

Application ref: 2021/1470/P
Contact: David Peres Da Costa
Tel: 020 7974 5262
Email: David.PeresDaCosta@camden.gov.uk
Date: 25 January 2023

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

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:

Partial lowering of existing basement.

Drawing Nos: E009 D; E001 F; E041 D; E040 D; E010 D; P041 G; P009 H; E002 F; P010 H; P040 E; Floor Risk and SuDS Assessment prepared by Herrington dated September 2021; Basement Impact Assessment Rev F prepared by Entuitive dated 20/10/21; Basement Impact Assessment Addendum prepared by AMP Structures dated 20 June 2022

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 The development hereby permitted shall be carried out in accordance with the

following approved plans: E009 D; E001 F; E041 D; E040 D; E010 D; P041 G; P009 H; E002 F; P010 H; P040 E; Floor Risk and SuDS Assessment prepared by Herrington dated September 2021; Basement Impact Assessment Rev F prepared by Entuitive dated 20/10/21; Basement Impact Assessment Addendum prepared by AMP Structures dated 20 June 2022

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

- 3 Prior to the commencement of excavation, a scheme including the following components to address the risk associated with site contamination shall be submitted to and approved in writing by the LPA.
 - a) A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses (including asbestos, landfill gas, ground water contaminants); a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site shall be submitted to and approved by the local planning authority in writing; and
 - b) following the approved detail in paragraph (a), a site investigation shall be carried out in accordance with the approved programme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 - c) The results of the investigation and detailed risk assessment referred to in (b) and, based on these, in the event that remediation measures are identified necessary, a remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall be submitted to and approved by the local planning authority in writing.
 - d) A verification plan, providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for the longer monitoring of pollution linkages, maintenance and arrangements for contingency action, shall be submitted to and approved by the local planning authority in writing prior to occupation.

The investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Land Contamination Risk Management (LCRM). If additional significant contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the LPA.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

- 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 and A5 of the London Borough of Camden Local Plan 2017.

5 Development in accordance with BIA

The development shall be carried out in strict accordance with the conclusions, methodologies and recommendations of the Basement Impact Assessment Rev F prepared by Entuitive dated 20/10/21 hereby approved including but not limited to the monitoring requirements in section 7.4 and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

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 A5, D1 and CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reason for granting permission

The application seeks to lower the existing basement by up to nearly 1m. A BIA was submitted and audited by Campbell Reith who confirmed that the BIA demonstrated that damage to neighbouring properties can be limited to Burland Category 1 and that the BIA met the requirements of CPG Basements and Policy A5. Conditions are recommended requiring an engineer to oversee the work and for the basement to be carried out in accordance with the recommendations of the approved BIA. Following resolution to grant, the applicant asked for site to be limited to 329-331 and to exclude 333 Kentish Town Road. A BIA addendum was provided which confirmed that the conclusions and recommendations of the original BIA were still valid. As such the omission of 333 Kentish Town Road from the proposed development would not impact the original officer's assessment which is set out below.

The lowering would not increase the amount of floorspace and there would be no external manifestation of the proposed works. As such, there would be no impact on design or neighbouring amenity in terms of daylight / sunlight, outlook and privacy.

A CMP and associated Implementation Support Contribution of £3,920 and

Impact Bond of £7,500 would be secured by legal agreement. This would help ensure that the proposed development takes place in a properly managed manner in order to reduce the potential impact on the operation of the local highway network and neighbouring amenity.

London Underground Infrastructure Protection and the Kentish Town Neighbourhood Forum have both confirmed that they have no comment on this application.

The proposed development site is located within the Tier 2 Archaeological Priority Area and GLAAS have advised that the borehole results demonstrate that nothing of interest remains in this location.

The site has potential to be contaminated. Therefore a condition requiring a preliminary risk assessment, site investigation and possible remediation measures is recommended.

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

As such, the proposed development is in general accordance with policies D2, A5 and A1 of the Camden Local Plan 2017. The development also accords with the NPPF and the London Plan 2021.

- 2 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).
- 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, 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 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.

- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light blue rectangular background.

Daniel Pope
Chief Planning Officer