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Via Planning Portal only

16 October 2018

Dear sir/madam,

Variation of condition 15 and removal of condition 12 attached to planning permission 2013/8301/P

Section 73 of the Town and Country Planning Act 1990 (as amended)
187 Kentish Town Road, London, NW1 8PD

Please accept this covering letter as an accompaniment to this full planning application to vary condition 15 and remove condition 12 attached to planning permission 2013/8301/P.

The site:

The site is located at the corner of Kentish Town Road and Prince of Wales Road and is currently under construction for the purposes of providing a five-storey building with cinema and ancillary café at ground floor. The site is located within the Kentish Town Town Centre boundary and is partly defined as a protected secondary frontage at ground floor.

Planning permission 2013/8301/P

Application reference 2013/8301/P was granted planning permission on 27 March 2015. The description of development read:

Redevelopment of existing building (Class A3), retaining the existing façade, to provide a 5 storey building (2 storey roof addition) with cinema (Class D2) and ancillary café and bar use at ground floor and 11 market (2xstudio 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3) at 1st to 4th floor level, together with various associated alterations including landscaping, external terraces, alterations to external elevations and rooftop plant.

The permission was granted subject to fifteen conditions, two of which were pre-commencement conditions and several others of which required discharge prior to work beginning on those particular parts. The two pre-commencement conditions were discharged and the permission was implemented in late 2016, well within the time limits specified in the

permission. The scope to amend the planning permission via S73 of the Town and Country Planning Act therefore applies.

The proposal:

This application seeks permission for a number of minor material amendments to planning permission 2013/8301/P. These are summarised as follows:

- Alterations to unit mix
- Marginal increase in ridge height to accommodate the minimum structural and M&E design requirements and provide adequate ceiling height to the units
- Alterations to fenestration on south elevation to accommodate the enhanced layout and comply with statutory regulations for access and escape

The physical changes to the approved scheme would not be readily identifiable in the public domain and would maintain the architectural presence of the building at this important corner plot. The changes would therefore be commensurate with the previous public consultation process and would not introduce any additional material planning considerations that would contradict the earlier permission.

Of the 12 residential units, the approved scheme provided for 3 no. 1 bed units, 7 no. 2 bed units, 1 no. 3 bed unit and 1 no. affordable unit. This application proposes an amendment to the mix in order to provide 10 no. 2 bed units, 1 no. 3 bed unit and 1 no. affordable unit. The amended mix allows for a more efficient layout and therefore is able to accommodate a small uplift in NSA from 806sqm to 891sqm, although crucially, this uplift would not be identifiable in the public domain and would therefore simply serve to improve the quality of the accommodation.

Further, the proposed minor amendments would result in an uplift of affordable accommodation from 52sqm to 61sqm, representing a significant public benefit and according with the London Plan requirement of not only maintaining but maximising affordable housing output.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it and to this effect, in order to accommodate the amendments referred above, it is requested that condition 15, outlining the approved plans, is varied accordingly, as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans 863_07_000 REV P4; 863_07_001 REV P2; 863_07_010 REV P2; 863_07_011 REV P2; 863_07_012 REV P2; 863_07_020 REV P5; 863_07_021 REV P5; 863_07_022 REV P2; 863_07_023 REV P2; 863_07_030 REV P1; 863_07_100 REV P2; 863_07_101 REV P2; 863_07_102 REV P2; 863_07_103 REV P2; 863_07_104 REV P2; 863_07_105 REV P2; 863_07_106 REV P1; 863_07_002 REV P2; 863_07_110 REV P7; 863_07_111 REV P8; 863_07_112 REV P6; 863_07_113 REV P8; 863_07_114 REV P9; 863_07_115 REV P9;

863_07_117 REV P5; 863_07_210 REV P7; 863_07_211 REV P7; 863_07_212 REV P8; 863_07_213 REV P8; 863_07_310 REV P3; 863_07_311 REV P3; 863_07_312 REV P2; 863_07_312B REV P2; 863_07_313 REV P3; Arboricultural Impact Assessment, Tree Protection Plan, Prepared by Treework Environmental Practice, dated 2013, Acoustic Planning Report, prepared by MACH Acoustics, dated 17 December 2013, Daylight and Sunlight Report, prepared by Schroeders Begg Ltd, dated November 2013 (Ref 1067/B - rev 02), BREEAM 2011 New construction pre-assessment estimator and BREEAM 2011 New construction assessment report: rating and key performance indicators, Transport Statement, prepared by TTP consulting, dated December 2013, Affordable Housing Statement for 187 Kentish Town Road, prepared by Redview Properties Ltd, dated December 2013.

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

In reviewing conditions previously imposed it is further requested that condition 12 be removed in order to take account of updated guidance. Condition 12 states:

The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

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.

The government have recognised that the large number of competing standards can be confusing and have therefore consolidated standards into a national framework centred on the Building Regulations. Consequently, standards such as the Code for Sustainable Homes and Lifetime Homes would not meet the tests for imposing conditions as set out in paragraph 55 of the National Planning Policy Framework (NPPF).

The applicant is committed, and required, to fulfil the proposed development in accordance with Approved Document M of the Building Regulations and it is therefore requested that condition 12 be removed.

The applicant would accept a variation of condition but is conscious that a condition requiring compliance with the Building Regulations would similarly not meet the 'necessity' test of imposing conditions as set out in the NPPF. As a compromise, the prudent approach would be to impose an informative note on any permission granted, advising of the responsibility of compliance with the Building Regulations, and specifically Part M4(2) of Approved Document M.

Summary:

The amended housing mix is proposed to make better use of the site and improve the overall environment for residential occupation. Each of the units will provide for an improved layout

while maintaining the external scale, bulk and appearance of the building, in accordance with the previously approved scheme and consultation exercise. Strategically, the proposed development would maintain an adequate mix of housing, primarily achieved by virtue of the improved standard of accommodation.

I trust the commentary above is clear but if you require any points of clarification or have any questions please do not hesitate to contact me. Please note that the application is supported by amended plans and elevations and a floor space schedule.

Yours sincerely

Stuart Minty

Director

SM Planning