

Application ref: 2018/3318/P
Contact: Jonathan McClue
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Date: 8 March 2019

Development Management
Regeneration and Planning
London Borough of Camden
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Savills (UK) Limited
Finsbury Circus House 15 Finsbury Circus London
EC2M 7EB

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:

**52 Holmes Road
London
NW5 3AB**

Proposal:

Variation of Condition 2 (approved plans) of 2016/1986/P dated 25/05/2017 for Demolition of existing building and replacement with a new build mixed use development of 6 storeys (plus basement) comprising of 9 residential units and 377sq.m of industrial employment space (B1c). **CHANGES INCLUDE** amendments to lightwells, basement, fire exit, lobbies, plant, increase in commercial floorspace, introduction of recesses to elevations, additional glazing, revision of unit layouts, increase in residential floorspace

Drawing Nos: Approved plans: 1715 PL2 200 (F) Lower Ground Floor Plan As Proposed 1-100 at A3 30-10-18; 1715 PL2 201(J) Ground Floor Plan As Proposed 1-100 at A3 28-11-18; 1715 PL2 202 (G) First Floor Plan As Proposed 1-100 at A3 25-11-18; 1715 PL2 203 (D) Second to Fourth Floor Plan As Proposed 1-100 at A3 25-11-2018; 1715 PL2 204 (D) Fifth Floor Plan As Proposed 1-100 at A3 31-10-18; 1715 PL2 205 (C) Roof Plan As Proposed 1-100 at A3 30-10-18; 1715 PL2 E 900 (C) Front Elevation As Proposed 1-100 at A3 22-09-18 ; 1715 PL2 E 901 (E) Rear Elevation As Proposed 1-100 at A3 22-09-18; 1715 PL2 E 902 (C) Side (Eastern) Elevation As Proposed 1-100 at A2 22-09-18; 1715 PL2 E 903 (B) Side (Western) Elevation As Proposed 1-100 at A2 22-09-18; 1715 PL2 S 800 (B) Section A-A As Proposed 1-100 at A2 12-02-18.

Superseded plans: 4158 P 203 B Basement Floor Plan; 4158 P 204 E Ground Floor

Plan

4158 P 205 C First Floor Plan; 4158 P 206 B 2nd - 4th Floor; 4158 P 207 D 5th Floor Plan; 4158 P 208 C Roof Plan; 4158 P 210 C Front Elevation; 4158 P 211 C Rear Elevation; 4158 P 212 D East Elevation; 4158 P 213 D West Elevation; 4158 P 220 D Section AA; 4158 P 240-241-242 D and 243 E CGIs.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than 25/05/2020.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans (4158/P/100; 110; 111; 112; 115; 116; 200 Rev G; 201 Rev C; 202 Rev D; 230 Rev C; 231 Rev B; 232; 235 Rev A, (1715 PL2) 200 (F) Lower Ground Floor Plan As Proposed 1-100 at A3 30-10-18; 201(J) Ground Floor Plan As Proposed 1-100 at A3 28-11-18; 202 (G) First Floor Plan As Proposed 1-100 at A3 25-11-18; 203 (D) Second to Fourth Floor Plan As Proposed 1-100 at A3 25-11-2018; 204 (D) Fifth Floor Plan As Proposed 1-100 at A3 31-10-18; 205 (C) Roof Plan As Proposed 1-100 at A3 30-10-18; E 900 (C) Front Elevation As Proposed 1-100 at A3 22-09-18; E 901 (E) Rear Elevation As Proposed 1-100 at A3 22-09-18; E 902 (C) Side (Eastern) Elevation As Proposed 1-100 at A2 22-09-18; E 903 (B) Side (Western) Elevation As Proposed 1-100 at A2 22-09-18; S 800 (B) Section A-A As Proposed 1-100 at A2 12-02-18, Design & Access Statement dated April 2016, letter dated 26/08/2016 from Andrew Gilbert, Sustainable Drainage Systems (SuDs) Appraisal (ref: 132847-R1(1)) dated 01/09/2016, Sustainability Statement dated 01/09/2016, Ecology Statement dated 26/08/2016, Basement Impact Assessment dated 30/08/2016, Revised Energy Statement (ref: 712445R(02) dated 12/08/2016, Daylight and Sunlight Report dated June 2016, Preliminary Risk Assessment dated March 2016, Planning Statement dated April 2016, Transport Statement dated March 2016 and Energy Statement dated 05/04/2016.

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials including boundary walls and bin enclosures (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site);

- c) Details of the planter box;
- d) Details, sections and elevations of the horizontal balustrades to the front balconies;
- e) Manufacturer's specification details of all obscured glazing;
- f) Manufacturer's specification details of the metal grill over the front lightwell (facing Holmes Road);

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 of the Camden Local Plan 2017.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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

- 5 The metal grill over the front lightwell (facing Holmes Road) shall be implemented prior to the occupation of the development and be kept in place in perpetuity.

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

- 6 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 policy A5 of the Camden Local Plan 2017.

- 7 No piling shall take place until a piling method statement (detailing the depth

and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

8 At least 28 days before development commences the Council will require the submission of:

- (a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and
- (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme.

Subject to the above being acceptable the Council will the require:

- c) a written report detailing the remediation to be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy A1 of the Camden Local Plan 2017.

9 Prior to implementation, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies CC1 and CC2 of the Camden Local Plan 2017.

10 Details of integrated bird and bat nesting boxes or bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. Details shall include the exact location, height, aspect, specification and indication of species to be

accommodated. Boxes shall be installed in accordance with the approved plans prior to the first occupation of the development and thereafter maintained. Guidance on biodiversity enhancements including artificial nesting and roosting sites is available in the Camden Biodiversity Action Plan: Advice Note on Landscaping Schemes and Species Features.

Reason: To ensure the development provides the appropriate provision towards creation of habitats and valuable areas for biodiversity in accordance with policy 7.19 of the London Plan 2016 and policy A3 of the Camden Local Plan 2017.

- 11 Prior to commencement of development full details of all living roofs (indicated as green roofs on the permitted plans) to be incorporated into the development shall be submitted to and approved in writing by the local planning authority, in line with recommendations for structural and species diversity in the submitted Ecology Statement. The details shall include the following: A. detailed maintenance plan, B. details of construction and the materials used, C. a section at a scale of 1:20 showing substrate depth with added features to provide variations D. full planting details including species showing planting of at least 16 plugs per m². The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied. Guidance on living roofs is available in the Camden Biodiversity Action Plan: Advice Note on Living Roofs and Walls.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 12 Prior to commencement of the development, full details of the sustainable drainage system shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, such that flooding does not occur in any part of a building or in any utility plant susceptible to water, and shall demonstrate a maximum run-off of 5l/s. Details shall include a lifetime maintenance plan, and shall thereafter retained and maintained in accordance with the approved details.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 13 Prior to occupation, evidence that the sustainable drainage system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 14 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 A1 and A4 of the Camden Local Plan 2017.

- 15 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies CC1, CC2 and CC4 of the Camden Local Plan 2017.

- 16 As per drawing no. 1715/PL2 201 J, 26 secure and covered cycle storage facilities for the proposed residential units and employment use shall be provided in their entirety prior to the first occupation of the development, and permanently retained thereafter. Cycle rails/tracks shall also be installed on the stairs (where applicable for easy access).

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the Camden Local Plan 2017 and table 6.3 of the London Plan 2016.

- 17 Prior to the occupation of the development, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the Council. Such details shall include:

- Scaled plans showing all existing and proposed vegetation and landscape features.
- a schedule detailing species, sizes, and planting densities, location, type and materials to be used for hard landscaping and boundary treatments.
- specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
- details of any proposed earthworks including grading, mounding and other changes in ground levels.
- a management plan including an initial scheme of maintenance

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy D1 of the Camden Local Plan Submission 2017.

- 18 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development (whichever is the sooner). 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 policy D1 of the Camden Local Plan 2017.

- 19 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 20 The windows annotated as 'obscured glazing' on drawing no.s 1715/PL2/ 202 G, 1715/PL2/ 203 D, 1715/PL2/ 204 D, 1715/PL2/E/902 C and 1715/PL2/E/903 B, shall be implemented as obscurely glazed and be non-openable below a height of 1.7m and remain so in perpetuity.

Reason: To protect the amenities of future and neighbouring occupiers in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 21 Prior to occupation of the hereby approved development, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

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

- 22 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233: for internal rooms and external amenity areas.

Reason: To safeguard the amenities of the future occupiers in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 23 All of the residential units, as indicated on plan numbers 1715/PL2/ 202 G, 1715/PL2/ 203 D and 1715/PL2/ 204 D, hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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.

Informative(s):

- 1 Reasons for granting permission:

This application includes minor-material amendments to a major development approved under 2016/1986/P dated 25/05/2017 (for a new build mixed use development of 6 storeys (plus basement) comprising 9 residential units and 377sq.m of industrial employment space). Overall the works are considered to be minor-material in the context of the original approval, and would result in a development that would be in accordance with the Development Plan. The proposed changes include the same uses with similar areas, with changes to internal layouts. The most significant external changes include 'cutbacks' created on both side elevations and the rationalisation of the rear elevation.

The site is not listed or within a conservation area and is located just outside the Kentish Town Industrial Area.

Employment space

Camden has a very restricted supply of sites and premises suitable for light industrial use. The proposal would provide an uplift of 43.3m² (GIA) of B1 space within the ground floor and basement. This is welcomed and results in a similar provision to existing. The applicant has confirmed that the current occupier, Maison Henry Bertrand England Ltd, will occupy the new space. The proposal therefore complies with policies E1 and E2, which seek to promote and protect employment uses.

Housing and affordable housing

The proposal would have the same amount of units as per the extant permission, with an uplift of 17.74m² (GIA). The proposal is considered to maximise the supply of housing in accordance with policies H1 and H2.

The extant permission was permitted under the Local Development Framework and provided a floor area of 906m² (GIA). There was no requirement to provide any affordable housing as part of the approval. The minor-material amendment application has been assessed under Local Plan policy H4, which requires financial contributions from small scale schemes between 1-9 units (providing an uplift of more than 100m² (GIA)). Officers acknowledge that the extant

permission provides a fallback position with an implementable quantum of units and floorspace. Therefore, the resulting development would only require an affordable housing contribution on the uplift over the original approval (as this additional floorspace must be assessed under the current Development Plan) rather than the total floorspace of the development. The GIA is increasing from 906m² to 923.74m² (17.74m²) and the GEA is increasing from 1052m² to 1064.5m² (12.5m²).

If assessed under policy H4, both the extant and minor-material proposals would have capacity for 9 units so would require a financial contribution of 18%. The payment in lieu (PIL) calculations are set out below:

Approved:

- 18% x 1052sqm = 189.36sqm
- 189.36sqm x £2,650 = £501,804.00

Proposed:

- 18% x 1064.5sqm = 191.61sqm
- 191.61sqm x £2,650 = £507,766.50

Therefore, the difference between the proposal and extant permission is £5,962.50. Given the increase in floorspace over the approved permission, the applicant would need to make a payment for the difference and this would be achieved through an additional Head of Term in the Deed of Variation.

Residential Accommodation

The proposal provides the same mix of unit sizes as the extant permission. The room sizes comfortably exceed the requirements within the nationally described space standards and the London Plan. Revisions to the layout of the units has resulted in improvements to the standard of living accommodation for the prospective occupiers.

Design

The original design intent has been upheld. The cutbacks on the side elevations add interest and relief to the building and the rear elevation has been rationalised to improve its appearance on Regis Road.

- 2 Overall, the revised proposal is considered to be a high quality design that would respect the character and appearance of the surrounding area. Details would be secured by condition to ensure an excellent design quality including all windows and doors; facing materials; balustrade treatment and the planter box and other features in the front yard.

Basement

The proposed changes to the basement do not trigger the need for any amendments to the Basement Impact Assessment approved under the extant permission. There is a Basement Construction Plan required via S106 and that this would take into account any changes to the basement.

Residential Amenity

The approved building would not be materially increased in size and a revised Daylight and Sunlight Report has been submitted to confirm that the daylight and sunlight to neighbouring residential properties would be acceptable in

accordance with BRE guidance. The windows within the cutbacks would be obscurely glazed, fixed shut and serve non-habitable rooms to prevent a material increase in overlooking. The top floor roof terrace has been set in and splayed, obscured glazing has been applied to the balconies and side facing windows and there would be walls between the connected balconies of opposite units.

Transport

The proposal would remain car-free, the revised cycle parking is acceptable and the S106 includes a financial contribution for highway works and a Construction Management Plan.

Comments

No objections have been received from third parties. The Kentish Town Neighbourhood Forum wrote to confirm that they have no comments. The site's planning history and relevant appeal decisions were taken into account when coming to this decision

Policies

On the above basis, the proposed development is in general accordance with policies G1, H1, H2, H4, H6, H7, C1, C5, C6, E1, E2, A1, A2, A3, A4, A5, D1, D2, CC1, CC2, CC3, CC4, CC5, T1, T2, T4 and DM1 of the Camden Local Plan 2017 and policies D3, SP2 and SW1 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords the London Plan March 2016 and the National Planning Policy Framework 2018.

- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 5 You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre.

Reason: To support the collation of ecological data to assist future decision making, and support the objectives of the Camden Biodiversity Action Plan 2013-18.

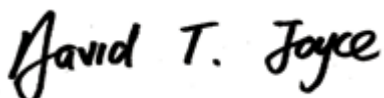
- 6 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 7 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.
- 8 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 9 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

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



David Joyce
Director of Regeneration and Planning