 8am to 1pm Saturdays and no work on Sundays. I would suggest opening hours be limited to 8am to 10pm all days as a condition. This is to prevent excessive noise disturbance to neighbouring residential properties.
4. Gated access to the site: The gates on Maygrove Road and Loveridge Road should be conditioned so that opening times be no earlier than 8 am in the morning and closure no later than 8 pm in the evening. This would reduce noise levels for neighbouring properties to an acceptable level and still allow the use of the site via the Kilburn High Road entrance.
5. A varied mix of uses for the units should be secured within the planning permission. Kilburn High Road is already full of cafes and restaurants and thus the cafe/restaurant uses should be limited to a maximum of 2 units, to protect the viability of other businesses on the High Road and to ensure the new arches offer the community uses that the planning application aims to supply. There should be a condition that take-aways or dark kitchens are not permitted to avoid the proliferation of motorbike delivery drivers on our residential roads.
6. Use of the yard at the back of arch 14: The planning documents do not define a use for this yard that backs onto residential properties back gardens. A planning condition should be that the yard cannot be used for commercial purposes until a new planning application is made with

details of planned use. This is to protect residential properties from noise. The current yard can of course be improved and be used to locate the power substation, and heating system in the meantime.

7. Pigeons proofing: A large plaza will effectively be located under bridges on the Kilburn High Road side. A planning condition should guarantee that the bridges are pigeon proofed and that this pigeon proofing is inspected and maintained at least once a year. This would aim to improve the pedestrian environment at the top of Kilburn High Road.
8. Business waste: A clear planning condition should be that business waste is stored on site, i.e. not on the public highway. At Kilburn station, there are no business waste storage facility and businesses clutter the pavement with their waste. This should be avoided in the arches.
9. Business Parking Permits: Currently all business parking is on site, in front of the arches. The new site will not provide spaces for business parking. A S106 agreement should be put in place to prevent the occupiers of the arches to get on street parking permits unless they can prove that a vehicle is essential to their operation. This is to protect residents' parking in the area that is already very much overstretched.
10. Designing out crime: The Police designing out crime unit should be fully consulted on this planning application. As previously mentioned, this area is prone to anti-social behaviour and there are design features that will probably help increase anti-social behaviour, like the recessed area between the bike racks and the gate on the Kilburn High roadside. Lighting by the entrances to the site needs to be effective and maintained.
11. Fire access: Fire access procedures should be reviewed as access, currently proposed via Kilburn High Road will be limited because of the bollards on the pavement. The bollards are essential as they prevent cars from mounting the pavement to park.

Officer response:

1. *Paragraph 36 of CPG Employment Sites and Business Premises states that we will seek to use planning obligations to secure an element of affordable SME workspace from large scale employment developments with a floorspace of 1,000sqm (GIA or gross internal area) or more. This proposal does not involve an uplift in employment floorspace. Nonetheless, reduced rent offers have been secured for existing local businesses as set out in this report.*
2. *The bin store would have a coloured and textured façade to avoid a monolithic appearance. A window has been included from unit 1 to provide passive surveillance onto Maygrove Road and to allow the active frontage of unit one to 'spill' around the corner. The bin store is single storey only. The façade that projects upwards is to provide a visual screen to the Air Source heat Pumps that are located above.*



3. *It is not considered necessary or reasonable to impose a condition requiring the businesses to close at 10 pm. The applicant intends to close the gates at 11 pm on weekdays and 12 pm at weekends. This is acceptable because a condition is imposed to prevent more than 2 restaurants from occupying the arches. Most uses would be daytime uses which would not cause unacceptable levels of noise or disturbance. The arches have appropriate sound attenuation, and the uses would not cause harm to neighbouring amenities*
4. *The site manager would close the gates when the businesses close at 11 pm on weekdays and 12 pm at weekends..*
5. *Please refer to Land Use section of the report specifically para 4.4*
6. *The rear yard would be resurfaced with general improvements made to make it usable for a future employment or community use. This would require a future planning application and the applicant is aware of this, as such a condition is not necessary.*
7. *There are screens above the retail units below the bridge on Maygrove and Kilburn Road to prevent pigeons from nesting*
8. *The proposals have provided additional waste storage capacity beyond recommended guidance levels. This is likely to prevent waste being stored on the pavement. There is a site manager who would move the waste out to the pavement once a week.*
9. *The development would be car-free with rights to on-site parking permits removed by Planning Obligation*
10. *The Councils Designing Out Crime Officer was consulted, and their suggestions/recommendations related to technical design have been sent to the applicant. The Officer raised no objections to the scheme. Please refer to the Secured by design and site management section of this report under 5.20*
11. *A detailed fire strategy has been submitted. All future fit out proposals by tenants would need to ensure compliance with the relevant regulations and strategies set out in this report*

An occupier from Loveridge Road supported the application for the following reasons:

1. There is a clear overall positive impact on residents, local businesses and the wider community. It will enhance the area aesthetically and operationally, whilst clearly providing the chance for much-needed new businesses and facilities to flourish. Furthermore, given that most of the fabric of the site is in place and it is a case of retrofitting and adapting an existing site, the relative construction disruption will be minimal in the scheme of things

An occupier from Dartmouth Road supports the application for the following reasons:

1. The area has been neglected for a long time with so many units boarded up on the high road
2. The businesses that appear to be thriving are operating from ugly pre-fab buildings.
3. We definitely need a post office and I agree the small units would make great spaces for independent businesses and artists.
4. Lighting will be very important for safety reasons.

An occupier from Willesden Lane made the following comment:

1. Pigeons must be dealt with under the bridges around Kilburn station. Please also ensure the mural under the bridge is repainted or cleaned away
2. Please also ensure any new businesses in the arches are not fast-food shops or betting shops

An occupier from Webheath, Netherwood Street made the following comment:

Older & disabled require seating & toilet facilities - attention needed to focus on access for all please

Officer Response -

*Please refer to the inclusive design section of the report. Public toilets are not proposed for this development*

An occupier from Hillfield Road made the following comment:

1. The bridge area by Kilburn station and beyond is infested with pigeons. The area is smelly and needs a clean out to make the arches a pleasant area to walk into. Vermin control in terms of rats would also need to be part of the plan. No fast food outlets please within the arches. Will there be security provided to stop any anti-social activities

An occupier from Fordwych Road supports the application with the following comments:

1. I support the application, however I would like to raise the loss of the current active frontages on Maygrove Road being changed to a bin store. This is a great shame, surely there is a way that an active use can be maintained here. I am also disappointed that the plans for the arches in this location seemingly turn their back on Maygrove Road. Please can the Council put a condition that this active frontage and access from Maygrove Road be included too.

