

Application ref: 2017/6808/P
Contact: Charles Thuaire
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Date: 22 March 2018

Development Management
Regeneration and Planning
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Planning Resolution Ltd
Thorncroft Manor
Thorncroft Drive
Leatherhead KT22 8JB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

**4 Wild Court & 75 Kingsway
London WC2B 4AU**

Proposal:

Variation of Condition 19 (development in accordance with approved plans) of planning permission ref 2017/1611/P dated 23/11/2017 (for Change of use from private college (Class D1) on Wild Court and retail unit (Class A1) on Kingsway and erection of new 7th and 8th floor roof extensions to provide a new 3909sqm (GIA) 211 bedroom hotel (Class C1), plus reinstatement of commercial entrance and ancillary café onto Kingsway, and new plant and PV panels on roof), namely to omit approved 8th floor, reduce approved 7th floor and alter layout of roof plant and PV panels with installation of new enclosure, in association with reduction of hotel size to 196 rooms and 3678sqm GIA.

Drawing Nos: Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA;

Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17. ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01, ExGS02-P2, ExGS03.

GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01.

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 the original planning permission ref 2017/1611/P dated 23/11/2017.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 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:
 - a) Details including sections at 1:10 of all new and altered external dormers, windows, ventilation grilles, doors and gates;
 - b) Plan, elevation and section drawings at a scale of 1:10 of the new shopfront at 75 Kingsway;
 - c) Manufacturer's specification details of all new facing materials for the 7th floor roof extensions and structures;
 - d) Details of all external plant and acoustic enclosures at roof level.

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

- 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Full details of hard and soft landscaping and means of enclosure of all un-built,

open areas shall be submitted to and approved by the local planning authority in writing before the relevant part of the work is begun. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details, 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 A2, D1 and D2 of the London Borough of Camden Local Plan 2017

- 6 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.

- 7 Prior to commencement of the hotel use, details of acoustic isolation, sound attenuation and anti-vibration measures for the proposed roof plant shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the details thus approved and shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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.

- 8 Prior to commencement of the hotel use, details in respect of the following shall be submitted to and approved in writing by the local planning authority-

a) sound insulation for the building, to ensure that noise levels in the hotel

bedrooms hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

b) appropriate vibration mitigation measures where necessary for the building, to demonstrate that vibration will meet a level that has low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008.

The measures shall be carried out in accordance with the details thus approved and shall thereafter be permanently retained.

Reason: To safeguard the amenities of future occupiers of the proposed development in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Before the relevant part of the work is begun, details of the location, design and method of waste storage and removal, including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to occupation of the hotel 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 policies A1 and CC5 of the London Borough of Camden Local Plan 2017.

- 10 Before the relevant part of the work is begun, details of secure and covered cycle storage areas for 16 longstay cycles and 6 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 occupation of the hotel 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.

- 11 Prior to occupation, detailed plans showing the location, design and number of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Council. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 12 All Non-Road Mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally

and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 13 No development shall take place (excluding site preparation works) until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 14 The recommendations of the Air Quality Assessment hereby approved, relating to mitigation measures, shall be implemented in their entirety prior to occupation of the hotel.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 15 The hotel shall incorporate accessible and adaptable bedrooms in accordance with the Accessibility Management Plan drawings hereby approved. The measures shall be carried out in accordance with the approved plans and shall thereafter be permanently retained.

Reason: To ensure that the internal layout of the building provides sufficient bedrooms accessible to wheelchair users, in accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017.

- 16 The removal of the sub-basement floor and 2 mezzanine rooms shall be implemented in accordance with the plans hereby approved prior to occupation of the hotel.

Reason: To ensure that the overall size of the hotel does not adversely affect the immediate area by reason of noise, traffic congestion etc, and complies with the Council's mixed use policies for commercial development in central London, in accordance with policies G1, H2, E1, E3 and A1 of the London Borough of Camden Local Plan 2017.

- 17 The hotel shall be implemented in accordance with the plans hereby approved, in terms of the layout and operation, specified numbers of bedrooms and types of ancillary facilities.

Reason: To ensure that the overall occupancy and nature of the hotel operation does not intensify and adversely affect the immediate area by reason of noise, traffic congestion etc, and complies with the Council's policies for tourism uses, in

accordance with policies G1, E1, E3 and A1 of the London Borough of Camden Local Plan 2017.

- 18 The development hereby permitted shall be carried out in accordance with the following approved plans -
ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01, ExGS02-P2, ExGS03.
GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01.
Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17.

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

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 £13,650 (273sqm x £50) for the Mayor's CIL and £10,920 (273sqm x £40) 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 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).

- 3 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 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, 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.
- 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 or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 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.
- 8 Reason for granting permission-

The revisions involve a reduction in the approved roof extensions for the new hotel- the 8th floor will be totally omitted and the 7th floor reduced in size from 14 to 7 rooms, so that overall the hotel is reduced by 15 rooms and 231sqm GIA floorspace. The PV panels that were originally above the 8th floor have consequently been moved down a floor, so that the 7th floor now contains behind its mansarded frontage a new plant enclosure with PVs above.

The variations are acceptable in design terms and indeed the bulk and impact of the previous scheme is now reduced. The new 7th floor plant enclosure will be lower than the previously approved 7th floor of accommodation here and will be surrounded by a metal acoustic screen enclosure screen which matches the cladding used on the front element and as previously proposed on the approved

roof extensions. The size and materials continue to be appropriate and sympathetic to this building and conservation area. The varied layout and location of the PV panels will not have any further visual impact on the building and its surroundings.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The PV panels have been reduced in number from 72 to 63 but nevertheless this amount remains acceptable in its contribution to sustainability objectives. The submitted energy report shows that the scheme overall will now achieve a 35.5% reduction in CO2 emissions which still meets the London Plan target of 35%. The new arrangement, as further revised, is also acceptable as the PVs will not be affected by overshadowing.

The lower plant enclosure at 7th floor and the revised PV and plant layout will not cause any loss of light or outlook. The proposals are not considered to cause any adverse impacts on the amenity of adjoining commercial occupiers, subject to the same conditions as before requiring more details on roof plant and noise levels.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

The full impact of the proposed development has already been assessed by the previous permission. No other aspects of this scheme, in terms of hotel use or transport, have materially changed and indeed the impact will be somewhat less due to the reduced floorspace and numbers of occupants. Thus the permission will be subject to the same conditions as before (varied where appropriate to reflect the amended scheme) and subject to a Deed of Variation to the previous S106 legal agreement for planning permission ref 2017/1611/P dated 23/11/2017.

As such, the proposed development is in general accordance with policies G1, H1, H2, C2, C5, E1, E3, A1, A4, D1, D2, D3, CC1, CC2, CC3, CC4, CC5, TC3, T1, T3, T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

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

David T. Joyce

David Joyce
Director of Regeneration and Planning