

Application ref: 2020/1487/P
Contact: Kristina Smith
Tel: 020 7974 4986
Email: Kristina.Smith@camden.gov.uk
Date: 10 February 2021

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

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Mr
Angle House, 48 Antill Road
LONDON
N15 4BA
United Kingdom

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:

**Site At 4-6 Haverstock Hill and 45-47 Crogsland Road
Haverstock Hill
London
NW3 2BL**

Proposal:

Variation of condition 2 (approved plans), 22 (accessibility) and removal of condition 8 (privacy screen) of planning permission ref. 2015/0487/P dated 22/12/2016 (as amended by ref. 2020/3347/P dated 30/07/2020 and 2017/3018/P dated 13/06/2017) for Demolition of existing buildings with retention of facade at 45-47 Crogsland Rd and construction of a part 4/part 5 storey building comprising flexible use of assembly + leisure (class D2) at basement and ground level with ancillary restaurant and bar (class A3/A4) at ground level or retail (class A1) at basement and ground floor level and 19 residential dwellings (on upper floors with associated cycle parking, amenity space and refuse and recycling storage] namely for addition of plant, reconfiguration of basement and ground floor layout to provide gym (Class D2), supermarket (Class A1) and restaurant (Class A3) and elevational alterations

Drawing Nos: Superseded drawings: 177_GA_-01 F; 177_GA_04 K; 177_GA_05 J; 177_GA_-01R A; 177_GA_00R D; 177_GA_-01S; 177_GA_00S B; 177_GE_00 F; 177_GE_01 G; 177_GE_02 F; 177_GE_03 F; 177_GS_00 F; 177_GS_01 E; 177_GS_02 F; 177_BS_00 A; 177_BS_01 B; 177_BS_02 A; 177_LFT_00 A; 177_LFT_01 A; 177_WHC_00 A; 177_PL_01 A; 177_GA_00 L; 177_GA_01 J; 177_GA_02 H; 177_GA_03 H

Additional drawings: P100; P101(Rev C); P102 (Rev D); P103 (Rev C); P104 (Rev C); P105 (Rev D); P106; P200 (Rev A); P201 (Rev D); P202; P203; P300 (Rev C); P301; P302; P303; P400; P410; P411; P500; P510 (Rev A); P511 (Rev A); P512 (Rev A); P513 (Rev A); P514 (Rev B); P515 (Rev B); P516 (Rev B); P550; P551; P552

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 the end of three years from the date of the original planning permission ref 2015/0487/P dated 22/12/2016.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2015/0487/P (dated 22/12/2016) shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans: P100; P101(Rev C); P102 (Rev D); P103 (Rev C); P104 (Rev C); P105 (Rev D); P106; P200 (Rev A); P201 (Rev D); P202; P203; P300 (Rev C); P301; P302; P303; P400; P410; P411; P500; P510 (Rev A); P511 (Rev A); P512 (Rev A); P513 (Rev A); P514 (Rev B); P515 (Rev B); P516 (Rev B); P550; P551; P552; Daylight and Sunlight Report; Energy Strategy (Cinema); Energy Strategy (retail); Sustainability Statement; Air Quality Assessment; Noise Report; Construction Management Plan; Basement Impact Assessment; Methodology Document; Planning Statement; Statement of Community Involvement; Structural Engineer's Report; Transport Statement; Envirocheck; Design and Access Statement; Market Demand Letter; Heritage and Townscape Statement; Noise Impact Assessment (dated 10th May 2018); Daylight & Sunlight (dated 24th July 2018)

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:
 - i) Elevation and section drawings at a minimum scale of 1:20 and a sample panel of brickwork showing the ice cream cone, the type(s) of brick to be used to execute the design, technical information and a Method Statement as appropriate from a specialist to confirm how the design will be built.
 - ii.)The shop front on Haverstock Hill and on Crogsland Road and the residential entrance shall be implemented in accordance with the drawings hereby approved, or other such plan, elevation and section drawings which shall be submitted to and approved in writing and which detail: the fascia,

cornice, corbels, pilasters, glazing panels, transom and mullions of the new shop fronts at a scale of 1:10 with details at 1:5 showing materials, design of all lighting, intercom systems, cameras, all signage including building number, lighting, intercom system;

iii) The top floor of the Haverstock Hill elevation shall be implemented in accordance with the drawings hereby approved, or any other plan, elevation and section drawings which shall be submitted to and approved in writing by the local planning authority and which show doors and louvres at a scale of 1:20.

iv) Apertures on the Haverstock Hill elevation shall be implemented in accordance with the drawings hereby approved, or other plan, elevation and section drawings which shall be submitted to and approved in writing by the local planning authority and which show the doors, louvres, balustrading and fascia at a scale of 1:20;

v) The new timber windows on the retained Crogsland Road elevation shall be implemented in accordance with the drawings hereby approved, or other such plan, elevation and section drawings which shall be submitted to and approved in writing by the Local Planning Authority and which detail typical glazing bar details at 1:1;

vi) The brickwork shall be carried out in accordance with the details approved under application ref. 2018/1323/P dated 01/08/2018 or other such details which shall be submitted to and approved in writing by the Local Planning Authority and which provide a sample panel of a minimum of 1x1 of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing;

vii) The cladding system shall be carried out in accordance with details approved under application ref. 2020/1485/P dated 23/07/2020, or any other such details submitted and approved in writing by the Local Planning Authority demonstrating all common joints and pattern of assembly;

viii) The works of repair and renewal of the Crogsland Road elevation shall be carried out in accordance with the plans hereby approved;

ix) a sample of the timber cladding to be used at ground floor level on the Crogsland Road elevation.

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.

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 hard and soft landscaping shall be carried out in accordance with details approved under application ref. 2017/2678/P dated 30/08/2017 or other such details submitted to and approved by the Local Planning Authority that demonstrate means of enclosure of the first floor terrace and how the privacy of the first floor flats will be maintained.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A3 and D1 of the Camden Local Plan 2017.

- 6 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, or 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.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A3 and D1 of the Camden Local Plan 2017.

- 7 The sustainable urban drainage system shall be carried out in accordance with details approved under application ref. 2017/3001/P dated 24/07/2017 or other such details submitted to and approved by the Local Planning Authority. The system shall be implemented as part of the development and thereafter retained and maintained.

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, CC3 of the London Borough of Camden Local Plan 2017.

- 8 This condition has been intentionally left blank

- 9 Waste storage and removal shall be carried out in accordance with the details approved under application ref. 2017/2270/P dated 18/07/2017 or other such details submitted to and approved by the Local Planning Authority. The facility 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 policy CC5, A1, A4 and TC4 of the London Borough of Camden Local Plan 2017.

- 10 The cycle storage area for 10 cycles (commercial use) and 32 cycles (residential use) shall be provided in accordance with the approved drawings.

The facility shall be provided in its entirety prior to the first occupation of any of the commercial units and permanently retained thereafter.

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.

- 11 The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Noise Assessment by WYG dated January 2015 and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

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

- 12 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 London Borough of Camden Local Plan 2017.

- 13 The development shall be carried out in accordance with the land contamination assessment and scheme of remediation approved under application ref. 2017/2269/P dated 07/07/2017. The remediation measures shall be implemented strictly in accordance with the approved scheme.

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.

- 14 The D2 and A3 uses hereby permitted shall not be carried out outside the following times: 08:00 to 23:00 Sunday to Thursday and 08:00 to 00:30 Friday and Saturday.

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 No cleaning of brickwork, stonework or plaster other than a gentle surface clean using a nebulous water spray, is authorised by this permission.

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 Camden Local Plan 2017.

- 16 Units 9 and 15, as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M4(3) (adaptable).

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 policies H6 and C6 of the Camden Local Plan 2017.

- 17 a.) The development shall be carried out in accordance with the sound insulation details approved under application ref. 2017/2967/P dated 05/07/2017 based on the recommendations of the Noise Assessment dated January 2015 or other such details submitted to and approved by the Local Planning Authority. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

b.) Prior to the occupation of the residential development a post occupation noise assessment shall be carried out as required to confirm compliance with the noise criteria and any additional steps to mitigate noise shall be taken, as necessary.

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

- 18 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

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, CC3 of the London Borough of Camden Local Plan 2017.

- 19 No music shall emitted from the commercial part of the development shall be audible at any residential/ noise sensitive premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC1, TC2 TC4 of the London Borough of Camden Local Plan 2017.

- 20 The Crogsland Road facade shall be secured and protected in accordance with the details approved under application ref. 2017/2271/P dated 21/09/2017.

Reason: To safeguard the appearance of the premises and the character of the immediate area as well as the amenities of the surrounding area in accordance with the requirements of policies A1 and D1 of the Camden Local Plan 2017.

- 21 The removal of refuse of bottles and cans associated with the retail/restaurant uses shall not be carried out outside the following times 08:00 to 23.00 Sunday to Thursday and 08.00 – 00.30 Friday and Saturday.

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.

- 22 All units with the exception of 4, 10 and 16 as indicated on plans hereby

approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

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 and A5 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting

The application seeks to vary a number of conditions in order to make changes to the layout of the ground floor uses as well as elevational alterations to the Haverstock Hill and Crogsland Road facades.

The commercial element of the scheme has changed from an assembly and leisure (D2) occupant at basement level with ancillary restaurant /bar at ground floor or retail use (A1) across both floors to the provision of three independent units (supermarket (A1) and restaurant (A3) units at ground floor with a gym (D2) at basement). The floor area of the proposed restaurant is similar to that of the ancillary restaurant/bar and so the proposal is not considered to represent a material change in how this part of the building would be used. The restaurant use would be added to the condition on the original permission that controlled the hours of operation as it was previously incorporated within the D2 leisure use. This would mitigate against any potential additional impact in terms of noise and disturbance to neighbouring residential uses.

The Crogsland Road facade has been reconfigured allowing a separate entrance to the basement gym as well as additional commercial back of house functions including plant and cycle storage. Officers have worked with the applicant to improve the activation of this frontage, replacing louvers with a softer slatted timber and more glazing where possible to try and retain the appearance of shopfronts.

A consequence of the reconfiguration of ground floor level is the residential cycle parking has been moved from ground floor level to the first floor courtyard. Whilst a less preferable situation than accommodating it at ground floor level, the revised proposal has been reviewed by a Transport officer who finds the relocation acceptable given this would be accessed via 13 person lift.

The proposals include 10 cycle parking spaces for the commercial uses and 32 spaces for the residential uses, which meets the minimum number required by the condition. The spaces would be provided in the form of Velopa two tier racks, which are considered to be an acceptable alternative to the usual Josta two tier racks. The cycle storage has been revised to be fully enclosed and secured. Due to the location of the gym at basement level and the limited floorspace at ground floor level to allow for a lift, there would be no dedicated visitor cycle parking for the gym use. As such, a financial contribution of £510 is to be secured by S106 legal agreement for 2 on-street 'M-shaped' stands which would accommodate 4 bikes.

It is also proposed to add additional plant at fourth floor level associated with the A1 use. This would be set back from the Crogsland Road elevation to avoid it being perceptible in views from the street. The plant would have some visibility from the school playground to the rear but would sit lower than the fourth floor and not appear as a bulky or incongruous addition to the roofscape. The plant would be clad in matching cladding to the fourth floor in accordance with the details approved under application ref. 2020/1485/P.

- 2 On the Haverstock Road elevation, the building height has been increased slightly to improve floor to ceiling heights for the commercial units. This increase (approx. 30cm) is considered to be minor and would not harm the building's proportions. The arrangement of windows and doors to the ground floor shopfront would be amended; however, the overall appearance would remain very similar to the consented scheme.
It is proposed to install timber fencing to enclose the first floor courtyard on the north west side and conceal unsightly plant on the roof of the lower neighbouring building. There is no objection to this alteration.

A schedule of works for the repair and renewal of the retained façade of the Crogsland Road elevation has been submitted as part of this application (as required by condition 3 part viii) and found to be acceptable by a Conservation officer. The new sash windows would be 2 over 2 timber units with original apron detailing and the window surrounds repaired or reinstated to a high quality standard.

In addition to changes to approved plans, the application also seeks to remove a condition relating to privacy screens (condition 8). The privacy screens were to be installed along the boundary with 2 Haverstock Hill; however, development has since been carried out at the neighbouring property that means there is no longer a need (or practical ability) to provide the privacy screens. Removing the condition is therefore acceptable.

The current owner inherited the site from a previous developer and contractor who went into administration leaving a number of non-compliant as-built conditions in terms of M(4)2. Some amendments have been carried out to ensure as many units are compliant as possible and alternative layouts discussed with Building Control. Owing to structural issues, it is not possible to achieve full compliance on three of the units which are situated in the same part of the plan on each floor. Whilst not an ideal situation, it is not expedient to expect all the works to be redone and so the condition relating to M4(2) will be relaxed to exclude the 3 units in question.

In terms of amenity impact, Environmental Health have reviewed the noise impact assessment submitted with the application and have no objection. A standard condition shall be attached in order to limit noise levels in line with policy A4. The height increase is sufficiently minor to avoid an impact on daylight of surrounding residential occupiers.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies H1, H4, H6, H7, C5, C6, A1, A3, A4, A5, D1, D3, CC1, CC2, CC3, CC5, TC4, T1, T2, T4 and DM1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 3 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.
- 4 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).
- 5 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.
- 6 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.

- 7 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.

- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 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.
- 10 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.
- 11 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 12 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 13 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 14 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.

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', is positioned above the typed name.

Daniel Pope
Chief Planning Officer