An occupier from Maygrove Road raised the following points:

1. Issues with pigeons
2. The arches have been a temporary home to some of the homeless in the area. Will the arches be gated and how will you ensure that people don't just see this as a place to stay during the day?
3. Understanding from the local community the types of services/amenities/shops etc that are missing from the area. An idea I would suggest is a local co-working space
4. Visibility of the arches. The arches are a bit hidden.

Officer response:

1. *There are screens above the retail units below the bridge on Maygrove and Kilburn Road to prevent pigeons from nesting*

2. *The arches would be gated and the site managed*
3. *There are a wide variety of town centre and employment uses/services*
4. *The arches would be better revealed*

An occupier from Lowfield Road supported the application for the following reasons:

1. Kilburn desperately needs high-quality public space. Please provide space for people to sit and spend time; play facilities for young kids/families; space for the elderly to sit and stay; space for disabled people; and public toilets.
2. The businesses/projects that occupy the arches should be well thought through, i.e. the right mix of private businesses/social/public Kilburn needs cafes, shops, places where you might want to spend time (and money). Bookshops, bakers, bike shops, toy shops, a decent library - the things that are missing from the high road. The new bakers/cafes around Kilburn station are a good place to start - they're fantastic.
3. Please try to ensure that it's not just outright gentrification

An occupier from Kilburn High Road support the application for the following reasons:

1. Kilburn desperately needs some gentrification to reduce crime, and remove the drug dealers and users from the area.
2. Developing the arches will help to make the area nicer, and more welcoming. Especially to those arriving in Kilburn from the tube station.
3. LifeInKilburn object to good suggestions to help develop the area

An occupier from Teignmouth Court, 35 Mapesbury Road support the application for the following reasons:

1. The proposed plan for Kilburn Mews appears well thought out, with impressive community engagement. I support the proposal and look forward to commencement.

Orange Horses NW6 2HE made the following comment:

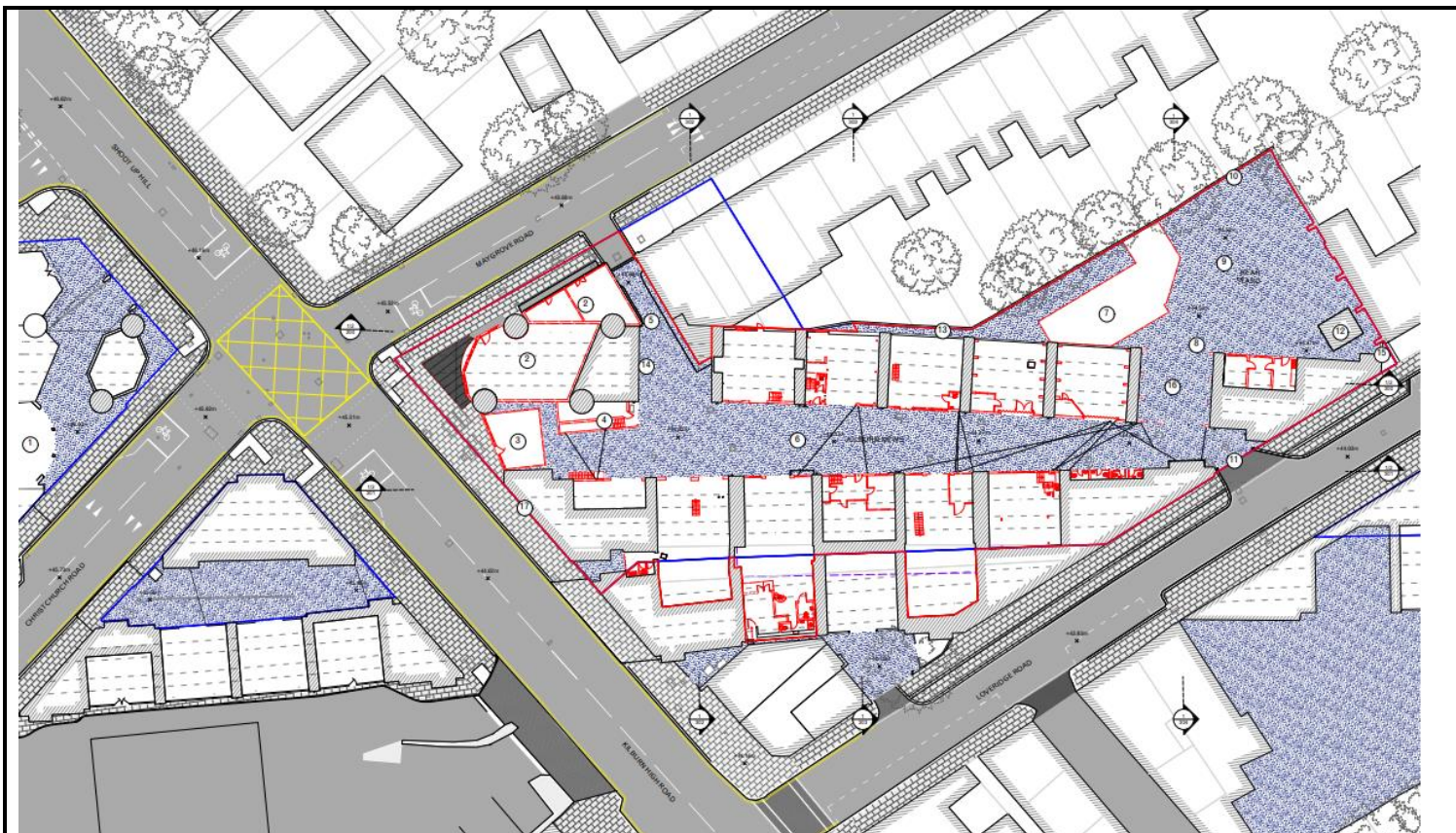
2. Something which is aesthetically pleasing like the artist's impression, with lots of outside space to sit and relax and get a breath of relatively fresh air, for kids to play, and for us, the community, to enjoy refreshments & meals al fresco away from the noisy, polluted, filthy High Road.
3. We certainly could do with a little local sub-post office
4. A major priority should be the regular cleaning and maintenance of the actual arches and bridges themselves, whether or not they are likely to be much changed by the plans. Improve the lighting under them so we can be less anxious about having to walk through them as if we were in some dark, dank, dirty, dubious Dickensian back street.
5. We need no more chicken shops and the like, we already have more than enough to serve the community

