

Application ref: 2020/4378/P
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Date: 21 September 2022

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

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Savills UK
33 Margaret Street
London
W1G 0JD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**329-331 Kentish Town Road
London
NW5 2TJ**

Proposal:

Erection of 2 storey extension above existing ground floor, facing York Mews and change of use of upper floors from ancillary retail floorspace (Class E) to residential (Class C3) to create 5 flats including alteration to ground floor elevation facing York Mews and relocation of plant.

Drawing Nos: Existing drawings: E010 H; E011 F; E012 F; E013 F; E014 F; E030 F; E031 F; E032 F; E040 G

Proposed drawings: P010 V; P011 K; P012 K; P013 K; P014 J; P030 I; P031 S; P032 H; P033 I; P040 K; P042 D; P901 Proposed GEA area schedule; P902 Proposed GIA area schedule; E901 Existing GIA area schedule; E902 Existing GEA area schedule;

Design and Access Statement prepared by HUT Architecture dated September 2020; Daylight and Sunlight Assessment prepared by Herrington Consultants dated September 2020; Sustainability / Energy Statement prepared by Energy Lab dated 22 Sep 2020; Air Quality Assessment prepared by Aether Consulting dated September 2020; Environmental Noise & Vibration Survey and Assessment Report prepared by Hann Tucker Associates dated 8 September 2020; Planning statement prepared by Savills dated September 2020; Plant noise assessment prepared by Hann Tucker Associates dated 19 January 2021; Sustainability/Energy Statement Addendum prepared by Energy Lab dated 20 Jan 21

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 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 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:

Existing drawings: E010 H; E011 F; E012 F; E013 F; E014 F; E030 F; E031 F; E032 F; E040 G

Proposed drawings: P010 V; P011 K; P012 K; P013 K; P014 J; P030 I; P031 S; P032 H; P033 I; P040 K; P042 D; P901 Proposed GEA area schedule; P902 Proposed GIA area schedule; E901 Existing GIA area schedule; E902 Existing GEA area schedule;

Design and Access Statement prepared by HUT Architecture dated September 2020; Daylight and Sunlight Assessment prepared by Herrington Consultants dated September 2020; Sustainability / Energy Statement prepared by Energy Lab dated 22 Sep 2020; Air Quality Assessment prepared by Aether Consulting dated September 2020; Environmental Noise & Vibration Survey and Assessment Report prepared by Hann Tucker Associates dated 8 September 2020; Planning statement prepared by Savills dated September 2020; Plant noise assessment prepared by Hann Tucker Associates dated 19 January 2021; Sustainability/Energy Statement Addendum prepared by Energy Lab dated 20 Jan 21

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

- 4 Before the relevant part of the work is begun, 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:

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 (to be submitted to

the Local Planning Authority) and samples of those materials (to be provided on site).

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 London Borough of Camden Local Plan 2017.

- 5 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.

- 6 Before the use commences, the chiller and condenser units shall be provided with sound attenuation in accordance with the Plant Noise Assessment prepared by Hann Tuck Associates dated 19 January 2021. All such measures 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 A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Internal noise levels

The internal noise levels in the dwellings hereby approved shall not exceed an indoor ambient noise levels in unoccupied rooms of 35dB(A) LAeq,16hour (07:00-23:00 hours) and 30dB(A) LAeq, 8hour (23:00-07:00 hours) and individual noise events shall not normally exceed 45dB LAmax during the night (23:00-07:00 hours). Prior to first occupation of the development hereby approved, noise testing and an associated report to demonstrate compliance with the above levels shall be submitted to and approved in writing by the Local Planning Authority.

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.

- 8 Prior to first occupation of the buildings, 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 Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 9 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.

- 10 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used and showing a variation of substrate depth with peaks and troughs
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

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, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

- 11 Energy Efficiency and renewables

The development shall incorporate measures set out in the Sustainability/Energy Statement dated 22 Sep 20 prepared by Energylab as updated by Sustainability/Energy Statement Addendum dated 20 Jan 21 hereby approved including reducing overall carbon emissions by at least 33% with at least 19% by way of renewable energy technologies. Such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 12 Mechanical ventilation

Prior to occupation, mechanical ventilation shall be installed for the residential units facing Kentish Town Road in accordance with the recommendations of the Air Quality Assessment prepared by Aether dated September 2020 hereby approved.

Reason: To safeguard the amenities of future occupiers in accordance with the requirements of policies CC4 and A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reason for granting permission

The Council regards self-contained housing as the priority land-use of the Local Plan and the five additional dwellings would help the borough to meet its housing requirement. The loss of ancillary retail floorspace above the ground floor shop and at the rear of the unit would not harm the operation of the retail unit which would still retain a substantial area of 362sqm.

An affordable housing contribution would be required. On the basis of 464sqm GIA of additional housing floorspace proposed, this would result in a requirement for 10% affordable housing. The payment in lieu for affordable housing would be £151,845 (573sqm GEA x 0.10 x £2650).

The development would provide 5 two bed flats. Two bedroom dwellings are a high priority for market housing and as this is a small site, the mix is considered acceptable. All the flats would meet or exceed the minimum floorspace requirement. The dwellings would provide a good standard of accommodation with all the flats being dual aspect and the two first floor flats would benefit from private terraces. A bin store would be provided at the rear of the ground floor with 10 Eurobins for waste / recycling and a food waste bin. In terms of accessibility, it is acknowledged that Part M cannot be applied to a dwelling where step-free access cannot be achieved. There would be potential overlooking between different units at second floor. The separation distance is approximately 13.5m and this is similar to the overlooking consented at 335 Kentish Town Road (2019/5037/P).

The design has been amended following comments from Urban Design. The rear elevation was revised to retain the location and size of the existing window openings, to alter the entrance so it would be in the same plane as the street and to omit render and retain brick on the mews elevation. The size of the plant area has also been reduced. The metal cladding to the roof and first floor is considered acceptable. Details of the materials would be secured by condition. A green roof above the rear extension and first floor walkway would provide a pleasant outlook from the rear of the main building and would be of benefit to biodiversity and SUDS. The applicant investigated reducing the height of the mews extension (9.5m) but was unable due to the retention of the existing ground floor and the need to provide floor to ceiling heights of 2.5m in accordance with the London Plan. A nearby development at the rear of 325 Kentish Town Road (10 York Mews) is approximately 8.9m high (2015/2605/P). In this context, the height of the mews building is considered acceptable.

The extension would not harm neighbouring amenity in terms of harmful overlooking and loss of daylight. A studio flat in 20 York Mews would fall marginally short of meeting the recommended target value for winter probable sunlight hours set out in the BRE Guidelines. However the reduction in sunlight received over the whole of the year is not greater than 4% of the APSH and therefore this reduction is considered acceptable.

A plant area would be sited at first floor level between the proposed private amenity spaces. A noise report has been submitted and reviewed by Environmental Health. Acoustic mitigation will be required in order for the plant to meet the Council's noise thresholds and noise conditions are recommended to secure this.

Six cycle parking spaces would be accommodated at ground floor. Given that this is a conversion, this is acceptable. The new flats would be secured car free by legal agreement. A CMP and Impact Bond will also be secured.

A Sustainability/Energy Statement has been submitted which shows an overall reduction in CO2 of 33.23% including a 17% reduction from renewables. This would be secured by condition.

- 2 The air quality report states whilst there is no recorded exceedance, modelled concentrations at the first floor level at receptors A and B are within 10% of the objective level. Therefore it is recommended that mitigation is provided in the form of mechanical ventilation. The recommendations of the AQA would be secured by condition.

The planning and appeal history of the site has been taken into account when coming to this decision. A comment was received from the Neighbourhood Forum and a neighbour and these have been duly taken into account in this assessment. These comments are dealt with in the consultation summary.

As such, the proposed development is in general accordance with policies H1, H4, H6, H7, D1, C5, CC1, CC2, CC3, CC4, TC2, T1, T2, A3, A4 and A1 of the Camden Local Plan 2017; and policies D3 and G03 of the Kentish Town Neighbourhood Plan. The development also accords with the NPPF and the London Plan 2016.

- 3 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).
- 4 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.

- 5 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.
- 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.

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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully



Daniel Pope
Chief Planning Officer