



Application ref: 2016/6763/P
Contact: Kate Henry
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Date: 6 December 2019

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CgMs
140 London Wall
London
EC2Y 5DN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Section 106A Granted Subject to a Section 106 Legal Agreement

Address:
Somerset Court
Aldenham Street
London
NW1 1AS

Proposal:

Application under section 106A (3) to modify a legal agreement and amend clause 4.3 (Student accommodation) of the S106 associated with planning permission ref: 2004/5391/P dated 14th March 2005 (Demolition of existing buildings and redevelopment of the site by the erection of a six-storey building comprising a replacement primary school on the ground and first floors and 44 student flats above; replacement "Sure Start" accommodation; school car parking; landscaping; and associated external works); namely to short-term lets outside term time.

Drawing Nos: Cover letter by CgMs ref MR/LH dated 7/12/2016, Draft non-student management plan.

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

Condition(s) and Reason(s):

Informative(s):

1 Reasons for granting permission:

Permission was originally granted on 14th March 2005 for the demolition of existing buildings and redevelopment of the site by the erection of a six-storey building comprising a replacement primary school on the ground and first floors and 44 student flats above; replacement "Sure Start" accommodation; school car parking; landscaping; and associated external works) (ref 2004/5391/P). The associated section 106 agreement ensures that the development is used and occupied for no purpose other than housing available for letting as student accommodation. As such the building is under occupied during the summer, and other vacation periods, and the applicant seeks to vary the section 106 agreement so that accommodation can be let to non-students outside the academic term.

The Mayor's Housing SPG (2016) advises that boroughs should consider allowing temporary use of student accommodation during vacation periods for ancillary uses in order to maximise such accommodation in the central London area (CLA) and the Central Activity Zone (CAZ). The site is located 110m away from the CAZ and 560m to the Euston rail Station; as such and due to its proximity to public transport it is considered as an 'edge of centre' site location and therefore acceptable for ancillary use for visitor accommodation during the summer months. The proposed amendment would not result in a material change of use as the principal use of the building would remain as student accommodation, and be such for the majority of the year.

The site is adjacent to several blocks of flats and the existing legal agreement ~~requires a student management plan to ensure the activities of residents do not~~ harm neighbouring residential amenity. Whilst the student management plan would still apply to students occupying the premises outside of term time, to ensure non student occupation does not cause harm to the amenity of adjoining occupiers, the applicant will be required to submit a non-student management plan which will be integrated with the student management plan and included in the deed of variation.

The non-student management plan will ensure the premises are fully staffed all year round and sets out the key principles, methods and working practices that will be adopted by the end operator to manage the property outside of term time. It covers, among other things, acceptable behaviour, terms of occupation, security, access, operational procedures, noise management, and vehicle management.

No parking will be provided, coaches will be prohibited from picking up/dropping off guests, and the non-student management plan will encourage the use of public transport. The amendment will not require any changes to servicing arrangements as these will be the same as term time. Transport officers do not consider that the proposed change would have a significant transport impact and do not consider a transport assessment necessary.

No objections have been received and the site's planning history was taken into account in coming to this decision. Special attention has been paid to the amenity and transport impacts of the proposal.

As such, the proposal to vary the legal agreement is in general accordance with policies G1, H9, TC1, TC2, T1, T2 , A1 and E3 of the London Borough of Camden Local Plan 2017. The proposed development also accords with policies 2.11, 2.15, 3.8, 4.5, 6.3 and 6.13 of the London Plan 2016; and paragraphs 17, 29, 34, and 35 of the National Planning Policy Framework 2018.

- 2 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.

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



Daniel Pope
Chief Planning Officer