An occupier from Dyne Road made the following comment:

	<p>1. It would be great to include workshops for artists/designers/makers so local artists, designers and craftspeople have access to resources and a hub for e.g. metalwork, woodwork, plastics, ceramics, textiles, CAD/CAM, film making etc.</p>
<p><b>Kilburn Neighbourhood Forum</b></p>	<p>No response received</p>
<p><b>Secured by Design Officer</b></p>	<p>The Secured by Design Metropolitan Police Officer has been consulted and raises no objections to the development. The officer has provided a number of technical requests that have been sent to the applicant. These will be incorporated by the applicant into the detailed design stage. The gates would be provided at all entrances to the mews on Maygrove Road, Loveridge Road and Kilburn High Road. These gates would be locked out of hours with users directed towards the Kilburn High Road exit to avoid impacting the residential properties on Loveridge and Maygrove Road. The gates would provide a visual line of sight through to the site beyond. A new boundary wall to the rear yard would be installed to at least 3m to provide security and privacy.</p>

**Site Description**

The site comprises railway arches under the London Underground railway lines on the east side of Kilburn High Road and associated access road; a rear yard adjoining the sites of adjoining houses on Maygrove Road and Loveridge Road and an associated unit, container and structure in retail use.



**DK-CM**

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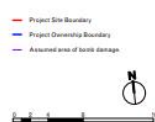
PROJECT: Kilburn Archway  
 CLIENT: Transport for London  
 DRAWING TITLE: Existing Ground Floor Plan  
 DRAWING NUMBER: 2168-53-X-100-  
 DRAWN: SPJ/CM  
 CHECKED: SPJ/CM  
 SCALE: 1:500 (A1)  
 1:1000 (A2)  
 STATUS: Stage 3  
 CREATION DATE: 07.07.2022

**NOTES**

- Co-ordinates, levels, drawings data and dimensions to be reported to the architect immediately.
- This drawing is to be read in conjunction with all other Engineers' drawings, details and specifications.
- For any dimension and dimension lines refer to construction measured surface.
- All drawings to be read in conjunction with architectural specification.
- Do not scale from these drawings. Use figured dimensions only. All dimensions in mm.
- Definition of legal site and boundaries is outside of the architects scope and any line would need to be reviewed and confirmed by client.

**Notes**

- Kilburn Station Entrance
- Existing road side cafe below and adjacent to railway bridge
- Existing structure converted into retail unit including mezzanine entrance to site
- Stone area (to be used as the access point) adjacent to Maygrove Road
- Existing park terrace surfacing in poor condition
- 3-storey structure with canopy
- Non-compliant structure located to be removed
- Existing rear yard terrace surfacing in poor condition
- Existing 6 storey brick and brick wall in residential neighbours in poor condition
- Existing rear access from Loveridge Road
- Existing National Grid substation
- Existing rear access to access (removed)
- Existing location to stone area
- Brick wall (stone access from Loveridge Road)
- Existing rear parking access to rear yard
- Based on bridge structure



Revision

Rev	Description	Rev	Date
01	Issue for Planning	01	07/07/2022
02	Issue for Planning	02	07/07/2022
03	Planning Application	03	07/07/2022
04	04/07/2022		

Fig.1.Site plan of site

The site lies within the Kilburn High Road Town Centre area. The units fronting Kilburn High Road are within a secondary retail frontage. The site is within the Kilburn Neighbourhood Forum Area. The bridge /arch structure along Maygrove Road and Loveridge Road is included in Camden's Local List (2015). The planning history section below discusses the occupancy and uses of each of the arches.

**Relevant History**

Planning History does not provide a comprehensive picture of the history of development and uses at the arches as many uses have become lawful through the passage of time (10-years for a material change of use to become lawful). The applicant has provided a survey of the existing arches which is summarised in the below table:

<b>Unit</b>	<b>Existing Use (GF/FF)</b>
Arch 9a	Vacant
Arch 10a	Vacant
Arch 11a	Metal workshop
Arch 12a	Vacant
Arch 13a	Vehicle repair
Arch 14a	Vacant
Arch 15a	WCs
Arch 11	Vacant
Arch 12	Vacant
Arch 13	Vacant/Photography Studio
Arch 14	Vacant/Photography Studio
Arch 15	Vacant/Photography Studio
Arch 17	Vacant
364 KHR	Convenience Store
366 KHR	Restaurant
2c Maygrove	Vacant
Cottage	Vacant

*Fig.2. Arch existing use table*

## **Relevant policies**

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

### **Camden Local Plan 2017**

- A1 Managing the impact of development
- A4 Noise and vibration
- CC2 Adapting to climate change
- CC1 Climate Change Mitigation
- CC5 Waste
- DM1 Delivery and monitoring
- D1 Design
- D2 Heritage
- E2 Economic development
- T1 Prioritising walking, cycling and public transport
- T2 Car-free development

### **Fortune Green and West Hampstead Neighbourhood Plan (2015) (NDP)**

- Policy 2 Design and Character
- Policy 7 Sustainable Transport
- Policy 8 Cycling
- Policy 12 Business, Commercial and Employment Premises and Sites

### **Camden Planning Guidance:**

- [Access for All - March 2019](#)
- [Amenity](#) - January 2021
- [Design](#) - January 2021
- [Developer Contributions - March 2019](#)
- [Energy efficiency and adaptation](#) - January 2021
- [Planning for health and wellbeing](#) - January 2021
- [Transport](#) - January 2021

## Assessment

### 1. The proposal

1.1. The development is for a masterplan and refurbishment works to create a complex of arches surrounding Kilburn underground station.

1.2. The proposals for Kilburn Mews will refurbish the existing arch units and enhance the public realm to provide full public access. Kilburn Mews is intended to be a centre for community, economic and cultural activity that is integrated with Kilburn High Road to create a more welcoming and biodiverse space. There is no change in use as the arches have been used for commercial purposes and are therefore already within Class E use. The Kilburn Mews proposal includes:

- The repair, refurbishment and re-use of the arches and surrounding public realm;
- Opening up currently 'hidden' space and enhancements of built environment and public realm;
- Providing commercial facilities;
- Generating employment uses in a highly accessible location;
- Improved biodiversity and greening on site.

