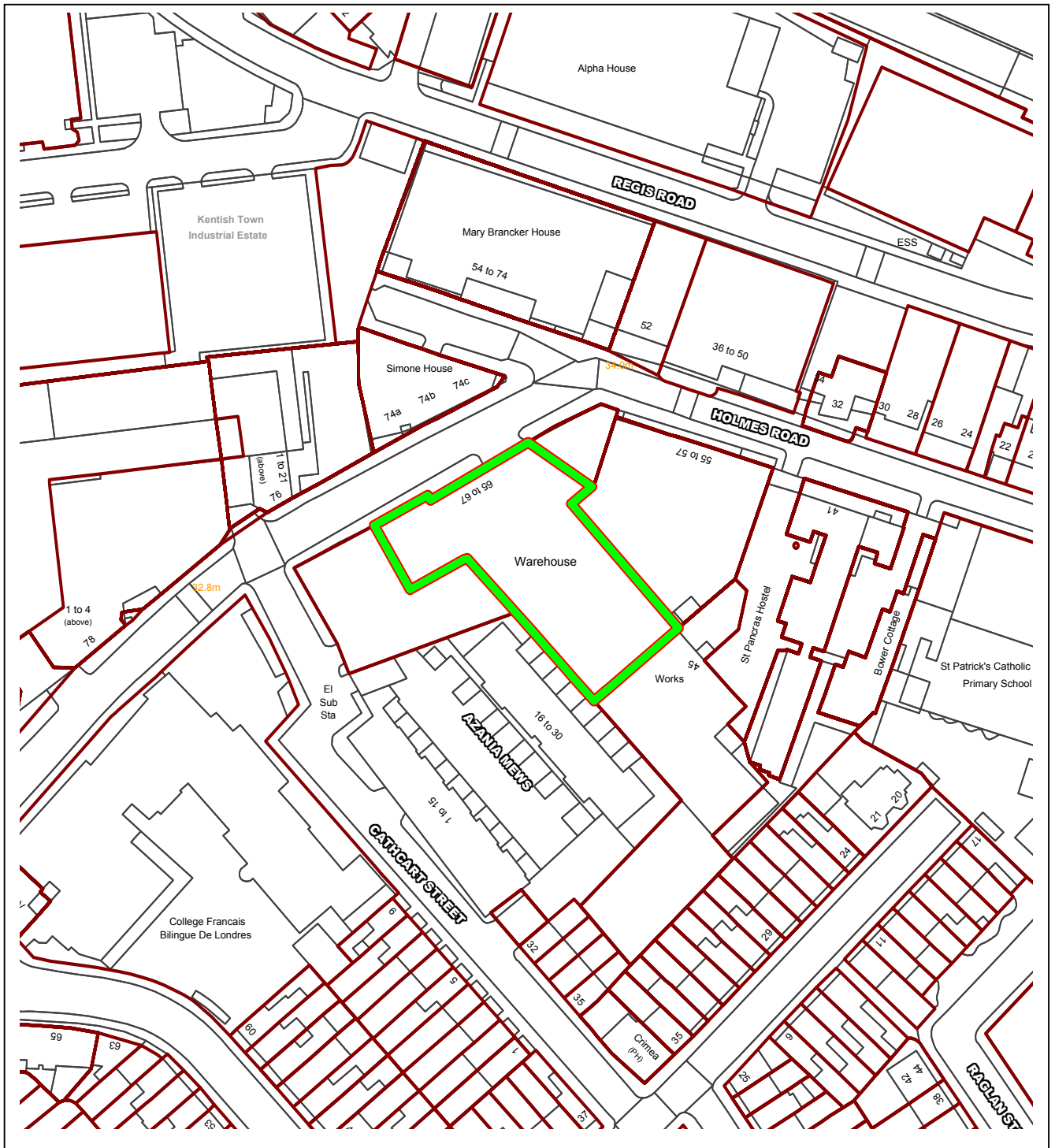


Magnet 65-69, Holmes Road, London, NW5  
3AN

2015/5435/P



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## Site Photos –

Photo 1: Existing front elevation of the Magnet building



Photo 2: Existing front elevation of the Magnet building





**Photo 3: Existing side elevation and car park of the Magnet Building**



**Photo 4: Aerial view of the Magnet building**



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>23/11/2015</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>24/12/2015</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Jonathan McClue			2015/5435/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Magnet 65-69 Holmes Road London NW5 3AN			Refer to 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>					
<p>Variation of Condition 20 (approved plans) of planning permission 2013/7130/P dated 06/03/2014 (for the erection of a part seven, part three storey building above two basement levels to provide student accommodation comprising 273 units with ancillary facilities (sui generis), warehouse (B8) at basement and ground floor levels and a coffee shop (A1) at ground floor level following the demolition of existing B8 buildings); changes are to - extend the lower basement level to relocate part of the warehouse (B8) use from the mezzanine floor, internal reconfigurations, introduction of social space and study rooms on the mezzanine level, changes between double and twin rooms, lift overrun, new rooflights and lightwells.</p>					
<b>Recommendation(s):</b>		<b>Grant Subject to a Section 106 Legal Agreement</b>			
<b>Application Type:</b>		<b>Variation or Removal of Condition(s)</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	105	No. of responses	07	No. of objections	07
			No. Electronic	06		
Summary of consultation responses:	<p>The application was advertised in the local press on 03/12/2015 and a site notice was displayed from 02/12/2015. 7 objections have been received from occupiers within flats at 55-57 Holmes Road, Simone House, 74A Holmes Road and 74B Holmes Road. The objections are summarised below:</p> <ul style="list-style-type: none"><li>Concerns regarding anti-social behaviour, traffic and noise from student accommodation</li><li>Amenity impacts from new building including: loss of light, loss of outlook/views, loss of privacy (overlooking from new accommodation)</li><li>Loss of property value</li><li>Balance of student numbers and working professionals will be affected</li><li>Transient nature of student population would break down community structure</li><li>Basement extension would prolong works by increasing the volume of heavy machinery on-site and removal of excavated material leading to noise and general disturbance from construction</li><li>Construction vehicles pose safety risk as located near the French School</li><li>Extension of communal study areas and coffee shop would attract visiting students</li></ul> <p><b><u>Officer Response:</u></b></p> <ul style="list-style-type: none"><li>The proposed amendments would not result in an increase to student numbers so these impacts would not worsen. Furthermore, there are a number of legal agreements to address these issues including a student management plan, a travel plan and the development would be car-free</li><li>The approved building would not increase in size nor would any further windows be added as part of the proposal</li><li>The loss of property value is not a material planning consideration</li><li>The number of students is not increasing as part of the proposal</li><li>The applicant contends that the basement extension would take less time as there would be less underpinning involved. Notwithstanding this, the development is subject to a Construction Management Plan secured by section 106 and it is not considered that the proposals would result in a significant increase to noise and general disturbance</li><li>The internal communal areas for student would be limited to those within the student accommodation</li></ul>					

**CAAC/Local groups\*****comments:**

\*Please Specify

Kentish Town Road Action was consulted on 27/11/2015 and no response was received. No other local groups submitted any comments.

Thames Water confirmed on 30/11/2015 that they have no comments to make.

**Site Description**

The application site comprises an 'L' shaped plot of land which is currently occupied by a Magnet Kitchen Showroom and Warehouse with customer car parking. The site has two vehicular access points; one off Homes Road to the customer car park and one off Cathcart Street for delivery lorries. A redundant access also exists towards the boundary with no.61-63 Holmes Road. The site is adjacent to the Inkerman Conservation Area and close to the Grade II listed French school at 87 Holmes Road. The Kentish Town Industrial Area is to the north of the site and the Kentish Town - Town Centre is within walking distance.

