

Miss Jane Richardson  
bptw Partnership  
110-114 Norman Road  
London  
SE10 9QJ

Application Ref: **2015/0487/P**  
Please ask for: **Kristina Smith**  
Telephone: 020 7974 **4986**

22 December 2016

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**Marine Ices**  
**4-8a Haverstock Hill & 45-47 Crogsland Road**  
**London**  
**NW3 2BL**

Proposal:

Demolition of existing buildings, with retention of facade at 45-47 Crogsland Road and construction of a part 4/part 5 storey building with basement comprising flexible use of cinema (class D2) at basement and ground level with ancillary restaurant and bar (class A3/A4) at ground level or retail class (class A1 at basement and ground floor level and 19 residential dwellings (8 x 1 bed, 9 x 2 bed and 2 x 3 bed units) on upper floors with associated cycle parking, amenity space and refuse and recycling storage.

Drawing Nos: 177\_GA\_-01 F; 177\_GA\_00 L; 177\_GA\_01 J; 177\_GA\_02 H; 177\_GA\_03 H; 177\_GA\_04 K; 177\_GA\_05 J; 177\_GA\_-01R A; 177\_GA\_00R D; 177\_GA\_-01S; 177\_GA\_00S B; 177\_GE\_00 F; 177\_GE\_01 G; 177\_GE\_02 F; 177\_GE\_03 F; 177\_GS\_00 F; 177\_GS\_01 E; 177\_GS\_02 F; 177\_BS\_00 A; 177\_BS\_01 B; 177\_BS\_02 A; 177\_LFT\_00 A; 177\_LFT\_01 A; 177\_WHC\_00 A; 177\_PL\_01 A; Daylight and Sunlight Report; Energy Strategy (Cinema); Energy Strategy (retail); Sustainability Statement; Air Quality Assessment; Noise Report; Construction Management Plan; Basement Impact Assessment; Methodology Document; Planning Statement; Statement of Community Involvement; Structural Engineer's Report; Transport Statement; Envirocheck; Design and Access Statement; Market Demand Letter; Heritage and Townscape Statement



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

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:

177\_EE\_00 A; 177-EE\_01 A; 177\_EE\_02 A; 177\_EE\_03 A; 177\_ES\_00 A;  
177\_ES\_1 A; 177\_EX\_00 A; 177\_EX\_01 A; 177\_EX\_02 A; 177\_EX\_R A;  
177\_GA\_-01 F; 177\_GA\_00 L; 177\_GA\_01 J; 177\_GA\_02 H; 177\_GA\_03 H;  
177\_GA\_04 K; 177\_GA\_05 J; 177\_GA\_-01R A; 177\_GA\_00R D; 177\_GA\_-01S;  
177\_GA\_00S B; 177\_GE\_00 F; 177\_GE\_01 G; 177\_GE\_02 F; 177\_GE\_03 F;  
177\_GS\_00 F; 177\_GS\_01 E; 177\_GS\_02 F; 177\_BS\_00 A; 177\_BS\_01 B;  
177\_BS\_02 A; 177\_LFT\_00 A; 177\_LFT\_01 A; 177\_WHC\_00 A; 177\_PL\_01 A;

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
  - i) Elevation and section drawings at a minimum scale of 1:20 and a sample panel of brickwork showing the ice cream cone, the type(s) of brick to be used to execute the design, technical information and a MS as appropriate from a specialist to confirm how the design will be built.
  - ii) Plan, elevation and section drawings of the proposed shop front on Haverstock Hill and on Crogsland Road and the residential entrance the fascia, cornice, corbels, pilasters, glazing panels, transom and mullions of the new shop fronts at a scale of 1:10 with details at 1:5 showing materials, design of all lighting, intercom systems, cameras, all signage including building number, lighting, intercom system
  - iii) Plan, elevation and section drawings of the top floor on Haverstock Hill showing doors and louvres at a scale of 1:20.
  - iv) Plan, elevation and section drawings of a typical aperture on the Haverstock Hill elevation showing the doors, louvres, balustrading and fascia at a scale of 1:20.
  - v) A plan, elevation and section drawings of all new timber windows at a scale of 1:10 with typical glazing bar details at 1:1 on the retained Crogsland Road elevation.
  - vi) A sample panel of a minimum of 1x1 of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing
  - vii) A sample panel of the Alucobond Aluminium Rainscreen Cladding System of at least 1m in height using panels in the three different tones of Brilliant Metallic,

Champagne Metallic and Beige (references 602, 503 and 103 respectively), demonstrating all common joints and the pattern of assembly.

viii) A schedule of works for the repair and renewal of the Crogsland Road elevation.

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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 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, without the prior approval in writing of 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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No development shall take place until full details of hard and soft landscaping, means of enclosure of the first floor terrace and how the privacy of the first floor flats will be maintained have been submitted to and approved by the local planning authority in writing. Details shall include samples of all ground surface materials and finishes. 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 policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting 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 policy CS14 & CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies

- 7 Prior to commencement of development details of a sustainable urban drainage system and scheme of maintenance shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff, demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Detailed drawings, or samples of materials as appropriate, in respect of the privacy screen/balustrade to the first floor amenity space along the boundary with 2 Haverstock Hill shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. 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 privacy of the neighbouring properties in accordance with the requirements of policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Before the development commences, details of the refuse and recycling facilities intended for its occupiers of the residential dwellings and commercial premises shall be submitted to and approved by the local planning authority. The approved facilities shall thereafter be provided in its entirety prior to the first occupation of any of the new dwellings and commercial premises, and permanently retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS18 of the London Borough of Camden LDF Core Strategy and DP26 of the London Borough of Camden LDF Development Policies.

- 10 Before the development commences, details of the cycle storage areas for the 30 bicycles for the residential dwellings and 10 bicycles for the A1 or D2 uses shall be submitted to and approved by the local planning authority. The approved facilities shall thereafter be provided in its entirety prior to the first occupation of any of the new dwellings and commercial premises, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of

Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Noise Assessment by WYG dated January 2015 and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 12 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 10dB(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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 13 At least 28 days before development commences:
- (a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and
  - (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.
- The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The D2 use hereby permitted shall not be carried out outside the following times 08:00 to 23.00 Sunday to Thursday and 08.00 to 00.30 Friday and Saturday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 15 No cleaning of brickwork, stonework or plaster other than a gentle surface clean using a nebulous water spray, is authorised by this permission without prior approval of details. Those details shall include a method statement and the undertaking of cleaning trials that shall be submitted to and approved in writing by the Council before the work is begun, and the work shall be carried out in accordance with such approved proposals.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 16 Units 2.03 and 3.03, as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (3) adaptable.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 17 a) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial premises from the residential flats above and neighbouring property. Such details shall be based on the recommendations of the Noise Assessment dated January 2015 hereby approved and shall demonstrate that the sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the noise criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- b) Prior to the occupation of the residential development a post occupation noise assessment shall be carried out as required to confirm compliance with the noise criteria and any additional steps to mitigate noise shall be taken, as necessary.

Reason: To safeguard the amenities of the future occupiers of the approved

residential use in accordance with the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 18 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 19 No music emitted from the commercial part of the development shall be audible at any residential/ noise sensitive premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 20 Before any works hereby authorised begins, steps shall be taken to secure the safety and stability of the retained Crogsland Road façade. Such steps shall include both temporary and permanent measures to strengthen any wall and to provide protection for the building against the weather during progress of the works. The development shall not be carried out other than in accordance with the approved details.

- 21 The removal of refuse of bottles and cans associated with the retail/restaurant uses shall not be carried out outside the following times 08:00 to 23.00 Sunday to Thursday and 08.00 – 00.30 Friday and Saturday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 22 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £128,700 for the Mayor's CIL and £657,004.75 for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the 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.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 With regard to condition no. 16 you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5124) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 4 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, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.
- 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).
- 6 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.

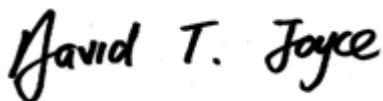
- 7 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

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.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Executive Director Supporting Communities