### 2. Revisions

2.1. Notwithstanding what is shown on the approved drawings, the final design of the waste storage unit on Maygrove Road would be secured by condition due to officer concerns around the unit creating a blank frontage.

### 3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- Land Use
- Design
- Residential Amenity
- Transport

### 4. Land Use

4.1. Policy E2 seeks to protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy. The Council will resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction:

- a) the site or building is no longer suitable for its existing business use; and

b) that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time

4.2. Part of the application site is also located within part of the Fortune Green and West Hampstead Neighbourhood Plan area which also seeks to protect employment floorspace (Policy 12), including railway arches and light industry and Iverson Road.

4.3. The planning records do not provide a comprehensive picture of the history of development and uses at the arches, with a lot of unauthorised development; however, all arches have been in commercial Class E Use but some have been vacant for many years. The applicant has provided an audit of existing business uses at the site. The table below lists the existing uses and vacancy rates at the site and the proposed uses:

Unit	Existing Use (GF/FF)	Proposed Use
Arch 9a	Vacant	Use Class E
Arch 10a	Vacant	Use Class E
Arch 11a	Metal workshop	Use Class E
Arch 12a	Vacant	Use Class E
Arch 13a	Vehicle repair	Use Class E
Arch 14a	Vacant	Use Class E
Arch 15a	WCs	Use Class E
Arch 11	Vacant	Use Class E
Arch 12	Vacant	Use Class E
Arch 13	Vacant/Photography Studio	Use Class E
Arch 14	Vacant/Photography Studio	Use Class E
Arch 15	Vacant/Photography Studio	Use Class E
Arch 17	Vacant	Plant
364 KHR	Convenience Store	Removed
366 KHR	Restaurant	Use Class E
2c Maygrove	Vacant	Plant/refuse
Cottage	Vacant	Removed

*Fig.3. Arch proposed use table*

4.4. Due to the location, size and nature of the arches, they would be particularly suitable for start-up businesses, and small/medium businesses which are welcomed. The Council seeks to ensure that the proportion of employment space remains as existing or is replaced by the equivalent or higher quality space. Paragraph 5.46 of the Local Plan states that the council will resist the loss of B2 uses and the now revoked uses named B1(b) and B1(c) now Class E(g)(ii-iii).

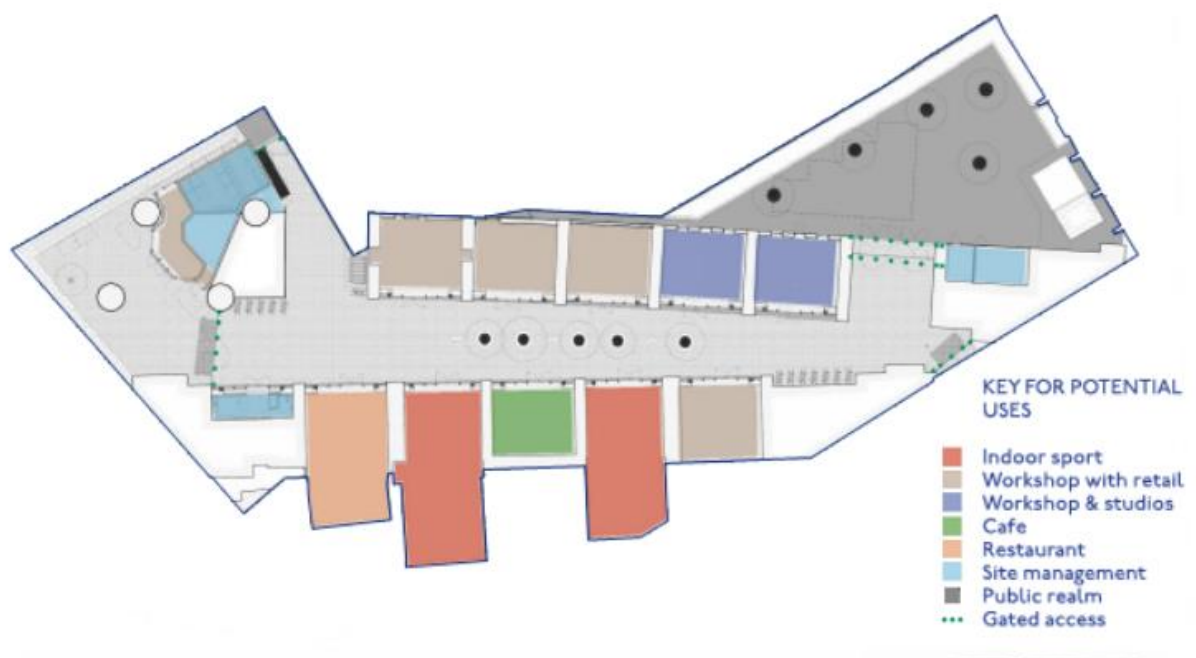
4.5. There would be 11 units which would continue to be within Class E use and there is no change of use proposed. The applicant has provided a more specific diagram (Fig. 4) for potential uses which provides a mix of employment uses, café, food and drink, retail and indoor sport. This mix of uses would enhance the proportion of employment space when compared with the existing uses and activities. A condition would be imposed which would retain these specific Class E uses; preventing movement between Class E uses. This would prevent the loss of light industrial employment spaces and the concentration of uses such as restaurants which could be harmful to neighbouring residential amenity.



4.6. A maximum of 2 arches are allocated for use as a restaurant with a commercial kitchen (Arch 10a). Only two of the arches are suitable for indoor sports (11a, Arch 13a). The provision of a mixture of new uses including community facilities, and sports facilities are welcomed and will help to enliven the area.



*Fig.4. Site Plan*



*Fig.5. Key for specific uses*

4.7. Local Plan policy E2 states that the Council will consider higher intensity redevelopment of premises or sites that are suitable for continued business provided that the redevelopment retains existing businesses on the site as far as possible, and in particular industry, light industry, and

warehouse/logistic uses that support the functioning of the Central Activities Zone (CAZ) or the local economy.

- 4.8. The site is not within the CAZ and the uses do not demonstrably support the functioning of the local economy. The two light industrial uses (i.e. 11a metal workshop and 13a vehicle repair) would be replaced with workshops and studios. It is noted that some general industrial uses would not be compatible with the new pedestrianised public realm as they could create health and safety issues with regards to noise, odour etc. However, there would be many light industrial uses which are compatible with the new public realm. As such condition 7 restricts 2 of the arches to be used as Class E part E(g)(iii) for light industrial processes. 11a and 13a are the largest units within the arches and the condition does not stipulate that these particular arches are used for light industrial uses. The requirement for two light industrial uses to operate within the arches supports these uses and a potential marginal loss in total light industrial floorspace is considered acceptable. As a result, the development does not result in a material loss of light industrial floorspace within the arches.
- 4.9. Officers propose a planning obligation whereby existing businesses would have first right of refusal for a period of 3 months after planning permission is granted for vacant/lettable arches within TfL's ownership at 50% of market rent for the first 6 months and then 80% for the next 2 years subject to standard proof of employment/credit/health and safety/legal checks etc that TFL would normally require for a tenancy agreement. This is to address Local Plan Policy E2 which states that the redevelopment should retain existing businesses on the site as far as possible, in particular industry and light industry.
- 4.10. As the build cost for this scheme is likely to exceed £3 million the applicant must recruit 1 construction apprentice paid at least a London Living Wage per £3million of build costs and pay the council a support fee of £1,700 per apprentice as per section 63 of the Employment sites and business premises CPG. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre. The strategy would involve the developer/point of contact meeting with Camden Council and their nominated partner at pre-tender stage/pre-implementation to discuss an Employment and Training Strategy for every phase of the development and liaising with local employment providers to fill vacancies.
- 4.11. The Council's standard local recruitment target is 20%. The applicant should work with the Kings Cross Construction Skills Centre to recruit for vacancies, advertising with us for no less than a week before the roles are advertised more widely.
- 4.12. The applicant must also sign up for the Camden Local Procurement Code, as per section 61 of the Employment sites and business premises CPG. Our local procurement code sets a target of 10% of the total value of the construction contract.
- 4.13. All employment and training related obligations shall be secured with a Section 106 legal agreement.
- 4.14. The proposed uses therefore comply with polices E1 and E2 of the Local Plan.

## **5. Design**

- 5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features.

## 5.2. The arches and bin store

- 5.3. The Design and Access Statement makes an assessment of the history of the development of the arches and has explored potential design options to infill and enclose the arches. Historically, when first constructed the arches would have been built open, rather than enclosed with a shopfront. The 'historic' infills shown in the design document are of their time, dating from the period around WWI. By this period the area and the arches would have had no cachet and therefore the frontages have little cohesion or architectural quality. Currently, many of the arches have been partly bricked up in a non-sympathetic manner and the sensitive renovation of the arches is therefore supported.
- 5.4. The main aim of the designs is to provide a coherent set of elevations with elements of variation to avoid creating a monolithic space. These designs have been shaped by the physical conditions of the arches and their user requirements. The arch frontages would be constructed from double-glazed profiled metal curtain glazing at the ground and first-floor levels. Perforated and profiled metal screens would be installed on the upper glazing where units face south.
- 5.5. The façade for Unit 1 would consist predominantly of double-glazed profiled metal curtain glazing at the ground floor, with a decorative metal screen to fill the void above (between Unit 1 and the bridge structure). A horizontal transom would divide the lower and upper sections and would house space for signage.
- 5.6. The proposal involves the demolition of two units beneath and adjacent to Metropolitan Railway bridge. For the refuse store, larger perforated metal sheets would be used along the frontage to Maygrove Road to provide airflow for the ventilation of the refuse store and the running of the Air Source Heat Pumps (ASHP). The side of the building would have a simple powder-coated metal mesh to match the frontage material. The new unit beneath the bridge with the Kilburn High Road frontage that wraps around Maygrove Road to provide an active frontage. The final design of the bin store would be secured by a condition (6) as there are concerns that the current design would create a blank/dead frontage. Officers want this frontage to be as active as possible and as such condition 6 secures the final design of the bin storage area.
- 5.7. The applicant has provided a full schedule of all materials to be used which has been assessed. The Council's Design Officer is satisfied that the proposed material would provide a high quality contextual response. As stated above the final design of the bin store including its materials is secured by condition.

## 5.8. Public realm

- 5.9. The removal of the convenience store and restaurant opens up a new public square to the east of the High Road and reinstates the viaduct to its original design. There would be re-surfacing, new wayfinding and welcoming open space off of Kilburn High Road. A new retail unit beneath the bridge would provide a frontage to the High Road to activate the new public space. The intended occupier is a florist. It would wrap around Maygrove Road to provide an active frontage.
- 5.10. The new public realm improvements, including lighting and street furniture, would redefine this space as a public space. New soft landscaping would contribute to a new public perception of the space and mitigate noise and air pollution. All planting is specified for longevity and low maintenance with species. The proposals include new benches, bins and water fountains, new catenary lighting, clocks and wayfinding, central trees with uplighting and a new route formed through to Loveridge Road. This will promote walking and will provide a genuinely pedestrianised part of the public realm

5.11. The rear yard would be de-cluttered with later additions removed. The surfacing would be improved and upgraded with future-proofed designs. Any building or operational development in this space would require separate planning permission.

#### 5.12. Lighting

5.13. An initial survey of the site deemed external lighting category P3, moderate night time use by pedal cyclist or pedestrians' as the most relevant for Kilburn Mews. Using this criteria to adhere to BS5489, the average external lux levels on the site should be 7.7 with a maximum level of Photo electric cell units (PECUs), are proposed for the majority of the site to provide security and reduce maintenance.

#### 5.14. Signage strategy

5.15. The applicant has provided an indicative signage strategy. The signage across the site is designed to be durable, legible and future proofed. The signage would be integrated with the design of the arches as historic structures. Graphics would be applied to the viaduct and signage. Signage will be combined with lighting where possible to further reduce visual clutter. The majority of the signage will benefit from deemed consent however this permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements).

5.16. At either end of the mews would be a large triangular internally illuminated sign mounted to the viaduct structure. As above, this is shown indicatively and would require express advertisement consent and is not approved under this permission. The sign would be visible from Kilburn Station and Loveridge Road. The signage unit would be sealed to prevent pests and pigeons.

5.17. Clear and legible arch numbers would be located above all arches. Existing identifying arch plates would be retained where possible, and replacements to match the existing ones to be sought were damaged or missing throughout. A signage zone has been allocated to each arch frontage.

#### 5.18. Access

5.19. The yards would have level access throughout to ensure accessibility for a broad range of users. Staffordshire clay pavements would be specified for external surfacing in the mews and poured tarmac surface to the rear yard.

#### 5.20. Secured by design and site management

5.21. The Secured by Design Metropolitan Police Officer has been consulted and raises no objections to the development. The officer has provided a number of technical requests that have been sent to the applicant. These will be incorporated by the applicant into the detailed design stage. The gates would be provided at all entrances to the mews on Maygrove Road, Loveridge Road and Kilburn High Road. These gates would be locked out of hours with users directed towards the Kilburn High Road exit to avoid impacting the residential properties on Loveridge and Maygrove Road. The gates would be 3.29m tall with a signage zone above at 3.69m. They would be constructed from a perforated material to provide a visual line of sight through to the site beyond. The gates are acceptable in terms of height, material and permeability. A new boundary wall to the rear yard would be installed to a height of 2m to provide security and privacy. This is acceptable in terms of height and design. There would be retractable 4m high double gates installed to access the rear yard which is acceptable. This is not a permanent installation and is used to provide security for the rear yard area.

5.22. An on-site facilities management operative would be located in Arch 9a to carry out essential duties such as opening and closing gates, dealing with the public, and ensuring the site operates in a health and safety compliant way. Cameras would be installed at the main gates and monitored in Arch 9a by the facilities manager. The facilities manager's office would be located opposite the Maygrove Road entrance and adjacent to the Kilburn High Road entrance to provide passive surveillance of the entrances.

5.23. All arch units and commercial units across the site would have roller shutters integrated into the frontage design. The units within the secure gate line would have internally mounted roller shutters behind the glazing line. Condition 11 requires prior consent from the Council for the installation of any external roller shutter. This approach would maximise security across the site while not creating a harsh or defensive character.

#### 5.24. Trees and Landscaping

5.25. Trees would be specified with tree pit details to ensure growth is restricted to a suitable height and spread. There would be semi-mature trees located within the central mews space to provide shelter, reduce stormwater run-off, and mitigate potential wind tunnel effects. Moveable planters would be located in the rear yard with built-in irrigation to support a low-maintenance planting specification.

5.26. There would be boundary planting located around the boundary of the rear yard with wall-climbers to provide privacy and sound attenuation to the residential gardens. The Council's Tree and Landscaping Officer has reviewed the proposal and raises no objection to the landscaping and tree planting subject to further details of the type of trees proposed to be planted, the size of tree pits and any planters they are proposing.

#### 5.27. Plant equipment

5.28. Air Source Heat Pumps (ASHPs) are required to heat the site, these would be located above the refuse store. Access to the first floor ASHP enclosure is from within the secure boundary, inside the gate from Maygrove Road, and would have a permanent staircase.

### **6. Residential Amenity**

6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents/surrounding uses. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by noise or vibrations.

6.2. The development must ensure any new uses would not impact the amenities of existing residential occupants – particularly in Maygrove and Loveridge Road and Loveridge Mews, but also on upper floors on the High Road. Public uses are located to the west of the site, near Kilburn High Road with employment uses near residential properties to the east of the site.

6.3. Rear windows facing the residential gardens to the north of the site are not to be opened and would be for lighting purposes only. A condition would be imposed to require them to be obscurely glazed and non-openable below a height of 1.7m above ground floor level. Some level of opening is acceptable to allow natural cross-ventilation.

6.4. The site would have opening hours with gates locked overnight with users of Kilburn Road Mews directed onto Kilburn High Road as opposed to Maygrove Road or Loveridge Road.

6.5. A Noise Report has been submitted and assessed by the Council's Environmental Health Officer. The plant noise criteria have been adequately predicted taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. The plant noise impact assessment has found that installation of any proposed equipment, when appropriately attenuated as designed, should comply to the correct planning policy requirements stipulated by the Local Planning Authority and should not have an unacceptable adverse impact on the nearest sensitive receivers.

## **7. Sustainability**

7.1. The Council requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The Council aims to tackle the causes of climate change in the borough by ensuring developments use less energy and through the use of decentralised energy and renewable energy technologies. Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards.

7.2. The existing arches have poor building performance with available EPC ratings ranging from D - F. The recommended measures for improvement include insulation and improved M&E systems. The proposed arch envelope would permit the use of natural ventilation via openable windows as the default strategy. Thermal double-glazed units are proposed.

7.3. The demolition of the two small retail units to provide access from Marygrove Road would not constitute substantial demolition and is acceptable in terms of the loss of embodied carbon.

### **7.4. Cooling**

7.5. All new developments require a statement demonstrating how the London Plan's 'cooling hierarchy' has informed the building design. Stage one of the Cooling Hierarchy is to minimise the amount of heat entering the building through energy-efficient design, this has been achieved by replacing all existing windows with double glazed windows with low g values. Additionally, all units would be provided with internal blinds for overheating and privacy reasons, with all south facing frontages benefitting from an external screen at high level. The thermal envelope of the arches would be upgraded with insulation incorporated beneath the new floor slabs, and internal insulation added to the rear arch infills and the new frontages.

7.6. Stage two of the Cooling Hierarchy is to minimise internal heat generation through energy efficient design. Low energy lighting would be specified with occupancy controls to be provided for the luminaires. All further electrical equipment would be tenant supplied as part of their fit-out. Stage three of the hierarchy is to manage the heat within the building. High thermal mass is expected throughout the building due to the exposed brick viaduct structure. This would absorb and store heat within the heavy mass material and release heat during cooler periods, incorporated with night-time ventilation to relieve the peak heat in the summer period. A metal screen at high level would be added to the southern facing arches to avoid glare and overheating.

7.7. The next stage of the cooling hierarchy is to consider passive and active ventilation methods. All arches would be designed with natural ventilation within the new frontages. Openable windows would be actuated via temperature sensors and Building Management System (BMS) system such that when the internal temperature has reached 18°C, windows would automatically open. Night ventilation is also provided to cool down the building and mitigate day peaks.

7.8. The final two steps are providing mechanical ventilation and active cooling. This is proposed for Arch 10a, 11a and 13a only, as these units are relatively deep, making it difficult for either single ventilation or stack ventilation.

7.9. Air source heat pumps (ASHP) would provide space heating and hot water for the site. ASHPs are deemed the most suitable because the heating demand is isolated and for short periods of time during opening hours; there is restricted space on site; and no gas connections would be required.

7.10. Although the development would not trigger this as a policy requirement, the proposals would achieve a 15% reduction in on-site energy usage (beyond Part L building regulations) to adhere to the London Plan (be lean) energy hierarchy.

#### 7.11. Water consumption

7.12. The development of the site would provide:

- Water meters for each unit to ensure tenants are aware of their consumption.
- Introduction of efficient water fittings and plumbing e.g. dual flush toilets, low-flow taps and shower heads.
- Tree-pits and planters to manage stormwater runoff with a planting specification that provides attractive, low maintenance, space.

7.13. Policy CC3 requires that development does not increase flood risk and reduces the risk of flooding where possible and incorporates water efficiency measures wherever possible. These measures are therefore supported.

#### 7.14. Sustainable Urban Drainage Systems (SUDS)

7.15. SUDS water attenuation systems are delivered throughout to reduce flood risk and surface water issues. The proposed drainage strategy limits the run-off from the site to 84% of the 1:100 year design event, considered to be a significant reduction in the existing site run-off rates and compatible with the constraints on site, such as offsets required from existing structural foundations and site boundaries. The proposed strategy is designed to prevent flooding for the 1:100 year +40% allowance for climate change events, providing resilience and mitigation for future flood risk. This is welcomed in relation to Policy CC2 which requires development to not increase, and wherever possible reduce, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems;

## **8. Transport**

### *8.1. Car Parking*

8.2. Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The development would be car-free with vehicles only permitted for appropriate servicing operations. This would be secured by a section 106 planning obligation.

### *8.3. Cycle parking*

8.4. Secure, accessible, and covered cycle parking would need to be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the London Plan. For Long-Stay cycle parking, the Transport Assessment states there would be 14 spaces, and this satisfies the worst-case scenario

for Class E use. A 50/50 mix of café and non-food retail uses would require 33 Short-Stay cycle parking spaces. The Council's Transport Officer has requested that 30 Short-Stay cycle parking spaces be provided. Condition 8 is attached to require details of the cycle storage.

#### *8.5. Deliveries and Servicing*

- 8.6. Servicing would take place on-site via the south accessed off Loveridge Road and limited to 1x FTA Design 7.5T Rigid Vehicle, or 2x 4.6T Panel Van, due to width restrictions associated with the existing gates and structure. Swept path analysis indicates that a 7.5t Rigid Vehicle would be able to enter and leave the loading area in a forward direction and that two 4.6T Panel Vans would be able to do the same independently. Should any larger vehicles be required to service (i.e. refuse collection) this would be undertaken on the single yellow line area on Maygrove Road to the north of the Site.
- 8.7. The design proposals would result in 20 two-way trips per day, or circa 2 two-way trips during peak hours. Assuming dwell times of 15 minutes during the peak period, the loading bays can comfortably accommodate the forecast demand and would have a negligible impact on the operation of the local network. Servicing and delivery trips would be minimised during peak hours (08:00-09:00 and 17:00-18:00) and the night-time period (23:00-06:00) to prevent disturbance to nearby residential properties.
- 8.8. An outline Delivery and Servicing Plan (DSP) has been submitted. The DSP contains measures to mitigate the impact of servicing on the network, which is welcomed. The DSP would be secured as a section 106 planning obligation.

#### *8.9. Managing and mitigating the impacts of construction*

- 8.10. Construction Management Plans (CMPs) are used to demonstrate how developments will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The Council's primary concern is public safety, but also 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.
- 8.11. Officers seek to secure a CMP, a CMP implementation support contribution of £3,920.00 and a Construction Impact Bond of £7,500 as section 106 planning obligation in accordance with Policy A1.

#### *8.12. Highways contribution*

- 8.13. The existing vehicular entrance to the site Maygrove Road would become redundant. Accordingly, the crossover would need to be removed and restored to a footway. The Council's Highways Engineers have costed this and it would be secured under S106 Legal Agreement.
- 8.14. The carriageway and footway directly adjacent to the site on Loveridge Road and Kilburn High Road is likely to sustain significant damage because of the proposed demolition, excavation and construction works required. The Council would need to undertake remedial works to repair any such damage following the completion of the proposed development. Again, this is being costed by the Council's highways engineers and will be secured under S106 legal agreement.
- 8.15. A highways contribution would need to be secured as a section 106 planning obligation. This would allow the Council to repave the carriageway adjacent to the site, provide new footways along the eastern and western frontage of the building and repair any other damage to the public highway in



the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development. A cost estimate for the highway works has been requested from the Council's highway design team.

#### 8.16. *Travel planning*

8.17. As detailed previously, there is a large number of predicted trips associated with the development, the majority of these associated with the office use. A framework travel plan has been submitted in support of the planning application. This is welcomed as it demonstrates a commitment to encouraging and promoting trips by sustainable modes of transport.

8.18. A strategic workplace travel plan and associated monitoring and measures contribution of £10,392 should be secured as a section 106 planning obligation if planning permission were granted. The Travel Plan would be targeted towards the office and retail use, to encourage staff to make walking, cycling and travel by public transport the natural choice for day-to-day trips.

#### 8.19. *Refuse and Recycling*

8.20. Camden Local Plan policy CC5 (Waste) and CPG (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments. Any proposal should demonstrate that the development would include facilities for the storage and collection of waste and recycling.

8.21. The refuse store would be located on Maygrove Road with access for collection on the road, in accordance with the existing collection procedure. The final design would be secured under condition 6. Access onto the site for refuse vehicles was explored but is deemed unfeasible due to entrance widths between the viaduct structures.

8.22. The refuse store would provide a shared bin facility for all tenants with secure keypad access and unpowered automated closers to all doors to provide security. Distances for the collectors would be within the 10m guidance, however distances for the tenants from units to the refuse store would be above the 30m guidance towards the east of the site. An additional provision has been made to cater for the future use of the rear yard.

8.23. The applicant has produced a worse-case scenario that the site would require:

- 5x 1100L Eurobins for general waste
- 5x 1100L Eurobins for paper/card
- 7x 140l wheeled bins for dry recyclables
- 7x 140L wheeled bins for food waste

8.24. The waste strategy is considered acceptable in terms of quantum and location.

### **9. Conclusion**

9.1. The development would renovate 12 railway arches for use in flexible Class E uses. The number of restaurants would be limited to a maximum of 2 of the arches and 2 of the arches would be secured in light industrial use. The arches would be restored in a sensitive manner which would enhance their architectural significance. The proposals provide a new and improved public realm including semi-mature trees, re-surfacing, and planters. The development achieves high standards of sustainability. Existing businesses would be compensated with a lease offer for vacant/lettable arches in the ownership of TfL.

## **10. Planning obligations secured under S106 Legal Agreement**

- Car-free development
- A strategic workplace travel plan and associated monitoring and measures contribution of £10,392
- A highways contribution to be confirmed
- Delivery and Servicing Plan (DSP)
- Construction Management Plan of £3,920.00 and a Construction Impact Bond of £7,500
- Lease offer to existing occupants - TfL should actively make a lease offer to the existing occupants for vacant/lettable arches within their ownership at 50% of market rent for 1 year and then 80% for the next 3.5 years subject to standard proof of employment/credit/health and safety/legal checks etc that TfL would normally require for a tenancy agreement.
- Apprenticeships - the applicant must recruit 1 construction apprentice paid at least London Living Wage per £ 3 million of build costs and pay the council a support fee of £1,700 per apprentice. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre.
- Local Recruitment – Our standard local recruitment target is 20%. The applicant should work with the Kings Cross Construction Skills Centre to recruit to vacancies, advertising with us for no less than a week before the roles are advertised more widely.
- Local Procurement – The applicant must also sign up to the Camden Local Procurement Code. Our local procurement code sets a target of 10% of the total value of the construction contract.

## **11. Recommendation**

Grant Planning Permission subject to a S106 Legal Agreement

Application ref: 2022/3578/P  
Contact: Josh Lawlor  
Tel: 020 7974 2337  
Date: 12 January 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
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DK-CM  
Unit 12  
5 Durham Yard  
Teesdale St  
London  
E2 6QF

Dear Sir/Madam

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

## **DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**366 - 366a Kilburn High Road**  
**London**  
**NW6 2QH**

### Proposal:

**DECISION**  
The renovation and utilisation of 12 railway arches in flexible Class E uses, the demolition of two units beneath and adjacent to the Metropolitan Railway bridge in flexible Class E uses, the removal of non-compliant temporary prefab unit at 364 Kilburn High Road and improvements to the public realm including semi-mature trees, re-surfacing, and planters at Kilburn Mews, Kilburn High Street NW6 2QH.

Drawing Nos: 2108-S3-620, 2108-S3-617, 2108-S3-616, 2108-S3-615, 2108-S3-604, 2108-S3-603, 2108-S3-602, 2108-S3-601, 2108-S3-600, 2108-S3-304, 2108-S3-303, 2108-S3-302, 2108-S3-301, 2108-S3-300, 2108-S3-204, 2108-S3-203, 2108-S3-202, 2108-S3-201, 2108-S3-114, 2108-S3-113, 2108-S3-112, 2108-S3-111, 2108-S3-105, 2108-S3-101, 2108-S3-100

2108-S3-X-304, 2108-S3-X-303, 2108-S3-X-302, 2108-S3-X-301, 2108-S3-X-300, 2108-S3-X-204, 2108-S3-X-203, 2108-S3-X-202, 2108-S3-X-201, 2108-S3-X-114, 2108-S3-X-113, 2108-S3-X-112, 2108-S3-X-111, 2108-S3-X-102, 2108-S3-X-101, 2108-S3-X-100.

Transport Assessment dated July 2022, Noise Impact Assessment ref. 65207260, Design and Access Statement R2-221011

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

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

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

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-

2108-S3-620, 2108-S3-617, 2108-S3-616, 2108-S3-615, 2108-S3-604, 2108-S3-603, 2108-S3-602, 2108-S3-601, 2108-S3-600, 2108-S3-304, 2108-S3-303, 2108-S3-302, 2108-S3-301, 2108-S3-300, 2108-S3-204, 2108-S3-203, 2108-S3-202, 2108-S3-201, 2108-S3-114, 2108-S3-113, 2108-S3-112, 2108-S3-111, 2108-S3-105, 2108-S3-101, 2108-S3-100

2108-S3-X-304, 2108-S3-X-303, 2108-S3-X-302, 2108-S3-X-301, 2108-S3-X-300, 2108-S3-X-204, 2108-S3-X-203, 2108-S3-X-202, 2108-S3-X-201, 2108-S3-X-114, 2108-S3-X-113, 2108-S3-X-112, 2108-S3-X-111, 2108-S3-X-102, 2108-S3-X-101, 2108-S3-X-100.

Transport Assessment dated July 2022, Noise Impact Assessment ref. 65207260, Design and Access Statement R2-221011

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Notwithstanding what is shown on the drawings hereby approved, the final design of the bin storage unit on Maygrove Road shall be submitted to and approved by the local planning authority. Before this part of the scheme is implemented, detailed drawings, or samples of materials as appropriate, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of window and door openings

b) Plan, elevation and section drawings at a scale of 1:10;

c) 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Notwithstanding the provisions of Class E of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the masterplan site shall not have more than 2 arches within Class E part (b) for the sale of food and drink for consumption (mostly) on the premises and shall have a minimum of 2 arches within Class E part E(g)(iii) for Industrial processes

Reason: To ensure that the future occupation of the arches do not adversely affect the immediate area by reason of a concentration of potentially disruptive uses and to maintain a stock of premises that are suitable for a variety of business activities in accordance with policies G1, E1, E2, CC1, D1 and A1 of the London Borough of Camden Local Plan 2017.

- 8 Before the development commences, details of secure and covered cycle storage area for 14 long stay and 30 short stay cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its 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 T1 of the London Borough of Camden Local Plan 2017.

- 9 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the completion of the development, whichever is the sooner. Any trees or areas of planting including trees existing at the outset of the development other than those indicated to be removed 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 policies A2, A3 and D1 of the London Borough of Camden Local Plan 2017.

- 10 Until the relevant part of development takes place 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. 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 policies A2, A3, and D1 of the London Borough of Camden Local Plan 2017.

- 11 Notwithstanding what is shown on the drawings hereby approved, no external roller shutters shall be installed without consent from 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 policies D1 and D3 of the London Borough of Camden Local Plan 2017.

## 12 Obscure glazing

All windows facing the residential gardens to the north of the site shall be obscure glazed below 1.8m from floor level and subject to an opening limiter as per the approved plans. This glazing and opening limiter shall be retained permanently thereafter.

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by overlooking in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).

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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate