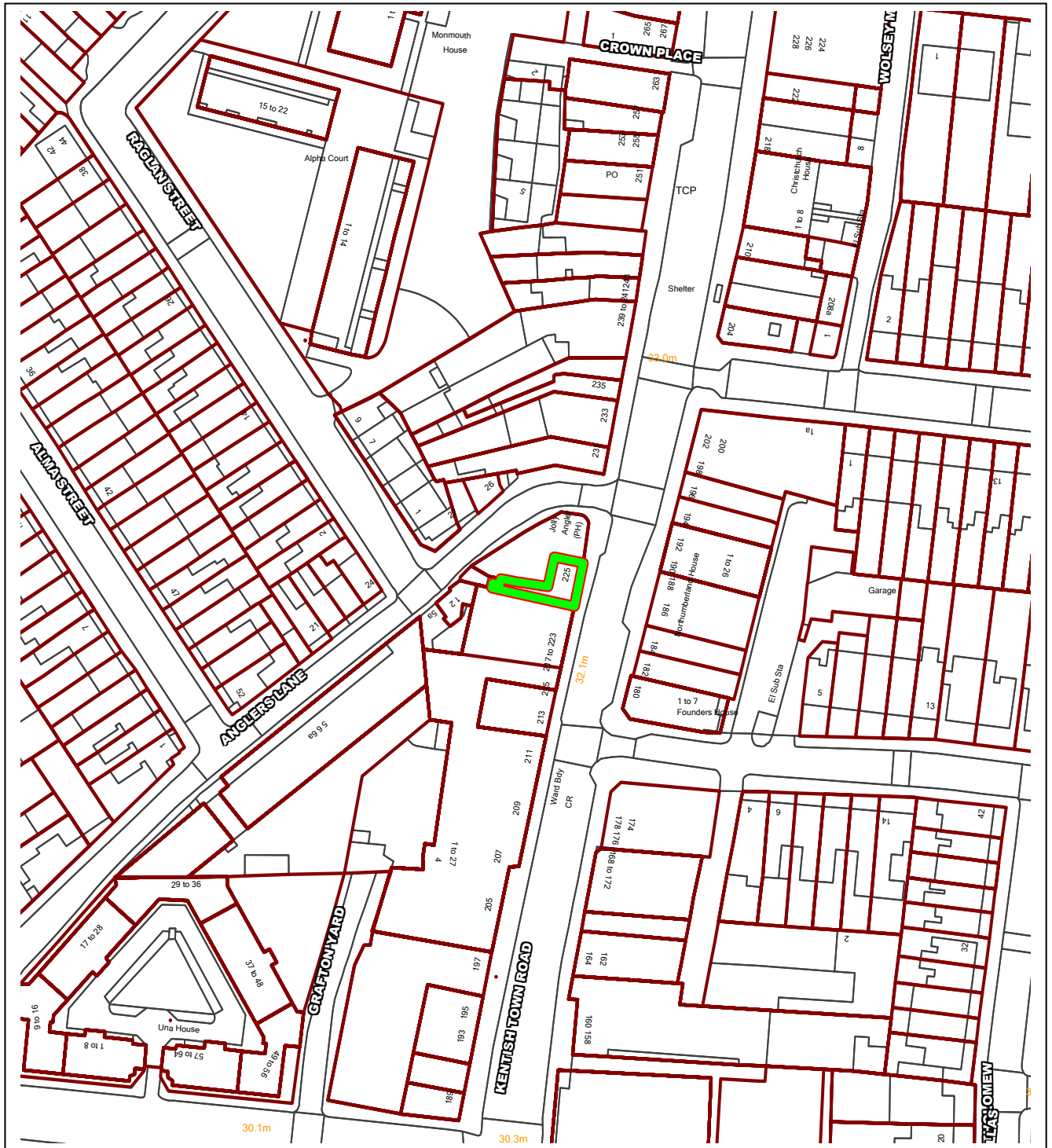


2024/1310/P - 225 Kentish Town Road NW5 2JU



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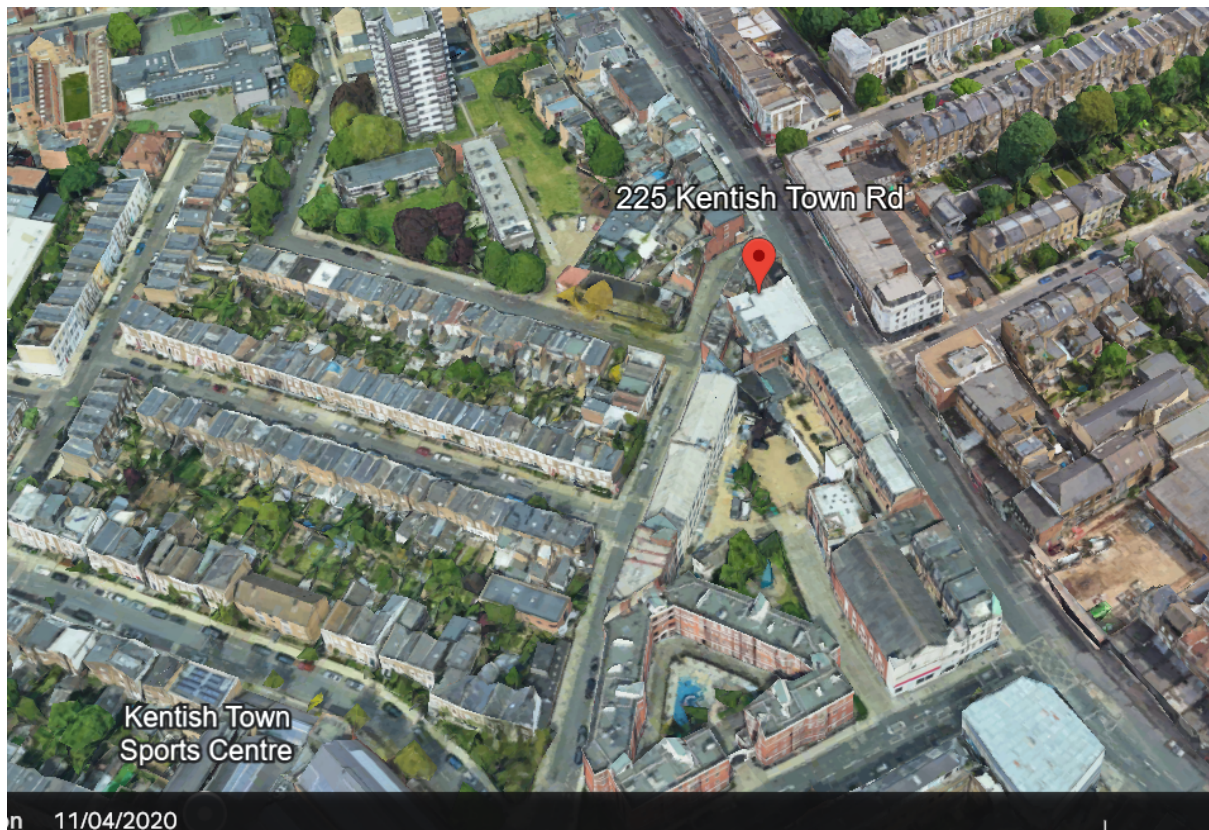


Image 1. Showing the aerial view of the site.

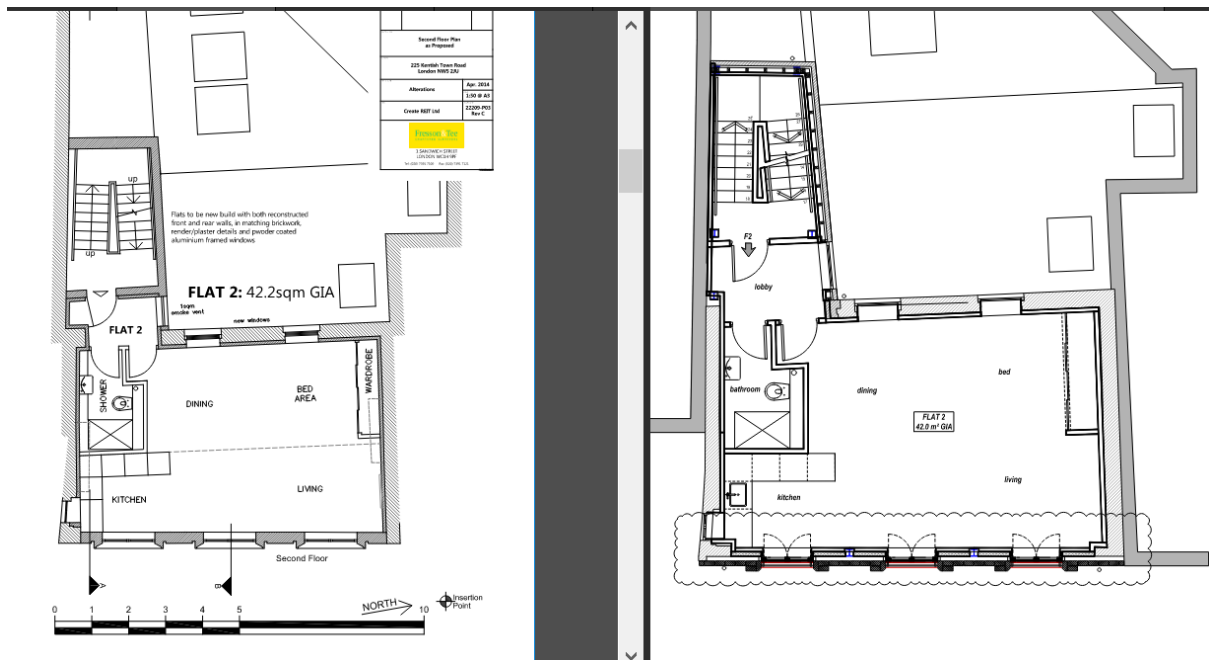


Image 2 - Approved and proposed typical floor plan



Image 3 - Proposed and approved elevation drawing



Image 4 - Approved and proposed rear elevation drawings



View of proposed facade onto Kentish Town Road

Image 9. CGI Image of the proposed building

Delegated Report		Analysis sheet		Expiry Date:		12/06/2024	
		N/A		Consultation Expiry Date:		29/05/2024	
Officer				Application Numbers			
Obote Hope				2024/1310/P			
Application Address				Drawing Numbers			
225 Kentish Town Road London NW5 2JU				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Variation of condition 2 (approved plans) of planning permission 2017/4649/P dated 01.08. 2017 for 'Substantial demolition of three storey commercial building (retail (Class A1) and construction of a five storey building, including a mansard roof with three front dormers, Retain retail unit (A1) on the ground floor and the creation of 3 x self-contained residential units (C3) - 2 x studios and 1 x 2 bed duplex - above, 4 x cycle parking spaces and associated works'. Namely, alterations to the front, rear and side façade/fenestration treatment.							
Recommendation:		Grant Conditional Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	00	No. of objections	00
Summary of consultation responses:		A site notice was displayed within close proximity to the site from 19/05/2024 (expiring on 12/06/2024).					
CAAC/ National Amenity Society comments:		<p>The application site is not within a conservation area and therefore no CAACs were formally consulted. However, an objection have been received from the Bartholomew Estate and the Kentish Town CAAC is summarised below:</p> <p>Bartholomew Estate and Kentish Town CAAC objection:</p> <ol style="list-style-type: none"> Bartholomew and Kentish Town CAAC request the Portland stone is retained at the front of the building. <p>Officer's Comments:</p> <ol style="list-style-type: none"> <i>Please refer to design section of the report.</i> 					

Site Description

The application relates to a three storey building on the western side of Kentish Town Road. The building itself is not located within a conservation area but is in close proximity to the Bartholomew, Kentish Town and Kelly Street Conservation Areas. The property is not listed but is near 213-215 Kentish Town Road which is a Grade II Listed Building.

Relevant History

No. 225 Kentish Town Road:

(Ref **2020/3318/P**) – Details of the conditions 3A (windows, ventilation grilles, doors and gates); 3B (facing materials); 4 (sound insulation of the A1 unit); 6 (cycle parking spaces) and 7 (waste storage and removal) of planning permission 2017/4649/P dated 11/10/2017 was granted 03/03/2021 (for demolition of three storey commercial building and construction of a five-storey building for retail and residential, including a mansard roof with three front dormers, retained shopfront, first floor rear maintenance terrace and four storey rear projecting stairwell).

(Ref **2017/4649/P**)- Planning permission was granted subject to a S106 agreement (01/08/2018) for substantial demolition of three storey commercial building (retail (Class A1)) and construction of a five storey building, including a mansard roof with three front dormers, retained shopfront, first floor rear maintenance terrace and four storey rear projecting stairwell. Resulting building to retain retail unit (A1) on the ground floor and the creation of 3 x self-contained residential units (C3) - 2 x studios and 1 x 2 bed duplex - above, 4 x cycle parking spaces and associated works.

(Ref **2015/0567/P**)- Planning permission withdrawn (01/09/2015) for the erection of 4 storeys with rear balconies above existing ground floor commercial unit (following substantial demolition of existing building) and change of use of building above ground floor level from Class A2 to Class C3 to provide 4x1 bedroom flats.

(Ref **2015/4655/P**)- Planning permission granted (15/12/2015) for the installation of a new shopfront and replacement of the entrance door at ground floor level associated with the upper floor flats.

(Ref **2016/0756/P**)- Planning permission refused (26/07/2016) and subsequently dismissed on appeal for the erection of 4 storey extension (including mansard roof) above existing ground floor commercial unit (following substantial demolition of existing building) and change of use of building above ground floor level from ancillary retail (Class A1) to residential (Class C3) to provide 2x 1-bedroom flat and 1x 2-bedroom duplex flat. An appeal was subsequently lodged on 15/02/2017.

The application was refused by the Council for the following reasons:

- Detailed design of the front elevation;
- Proposed rear extension would be overbearing and create a sense of enclosure to neighbouring occupiers;
- Proposed terrace by reason of its size and location would result in harmful overlooking and loss of privacy;
- Absence of S106 legal agreement to secure the development as car-free;
- Absence of S106 legal agreement to secure a construction management plan (CMP).

The appeal (ref: APP/X5210/W/17/3167971) was dismissed on 04/05/2017 with the Inspectorate dismissing planning permission primarily on the detailed design of the façade:

‘Notwithstanding this view, when considered as a whole the proposed windows would appear very small when compared to the larger and more imposing windows which mainly appear on the other properties in the street, and in particular within the immediate terrace. I accept that the windows would be positioned in a regular and vertical manner, but when viewed against the

neighbouring buildings they would appear compressed and very small. In this case, I consider that an opportunity has been missed to better reflect and align with the overall proportions of the windows which exist in the locality and particularly within the neighbouring properties.'

The Inspector considered the height scale and massing of the proposal to be acceptable. They did not agree with the Council's reasons for refusal regarding the overbearing impact of the proposed rear extension upon the adjacent neighbouring properties, or the concerns of overlooking into the rear of No. 1A Angler's Lane, which is located at the rear of the site.

Relevant policies

National Planning Policy Framework, 2023

The London 2021

Camden Local Plan 2017

D1 (Design)

D2 (Heritage)

Camden Supplementary Planning Guidance

CGP1 Design (Updated March 2021)

CPG Amenities (Updated March 2021)

Kentish Town Neighbourhood Development Plan 2015-2030

D3 (Design principles)

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

1. Proposal

1.1 The application seeks to make amendments to the consented scheme ref. 2017/4649/P dated 2017/4649/P.

1.2 The development description for the consented scheme is as follows:

Substantial demolition of three storey commercial building (retail (Class A1)) and construction of a five storey building, including a mansard roof with three front dormers, retained shopfront, first floor rear maintenance terrace and four storey rear projecting stairwell. Resulting building to retain retail unit (A1) on the ground floor and the creation of 3 x self-contained residential units (C3) - 2 x studios and 1 x 2 bed duplex - above, 4 x cycle parking spaces and associated works.

1.3 This Minor Material Amendment (MMA) application is submitted to amend the elevations of the upper floors only. There will be no change to the use classes or the appearance of the shopfront at ground floor from the approved plans within application ref: 2017/4649/P.

1.4 The proposed amendments include:

- Front elevation: a change to the proposed materials for the window surrounds from Portland Stone to red brick;
- Amend the balustrades from the approved metal railing to Juliet glass balustrades at roof level and installing of Juliet balustrade between the first to third floors;
- Rear elevation: a change from a ventilation louvre to a clear glass window with red brick on the top edge at first floor level, and ;
- Flank elevation: a change to the three proposed ventilation louvre to three clear glass windows with red brick on the top edge.

2. Planning considerations

2.1 The key considerations material to the determination of this application are as follows:

- Design and Conservation
- Neighbour Amenity

3. Design

2.2 An intrinsic aim of the Local Plan policies is to respect the local character. In particular, policy D1 requires careful consideration of the characteristics of the site, features of local distinctiveness, and the wider context to be demonstrated in order to achieve high quality development which integrates into its surroundings.

2.3 The western side of Kentish Town Road is characterised by three and four storey buildings which terminate at different heights and therefore uniformity is not a characteristic of the roofscape. The character and appearance of the buildings are of a grander scale in terms of size and the design of the buildings (e.g. windows, parapet walls, columns).

2.4 The development has taken cues from the neighbouring buildings in terms of its elongated window proportions and window reveals in which it is considered that the Inspector's comments and reason for dismissal have now been overcome. This in comparison the previous scheme (2016/0756/P) in which the Inspector commented that the design

appeared “*compressed and very small*” and that an “*opportunity has been missed to better reflect and align with the overall proportions of the windows which exist in the locality and particularly within the neighbouring properties*”.

- 2.5 The proportions of the front elevation are in keeping with the neighbouring buildings with the proposed windows of a matching scale and proportion in comparison to the existing façade of the host building and the façades along Kentish Town Road. Additionally, the use of brickwork on the front elevation. The brickwork at the rear of the building will be unchanged from the approved yellow brick. This style of the brickwork is reflected on the surrounding buildings in style and proportions, with respect on the use of materials, traditional window ‘type’, spacing, and arrangement. However, the changes being proposed would be the use of vertical brickwork along the window top edges be changed to red brick.
- 2.6 Thus, the proposed amendments to the front elevation include replacing the Portland Stone with a traditional brick design and whilst the Portland Stone detail would be lost, the proposed brickwork would utilising a design created from the use of red and yellow brick. The proposed red and yellow brick would be installed around the windows in vertical columns from the first floor to the third floor. This design would replicate the design seen at the neighbouring 227 Kentish Town Road, which unitises very similar architectural styles.
- 2.7 No changes are being proposed to the location of the approved windows and the replacement of the ventilation louvres to clear glass would enhance the aesthetics of the host building. The use of clear glass windows will allow for additional natural light to the previously only internally artificially lit stairwell. The proposed windows will have automated actuators installed, that will be linked to the fire detector and alarm system to open in the case of an emergency to provide ventilation to apartments.
- 2.8 The proposed Juliet balconies to the front elevation at 1st, 2nd and 3rd floor levels and the replacement of the metal safety railing with glass balustrade at roof level are considered acceptable in this instance. The proposed new Juliet balconies would be installed within the reveal of the window/door openings to the front elevation thus the proportions and overall appearance of the front fenestration would be maintained.
- 2.9 It is considered that the design in terms of its detail design and appearance would have an acceptable impact upon the host and surrounding buildings. The proposed amendments are minor in scope and scale and do not alter the overall dimensions or intent of the scheme and would therefore not impact the character of the building nor would the changes proposed not have any material impact on the character and appearance of the host property or the Conservation Area.

3.0 Neighbour Amenity

- 3.1 Within the Camden Local Plan policies, policy A1 ensures that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise and vibration and odour. Furthermore, A4 seeks to protect development from noise sensitivity or neighbouring occupiers from potential noise generation from development.
- 3.2 Owing to the nature of the amendments, there would be no impact on residential amenity. The replacement of louvres with clear glass would not result in any overlooking due to their orientation or position with neighbouring amenities.

4.0 Recommendation

Grant Planning Permission subject to a Deed of Variation to the S106 Agreement.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2nd December 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/1310/P
Contact: Obote Hope
Tel: 020 7974 2555
Date: 28 November 2024

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Newsteer Real Estate Advisers
C/O HubHub London
20 Farringdon Street
EC4A 4AB

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:
225 Kentish Town Road
London
NW5 2JU

Proposal:

Variation of condition 2 (approved plans) of planning permission 2017/4649/P dated 01.08.2017 for Substantial demolition of three storey commercial building (retail (Class A1) and construction of a five storey building, including a mansard roof with three front dormers, Retain retail unit (A1) on the ground floor and the creation of 3 x self-contained residential units (C3) - 2 x studios and 1 x 2 bed duplex - above, 4 x cycle parking spaces and associated works. Namely, alterations to the front, rear and side façade/fenestration treatment.

Drawing Nos: Drawing Nos: Superseded: 22209-P01_RevC; 22209-P02_RevD; 22209-P07_RevF; 22209-P08_RevB; 22209-P12_RevB.

Drawing Nos: Revised: 1257-P004; 1257-P005; 1257-P006; 1257-P-001; 1257-P002; 1257-P003; 2409_00001_8; 2409_00001_9; 2409_00001_10; 2409_00001_11 and 2409_00001_12.

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 the original planning permission ref 2017/4649/P dated 01/08/2017.

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- 1257-P004; 1257-P005; 1257-P006; 1257-P-001; 1257-P002; 1257-P003; 2409_00001_8; 2409_00001_9; 2409_00001_10; 2409_00001_11; 2409_00001_12; 222209-00 (OS Extract); 22209-01; 22209-02; 22209-03; 22209-04; 22209-07; 22209-08; 22209-09; 22209-10; 22209-P03_RevC; 22209-P04_RevC; 22209-P05_RevC; 22209-P06_RevB; 22209-P09_RevB; 22209-P10_RevB; 22209-P13_RevB; 22209-P15; Planning Statement by Newsteer Real Estate and Design and Materials Statement by Mark Newton Associates Ltd; Lifetime Homes Assessment; Noise Assessment by Mayer Brown dated January 2016; Odour Assessment by Mayer Brown dated January 2016; Planning Statement by GL Hearn dated August 2017.

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

- 3 The development shall be carried out in full accordance with the detailed drawings and samples as approved by application ref. 2020/3318/P on 03/03/2021 or any subsequent submission in respect of the information below and approved in writing by the local planning authority before the relevant parts of the works are commenced:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) 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).

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

- 4 The sound insulation measures hereby approved shall be installed with value DnT,w and L'nT,w being enhanced by at least 10dB above Buildings Regulations value and include such mitigation measures as necessary in order to achieve the 'Good' criteria of BS8233:1999 within the dwellings.

The details as approved shall be implemented prior to first occupation of the residential units and thereafter be permanently retained.

Reason: In order to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A4 and A4 of the London Borough of Camden Local Plan 2017.

- 5 No part of the rear outdoor area at first floor level shall be used as a terrace and any access out into this area shall be for maintenance purposes only.

Reason: In order to prevent any overlooking of neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 6 The details of secure and covered cycle storage area for 6 cycles shall be installed in accordance with the details approved under application ref 2020/3318/P dated 03/03/2021 or any other such details provided to and approved in writing by the Local Planning Authority. The cycle storage shall 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.

- 7 The details of the location, design and method of waste storage and removal including recycled materials, shall be installed in accordance with the details approved under application ref 2020/3318/P dated 03/03/2021 or any other such details provided to and approved in writing by the Local Planning Authority. The cycle storageshall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements policy D1 of the London Borough of Camden Local Plan 2017 and Kentish Town Neighbourhood Plan 2016.

- 9 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 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 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 4 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.
- 5 Based on the information available, this will not require the approval of a BGP before development is begun because the planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
- 6 Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73(2D) of the Town and Country Planning Act 1990 If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post- development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

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