There are a number of recent developments in the surrounding area, including:

- **61-63 Holmes Road:** 5 storey plus basement building with light industrial (B1) at basement at ground floor level and 8 residential flats above. Permission was granted on appeal under 2011/0201/P
- **55-57 Holmes Road:** Two additional storeys to the building to create 3 residential flats allowed on appeal under 2008/1304/P. Subsequent approvals under 2010/6016/P and 2011/2627/P to allow change of use to parts of basement and ground floor from warehouse (B8) and office (B1a) to residential
- **Simone House (formerly 74a Holmes Road):** Demolition of vacant vehicle repair workshop and erection of a 5 storey mixed use building with flexible of business (B1) space on the ground floor and 27 affordable units above. Approved under 2005/3264/P
- **54-74 Holmes Road:** Demolition of an existing warehouse/industrial (B8) building and erection of a 5 storey building comprising of business (B1) at ground floor with 4 studios and 27 cluster flats (182 bed rooms/spaces) for students above. Approved under 2003/1212/P
- **87 Holmes Road:** 2010/1342/P, 2010/1353/C and 2010/1350/L were granted for extensions to the French School and improvements to pedestrian and vehicular access points.
- **41-43 Holmes Road:** Extension to the existing hostel to increase rooms from 43 to 59 and ancillary office/commercial and storage space approved under 2012/6344/P
- **45 Holmes Road:** A 3 storey extension was permitted under 2015/3131/P to provide 8 residential units.

It is also noted that the site lies within the boundaries of the Kentish Town Neighbourhood Forum. The forum produced a final version of their Neighbourhood Plan to the Council for public consultation which ended on 29/01/2016. The Examiner has now been appointed and the Examination of the Plan commenced during the week of 01/02/2016. The Council are expecting to receive the Examiner's report in either February or March. Therefore, the neighbourhood plan must be taken into account but given limited weight in decision making.

## Relevant History

The application site has a significant history including 3 refusals, 2 of which were appealed by way of Public Inquiry where one was allowed and one was dismissed. A brief summary of the history is listed in chronological order below.

**2008/4795/P (withdrawn):** Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 411 self-contained study rooms and ancillary facilities (Sui Generis), restaurant/cafe use (Class A3) at ground floor level, and part change of use of upper basement level of 55-57 Holmes Road for use as ancillary facilities (refuse store, common room) for the student accommodation. (Following the demolition of the existing warehouse building). The application was withdrawn 27 January 2009.

**2009/3187/P (Refused, appeal withdrawn):** Erection of a part six, part three storey building with three and two basement levels respectively to provide student accommodation comprising 358 self-contained study rooms with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and restaurant (Class A3) at ground floor level. (Following the demolition of the existing warehouse building). The application was refused on 13 October 2009 for 26 reasons, including an excessive proportion of student accommodation and a loss of employment space. A Public Inquiry appeal was withdrawn by the Appellant on 9 February 2010.

**2010/6039/P (Refused, Appeal Allowed):** Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 268 student rooms housed within 245 units with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and coffee shop (Class A1) at ground floor level. The application was refused under delegated powers on 4th February 2011 for 19 reasons including failure to deliver an appropriate mix of housing types, over-concentration of student housing and loss of employment floorspace.

An appeal was submitted (ref: APP/X5210/A/09/2116161) and subsequently allowed on 1st December 2011. A unilateral undertaking (UU) was submitted during the appeal to satisfactorily address the majority of the reasons for refusal (9 to 19).

**2012/6548/P (Refused, appeal dismissed):** Erection of part seven, part three storey building with two basement levels to provide student accommodation comprising 313 student rooms housed within 278 units with ancillary facilities (sui generis), office use (Class B1) at lower basement and ground floor level. The application was refused under delegated powers on 25 March 2015. The main reasons for refusal were based on the unacceptable loss of floorspace (more was lost than the approved scheme); the over-concentration of student accommodation (45 more beds were proposed over the approved scheme); lack of external amenity space for students and due to larger extensions being proposed there was considered to be an adverse impact on the character and appearance of the area and potential impacts on sunlight/daylight of neighbouring properties.

An appeal was submitted (ref: APP/X5210/A/13/2197192) and subsequently dismissed on 4 October 2013. The appeal was dismissed due to the loss of employment space, the over-concentration of student accommodation and the lack of external amenity space for students.

**2013/7130/P (Granted Subject to a Section 106 Legal Agreement):** Erection of part seven, part three storey building above two basement levels to provide student accommodation comprising 273 units (337 rooms and 439 bed spaces) with ancillary facilities (sui generis), warehouse (Class B8) at basement and ground floor levels and a coffee shop (Class A1) at ground floor level following demolition of existing B8 buildings. Planning permission was granted subject to a Section 106 Legal Agreement at the Development Control Committee on 06/03/2014. The scheme was essentially an amalgamation of the acceptable elements (as deemed by the Planning Inspectorate) from the two appeal proposals ref: 2010/6039/P and 2012/6548/P.

A number of planning obligations and conditions were included such as financial contributions, the restriction of occupation of student accommodation until the commercial element has been let and occupied, restricting occupation to student accommodation only and not permanent residential accommodation, the development must be linked to a Higher Education Funding Council for England (HEFCE) funded institution, a student management plan, travel plan, Construction Management Plan, Service Management Plan, car-free development, restrictions on use of external amenity space, external noise level compliance and no increase in student bedspaces.

## **Relevant policies**

### **National Planning Policy Framework 2012**

Paragraphs 12, 14, 17, 18-22, 29-41, 47-55, 56-66 and 126-141.

### **London Plan March 2015, consolidated with alterations since 2011**

Policies 3.5 (Quality and design of housing developments), 4.4 (Managing industrial land and premises), 6.9 (Cycling), 7.4 (Local character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology).

### **Local Development Framework 2010**

#### **Core Strategy**

CS1 (Distribution of growth)  
CS5 (Managing the impact of growth and development)  
CS6 (Providing quality homes)  
CS7 (Promoting Camden's Centres and shops)  
CS8 (Promoting a successful and inclusive Camden economy)  
CS11 (Promoting sustainable and efficient travel)  
CS13 (Tackling climate change through promoting higher environmental standards)  
CS14 (Promoting high quality places and conserving our heritage)  
CS15 (Protecting & improving our parks & open spaces & encouraging biodiversity)  
CS16 (Improving Camden's health and well-being)  
CS17 (Making Camden a safer place)  
CS18 (Dealing with our waste and encouraging recycling)  
CS19 (Delivering and monitoring the Core Strategy)

#### **Development Policies**

DP1 (Mixed use development)  
DP2 (Making full use of Camden's capacity for housing)  
DP3 (Contributions to the supply of affordable housing)  
DP5 (Homes of different sizes)  
DP8 (Accommodation for homeless people and vulnerable people)  
DP12 (Supporting strong centres & managing food, drink, entertainment & t/c uses)  
DP13 (Employment premises and sites)  
DP16 (The transport implications of development)  
DP17 (Walking, cycling and public transport)  
DP18 (Parking standards and limiting the availability of car parking)  
DP19 (Managing the impact of parking)  
DP20 (Movement of goods and materials)  
DP21 (Development connecting to the highway network)  
DP22 (Promoting sustainable design and construction)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP27 (Basements and lightwells)



DP28 (Noise and vibration)  
DP29 (Improving access)  
DP30 (Shopfronts)  
DP23 (Air quality and Camden's Clear Zone)

**Camden Planning Guidance (CPG)**

CPG1 (Design) 2015  
CPG2 (Housing) 2015  
CPG3 (Sustainability) 2015  
CPG4 (Basements and lightwells) 2015  
CPG5 (Town Centres, Retail and Employment) 2013  
CPG6 (Amenity) 2011  
CPG7 (Transport) 2011  
CPG8 (Planning Obligations) 2015

**Inkerman Conservation Area Statement March 2003**

**Kentish Town Neighbourhood Forum Neighbourhood Plan Proposal – Submission November 2015**

## Assessment

### 1.0 Proposal

1.1 Planning permission (under a Section 73 application) is sought to vary condition 20 (approved drawings) of 2013/7130/P for the erection of a part seven, part three storey building above two basement levels to provide student accommodation comprising of 273 units with ancillary facilities (sui generis), warehouse (B8) at basement and ground floor levels and a coffee shop (A1) at ground floor level following the demolition of existing B8 buildings. The application includes a number of Minor Material Amendments which are outlined below.

1.2 The proposed amendments to the approval include the extension of the lower basement level to relocate part of the approved warehouse (B8) use from the mezzanine floor; the provision of supplementary space for student accommodation use on the mezzanine floor; changes between double and twin rooms of the student accommodation; various minor internal alterations and external alterations to the lift overrun, new rooflights and lightwells.

1.3 The approved scheme included a lower basement level that was segmented with the warehouse use and student use separated by an unbuilt area of land. The proposal includes the extension of the approved lower basement to include the area of unbuilt land with a larger area dedicated to warehouse use. The warehouse use at lower basement level would be increased from 510sq.m to 975sq.m and would replace the approved mezzanine warehouse area. The basement extension would be under the footprint of the approved building and would have a depth to match the approved lower basement level.

1.4 The proposal includes the conversion of the mezzanine area above the ground floor to be used as communal social space and study rooms to supplement the student accommodation use. It includes 6 study rooms and a large social space. A total of 273 units (337 rooms) of student accommodation would be provided as per the approval so there would be no increase in student numbers.

1.5 The external appearance of the proposed scheme remains as per the approved scheme. There are no changes to the materials and fenestration of the external elevations. There would be a small increase in size to the lift overrun as a result of the larger lift to accommodate cycle transport. In addition, new rooflights are proposed in the internal courtyard at first floor level and a lightwell is proposed within the mezzanine level.

1.6 It is noted that the principle of the development, the amount of employment floorspace and the level of student accommodation have already been approved and are not being altered. The main issues to consider here are the quality of the employment floorspace as it is being relocated to the lower basement level, any potential impacts created by the basement extension and the addition of supplementary space for student accommodation use on the mezzanine floor.

### 2.0 Quality of Employment Space

2.1 The approved scheme accommodated 1912sq.m of warehouse space across four levels – ground floor, mezzanine, upper basement and lower basement. The access to all levels is via a service goods platform lift that can accommodate forklifts and goods. A showroom and goods vehicle loading yard totalling 380sq.m was approved on the ground floor.

2.2 The revised proposal is seeking to provide a more efficient working warehouse system by relocating the warehouse space from the mezzanine floor and consolidating it with the existing space provided at lower basement level which is linked to the upper floors by the forklift goods lift. As per the approved scheme the upper basement level would provide 937sq.m and be accessed by a loading

ramp for potential small goods vans to traverse into. The proposal would increase the lower basement area by 465sq.m (equal to the approved mezzanine area) to accommodate a total of 975sq.m of storage area.

2.3 Officers consider that the proposed lower basement offers a potentially greater volume of storage than the approved scheme. From an operational perspective, the reduction to the number of floors would lead to faster trip times for the distribution of goods to and from the loading bay level. The proposed lower basement warehouse level would have a greater volume (ceiling height of 3.8m-5.67m) compared to the 2.5m height available at the mezzanine level of the approved scheme. This would result in improved storage racking capacity and the storage could be accommodated on a single floor plate. It is considered that this would improve efficiency for the warehouse operator and a greater variety of goods storage. Overall, there would not be a loss of employment space and the consolidation of the floorspace and increase in ceiling height would be more efficient in terms of logistics.

2.4 The proposed revisions would result in the loss of employment floorspace above ground which could reduce the attractiveness of the space to businesses that want a physical presence and natural light. Despite this, there is a high demand for this type of floorspace within the borough and it's likely that there will be interest if the space is affordable. The extant permission includes a legal provision which would prevent the occupation of the student accommodation until the commercial space is occupied. This provision would remain and the developer has stated that they would honour it.

### **3.0 Basement**

#### History

3.1 The first decided application on the site under 2009/3187/P included a 2 storey basement with both the lower and upper levels covering the entire site. It was of a similar area and depth as the proposed basement extension. While the application was refused there was no objection to the proposed basement, subject to a condition requiring proposed plans and structural calculations to be submitted and approved to the Camden's highways structural engineers. A Basement Impact Assessment (BIA) was not submitted.

3.2 Planning permission was approved on appeal under 2010/6039/P for a 2 storey basement that was similar to the current approval under 2013/7130/P. The Inspector attached a structural calculations condition.

3.3 A BIA was submitted with application 2012/6548/P which included a 2 storey basement. The BIA followed the process under CPG4 (Basements and lightwells). Site investigations were included as part of the report and the delegated Officer Report confirmed that the BIA was adequate and there were no issues raised in relation to the basement development. It is noted that the BIA was not independently audited as part of the application process nor was this required. The application was ultimately refused for other reasons (as explained under relevant history).

#### Approved basement

3.4 The approved basement under 2013/7130/P was considered acceptable within the Officer Report that went to Development Control Committee as it had already been approved in principle under 2010/6039/P. An updated BIA accompanied the submission which was considered acceptable and no independent audit was required. The extant approval for the 2 storey basement includes two pre-commencement conditions (14 and 22) which require further details:

*“14) No work shall take place on site until a detailed design, structural calculations and method statement for the foundation design and all new groundworks has been submitted to and approved by the Council. The development shall only take place in accordance with the*

*detailed scheme approved agreed pursuant to this condition.*

*Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.”*

And

*“22) The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.*

*Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.”*

3.5 The above conditions would need to be formally discharged before the commencement of the basement development. The Council would expect these details to be independently verified as part of the application process.

#### Basement proposal

3.6 The proposed basement extension would provide 465sq.m of additional warehouse space within the lower basement. The maximum depth of the 2 storey basement would not be altered and the extension would take place underneath the upper basement within the footprint of the building. It would essentially result in the removal of ground which lies in-between the middle of the existing lower ground basement which is split into two sections. The approved and proposed lower basement plans are illustrated in figure 1 (below):

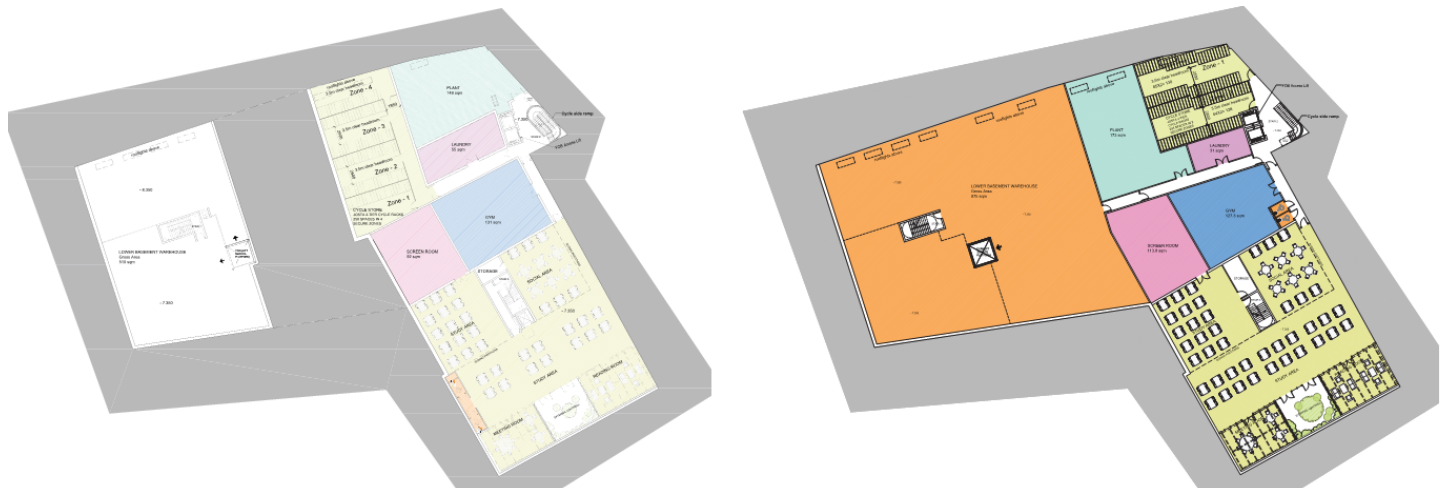


Figure 1 (above): Approved basement (2013/7130/P) to the left and proposed basement to the right.

3.7 As part of the submission the applicant submitted an addendum to the approved BIA. The addendum used results taken from an investigation that was carried out at the adjacent site (which the applicant owns) at 55-57 Holmes Road. The results were used to interpret the soil conditions below the proposed development. In order to provide more clarity and to reduce the risk of the development, an in-depth ground investigation report was carried out by GeoCon Site Investigations Ltd in July 2015. This was used to re-assess the previous conclusions of the BIA and to ensure that all the assumptions were valid with the site specific soil conditions.

3.8 The ground investigations included two cable percussion boreholes to a nominal depth of 30m below ground level. Made ground and deposits of London Clay Formation were encountered in both exploratory borehole locations and no groundwater was encountered during the ground investigation. Overall, the site investigation confirmed the assumptions used when the approved BIA was produced as part of 2013/7130/P. The proposed structural solutions in the original document are relevant after reviewing the new site specific ground information. The additional investigation confirms that the proposed basement can be constructed using the techniques proposed.

3.9 In addition to the above, the applicant has stated that they will submit further details to discharge conditions 14 and 22 of the extant permission. The Council would require the submission of these technical details to be the subject of an independent audit. This would be required whether the applicant implements the approved development or the proposal here.

4.0 Based on the details of the approved BIA and the addendum submitted as part of the application, the history of the site which has approved similar basements in principle and given that detailed design, structural calculations and a method statement for the foundation design and all new groundworks would need to be formally submitted for review and subject to independent verification, it is considered that the proposed basement extension demonstrates sufficient certainty to meet the requirements of Policy DP27 and CPG4.

#### **4.0 Addition of Supplementary Student Space**

4.1 The mezzanine area would be converted into internal communal social space and study rooms for the residents of the approved student accommodation. It would result in an improvement to the quality of living accommodation by giving the residents an internal area to relax and socialise as well as quiet study areas outside of their bedrooms.

4.2 The proposed internal areas would be for the benefit of the students within the accommodation only and would be accessed via secure entrances. The extra communal space would therefore not lead to additional students from outside of the accommodation. Furthermore, the extant planning permission has a legal obligation requiring a student management plan. Any issues relating to the use of the new communal area would be controlled by this agreement.

#### **5.0 Quality of Student Accommodation**

5.1 As stated above the proposal is considered to result in an improvement to the quality of life for the prospective occupiers as they would have more communal areas to socialise and study. The proposed changes to the layout of the student accommodation do not affect bed spaces, room sizes or the quality of the rooms.

#### **6.0 Design, Character and Appearance**

6.1 The only external alteration that would be visible from within the public realm would be the small increase in size to the lift overrun. Due to the scale of its increase and given that it would not be visually prominent from within the streetscene as it would be set behind the parapets of the building, it



is not considered to impact on the appearance of the approved structure or the surrounding area. The reconfiguration to the rooflights and new lightwell would be located within the internal courtyard of the building. Due to their nature, location and scale they would be acceptable.

## **7.0 Residential Amenity**

7.1 The approved building would not be increased in size, there would be no new windows and student numbers would not be altered. It is therefore considered that the proposed development would not result in an undue loss of sunlight, outlook, privacy, or that it would increase levels of noise and general disturbance over the approved scheme.

7.2 It is considered that the proposed development would not result in a materially greater level of construction works and construction vehicle movements that would unduly harm the amenities of surrounding residents. The applicant considers that the additional excavation works required for the basement extension would speed up the construction process as less piling would be required to shore up the basement. Furthermore, the extant permission includes a Construction Management Plan obligation which is secured by legal agreement. This document would ensure that the safety and amenity of neighbouring residents would not be significantly harmed.

## **8.0 Community Infrastructure Levy (CIL)**

8.1 The proposed development would be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sq.m GIA or one unit of residential accommodation. The Mayoral CIL would be charged at £50 per sq.m and the Camden CIL at £400 per sq.m for the student housing and £0 per sq.m for the warehousing development.

8.2 The liable amount of CIL will be determined on receipt of the CIL Additional Information Requirement Form. Both CIL's will be collected by Camden after the scheme has started.

## **9.0 Conclusion**

On the basis of the above assessment, the proposed Minor Material Amendments are considered to be in keeping with the approved development and with the NPPF, London Plan, the Local Development Framework, Supplementary Planning Guidance and the general development policies of the Kentish Town Neighbourhood Forum Neighbourhood Plan Proposal – Submission November 2015. It is therefore recommended that planning permission be granted subject to a Deed of Variation to include all of the secured legal obligations.

## **10.0 Recommendation: Granted Subject to a Section 106 Legal Agreement**

### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday the 8<sup>th</sup> of February 2016. For further information please click [here](#)**

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Application Ref: **2015/5435/P**

04 February 2016

Dear Sir/Madam

**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:

**Magnet 65-69 Holmes Road  
London  
NW5 3AN**

Proposal: Variation of Condition 20 (approved plans) of planning permission 2013/7130/P dated 06/03/2014 (for the erection of a part seven, part three storey building above two basement levels to provide student accommodation comprising 273 units with ancillary facilities (sui generis), warehouse (B8) at basement and ground floor levels and a coffee shop (A1) at ground floor level following the demolition of existing B8 buildings); changes are to extend the lower basement level to relocate part of the warehouse (B8) use from the mezzanine floor, internal reconfigurations, introduction of social space and study rooms on the mezzanine level, changes between double and twin rooms, lift overrun, new rooflights and lightwells.

Drawing Nos:

Revised Plans: (131050-A(GA))P080 Rev C; P090 Rev C; P100 Rev E; P110 Rev D; P120 Rev D; P130 Rev D; P140 Rev D; P150 Rev D; P160 Rev D; P170 Rev B; P300 Rev B; P301 Rev B; P302 Rev B; P303 Rev B; P304; P400 Rev C; P401 Rev B; P402 Rev A; P403 Rev B, D & A Statement - s73 Update (Addendum to Approved scheme D&A Statement - 2013/7130/P) dated November 2015 and Basement Impact Assessment Addendum to Approved Document dated 28/08/2015.

Superseded Plans: (131050-A(GA))P080 Rev A; P090 Rev A; P100 Rev B; P110 Rev B; P120 Rev B; P130 Rev B; P140 Rev B; P150 Rev B; P160 Rev B; P170 Rev A; P300 Rev

A; P301 Rev A; P302 Rev A; P303 Rev A; P400 Rev B; P401 Rev A; P402 Rev A; P403 Rev A and revised room schedule submitted 11 Feb 2014.

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 For the purposes of this decision, condition no.20 of planning permission 2013/7130/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 20

The development hereby permitted shall be carried out in accordance with the following approved plans, except in respect of the windows in the elevation of the proposed building facing towards adjoining No 61 and 63 Holmes Road, which shall be deleted and fresh details of this element of the scheme shall be submitted: EX00; EX01; EX02; EX03; EX04; (131050-A(GA))P080 Rev C; P090 Rev C; P100 Rev E; P110 Rev D; P120 Rev D; P130 Rev D; P140 Rev D; P150 Rev D; P160 Rev D; P170 Rev B; P300 Rev B; P301 Rev B; P302 Rev B; P303 Rev B; P304; P400 Rev C; P401 Rev B; P402 Rev A; P403 Rev B; (131050-A(VIS))P001 and P002; Sustainability Statement, Oct 2013, prepared by Hodkinson Consultancy; Sunlight and Daylight, 22 Oct 2013, prepared by BMT Fluid Mechanics Ltd; Basement Impact Assessment, Oct 2013, prepared by Pringuer-James Consulting Engineers; Design & Access Statement, Nov 2013 rev A, prepared by Contemporary Design Solutions; Planning Statement, Oct 2013, prepared by KR Planning; Energy Statement, Oct 2013, prepared by Hodkinson Consultancy; Transport Statement, Oct 2013, prepared by URS; Construction Traffic Management Plan, Oct 2013, prepared by URS; Workplace Travel Plan, Oct 2013, prepared by URS; Student Travel Plan, Oct 2013, prepared by URS; email from KR Planning dated 7 Feb 2014, entitled Holmes Road; D & A Statement - s73 Update (Addendum to Approved scheme D&A Statement - 2013/7130/P) dated November 2015; Basement Impact Assessment Rev 1 dated October 2013 and Basement Impact Assessment Addendum to Approved Document dated 28/08/2015.

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

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the

previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation). It is also noted that there are a number of pre-commencement conditions to be discharged.

- 2 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.
- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount of CIL will be determined on receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate