

Application ref: 2022/1406/P
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Date: 30 May 2023

Development Management
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Simply Planning
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214 Creative Quarter
8a Morgan Arcade
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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:

**Land and Garages Adjacent to 42 Falkland Road
London
NW5 2PX**

Proposal:

Variation of condition 2 (plans) of planning permission reference 2014/5539/P dated 27/10/15 (as amended by 2016/6445/P dated 7/4/17) (for erection of part 1 storey plus mansard and part 3 storey building, plus basement, to provide 6 x flats) namely amendments involving alterations to rear lightwells, front boundary and landscaping; insertion of side window at 2nd floor and alterations to rear fenestration; creation of roof terrace with access hatch; installation of PV panels

Drawing Nos: Proposed:

CPM-01-B1-DR-A-7001 Rev.P02; CPM-01-00-DR-A-7002 Rev.P04; CPM-01-00-DR-A-7003 Rev.P03; CPM-01-00-DR-A-7004 Rev.P03; CPM-01-00-DR-A-7005 Rev.P03; CPM-01-00-DR-A-7006 Rev.P03; CPM-01-ZZ-DR-A-7010 Rev.P03; CPM-01-ZZ-DR-A-7011 Rev.P03; CPM-01-ZZ-DR-A-7012 Rev.P03; CPM-01-ZZ-DR-A-7013 Rev.P03; CPM-01-ZZ-DR-A-7020 Rev.P03; CPM-01-ZZ-DR-A-7021 Rev.P03; CPM-01-ZZ-DR-A-7022 Rev.P03 and CPM-01-00-DR-A-7023 Rev.P02.

Superseded:

1099-BA-101; 1099-BA-102; 1099-BA-103; 1099-BA-104; 1099-BA-105; 12516-SPR-XX-AR-15-01-3_3; 12516-SPR-XX-AR-15-02-3_3; 12516-SPR-XX-AR-15-03-3_3; 12516-SPR-XX-AR-15-04-3_3; 12516-SPR-XX-AR-15-05-3_3; 12516-SPR-XX-AR-15-06-3_3; 12516-SPR-XX-AR-30-01-3_2; 12516-SPR-XX-AR-30-02-3_2; 12516-SPR-

XX-AR-30-03-3_2; 12516-SPR-XX-AR-20-01-3_3; 12516-SPR-XX-AR-20-02-3_3; 12516-SPR-XX-AR-20-03-3_3 and 12516-SPR-XX-AR-20-04-3_2.

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. 2014/5539/P dated 27/10/15.

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:

Site Location Plan 1099-BA-100; CPM-01-B1-DR-A-7001 Rev.P02; CPM-01-00-DR-A-7002 Rev.P04; CPM-01-00-DR-A-7003 Rev.P03; CPM-01-00-DR-A-7004 Rev.P03; CPM-01-00-DR-A-7005 Rev.P03; CPM-01-00-DR-A-7006 Rev.P03; CPM-01-ZZ-DR-A-7010 Rev.P03; CPM-01-ZZ-DR-A-7011 Rev.P03; CPM-01-ZZ-DR-A-7012 Rev.P03; CPM-01-ZZ-DR-A-7013 Rev.P03; CPM-01-ZZ-DR-A-7020 Rev.P03; CPM-01-ZZ-DR-A-7021 Rev.P03; CPM-01-ZZ-DR-A-7022 Rev.P03 and CPM-01-00-DR-A-7023 Rev.P02.

Supporting documents:

Design and Access Statement by Donald Shearer Architects dated 27/08/2014; Code for Sustainable Homes Pre-Assessment by Donald Shearer Architects dated 29/08/2014; Basement Impact Assessment by Site Analytical Services Ltd dated December 2013; Lifetime Homes Statement by Donald Shearer Architects dated 29/08/2013; Daylight/Sunlight Report by GVA dated 20/08/2014; Letter from Gurney Consulting Engineers ref 9540-001-rmb.

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

- 3 The units 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 of the Camden Local Plan (2017)

- 4 The cycle storage facilities as indicated on the drawings and documents hereby approved shall be provided and retained in their entirety prior to the first occupation of any of the new residential units.

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.

- 5 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the adjoining terrace, 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 6 The development hereby approved shall commence in line with the details approved under application reference 2019/6110/P dated 13/02/2020 and 2016/6628/P dated 04/08/2017 or any other such details submitted and approved in writing by the local planning authority, securing:

samples of the materials to be used in the construction of the external surfaces hereby permitted have been submitted and approved in writing by the. In addition a sample panel of the facing brickwork should be erected on-site and approved by the Council before the relevant parts of the work are commenced. The panel must be 1m by 1m and demonstrate the proposed colour, texture, face-bond and pointing of the brickwork.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 7 The development hereby approved shall commence in line with the details approved under application reference 2017/3590/P dated 17/11/2017 or any other such details submitted and approved in writing by the local planning authority, securing:

a piling method statement detailing the 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 water or sewerage infrastructure, and the programme for the works, has been submitted to and approved by the Local Planning Authority in writing in liaison with the relevant utility providers. The piling shall be undertaken in accordance with the approved method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CC3 of the London Borough of Camden Local Plan 2017

- 8 The development hereby approved shall commence in line with the details approved under application reference 2017/0963/P dated 05/10/2017 or any other such details submitted and approved in writing by the local planning authority, securing:

a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in

the strategy have been completed.

Reason: To ensure that sufficient drainage capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with the requirements of policies A5 and CC3 of the London Borough of Camden Local Plan 2017

- 9 The refuse storage facilities as indicated on the drawings and documents hereby approved shall be provided and retained in their entirety prior to the first occupation of any of the new residential units.

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 London Borough of Camden Local Plan 2017.

- 10 Prior to first occupation of the building, 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 prior to the first occupation of the building 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.

- 11 Prior to the occupation of the development hereby permitted, the 2nd floor side window shown on plan number CPM-01-ZZ-DR-A-7011 Rev.P03 shall be fitted with obscure glass and the window shall be retained as such for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

At basement level, its footprint has been pulled away from the boundaries and given it is a reduction in footprint a revised BIA was not required in this instance as it is the same footprint as secured and approved under the basement construction plan obligation. New doors onto the rear lightwells would allow for additional access from the bedrooms. At ground floor the front garden is redesigned to include ramped access and a larger bin store. At roof level the existing front flat roof will now be accessed by flat 4 to create a roof terrace. Front roof terraces are not an uncommon feature within the road it would be largely screened by the front parapet wall, it is not considered that a terrace with a modest footprint would appear out of character in this location. PV panels are proposed at roof level which are welcomed and details and their installation are secured by condition. The 2nd floor side window proposed is

small scale and its detailed design reflects the character and appearance of those already granted which is acceptable. The low front boundary brick wall and railings would reflect the prevailing pattern of development within Falkland Road.

Overall the revisions in terms of their detailed design, siting and scale would not harm the character and appearance of the host property, streetscene or conservation area.

Although subject to minor reduction in floorspace Flat 1 would still comply with minimum space standards. Due to the reduction in rear lightwells the bedrooms of flats 1 and 1a would experience a minor reduction in light but it is not considered to an extent that result in a reason for refusal.

The proposed 2nd floor window will serve a staircase and will be conditioned to be obscurely glazed, it is therefore not considered to result in loss of privacy. The front terrace is not considered to result in harmful overlooking to No.13 Lady Margaret Road, given the wide access staircase along the side closest to this neighbour and the modest footprint of the terrace. The remaining alterations given their minor nature and siting are not considered to harm the amenity of neighbouring properties, in terms of loss of light, privacy or a sense of enclosure.

The full impact of the scheme has already been assessed during the determination of the permitted scheme, and it is considered that the amendments would have a minor material effect in terms of appearance and neighbouring amenity considerations.

One objection and one comment were received during the consultation period, which is addressed in the consultation summary. The planning history of the site has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, C6, CC1, CC2, D1 and D2 of the Camden Local Plan 2017, policy D3 of the Kentish Town Neighbourhood Plan 2016, the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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.

- 3 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.

- 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 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>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer