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Application Ref: **2019/2962/P**
Please ask for: **Gavin Sexton**
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4 July 2019

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:
Morrisons Superstore and Petrol Filling Station
Camden Goods Yard
Chalk Farm Road
LONDON
NW1 8EH

Proposal: Amendments to planning conditions 29 (tree protection), 50 (archaeology) and 60 (lighting) approved under planning permission 2017/3847/P dated 15/06/2018 (as amended by 2019/0153/P dated 06/02/19) for redevelopment of the petrol filling station site and main supermarket site.

Drawing Nos: Cover letter dated 7th June 2019.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition 29 of planning permission 2017/3847/P 2018 (as amended by 2019/0153/P dated 06/02/19) shall be replaced with the following condition:

REPLACEMENT CONDITION 29

Protection of trees



A. Prior to commencement of any works on the PFS land parcel, details demonstrating how the four street trees (identified as 90-93 on approved drawing 105 (Rev D03) Tree retention and removal) shall be protected during construction, shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and should include details of appropriate working processes in the vicinity of trees, and details of an auditable system of site monitoring. The trees shall be retained and protected from damage in accordance with the approved protection details.

B. Prior to commencement of demolition on the Main Site land parcel, details demonstrating how on-site trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and should include details of appropriate working processes in the vicinity of trees, and details of an auditable system of site monitoring. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the approved drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of Policies D1 and A3 of the Camden Local Plan 2017.

For the purposes of this decision, condition 50 of planning permission 2017/3847/P 2018 (as amended by 2019/0153/P dated 06/02/19) shall be replaced with the following condition:

REPLACEMENT CONDITION 50

Archaeology

No demolition or development consisting of works below ground level on the Main Site within the Canalside Industry Archaeological Priority Area shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no works shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by the stage 1 WSI then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition / development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording, interpretation and/or public engagement strategy and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Important archaeological remains may exist on this site and the local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development to ensure satisfactory treatment of heritage assets of archaeological interest, in accordance with Policy D2 of the Camden Local Plan 2017.

For the purposes of this decision, condition 60 of planning permission 2017/3847/P 2018 (as amended by 2019/0153/P dated 06/02/19) shall be replaced with the following condition:

REPLACEMENT CONDITION 60

Lighting strategy

A. Prior to commencement of the first building superstructure on the PFS land parcel, a lighting strategy for the relevant areas of the public realm and fittings to the exterior of buildings on that parcel shall be submitted to and approved in writing by the local planning authority.

B. Prior to commencement of the first building superstructure on the Main Site land parcel, a lighting strategy for the relevant areas of the public realm and fittings to the exterior of buildings on that parcel shall be submitted to and approved in writing by the local planning authority.

Such strategy for the relevant parcel of land shall be developed with input from a specialist lighting engineer accredited by the Institute of Lighting Engineers and shall incorporate (inter alia) consideration of the impact of the lighting design on the needs of wildlife (including bats), contributing to reducing crime, residential properties within and outwith the site, maintenance, whole life cost and energy use and safe operation of the railways.

The details shall include the following, where relevant to that land parcel:

- a. lighting to the streets and circulation areas in the public realm
- b. external elevations of buildings including entrances and any architectural lighting
- c. lighting within all publically accessible areas of ground floor in the Petrol Filling Station
- d. details of any lighting to the Camden Goods Yard signage on Block B
- e. incorporation of measures to take account of the foraging and roosting habitat for bats to the south of the site and along the railway corridors by referencing Bat Conservation Guidelines
- f. incorporation of street lighting designed to Camden's Streetscape Design Manual

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and

colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

The development on the relevant parcel of land shall not be carried out in accordance with the details thus approved for that parcel of land and shall be fully implemented before the premises on that parcel of land are first occupied.

Reason: To maintain a high quality of amenity and a safe environment, in accordance with Policies D1 and A3 of the Camden Local Plan 2017.

Informative(s):

1 Reason for granting non material amendments:

In order to facilitate phasing of the development, certain conditions in the planning permission have split triggers which allow details of development on the Petrol Filling Station (PFS) site in phase 1 to be submitted and approved separately from development in later phases on the Main Site.

This application seeks to apply the principle of that approach by varying the triggers on a further 3 conditions, relating to Tree Protection (29), Archaeology (50) and Lighting Strategy 6).

The modifications to condition 29 would split the condition into two parts, with the trigger for part A (PFS) being "Prior to commencement of any works on the PFS land parcel, details demonstrating how the four street trees (identified as 90-93 on approved drawing 105 (Rev D03) Tree retention and removal)". The part B trigger would be "Prior to commencement of demolition on the Main Site land parcel...". Together the two parts would retain coverage of the entire site and would prevent works to either site until such time as tree protection details have been submitted and approved.

Condition 50 would be revised to clarify that the archaeology condition relates only to the Main Site Parcel, and not to the PFS site. A concurrent application for condition 50 highlights that the archaeological interest across the site is entirely within the Main Site parcel of land. Officers at GLAAS have agreed the principle of this change.

The revisions to condition 60 would allow initial works to each of the PFS and Main Sites to proceed by moving the trigger for the Lighting Strategy from 'prior to commencement' to 'prior to commencement of the first building superstructure'. This would have no material consequences for the preparation and agreement of the lighting strategy in each case, which would involve above ground lighting only.

It is noted that the commencement of demolition or implementation works on either site would require the Council's formal agreement of a Construction Management Plan (CMP, under the s106 legal agreement). The CMP would require engagement and consultation with local interests. With these supporting requirements in place it is considered that the change to the trigger of conditions

29, 50 and 60 would not result in a material change to the development.

In all three cases it is considered that the proposed change to the conditions which would support the phasing of the development would have no material impact on the matters required by the condition. Furthermore the changes would not materially alter the planning purpose, enforceability or preciseness of the original conditions.

- 2 You are advised that this decision relates only to the changes to the triggers of conditions 29, 50 and 60 and shall only be read in the context of the substantive permission granted on 15/06/2018 under reference number 2017/3847/P (as amended by 2019/0153/P dated 06/02/19) and is bound by all the conditions and obligations attached to that permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

Yours faithfully



Daniel Pope
Chief Planning Officer

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