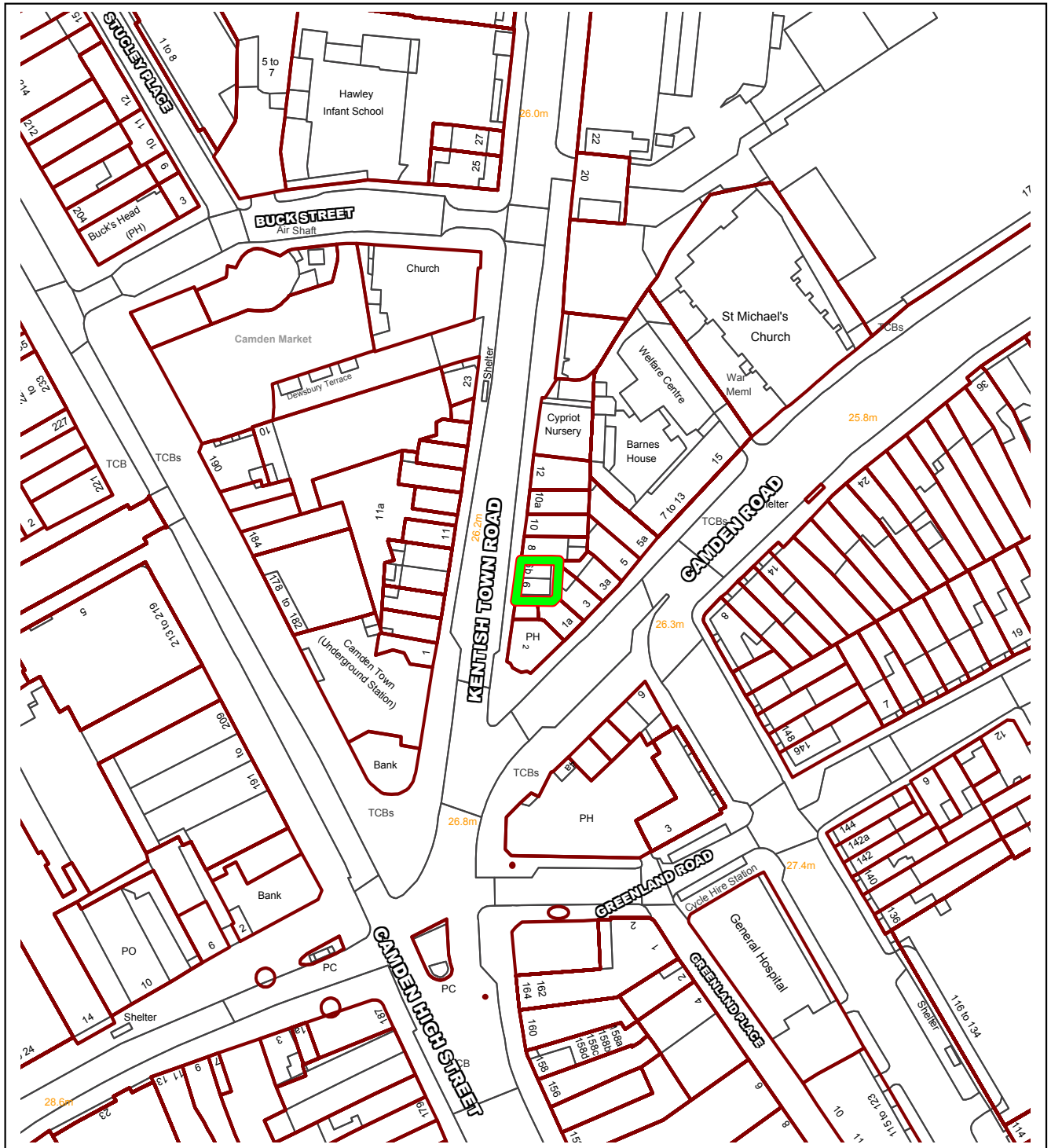


# 6 Kentish Town Road, ref. 2019/4617/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



1. Aerial view (front)



2. Front view from Kentish Town Road

<b>Delegated Report</b> (Member's Briefing)		Analysis sheet		Expiry Date:	06/11/2019
		N/A		Consultation Expiry Date:	17/11/2019
Officer			Application Numbers		
Thomas Sild			2019/4617/P		
Application Address			Drawing Numbers		
6 Kentish Town Road London NW1 9NX			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
Excavation and extension of existing basement to form ancillary space to the existing ground floor restaurant (Use Class A3)					
Recommendation:		Grant conditional planning permission subject to s106 legal agreement			
Application Type:		Full planning permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	1	No. of objections No. of comments	1 0
Summary of consultation responses:	<p>Site notices were displayed 18/10/2019 (expiring on 11/11/2019) and a press notice was displayed on 24/10/2019 (expiring on 17/11/2019).</p> <p>Anonymous response:</p> <ol style="list-style-type: none"><li>1. Neighbouring applications currently seeking planning permission would enable a larger, continuous site</li><li>2. Ongoing construction at 10-12 has caused noise and disturbance</li><li>3. Allowing a large scale redevelopment (including neighbouring sites) would result in loss of residential properties</li></ol> <p>Officer response</p> <ol style="list-style-type: none"><li>1. <i>Only works relating to 6 Kentish Town Road are being considered through this application and the permission would not grant allow the merging of sites to form a larger continuous unit. A planning condition would be attached to prevent any merging of units or using the basement for anything other than an ancillary use</i></li><li>2. <i>The current proposals would be subject to a Construction Management Plan (CMP) with associated monitoring fee, which would enable the council to evaluate and manage the construction at this site and keep disruption to a minimum</i></li><li>3. <i>The proposals for do not include any change of use or loss of residential floorspace, only the creation of additional ancillary space</i></li></ol>					
CAAC comments:	<p><b><u>Camden Town Conservation Area Advisory Committee</u></b></p> <p>Objection based on the following;</p> <ul style="list-style-type: none"><li>• <i>Basement excessively large and deep for a relatively small unit</i></li><li>• <i>Extent of the basement beyond the rear is objected to</i></li><li>• <i>Proposal would result in continuous basement development along with adjoining proposals.</i></li></ul> <p>Officer response</p> <ul style="list-style-type: none"><li>• <i>The existing building contains a basement level. This proposal would increase the existing depth by 1.2m to a maximum depth of 4m below ground level including foundations. This proposal complies with guidance and CPG basements advises that a total excavation depth of 3-4 meters is acceptable in mitigating overall impact</i></li><li>• <i>The proposed basement would not extend beyond the footprint of the existing ground floor and would increase the existing basement footprint by approximately 7sqm</i></li></ul>					

	<ul style="list-style-type: none"> <li><i>This application would not grant permission for the joining of neighbouring basements, see section 5.1</i></li> </ul>
Other responses:	<p><b><u>Transport for London</u></b></p> <ul style="list-style-type: none"> <li>No objection subject to condition requiring details of piling</li> </ul> <p><b><u>Thames Water</u></b></p> <ul style="list-style-type: none"> <li>No objection</li> </ul>

## Site Description

The application relates to a ground and basement floor A3 use unit located within a 5-storey (including basement) mixed use building on Kentish Town Road within the Camden Town Conservation Area.

The upper floors of the host building are in C3 residential use and the surrounding area is of a mixed use character with A1, A3, A4, B1a, C1 and C3 uses present within the vicinity of the site.

## Relevant History

**13 December 2001 - PEX0001099** – Granted permission for change of use of the basement and ground floor from retail A1 to restaurant/coffee bar A3

**25 July 2001 - PEX0001100** – Granted permission for change of use of first, second and third floors from light industrial (B1c) and storage(B8) use to three 2-bedroomself-contained flats and alterations including the erection of a new mansard extension to replace existing mansard.

## Relevant policies

**National Planning Policy Framework 2019**

**The London Plan 2016**

**Draft London Plan with consolidated changes (2019)**

**Camden Local Plan 2017**

A1 (Managing the impact of development)

A4 (Noise and vibration)

D1 (Design)

D2 (Heritage)

A5 (Basements)

**Camden Planning Guidance**

Amenity (2018)

Design (2019)

Basements (2018)

**Camden Town Conservation Area Statement**

### 1. Proposal

- 1.1 Planning permission is sought for the excavation and extension of the existing basement by 7sqm and 1.2m in additional depth to form further ancillary space to the existing ground floor restaurant (Use Class A3).
- 1.2 No change of use is proposed.

### 2. Assessment

#### Planning Application

2.1 The main material planning issues for consideration are:

- Design, Conservation and Heritage
- Neighbour Amenity
- Basement excavation
- Transport impact

### 3. Design

- 3.1 No changes to the external appearance of the host building are proposed. The proposed 7sqm of additional floorspace would provide ancillary space to the existing A3 unit and no change of use is proposed. As such the proposals would not impact the character or appearance of the host building nor the surrounding conservation area.
- 3.2 Special regard has been attached to the desirability of preserving or enhancing 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.

### 4. Neighbour Amenity

- 4.1 Within the Camden Local Plan policies, policy A1 seeks to ensure that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise and vibration and odour.
- 4.2 No additional mechanical plant has been proposed, and given there is no external change proposed to the building, there would be no material impacts on neighbouring amenity in respect of the above.

### 5. Basement development

- 5.1 It has been noted that this site adjoins a number of others where basement extensions have also been proposed. There is concern that the rights conferred by the Use Classes Order (UCO) and the General Permitted Development Order (GPDO) could result in a large and intensified use across several sites. This can however be controlled through a planning



condition which requires any attempt to joint them into a single planning unit at a later date, meaning that any proposal to do this would be subject to full control and assessment via planning application. A condition is therefore recommended to prevent the basements combining without planning permission, to ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally, and to prevent the intensification of the use on site through the amalgamation of multiple planning units.

- 5.2 The Council only permits basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area; the architectural character of the building and the significance of heritage assets.
- 5.3 The host building currently includes a basement level with a ceiling height of 2.3m, and 2.8m depth including foundations. The proposals would excavate 1.2m further, creating a 3.4m floor to ceiling height and 4m total excavation which complies with basement policy and guidance.
- 5.4 The applicant has supplied a Basement Impact Assessment (BIA) and this has been audited by the Council's appointed independent auditor, Campbell Reith. The proposed basement development has been found to comply with all necessary requirements in relation to its impact on surroundings.
- 5.5 In order to safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area, the Council would secure by planning condition, details of a suitably qualified chartered engineer with membership of the appropriate professional body to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works.

## **6. Transport Impact**

- 6.1 The Council's Transport Officer has advised that given the site's sensitive location close to a busy intersection, a Construction Management Plan (CMP) with support contribution of £3,136 must be secured by s106 legal agreement in order to effectively regulate the construction and mitigate its impact.
- 6.2 The basement development includes the front wall supporting the public highway being underpinned/extended and as such would require an Approval in Principal (AiP) from the Council's Highways department and a Highways Contribution for repairs in the event of damage to the public highway. These would be secured via legal agreement. The AiP includes a fee of £1,800 and the highways contribution has been estimated (by the Council's Highway Engineer) to be £2,411.05. These costs include making good the footpath and any highway land as a result of construction damage.
- 6.3 The site sits in close proximity to underground railway infrastructure. Transport for London has been consulted and requested further details of design and construction methods, including piling, to be submitted prior to commencement of the development.

## **7. Recommendation**

- 7.1 Grant conditional planning permission subject to s106 legal agreement for:
- Construction Management Plan plus Implementation Support Contribution of £3,136
  - Approval in Principal including £1,800 fee



- Highways Contribution of £2,411.05

#### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10<sup>th</sup> February 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/4617/P  
Contact:  
Tel: 020 7974  
Date: 6 February 2020

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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

SM Planning  
80-83 Long Lane  
London  
EC1A 9ET

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**6 Kentish Town Road**  
**London**  
**NW1 9NX**

Proposal: Excavation and extension of existing basement to form ancillary space to the existing ground floor restaurant (Use Class A3)

Drawing Nos: BIA LBH4581 Ver 1.0 04/09/2019 (LBH Wembley Engineering); E100 Rev E-00; E302 Rev 00; E301 Rev E-00; E103 Rev E-00; P03 Rev P-02; P301 Rev P-02; P102 Rev P-02; P101 Rev P-02; E400 Rev P-01

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 this permission.

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

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: E100 Rev E-00; E302 Rev 00; E301 Rev E-00; E103 Rev E-00; P03 Rev P-02; P301 Rev P-02; P102 Rev P-02; P101 Rev P-02; E400 Rev P-01

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- a) provide details on all structures- written approval from London Underground prior to commencement of works
- b) accommodate the location of the existing London Underground structures and tunnels
- c) accommodate ground movement arising from the construction there of

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012 and policies A1 and T3 the Camden Local Plan 2017.

- 6 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the BIA LBH4581 Ver 1.0 04/09/2019 (LBH Wembley Engineering) as amended by drawings P302 Rev P02; P301 Rev P-02; P102 Rev P-02 and P101 Rev P02 hereby approved, including but not limited to the monitoring requirements therein and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 0.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders revoking and re-enacting those orders with or without modification) the basement space shall only be used for Use Class A3 and for no other purposes whatsoever and shall not be used as part of any other adjacent planning unit.

Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally, and to prevent the intensification of the use on site through the amalgamation of multiple planning units, in accordance with the requirements of policies G1, D1 and A1 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 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).
- 2 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.

- 3 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.

- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

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.

Yours faithfully

Supporting Communities Directorate