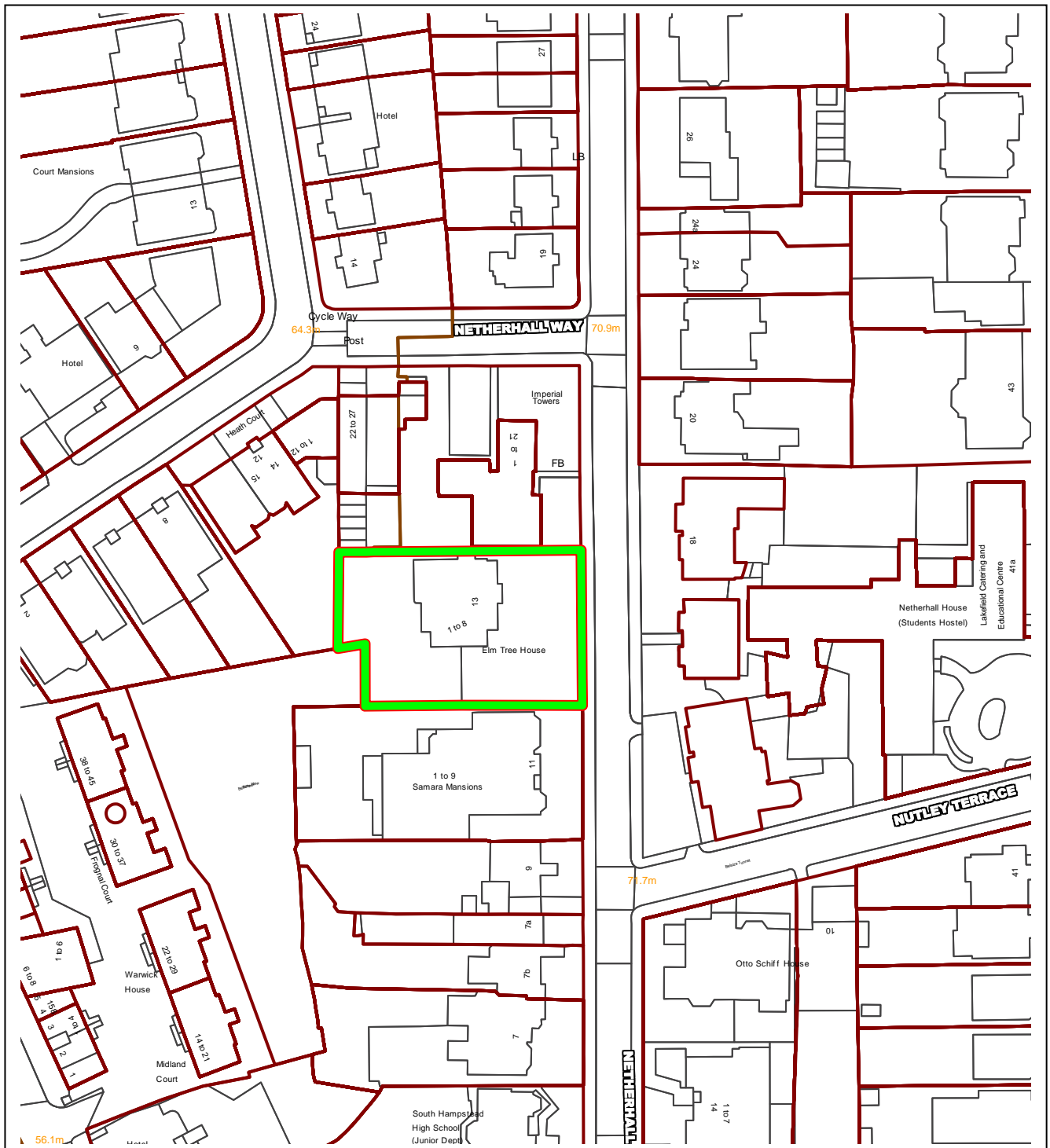


2022/5566/P - Land Adjacent to Elm Tree House,  
13 Netherhall Gardens, London, NW3 5RN



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**Photos and Plans for 2022.5566.P – 13 Netherhall Gardens, NW3 5RN**

1. Aerial view of 13 Netherhall Gardens (Front)



2. Aerial view of 13 Netherhall Gardens (Rear)





3. Existing front elevation of 13 Netherhall Gardens



4. Area within 13 Netherhall Gardens that new building is to be located





5. Proposed front elevation from NE (trees removed for clearer visuals)



6. Proposed front elevation from SE (trees removed for clearer visuals)





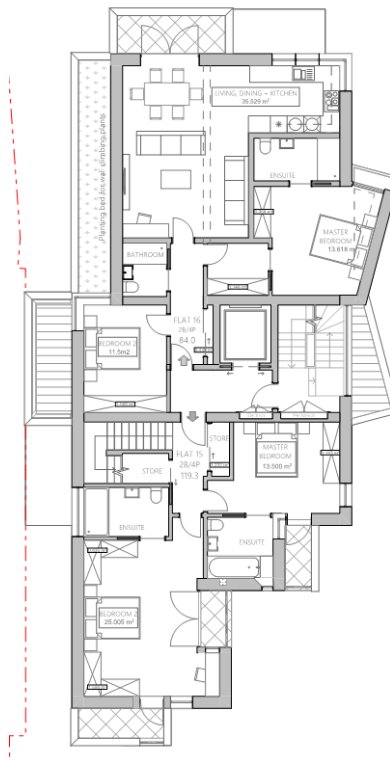
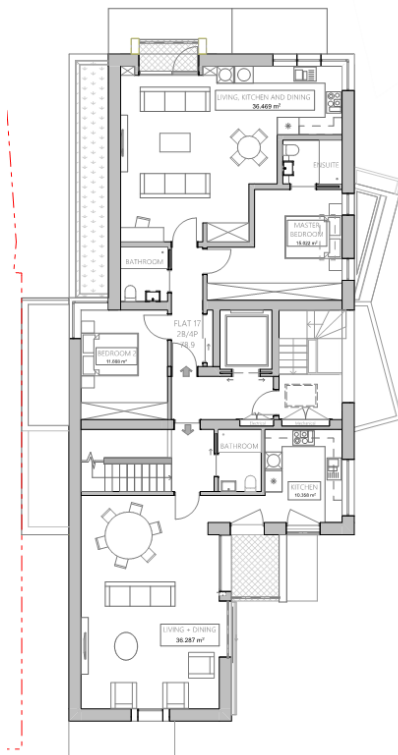
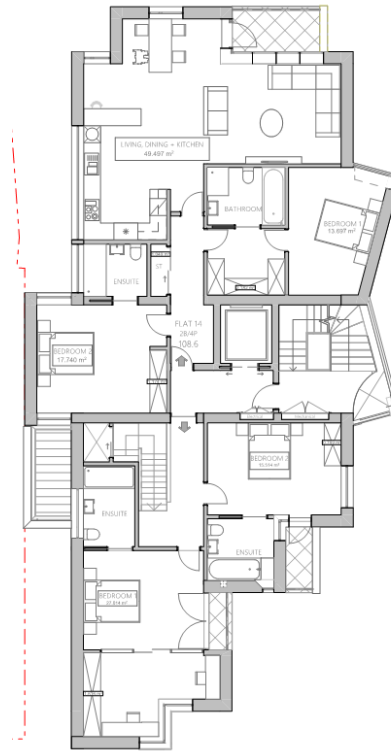
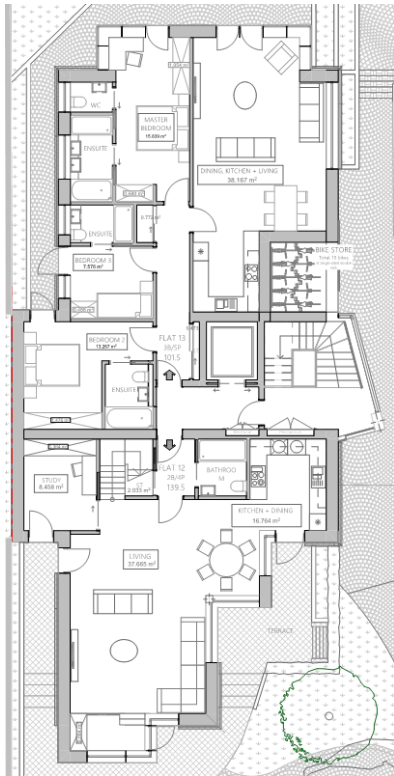
7. Proposed rear elevation (trees removed for clearer visuals)



8. Proposed side elevation from N (trees removed for clearer visuals)



9. Proposed ground, first, second, and third floor plans (clockwise from top left)



<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>13/02/2023</b>	
(Members' Briefing)		N/A / attached		<b>Consultation Expiry Date:</b>		<b>19/02/2023</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Sam FitzPatrick				2022/5566/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Land adjacent to Elm Tree House 13 Netherhall Gardens London NW3 5RN				Please refer to decision notice.			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of a new residential building (creation of 6 units), works to the front boundary wall, external hard and soft landscaping, cycle parking and associated works.							
<b>Recommendation(s):</b>		Grant conditional planning permission subject to section 106 legal agreement					
<b>Application Type:</b>		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>Three site notices were displayed from 18/01/2023 to 11/02/2023, with one to the front of the site and two to the two roads to the rear of the site (Frognal Court and Frognal). A press notice was published from 26/01/2023 to 19/02/2023.</p> <p>Three objections from members of the public were received, as well as separate objections from the managing agents for Imperial Towers and Imperial Towers (Freeholders) Limited. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"><li>• Lack of consultation regarding proposed changes or notification made to residents;</li><li>• Noise impacts from proposed Air Source Heat Pumps (ASHPs), specifically impact of plant enclosure to northern boundary of site and subsequent impact on Imperial Towers;</li><li>• Impact of plant enclosure to front garden on character and appearance of conservation area;</li><li>• Siting of bins and waste storage;</li><li>• Removal of trees and arboricultural impacts;</li><li>• Impact on property value</li></ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"><li>• <i>The Council posted 3 site notices for the application and it was advertised in the local newspaper in addition to e-alerts. Members of the public have been able to comment and give representations on the application since January, so the proposal has been open to consultation for over five months. Consultation was carried out in accordance with the Council's <a href="#">Statement of Community Involvement (2016)</a>. Neighbours are not consulted on planning applications via letters in Camden. It is assumed that Imperial Towers weren't involved in the developer-led consultation meetings as the consultation related primarily to the new building which is separated from Imperial Towers by Elm Tree House.</i></li><li>• <i>The heat pumps to the front area of the site have been removed from the proposal by the applicant. Please see section 3 for details of revisions to the scheme.</i></li><li>• <i>Please see sections 6 (design) and 15 (waste) of the report, which detail the proposed waste storage area, including its siting.</i></li><li>• <i>Please see section 17 of the report, which concerns trees and landscaping.</i></li><li>• <i>Property value is not a material planning consideration.</i></li></ul>			
Netherhall Neighbourhood Association	<p>The Netherhall Neighbourhood Association endorsed the other objections to the application and specified the following main concerns:</p> <ul style="list-style-type: none"><li>• Lack of consultation;</li><li>• Noise and location of heat pumps;</li><li>• Location of waste bins;</li></ul>			



	<ul style="list-style-type: none"> <li>• Removal of mature trees.</li> </ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> <li>• <i>As noted previously, 3 site notices and a local newspaper advertisement were posted to inform members of the public about the proposed works in addition to e-alerts.</i></li> <li>• <i>As noted previously, the relevant heat pumps have been removed from the proposal and revisions are detailed in section 3.</i></li> <li>• <i>Please see sections 6 and 15 of the report for details relating to the waste storage and section 17 of the report for details relating to trees and landscaping.</i></li> </ul>
Thames Water	<p><u>Waste Comments</u></p> <p>No objection to proposed works. With regards to surface water drainage, no objection provided the developer follows the sequential approach to the disposal of surface water. Where discharge into a public sewer is proposed, prior approval from Thames Water would be required (an informative to this end has been attached to the decision notice).</p> <p>The proposed development is located within 15 metres of a strategic sewer, so a condition has been requested be attached to any planning permission that requires the submission of a piling method statement.</p> <p><u>Water comments</u></p> <p>No objection made with regards to water network and water treatment infrastructure capacity. Recommended an informative to be added to any decision notice concerning water pressure.</p> <p>If mains water is used for construction purposes, Thames Water remind that they must be informed before use to avoid potential fines for improper use.</p> <p>The proposed development is located within 15m of underground water assets and as such an additional informative has been suggested that would remind the developer of this.</p> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> <li>• <i>Noted and requested condition and informatives would be added to any approval.</i></li> </ul>

## Site Description

The application site contains a large detached former dwellinghouse (Elm Tree House) built in the late C19th in the Queen Anne revival style and previously a number of garages that were later C20th additions. The application site is located on the northern side of Netherhall Gardens and within the Fitzjohns Netherhall Conservation Area. The existing property is classified as making a positive contribution to the conservation area. It is not listed and is not adjacent to any listed buildings or structures. It is in close proximity to (though is not within) the Redington Froggnal Neighbourhood Plan Area and the Froggnal Court Wood Site for Importance for Nature Conservation (SINC).

## Relevant History

**2021/4259/P** - Extension and reconfiguration of the lower ground floor level, construction of a new basement level (to facilitate creation of new residential dwellings), external soft landscaping and planting, cycle parking and associated works. **Resolution to grant planning permission subject to a s106 legal agreement (not yet signed).**

**2020/0971/P** - Erection of 2 x dormers to rear roofslope; removal of 3 x existing dormers; removal of external staircase; alterations to fenestration; demolition of the existing ground floor extension on the southern side of the building. **Granted 07/05/2020.**

**2005/4753/P & 2005/4757/C** – Demolition of existing building and garages and erection of new 4 storey plus basement building comprising 9 x 2-4 bedroom flats and 1 studio flat, plus new extended garage block and new front boundary wall, vehicular entrances and gates. **Planning permission and conservation area consent refused 03/03/2006 and appeal withdrawn prior to hearing.**

**Reasons for refusal:** Demolition of positive contributor would cause harm to conservation area, replacement building would fail to preserve and enhance character and appearance of conservation area, development would entail loss of two protected lime trees, development would fail to contribute to affordable housing in borough, and absence of legal agreement securing transport contributions.

**CWX0103597** – Demolition of block of 6 garages. **Conservation area consent granted 27/11/2001.**

**PWX0103596** – ‘Erection of detached dwelling house’ **Refused 27/11/2001 and dismissed on appeal 14/10/2002.**

**Reasons for refusal:** Proposed development and hard surfacing would cause harm to and involve loss of trees on site, and proposed development detrimental to character and appearance of conservation area.

**9201149** – Renewal of planning permission granted 18.02.88 (8601525) for the erection of a two storey dwelling house. **Granted 08/07/1993.**

**8601525** – Erection of a two-storey dwelling house and construction of hard standings for six vehicles. **Granted 04/02/1988.**

**7852/41956** – Conversion of property into eight self-contained flats within one storey addition, and to erect six lock-up garages to the rear. **Granted 07/05/1937.**

## Relevant policies

### National Planning Policy Framework (2021)

### The London Plan (2021)

### Camden Local Plan (2017)

- **G1** Delivery and location of growth
- **H1** Maximising housing supply
- **H4** Maximising the supply of affordable housing
- **H6** Housing choice and mix
- **H7** Large and small homes
- **C5** Safety and security
- **C6** Access for all
- **A1** Managing the impact of development
- **A3** Biodiversity
- **A4** Noise and vibrations
- **D1** Design
- **D2** Heritage
- **CC1** Climate change mitigation
- **CC2** Adapting to climate change



- **CC3** Water and flooding
- **CC4** Air quality
- **CC5** Waste
- **T1** Prioritising walking, cycling, and public transport
- **T2** Parking and car-free development
- **T4** Sustainable movement of goods and materials

### **Camden Planning Guidance**

- CPG Access for all (Mar 2019)
- CPG Air Quality (Jan 2021)
- CPG Amenity (Jan 2021)
- CPG Design (Jan 2021)
- CPG Developer contributions (Mar 2019)
- CPG Energy efficiency and adaptation (Jan 2021)
- CPG Home Improvements (Jan 2021)
- CPG Housing (Jan 2021)
- CPG Transport (Jan 2021)
- CPG Trees (Mar 2019)
- CPG Water and Flooding (Mar 2019)

### **Fitzjohns Netherhall Conservation Area Appraisal (2022)**

## **Assessment**

### **1. The Proposal**

1.1. Planning permission is sought for the following:

- Erection of a new residential building
- Alterations to existing front boundary wall
- Erection of new waste storage area
- Hard and soft landscaping works
- Creation of 6 x Class C3 residential units (5 x 2B4P and 1 x 3B5P)

### **2. Background**

2.1. The application in question follows two previous applications that served as the first two stages of a wider scheme to redevelop the site at 13 Netherhall Gardens. The first phase of this (2020/0971/P) included works such as the erection of dormers, alterations to existing fenestration, and demolition of a non-original extension, while the second phase (2021/4259/P) involved the extension and reconfiguration of the original building, construction of a new basement level, and soft landscaping. Of these two applications, Phase 1 has been granted permission, and Phase 2 has a resolution to grant planning permission subject to a Section 106 legal agreement, which is yet to be signed.

2.2. Phase 3 would see the construction of a new residential building and landscaping to the land surrounding both the existing and the newly proposed buildings. It should be noted that the landscaping of the site is included as part of both Phase 2 and Phase 3, however the excavation required for the new basement level in Phase 2 is only part of that application. The excavation work has already been approved given that Phase 2 has a resolution to grant planning permission (subject to a Section 106 agreement). Phase 3 does not involve any excavation or basement works.

### **3. Revisions**

3.1. The proposal initially proposed the installation of 11 x ASHPs to the front area of the site, close to the north boundary wall with no.17 (Imperial Towers). However, the applicant decided to remove this particular element of the scheme following comments and objections

from neighbours and local groups. The new building still includes ASHPs, though these are to be located on the valley between the two pitched roofs.

- 3.2. A noise report has been submitted to assess the impact on the amenity of residential occupiers and neighbours, and this report only refers to the ASHPs that are located to the roof of the proposed residential building and are still part of the application. The Council's Environmental Health Officer has reviewed these plans and confirmed that the impact is acceptable and compliant with Camden's policies, as detailed in section 11 of this report. The removed ASHPs to the north boundary of the site at ground level are not included in the noise report given they are no longer part of the application. As such, objections concerning the since removed ASHP enclosure are no longer relevant.

#### **4. Assessment**

- 4.1. The principal considerations material to the determination of this application are as follows:

- Land use
- Design and conservation
- Affordable housing
- Housing mix
- Housing quality
- Access
- Amenity
- Transport
- Energy and sustainability
- Air quality
- Waste
- Water and flooding
- Trees and landscaping
- Ecology
- Heads of Terms
- Community Infrastructure Levy

#### **5. Land use**

- 5.1. The proposal would create six additional self-contained residential units (Class C3). Policy G1 of the Local Plan promotes the most efficient use of land in the borough and housing and the provision of additional residential units within the Borough is strongly supported by Policy H1, which highlights the need to maximise the supply of housing. The proposal would be supported in principle by the Council's housing policies subject to other planning considerations including the height, mass, and form of the new building and its detailed design, its impact on the amenity of neighbouring occupiers, and highways considerations, amongst other aspects.
- 5.2. The support at local policy level for developing housing on underused land reflects a key objective of the NPPF 2021, which is to make effective use of land. Paragraph 69 states that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.
- 5.3. The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area of relevant plan-making authorities introduced by the government. It measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The government's most recently published figure is for 2021, when the measurement for Camden was 76% - which means that Camden has to produce an action plan and apply a 20%



buffer to its 5-year housing land supply. The housing land supply set out in the Authority Monitoring Report concludes the amount of deliverable housing land in the borough falls substantially short of what is needed for a 5-year supply. This means the presumption in favour of granting permission for development under paragraph 11(d) of the NPPF is engaged.

- 5.4. The provision of housing should be given significant weight. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.

## **6. Design and conservation**

- 6.1. Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area, while Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. Camden's Local Plan is supported by guidance in CPG Design.

- 6.2. The site falls within a primarily residential area that is typified by large-scale properties (often between five and six storeys) that are architecturally diverse. However, as noted in the Fitzjohns Netherhall Conservation Area Appraisal, there are repeating styles, such as Queen Anne, classical, and Dutch gabled design. The same appraisal goes on to state that *"new development should be seen as an opportunity to enhance the Conservation Area... exceptional, innovative and creative design solutions will be supported, where they complement the townscape and landscape character of the area"*.

- 6.3. The proposed height of the new building would be four storeys tall, with gabled roofs that reflect the nearby older properties. The tops of these gables would be lower than the highest point of the roof ridge of Elm Tree House, so it would be subordinate to the original property located within the same site. Although it would be set further forward than Elm Tree House, the front elevation of the new building would align with the frontage of no.11 (Samara Apartments). The building has also been designed to preserve views through into the rear gardens, in line with the conservation area statement, which notes the importance that new development retains gaps between buildings that allow glimpses to trees and garden areas in the rear. The overall scale and footprint of the new building is considered acceptable in terms of the site and its relationship to buildings within the immediate context.

- 6.4. The style of the building is modern but complements the character of the area, with architectural devices such as gables and modulated elevations. The glazing hierarchy is appropriately scaled, and the addition of glazing bars respects the immediately adjacent Elm Tree House. There is also an acceptable balance of brick and glass that balances the façade against neighbours, meaning that the modern design is still respectful with a simple primary frontage that considers nearby buildings. Therefore, the building does not read as an incongruous addition, but instead is subservient to the surrounding area and buildings, and is considered acceptable.

- 6.5. The materials for the proposal would complement the context of the existing site; red brickwork would be utilised for the main structure, with white gault brickwork for the projecting elements including the entrance and the wing that supports a number of the balconies to the front elevation. Windows would be slimline aluminium and roof tiles would be plain slate. Full details of these, along with details of all facing materials, balustrading, and the boundary wall, would be secured through a condition. The materials proposed would respect the context of the site and are considered to enhance the character and appearance of the site and wider conservation area.

- 6.6. The proposal also includes several balconies above the ground floor, both to the front and rear of the property. There are nine in total and would provide amenity space so that each separate flat has its own outdoor amenity area. The siting of the terraces combined with the

presence of balconies and roof terraces to a number of immediately nearby buildings would mean that these balconies would be considered to be appropriate additions that would not harm the character or appearance of the building.

6.7. In addition to the new residential building, the proposal also includes external works such as alterations to and rebuilding of the front boundary wall and the erection of a new waste storage area. The works to the boundary wall would effectively continue the existing boundary to the south of the site and extend it so that it is uniform across the entire front elevation. This would replace a low wall that currently sits directly in front of Elm Tree House. The scale of the boundary wall would not change, and the proposed materials, such as red brick, stone capping, and black metal gate, would match the context, character, and appearance of the site and wider conservation area. The timber waste storage area to the front of the site is appropriate in terms of siting, scale, and materiality, but a condition would be added that requires the submission of details of this to ensure that the works preserve and enhance the site and conservation area. The same condition was attached to Phase 2 of this scheme. The bin store would be the only structure proposed adjacent to the boundary with Imperial Tower, following the aforementioned revisions to remove the ASHP enclosure, detailed in section 3. The plans show the bin store at the east border of the site, immediately adjacent to the front boundary.

6.8. 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

6.9. Overall, the proposal, by way of its siting, form, bulk, massing, and architectural design, would have a positive impact that preserves and enhances the character and appearance of the application site and wider conservation area, and so would be considered acceptable in design terms. The proposal therefore complies with policies D1 and D2 of the London Borough of Camden 2017.

## **7. Affordable housing**

7.1. Policy H4 of the Camden Local Plan seeks to maximise the supply of affordable housing; it is expected that a contribution to affordable housing will be made for all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. For schemes of less than 25 additional homes, a sliding scale will be applied to calculate the expected provision as a percentage of the overall residential uplift, with a 2% contribution per additional home added to capacity. While the Council's preference would be for this contribution to be provided onsite, for schemes with a capacity of fewer than 10 dwellings, a payment in lieu of affordable housing (PIL) is generally accepted.

7.2. Policy H4 also states that the Council will seek to ensure that where development sites are split or separate proposals are brought forward for closely related sites, the appropriate affordable housing contribution is comprehensively assessed for all the sites together rather than dealt with in a piecemeal fashion. The Council will seek to use planning obligations to ensure that all parts of phases of split or related sites make an appropriate affordable housing contribution. A resolution to grant permission has already been given for part of the site (2021/4259/P), but the permission has yet to be issued because the S106 agreement has not been completed. The S106 agreement would include a PIL of £46,540. This is based on the affordable housing target and floorspace for just that part of the scheme. If the current application for the second phase of development were considered separately it would result in a lower overall affordable target on the sliding scale compared to if all proposals/phases were considered as a whole, and result in a PIL of £379,800 (£426,340.00 adding the phase 2 PIL).

7.3. By following the policy requirement to consider the two proposals for the site together, the policy target on the sliding scale increases. The proposed new building would include 633sqm of residential floorspace, the site as a whole would involve an uplift of 865.7sqm (as



Phase 2 involved an uplift of 232.7sqm). This would result in a target of 18% (2% per 100sqm rounded to the nearest sqm). The following formula calculates the affordable housing contribution:

Additional residential floorspace (GIA)	Capacity (rounded floorspace addition/100sqm)	Additional housing % target	Affordable housing floorspace target	Payment in lieu required
865.7 sqm	9 additional homes	18%	$18\% \times 865.7 = 155.826$	$155.826 \times £5,000 = £779,130$

7.4. Therefore, an affordable housing contribution of £779,130 is required for the development across the proposals, which should be secured by S106 legal agreement. The S106 would link the schemes to ensure the full policy requirement of £779,130 is paid for them both to come forward. The S106 would need to ensure that the applicant could not implement one and make the lower payment, unless there was a binding agreement that they would not implement the second.

## 8. Housing mix

8.1. Policy H6 advises that the Council seeks to secure a variety of housing suitable for existing and future occupiers, and Policy H7 states that the Council will aim to secure a range of homes of different sizes. The latter policy also states that a flexible approach to assessing the proposed dwelling mix will be taken by the Council when assessing proposals.

8.2. The proposal would provide 5 x two bed units (all 2B4P) and 1 x three bed unit (3B5P). Therefore, the development would provide six additional flats. For market units, both two-bedroom and three-bedroom properties are considered to be a high priority to meet demand across the Borough. As such, the proposal would successfully provide an acceptable choice and mix of homes in line with Policies H6 and H7.

## 9. Housing quality

9.1. Policy D1 of the Local Plan seeks to secure high quality design in development, including a high standard of living accommodation. The supporting text to the policy notes that all residential developments should be designed and built to create high quality homes and that the Council will seek to ensure that residential development is self-contained with its own secure private entrance; has good ceiling heights and room sizes; is dual aspect except in exceptional circumstances; has good natural light and ventilation; has good insulation from noise and vibration; has a permanent partition between eating and sleeping areas (studio flats are acceptable where they provide adequate space to separate activities); incorporates adequate storage space; incorporates outdoor amenity space including balconies or terraces; and is accessible and adaptable for a range of occupiers. The supporting text also notes that new dwellings will be expected to meet the Government's nationally described space standards.

9.2. The proposed dwellings all meet or exceed the requirements set out in the London Plan and the Nationally Described Space Standards in terms of overall floor area and room sizes. Two of the proposed units (Flat 12 and Flat 15) are also maisonettes and split over two levels. Both of these also well exceed space standards.

9.3. Sufficient levels of light and outlook would be available to future occupiers, as demonstrated in the submitted daylight/sunlight report. The subject building is east-west oriented, and all flats are dual aspect and would have access to large windows facing either east or west. All flats would have adequate outlook, with open views across either the front or rear garden, mostly to east, north-east, and west.

9.4. None of the proposed flats would be unduly overlooked by neighbours or other occupiers of the subject building. There are only two instances of window to window

overlooking, firstly between the north window of bedroom 2 in Flat 12 and the opposing window in Elm Tree House, and secondly between the north windows of the master bedroom in Flat 17 and the opposing window in Elm Tree House. In both of these instances, the respective windows in Elm Tree House would not be the sole window providing light and outlook in the room, so it is accepted that they can be obscure glazed so that the potential for overlooking and negative impacts on privacy are reduced, without harming the amenity of residents. A condition was attached to Phase 2 of the project (2021/4259/P) requiring the submission of details of any obscure glazing or measures to increase privacy, and a similar condition would be recommended for this decision.

9.5. In terms of impact on the privacy of neighbours, the building has been designed so that the principal outlook is to the east, west, and north-east so that opportunities for negatively affected privacy are reduced, especially towards Samara Mansions to the south and Elm Tree House directly to the north. A boundary wall is proposed to the south of the site and opaque glass where required in order to reduce overlooking and privacy impacts, the details of which would be secured through condition.

9.6. All the new units have an acceptable amount of private and communal external amenity space. This is provided in the forms of gardens and terraces for the ground floor flats, and gardens and balconies for all the rest. This would ensure that all new units would meet the minimum standards.

## **10. Access**

10.1. Policy H6 requires that 90% of new-build self-contained homes proposed in a development comply with Building Regulations Part M4(2) (accessible and adaptable dwellings) and Local Plan Policy C6. Additionally, 10% of new build self-contained homes are required to comply with Building Regulation Part M4(3) (wheelchair user dwellings) and Local Plan Policy C6.

10.2. All of the six new units proposed by this development have been designed according to Part M4(2), and as such as accessible and adaptive due to being step-free. One of the proposed units at ground floor level has also been designed to meet the standards of Part M4(3), and as such is suitable to be easily adapted for wheelchair users. A condition is proposed that would secure the compliance of new units with accessibility standards. All new units would be accessible via an internal lift.

## **11. Amenity**

11.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook, implications on daylight and sunlight, and noise and disturbance. The Council's guidance contained within CPG 'Amenity' provides specific guidance with regards to these aspects.

11.2. As previously established, there is no harm caused by the development on light and outlook, as demonstrated by the submitted daylight and sunlight report. This has been instigated in accordance with the Building Research Establishment's (BRE) publication 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 3rd edition, 2022. The report assesses the impact on neighbouring occupiers by utilising 'Vertical Sky Component' (VSC), 'Daylight Distribution' (DD), and Annual Probable Sunlight Hour' (APSH). It is confirmed by the report that VSC impact on both neighbours and occupants of the proposed development meets BRE target criteria everywhere but at one window, where the reduction is considered minor adverse. With regards to DD there are effectively no reductions at either site, except in one room that still meets BRE target criteria, and for APSH, all reductions are shown to meet BRE target criteria.

11.3. The building has been designed so that all impacts on the privacy of neighbours and

occupants are as minor as possible; the majority of windows face either east or west to the front or rear gardens, respectively, or northeast in the direction of the communal rear garden. In the very few instances where windows would give views into neighbouring habitable windows, it has been secured through conditions that privacy measures such as obscure glazing will be implemented. To the south of the site at the boundary with Samara Mansions, there are few windows, and those that do exist are either mostly blocked by a boundary wall or high level so as to reduce any harmful impact on privacy. There is therefore limited opportunity for harmful overlooking or loss of privacy.

11.4. The proposal includes ASHPs to the roof of the house, in the valley between the two pitched roofs. The plant equipment would be contained within an acoustic enclosure, and as a result of this and its unobtrusive siting would have limited noise impact. The applicant has submitted a noise impact assessment to show the effect of the proposed plant equipment, which has been reviewed by the Council's Environmental Health Officer and is considered acceptable. Conditions would be attached that restrict noise output and vibration to acceptable levels. The existing site entrance would remain in use with no change in circulation, and there is generous space surrounding the subject building. The balconies, terraces, and amenity spaces are not excessive in size and would not be considered to cause harm in terms of noise impact.

11.5. It is not considered that there would be an overconcentration of residents within the subject building, especially as all units meet the required space standards. Many of the residential buildings in the surrounding area are of a similar size and subdivided into flats without creating undue noise and disturbance.

11.6. Operations during construction would have the potential for noise nuisance and disturbance. The Council would seek to control operations during construction through a Construction Management Plan, secured through a Section 106 legal agreement.

## **12. Transport**

12.1. In line with Policy T2 of the Local Plan, it is expected that cycle parking at developments will be provided in accordance with the standards set out in the London Plan. The requirement is for 2 spaces per unit for units with two or more bedrooms, so this would entail a requirement for 12 spaces provided as part of this development. The submitted plans show a cycle store capable of accommodating 10 cycle spaces in two tier racks close to the entrance of the building, which is noted to be less than the amount required as standard. However, it is considered acceptable given the large amount of landscaping being provided around the site and the relatively limited footprint of the building. A condition would be attached to secure the provision of adequate cycle storage.

12.2. In accordance with Policy T2 of the adopted Local Plan, the Council expect all developments to be car free. Therefore, all units proposed within the new building should be secured as free of parking permits by way of a Section 106 legal agreement. This would prevent future occupiers of the newly created flats from adding to existing on-street parking pressure, traffic congestion, and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling, and public transport.

12.3. Given the extent of construction works required for this development to take place, it is considered that the proposal should be subject to a Construction Management Plan (CMP) and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500, which would all be secured by means of a Section 106 legal agreement. This will help prevent the construction works from unduly affecting the amenity of neighbouring occupiers and the operation of the local highway network. A draft CMP has been submitted in support of the application, but this relates to an earlier iteration of the scheme proposals which sought the retention of the car parking within a basement level. The draft CMP will need to be updated to reflect what is currently being proposed at the site and be submitted for approval once a principal contractor has been appointed and prior to works commencing on site.



12.4. Although the Section 106 agreement required for the granting of planning permission of Phase 2 of the project (2021/4259/P) is still outstanding, a highways contribution has been agreed upon for the agreement that is yet to be signed. This would cover the cost of the Council having to undertake remedial works to repair any damage following completion of the proposed development. Given that access to the site for Phase 3 will be through the Elm Tree House crossovers, an additional highways contribution is not required given the existing contribution that would be secured through the Section 106 agreement attached to Phase 2 of the project, but the legal agreements would ensure that an adequate payment is made regardless of whether one or all phases are implemented.

### **13. Energy and sustainability**

13.1. Policy CC1 of the Camden Local Plan requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy and to optimise resource efficiency. All developments involving five or more dwellings are required to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction. All new build residential development will also be required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations (in addition to any requirements for renewable energy). The Council will expect developments of five or more dwellings to achieve a 20% reduction in carbon dioxide emissions from on-site renewable energy generation, unless it can be demonstrated that such provision is not feasible.

13.2. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures. These may include not increasing and wherever possible reducing surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination of green and blue roofs and green walls where appropriate; and measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

13.3. An Outline Sustainability Report has been submitted in support of this application, which sets out the sustainability measures which are being proposed for the new building (and Elm Tree House). The SAP methodology has been used to calculate the energy consumption and resultant carbon emissions for the proposed residential units. By incorporating a combination of all the feasible passive measures (fabric improvements), low energy lights, and renewable energies such as ASHPs and solar PV, Phase 3 of the project (which includes the new residential building) is projected to achieve a carbon reduction of 66.62% below Part L 2013 Building Regulations. This result would be significantly over the 19% reduction expected by the Council, so would constitute a huge improvement in produced carbon emissions.

13.4. The proposal and submitted outline sustainability report have been reviewed by Camden's Sustainability Officer, who has advised that the details provided are sufficient, provided that an Energy Efficiency and Renewable Energy Plan is submitted prior to the implementation of the development, which would be secured through a Section 106 legal agreement. The applicant has acknowledged this in their submitted draft Heads of Terms, and it is considered that this would demonstrate the details of the solar PV and ASHPs proposed on site. A condition would also secure the details of the solar PV prior to occupation of the building.

13.5. It is noted that the applicant has agreed that the ASHPs would not be used for active cooling (air conditioning), as this would be contrary to Policies CC1 and CC2. Therefore, this would be prohibited through a condition.

13.6. The outline sustainability report shows that a number of measures could be used to make savings on water usage and reduce water consumption within residential units to less than 105 litres per person per day, which is what would be expected for residential developments of this scale. Compliance with this expectation would be secured through a condition.

## **14. Air Quality**

- 14.1. Policy CC4 seeks to ensure the impact of development on air quality is mitigated and ensures that exposure to poor air quality is reduced in the Borough. Policy CC4 requires the submission of air quality assessments (AQAs) for developments that could cause harm to air quality. Mitigation measures are expected in developments located in area of poor air quality.
- 14.2. An Air Quality Assessment (AQA) has been submitted, which has been reviewed by Camden's Air Quality Officer. The application site is not located in an area of poor air quality and is below the national air quality objective for NO<sub>2</sub>, so is therefore suitable for residential use without the need for mitigation.
- 14.3. Given that the proposed development would be served by ASHPs and would not include any combustion plant, as well as the fact that the development is car-free, it is considered that the proposal is air quality neutral.
- 14.4. The submitted AQA shows that the dust risk is medium, so a condition would be included to implement air quality monitoring on site. Along with this, the CMP secured through a Section 106 legal agreement should include mitigation measures to control construction-related air quality impacts. An informative would be attached to remind the applicant of these measures.

## **15. Waste**

- 15.1. Policy CC5 of the London Plan seeks to ensure that all development in the borough provides appropriate and adequate waste and recyclables storage. In principle, the waste storage that has been proposed is acceptable and sufficient; the waste storage area is located at street level near the front boundary and would have separate access from the main site entrance for collection. The storage is considered to be of an appropriate size and location, however precise details have not been provided. A condition would be attached requiring the submission of bin store details and the provision of adequate waste storage.

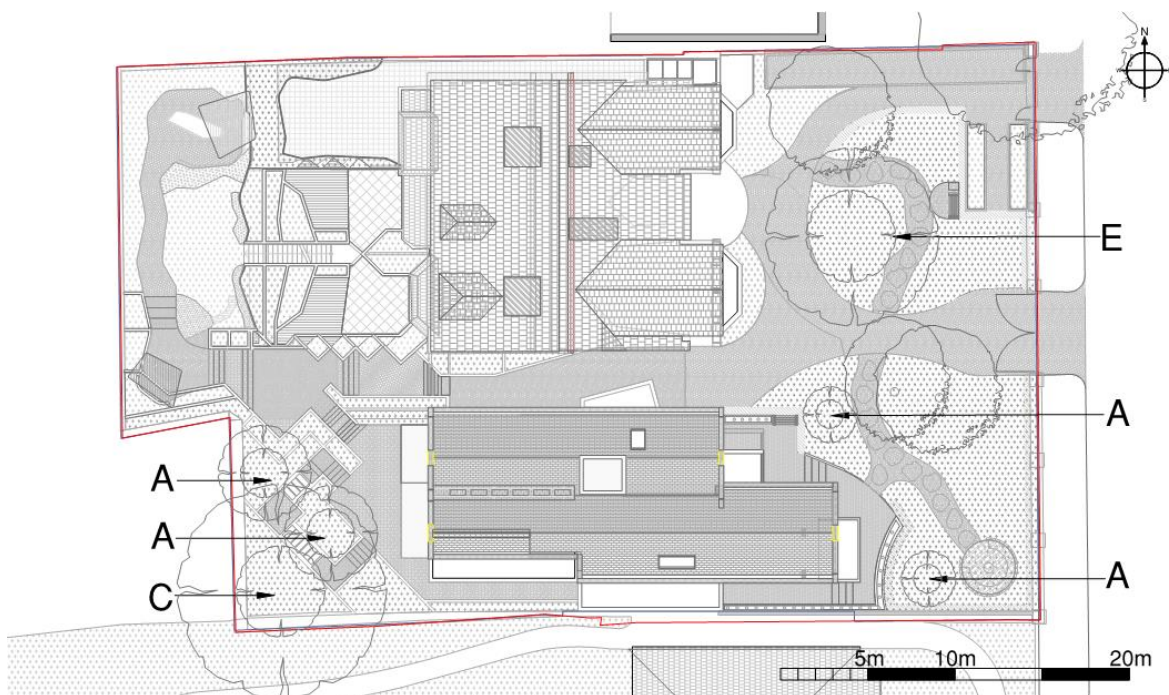
## **16. Water and flooding**

- 16.1. Policy CC3 of the Local Plan is relevant with regards to flood risk and drainage and seeks to ensure development does not increase flood risk and reduces the risk of flooding where possible. The Council will require development to incorporate water efficiency measures; avoid harm to the water environment and improve water quality; consider the impact of development in areas at risk of flooding (including drainage); incorporate flood resilient measures in areas prone to flooding; utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible; and not locate vulnerable development in flood-prone areas.
- 16.2. The site is not located within a local flood risk zone or on a previously flooded street.
- 16.3. The Local Lead Flood Authority has reviewed the application and the submitted Drainage and Flood Risk Report and considers that the application has sufficiently demonstrated the use of the London Plan's drainage hierarchy. The development would include features such as water butts, porous surfacing, and permeable paving. The implementation of blue roofs was considered but deemed unsuitable due to the pitched roofs of the site buildings being inappropriate for this, which is accepted. Compliance with the submitted flood risk alleviation and drainage measures would be conditioned.
- 16.4. The greenfield, existing, and proposed runoff volumes for the 1 in 100 year storm event has been demonstrated, and the maximum surface water runoff rates is be proposed to be reduced from 2.0 l/s to 1.0 l/s through the addition of a further 4m<sup>3</sup> to the below-ground attenuation tank.

## **17. Trees and landscaping**

17.1. The scheme (including previous phases) involves a significant amount of landscaping due to the application site effectively being unmanaged for many years, resulting in the establishment of a broad range of opportunistic trees and shrubs. Many of the trees on site are low quality and growing too close to each other to be worthy of retention, however there are some lime trees which are considered to be significant to the character of the conservation area and are highly visible from the public realm, and these would be retained. The report for Phase 2 of the proposal (2021/4259/P) noted that the scheme provides the opportunity to improve the tree stock of the site rather than relying on some of the self-sown existing trees at the front of the property.

17.2. The application was supported by the submission of an Arboricultural Impact Assessment and Tree Planting Strategy. These have been reviewed by the Council's Trees and Landscaping Officer, who has confirmed that the tree removals and replacements have already been included as part of application ref. 2021/4259/P and remain acceptable. Four trees are proposed to be removed (T16, T17, T18, T19), all of which are Category C trees, so of low quality. Six new trees would be planted and integrated into the site, replacing those that are proposed to be removed. These would be native trees including silver birch, Scots pine, and elm, shown with the letters A, C, and E on the tree plan below. The Trees and Landscaping Officer also noted that there are some minor inconsistencies between this application's submitted plans and the plans submitted for the previous application, but have advised that this disparity would be addressed through the landscaping conditions. The materials used in the planting pallet and wider landscaping, including stone paths and reclaimed timber sleeper beds, are considered appropriate and acceptable.



17.3. The impact on the trees to be retained is considered to be of an acceptable level provided the tree protection measures submitted are implemented. As before, the Trees and Landscaping Officer considers the application acceptable subject to conditions requiring full landscaping details and compliance, along with full tree protection details and schedule of site monitoring, which would be attached accordingly.

## 18. Ecology

18.1. The submitted bat survey has been reviewed by the Council's Nature Conservation Officer and is considered acceptable. Details of the integrated bird and bat boxes would be secured through a condition. In addition to this, any tree and vegetation felling should be undertaken outside of the main bird nesting season, and the applicant would be reminded of this through an informative.



18.2. Officers acknowledge that the subject site borders the Frogna Wood SINC to the rear, but it is considered that the modest nature of the proposal, along with the proposed soft landscaping to the rear of the site, would prevent the SINC from experiencing any undue harm. The submitted study of light emissions demonstrates that peak light emissions would be minor and have a limited impact on the SINC and wildlife within.

## **19. Heads of Terms**

19.1. If the proposal was considered to be acceptable it would be the subject of a Section 106 Legal Agreement. The obligations required have been discussed above and below is a summary of the heads of terms that would be sought if planning permission were granted:

- Affordable housing contribution;
- New residential units to be secured as car-free;
- Construction management plan and implementation support contribution;
- Construction impact bond;
- Energy efficiency and renewable energy plan.

## **20. Community Infrastructure Levy**

20.1. If the proposal was deemed acceptable, it would be liable for both Mayoral and Camden CIL, given the addition of at least one additional residential unit. This would be based on Mayor's CIL2 (MCIL2) and Camden's latest CIL charging schedule from 2020.

20.2. Officers note that final payable contributions would be calculated (following any potential approval of the scheme) by the Council's CIL officers.

## **21. Conclusion**

21.1. The proposed development complies with all relevant policies and would be considered acceptable. The development would contribute to the borough's much needed Class C3 housing supply and would also provide an affordable housing contribution. The proposed new residential building and associated additions, by way of their design and siting are considered to be acceptable additions in terms of design and impact on the character and appearance of the host building, neighbouring buildings, and wider conservation area. There would be no significant adverse impacts on the residential amenity of occupiers or neighbouring occupiers. The proposal would be entirely car free and would not increase pressures to the borough's transport network. It has been deemed acceptable by the Council's relevant Trees and Landscapes, Sustainability, Air Quality, and Nature Conservation Officers. The proposal is therefore acceptable subject to conditions and obligations.

## **22. Recommendation**

22.1. Grant conditional planning permission subject to a Section 106 Legal Agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 3<sup>rd</sup> July 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2022/5566/P  
Contact: Sam Fitzpatrick  
Tel: 020 7974 1343  
Date: 13 June 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](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Union4 Planning  
1-2 Paris Garden  
London  
SE1 8ND

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

## **DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Land adjacent to Elm Tree House**  
**13 Netherhall Gardens**  
**London**  
**NW3 5RN**

Proposal: Erection of a new residential building (creation of 6 units), works to the front boundary wall, external hard and soft landscaping, cycle parking and associated works.

Drawing Nos: Drawings: AL.101.01.P; AL.101.02.P; AL.101.03.P; AL.101.04.P;  
AL.102.01.A; AL.102.02.P; AL.102.03.P; AL.102.04.P; AL.102.05.P; AL.102.06.P;  
AL.103.01.A; AL.103.02.P; AL.103.03.P; AL.103.04.P; AL.103.05.P; AL.104.01.P;  
AL.104.02.P; LB295\_D02; AP.106.1.A; 2180456-EWP-ZZ-DR-C-1050\_S2\_P5.

Supporting Documents: Affordable Housing Statement; Air Quality Assessment; Arboricultural Impact Assessment; Bat Survey Report; Computer-Generated Visualisations; Covering Letter; Daylight and Sunlight Assessment; Design and Access Statement; Details of Acoustic Enclosure Design; Draft Construction Management Plan; Draft Heads of Terms; Drainage and Flood Risk Report; Ecological Assessment; Heritage Statement; Landscape Strategy; Lighting Strategy Note; Outline Fire Strategy Report; Outline Sustainability Report; Planning Statement; Plant Noise Impact Assessment; Noise Assessment at 13 Netherhall Gardens; Statement of Community Involvement; Study of Light Emissions; Urban Greening Factor.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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: AL.101.01.P; AL.101.02.P; AL.101.03.P; AL.101.04.P; AL.102.01.A; AL.102.02.P; AL.102.03.P; AL.102.04.P; AL.102.05.P; AL.102.06.P; AL.103.01.A; AL.103.02.P; AL.103.03.P; AL.103.04.P; AL.103.05.P; AL.104.01.P; AL.104.02.P; LB295\_D02; AP.106.1.A; 2180456-EWP-ZZ-DR-C-1050\_S2\_P5.

Reason:

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

- 3 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 and D2 of the London Borough of Camden Local Plan 2017.

- 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) Typical plan, elevation, and section drawings of balustrading and boundary walls;

- c) 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 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the occupation of the development, full details of screening, obscure glazing and other measures to reduce instances of overlooking and loss of privacy to neighbouring occupiers within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and permanently maintained thereafter.

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

- 6 Before the relevant part of the development commences, details of the provision of secure and covered cycle storage area for 10 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new 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.

- 7 Air quality monitoring should be implemented on site. No development shall take place until:

a) prior to installing monitors, full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they will be installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance;

b) a confirmation email should be sent to [airquality@camden.gov.uk](mailto:airquality@camden.gov.uk) no later than one day after the monitors have been installed with photographic evidence in line with the approved details.

c) prior to commencement, a baseline monitoring report including evidence that the monitors have been in place and recording valid air quality data for at least 3 months prior to the proposed implementation date shall be submitted to the Local Planning Authority and approved in writing.

The monitors shall be retained and maintained on site in the locations agreed with the local planning authority for the duration of the development works, monthly summary reports and automatic notification of any exceedances provided in accordance with the details thus approved. Any changes to the monitoring arrangements must be submitted to the Local Planning Authority and approved in writing.

Reason: To safeguard the amenity of adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the London Borough of Camden Local Plan Policies.

- 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 external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 11 Prior to first use of the air source heat pumps hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pumps shall be used for the purposes of heating only.

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

- 12 Before the relevant part of the development commences, 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 policy CC5, A1, A4 of the London Borough of Camden Local Plan 2017.

- 13 All construction of the sustainable urban drainage system shall be carried out in accordance with the approved documents and architectural drawings. 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.

- 14 The development hereby approved shall achieve a maximum internal water use of 105 litres/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.

- 15 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: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

- 16 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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 policies A2, A3, A5, D1, and D2 of the London Borough of Camden Local Plan 2017.



- 17 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 (including trees existing at the outset of the development other than those indicated to be removed) 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 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 A2, A3, A5, D1, and D2 of the London Borough of Camden Local Plan 2017.

- 18 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and they shall include a full schedule of arboricultural site monitoring and supervision to cover the duration of development. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 19 Before the relevant part of the work is begun, details of the elevation, height, and species to be supported for two integrated bird boxes and two integrated bat boxes shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2021 and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 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.

- 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 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](http://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 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.
- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 6 Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 7 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- 8 Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>
- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).
- 10 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 11 Tree and vegetation felling should be undertaken outside of the main bird nesting season (March-August). If this is not possible, an Ecological Clerk of Works should check areas to be cleared to determine if nesting birds are present. Any area containing nesting birds will need to be retained until an ECoW confirms nesting has ended.

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

Supporting Communities Directorate