



Application ref: 2018/5059/P
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Date: 5 September 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444.

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SM Planning
80-83 Long Lane
London
EC1A 9ET

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:
187 Kentish Town Road
London
NW1 8PD

Proposal:

Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2 x studio; 1x1; 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3), to amend layout to reconfigure cinema at ground floor and residential unit mix above (11 market - 10x2 bed & 1 x3 bed) and 1 intermediate (1x1 bed)), increase in height to ridge, alteration to fenestration on south elevation and cycle space provision.

Drawing Nos: Superseded: 863_07_000 REV P3; 863_07_001 REV P1; 863_07_105 REV P1; 863_07_110 REV P6; 863_07_111 REV P7; 863_07_112 REV P5; 863_07_113 REV P7; 863_07_114 REV P7; 863_07_115 REV P8; 863_07_117 REV P4; 863_07_210 REV P6; 863_07_211 REV P6; 863_07_212 REV P7; 863_07_213 REV P7; 863_07_310 REV P2; 863_07_311 REV P2; 863_07_312 REV P1; 863_07_312B REV P1; 863_07_313 REV P2.

Proposed: 863_07_000 REV P4; 863_07_001 REV P2; 863_07_105 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 P8; 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

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

Condition(s) and Reason(s):

- 1 This condition is intentionally left blank.
- 2 Details of the roof extension, including eaves and upstand design, junction and junction with roof terrace, all new windows, doors and balustrading, masonry and new planters shall be implemented, prior to occupation, in accordance with the details approved under application 2016/6230/P dated 16/02/2017 or other details which have been submitted to and approved in writing by the local planning authority. Such details to include:
 - a) Typical details of roof extension showing metal cladding including eaves and upstand design, junction and junction with roof terrace (plans, sections and elevations at 1:10 and 1:1);
 - b) All new windows including sealed double-glazed units, showing jambs, heads and cills (including new decorative brick and stonework/metal roof cladding) (plans/sections and elevations at 1:10; typical frame sections and junctions with jambs/heads/cills at 1:1);
 - c) All new spandrel and parapet panels including junctions with adjacent masonry (plans, sections, elevations at 1:10, with typical junction details at 1:1);
 - d) All new external doors, showing jambs, heads and cills (where appropriate) (plans, sections, elevations at 1:10, with typical junction details at 1:1);
 - e) Typical section of new glass balustrading for the roof terrace (plans, sections, elevations at 1:10, with typical junction details at 1:1);
 - f) Typical section of new or reinstated metal balustrading for the roof terrace (plans, sections, elevations at 1:10, with typical junction details at 1:1);
 - g) Typical details of new planters for roof terraces showing finishes and fixings (where appropriate) annotated with details of tree and other plant species (plans, sections, elevations at 1:10).

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

- 3 Details of repair/reinstatement of fabric, cleaning and repointing shall be

implemented in accordance with the detailed schedule and method statements approved under application 2016/2236/P (dated 20/09/2016) or other details which have been submitted to and approved in writing by the local planning authority and which set out how :

- a) of all materials to be salvaged and reused on the property
- b) of repair for all works of repair to retained and/or reinstated fabric
- c) for cleaning and repointing of existing brickwork and masonry work prior to occupation of the development

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of the relevant part of the development, the following shall be submitted for approval in writing by the council:

a) a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site. The approved panel shall be retained on site until the work has been completed.

b) samples of all other new facing materials, including roof cladding, external door and window frame finishes, new spandrel and parapet panels, new metal balustrading, new glass balustrading, all external door and window frame finishes, external signage and ironmongery.

The development shall be carried out in accordance with the approved samples.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 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 policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 6 Before the Class D2 and ancillary bar area uses commence, details of acoustic isolation, sound attenuation and anti-vibration measures required for all extract ventilating system and/or air conditioning plant to meet the noise standards set out in condition 5 shall be submitted to and approved in writing by the local planning authority.

All such measures shall be installed prior to first occupation of the non-residential uses 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 G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the first use of the premises for the Class D2 use hereby permitted, details of the ventilation and filtration equipment required to suppress and disperse fumes and/or smells created from activities on the premises shall be submitted to and approved in writing by the local planning authority.

The equipment as approved shall be installed and in full working order prior to first occupation of the premises by the non-residential uses.

All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

8 **REPLACEMENT CONDITION 8:**

Prior to occupation of the development, the cycle storage area for 23 cycles hereby approved shall be fitted out and provided in its entirety, and shall be thereafter permanently maintained and retained.

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.

- 9 Trees to be retained shall be protected during construction work in accordance with details approved under application 2015/3584/P (dated 24/07/2015) or other details which have been submitted to and approved in writing by the local planning authority. Such details shall follow guidelines and standards set out in British Standard 3998: 2010 (Recommendation for Tree Work). All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 The D2 use and ancillary bar area hereby permitted shall not be carried outside 07:30 - 00:30 Monday to Sunday and on Public/Bank Holidays [this includes

no customers on the premises outside this time].

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 11 Full details in respect of the living roof in the areas indicated on the approved roof plans shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies C1 and A2 of the Camden Local Plan 2017.

- 12 REPLACEMENT CONDITION 12:

Prior to first occupation of the residential flats, the residential units shall be designed and constructed in accordance with Building Regulations Part M4 (2), as shown on the drawings hereby approved and thereafter be permanently retained.

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 H6 of the Camden Local Plan 2017.

- 13 Before the relevant part of the development is first occupied, the refuse and recycling storage facilities, as shown on the drawings hereby approved, shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5 and A1 of the London Borough of Camden Local Plan 2017.

- 14 Prior to the end of the next available planting season, new and replacement tree planting (including within roof planters) shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing. 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 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, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 15 REPLACEMENT CONDITION 15:

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 P8; 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 and
863_07_313 REV P3;

Supporting Documents:

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 and 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.

- 16 Prior to the commencement of above ground works, a comprehensive energy & sustainability statement (see informative 11, below) for the development shall be submitted to and approved by the local planning authority. The development shall thereafter not proceed other than in complete accordance with all the measures as set out in the approved statement, which shall be permanently retained and utilised as the main power sources for the development.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies G1, CC1, CC2, CC3 and CC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).

- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 3 You are advised that condition 10 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 4 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 5 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.
- 6 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to
CIL@Camden.gov.uk

- 7 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team , 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 8 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.
- 9 Pursuant to condition 16 above, the Council will expect the comprehensive energy and sustainability statement to demonstrate at least:
 - (a) 29.2% reduction in CO2 emissions beyond the Part L 2013 baseline for both residential and commercial areas.
 - (b) 20% reduction in carbon dioxide emissions from on-site renewable energy generation for both residential and commercial areas
 - (c) Residential units meeting a water target of 110 litres per person per day (including 5 litres for external water use).The statement should be prepared taking account of, and incorporating as appropriate, the energy & sustainability measures set out in the submission documents entitled Energy and Sustainability Statement dated 10 June 2015 by Premier Assessors and Code for Sustainable Homes Pre-Assessment Report dated November 2010 by Premier Assessors.
- 10 You are reminded that conditions 4 (samples), 6 (details of plant), 7 (details of ventilation and filtration), 11 (details of living roof), 13 (details of refuse), 14 (details planting season) of planning permission granted on 27/03/2015 (reference 2013/8301/P) are outstanding and requires details to be submitted and approved.

11 Reasons for granting permission:

Construction of the development has been in progress since 2016 but the pre-commencement planning obligations have yet to be discharged. The policies which gave rise to Condition 12 (lifetime homes) have been superseded by policy C6 which requires internal layouts to be designed and constructed in accordance with Building Regulations Part M4 (2). The applicant has provided revised information demonstrating compliance with Building Regulations Part M4 (2) and therefore Condition 12 shall be suitably amended in line with Policy C6 to ensure that the dwellings meet M4(2). The details have been reviewed by the Council's Access Officer and are acceptable.

As no additional units are proposed and the proposed floorspace (GIA) remains unchanged it does not considered justified to re-visit the scope of the sustainability targets set out in the original application. An update to the S106 legal is required to reflect the changes to the development, which will secure a 20% reduction in carbon emissions from renewable energy technologies and a 29.2% reduction of CO2 emissions beyond the part L 2013 baseline.

The proposal includes minor alterations to the appearance of the altered façade including changes to the south elevation fenestration, the increase the height of the ridge height and plant enclosure by c.0.3m, and the introduction of an access ramp and doorway on Church Avenue; all of which are considered acceptable and in line with the context and character of the original permission.

The associated internal changes would result in a new layout to the cinema and a revised mix of the 11 market flats from 2 x studio; 1x1; 7x2 & 1x3 bed to 10x2 bed & 1 x3 bed. The change in unit mix is considered an improvement due to the increased provision of 2xbed units which are identified in the Local Plan as being of high priority in place of smaller units.

The proposal has led to improved internal efficiency of layout but has not varied the quantum of approved residential floorspace. As a result it would is not considered reasonable to re-assess the affordable housing target requirements for the site under Local Plan policy H4. The single affordable housing unit will be secured by the s106 legal agreement, with a Registered Provider required to be chosen from on Camden's preferred list.

As a result of the new arrangement of 10 x 2 bed, 1 x 3 & 1 x 1 bed (affordable), the requirement of cycle parking spaces has increased. Therefore Condition 8, requiring 20 spaces shall be amended to incorporate 23 long stay cycle spaces that meets Camden's Cycle design Guidance. The modified ground floor plan indicates 24 long stay spaces and therefore Condition 8 will be amended accordingly.

The full impact of the proposed development has already been assessed. The proposed details would not have a harmful impact on the appearance of the immediate area or on neighbouring amenity.

One objection was received during the consultation period and was duly taken into consideration. A number of comments were received prior to making this decision regarding the damp and party wall, this matter has informed the

attached informatives.

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 Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies G1; H1; H2; H4; Policy H6; H7; C3; C6; A1; A3; A4; A5; D1; D2; D3; CC1; CC2; CC3; CC4; CC5; TC2; T1; T2; T3; T4; DM1 of the London Borough of Camden Local Plan 2017. The development also accords with the London Plan 2016 and the NPPF 2019.

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.

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, appearing to read 'DPope', written in a cursive style.

Daniel Pope
Chief Planning Officer