

Delegated Report		Analysis sheet		Expiry Date:		19/09/2023	
		N/A / attached		Consultation Expiry Date:		27/08/2023	
Officer				Application Number(s)			
Obote Hope				2023/1888/P			
Application Address				Drawing Numbers			
94 Arlington Road London NW1 7HT				See decision notice.			
Proposal(s)							
Erection of new self-contained dwelling in the rear garden.							
Recommendation(s):		Non-Determination Appeal – would have refused.					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	03	No. of objections	03
				No. electronic	03		
Summary of consultation responses:		<p>Site notices were displayed on the 28/07/2023 and the consultation period expired on the 21/08/2023. A press notice was advertised on 03/08/2023 and expired on 27/08/2023.</p> <p>3 objections were received from neighbouring properties and their objections are summarised as follows:</p> <p>2x Objections for Loss of light 8a Delancey Passage; the proposal would block one of the two ground floor windows in the side wall;</p> <p>Loss of the garden space;</p> <p>How the property would be accessed and serviced;</p> <p>Loss of light 8 Delancey Passage; the proposal would block one of the two ground floor windows in the side wall.</p>					
CAAC/Local groups comments:		No comment/objection was received from the Camden CAAC at the time of writing up this planning application.					

Site Description

The host building forms part of a terrace of early C19th buildings which are recognised as making a positive contribution to the character and appearance of the Camden Town Conservation Area and backs on to Delancey Passage.

While there are structures in the rear gardens of Arlington Road, where it backs onto Delancey Passage, the structures all pre-date the designation of the conservation area (1986).

Relevant History

2008/1547/P – Planning permission for the change of use and works of conversion from 7 non self-contained bed-sits (Sui Generis) to create 4 self-contained studio units (Class C3). **Refused** on 22/08/2008.

Relevant policies

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan (2017)

H1 Maximising housing supply
H6 Housing Choice and Mix
H7 Large and Small Homes
C6 Access for All
A1 Managing the impact of development
A2 Open Spaces
A3 Biodiversity
A4 Noise and Vibration
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, cycle and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and material
DM1 Delivery and monitoring

Camden Planning Guidance

CPG Home Improvement (2021)
CPG Design (2021)
CPG- Transport (2021)
CPG – Energy efficiency and adaptation (2021)
CPG – Biodiversity (2021)
CPG- Housing (2021)
CPG- Developer Contributions (2019)

Camden Town Conservation Area Appraisal 2007

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

The following assessment sets out the Council's assessment and recognition had an appeal not been submitted. Within the report the Appellant's grounds of appeals are addressed. This report should be taken as the Council's Written Representation Statement.

The report will include:

- Proposal**
- Assessment**
- Recommendation**
- Reasons for refusal**
- Suggested conditions**
- S106/CIL compliance**

1.0 Proposal

1.1 Planning permission is sought for the following:

- Erection of new dwelling within the rear garden of 94 Arlington Road with associated landscaping and installation of front (Delancey Passage, elevation) bin and bike stores.

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land Use
- Design and Heritage
- Quality of Accommodation
- Impact on the amenity of neighbouring occupiers
- Affordable Housing
- Transport
- Crime and disorder
- Biodiversity and Sustainability
- Waste
- Conclusion
- Heads of Terms

3.0 Land Use

3.1 Housing represents the priority land use of the adopted Local Plan and, in order to meet (and exceed) the objectively assessed needs of the Borough, the Council seeks to maximise the delivery of new housing. This is supported by policies H1 (Maximising housing supply) and G1 (Delivery and location of growth). On this basis, housing is generally supported in principle in what is a predominantly residential environment.

4.0 Planning Policy and Guidance

4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

4.2 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance Design and Home Improvements are also relevant.

4.3 The Council requires development to respect local context and character. Development should consider the impact on existing rhythms, symmetries and uniformities in the townscape. New development should be seen as an opportunity to enhance the Conservation Area. The Camden Town Conservation Area Appraisal and Management Plan has regard to the rear gardens of properties and notes:

- Front and rear gardens within the residential streets make an important contribution to the streetscape and character of the residential area. The Council will resist the loss of soft landscaping and original boundary walls and railings, and;

- The Appraisal also has regard to Delancey Passage which it notes as having an intimate scale.

4.4 The Camden Planning Guidance (CPG) on 'Design' and 'Home Improvements' also clearly state Camden's expectations for development. CPG 'Design' states that the Council will seek to ensure that development responds positively to the existing context and character of the building and its surroundings. CPG 'Home Improvements' also gives guidance on extensions and outbuildings, both of which are relevant in this instance.

5.0 Design and Heritage

- 5.1 The proposed building would detract from the positive contribution which 94 Arlington Road makes to the character and appearance of the conservation area. Whilst it is noted that the appellant's Appeal Statement indicated that the property makes a neutral contribution to the wider area, the LPA disagree with that assessment, and find that the contribution is mainly the property's character as an early C19th terraced house with a rear garden. At present, 94 Arlington Road (and several of its neighbours) deliver their positive contribution not only from their Arlington Road frontage but also their public visibility from Delancey Passage, unobscured by rear development. Not all of the properties backing onto Delancey Passage have been spared rear-garden development (although it appears that none have been developed in this manner post-designation of the conservation area).
- 5.2 At present 94 Arlington Road (and several of its neighbours) deliver their positive contribution not only from their Arlington Road frontage but also their public visibility from Delancey Passage, where not obscured by rear development. Not all of the properties backing onto Delancey Passage have been spared rear-garden development (although it appears that none have been developed in this manner post-designation of the conservation area).
- 5.3 The construction of the new dwelling would result in a two storey structure measuring approximately 4.5 metres wide '320mm from the flank elevation with no 8A Delancey Street', between 8.7 metres to 10 metres deep. The new dwelling would occupy in excess of half of the depth of the garden and the full width of the garden plot which would be excessively large for the garden of a residential dwelling. This combined with the proposed finishing height of approximately 6.7 metres, (although there would be a 3.2 metres setback where a roof terrace is proposed) results in a prominent addition which would fail to be visual subordinate with the garden setting.
- 5.4 Whilst the appellant's statement of case indicates that the proposal is considered subservient to the other garden developments found elsewhere in the designated Conservation Area. Officers disagree with that assessment given the examples cited by the appellant were constructed prior to the area being designated a Conservation Area. Moreover, officers consider that the garden is not deep enough to accommodate a building of this scale.
- 5.5 Notwithstanding the above, the garden development as proposed would occupy the majority of the existing amenity space that was previously occupied by the main dwelling (from approximately 85 sqm to 14.7 sqm). This would result in a permanent loss of amenity space. As discussed above, Delancey passage contributes to the wider conservation area and if such development would occur the proposal would also detract from the otherwise positive contribution made by such properties, and has also had a harmful effect on the character of Delancey Passage, by creating a rather over-bearing scale of development in comparison to the width of the passage.
- 5.6 The design would incorporate contrasting brickwork with darker bricks defining the base and windows. The garden dwelling house would be constructed with a parapet wall extending up vertically to conceal a flat roof and cream brickwork is proposed with darker bricks around the windows and doors. The darker brick course which is proposed below the parapets adds horizontal emphasis. The proposal employs the use of brick soldier coursing above window and door heads to break the monotony of brick bonding and the proposed fenestration is linear that consists of deep window reveals and the parapets are capped with traditional coping stones.
- 5.7 The design and appearance of the dwelling is not appropriate in this garden context. The introduction of extensive brickwork and glazing along Delancey Passage would detract from the positive contribution that the existing building makes to the wider area and the views of the building would be lost together with the intensification of the garden space. The proposal would detract from the biodiversity and character of the

wider area, resulting in the loss of 'soft', green nature of gardens. Whilst a token gesture of a green wall is proposed this would not mitigate the overall harm that the proposal would have to the general character and appearance to the garden setting. Moreover, urban gardens help to control urban temperatures, protecting us from extreme heat and cold. They help prevent flooding and provide important habitats for wildlife.

Planning Balance

- 5.8 The impact of the proposed development on the character and appearance of the conservation area is to cause less than substantial harm. The elements of the site that contribute to its significance are its open rear garden character, its visual relationship with adjacent heritage assets of a similar historic appearance, and its historic relationship with the early C19th terrace which it serves. All of these elements form part of its positive contribution to the character and appearance of the conservation area, which in this vicinity is chiefly defined by its late C18th and C19th character. The proposed development would result in the dilution and legibility of all of these characteristics on the subject site thereby causing harm to the character and appearance of the conservation area. The harm is not so great as to cause a wider loss of character and appearance to the conservation area beyond the vicinity of the subject site, but it causes harm for all of the reasons identified above. Therefore the degree of harm is considered to be less than substantial.
- 5.9 Housing represents the priority land use of the adopted Local Plan and, in order to meet (and exceed) the objectively assessed needs of the Borough, the Council seeks to maximise the delivery of new housing. These benefits are considered moderate weight given the scale of the development. However, while such benefits arising from a modest delivery of a market dwelling unit to provide a 1bed 2P house, the harm that is identified is the permanent loss of amenity space, and the quality of the living conditions that would be created for future occupiers and loss of amenity to neighbouring occupiers. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal. Therefore the benefit would not outweigh the less than substantial harm caused.

6.0 Quality of Accommodation

- 6.1 The proposed new dwelling would provide a 1Bed/2P unit over 2 floors, and the Nationally Described Space Standards and the London Plan requires a floor area of 58m². The proposal would be constructed with an overall floor area of 60m². The proposed dwelling would also have a double bedroom with a minimum floor area of 11.5m² with built in storage areas provided in the unit, a small garden to the rear and a roof terrace proposed to the front elevation for additional amenity space.
- 6.2 Overall, the standard of living accommodation for the prospective occupiers would be of some concern, the floor plan is deep measuring between 7.2 to 8.8m and considering the boundary wall would be 2.0m in height and only 1.9m away, the outlook from the proposed living/dining room would be bleak. At first floor level the property would be approx. 4.4m from the blank elevation of 3-7 Delancey Street, in use as a music recital hall, café and restaurant with a planning application to use as a live music events space. To protect the amenity of no. 94 Arlington Road a condition to obscure glaze the upper floor windows would be necessary which result in a unit which extremely limited outlook due to the constrained nature of the site.
- 6.3 A Daylight/sunlight study was submitted and concluded that the proposal would have acceptable impact both to the Living Kitchen/Dining area and the bedroom would benefit from sunlight and daylight levels that would also be acceptable in terms of light, privacy and amenity for the new dwelling, and the floorspace proposed would exceed the minimum floorspace standards.
- 6.4 The Metropolitan Police crime and disorder team raised objection to the proposal due to the location of the site and the limited natural surveillance for people using the alleyway. The main entrance to this would be accessed from Delancey Passage. This pathway appears to be in effect a cul-de-sac with a gated off entrance on Mary Terrace and the open access is from Delancey Street. There appears to be a mix of residential and commercial businesses within this passage. However, the location suffers from poor natural surveillance. The lighting to this passage is also considered to be insufficient. This type of alleyway is prone to antisocial behaviour, fly-tipping and criminal damage (graffiti). The alleyway is situated just around the corner from Camden High Street and its night-time economy, which has the tendency to overspill into quieter roads and can be used for public urination and drug taking. It is claimed by the appellant that these issues will be overcome by the presence of the new dwelling. Whilst additional overlooking would increase the natural surveillance, one unit alone would not be sufficient. Accordingly, if permission were recommended for approval a condition would be recommended to secure detail of measures to address these concerns, such as lighting and/CCTV.

7.0 Impact on neighbouring Amenity

- 7.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.
- 7.2 A Daylight Sunlight Assessment has been carried out by Pro Sustainability Ltd to support the planning application. This identifies the location of three of the existing ground floor windows in number 8a Delancey Passage, including the two south facing windows at the boundary wall (W6 and W7). The Assessment confirms that there is a high impact on window 6 and a medium impact on window 7 – the % VSC changes from 33.40 to 0.01 for window 6 and from 35.03 to 12.28 for window 7. Table 6 of the Assessment shows the average probable sunlight hours for window 7 - reduced from 56.97% to 22.11%. No figures are provided for window 6.
- 7.3 There would be a very significant impact on both the amount and quality of daylight and sunlight within the main office in 8a Delancey Street, which potentially would have an impact on the working environment for staff and impact on the useability of the workspace. The impact is particularly severe given that these are the only south facing windows and given the light into other ground floor windows is already constrained, the impact would be detrimental. However, given that the building is in commercial use this aspect would be given limited weight.
- 7.4 The report concluded that the gardens of 96 Arlington Road and the proposed garden area of 94 Arlington Road were tested in terms of shading and the results indicate that the proposal has no significant impact on the gardens, and BRE recommendations are met. Thus, the proposal is not considered to be harmful to the neighbouring residential properties to warrant a reason for refusal, in this instance.
- 7.5 The proposal would introduce windows at first floor level looking back to the garden and 10m from the rear windows of the properties on Arlington Road. Whilst it is recommended that a condition is introduced to obscure glaze and fix shut to a height of 1.7m, this would introduce a sense of overlooking for the neighbours. This relationship demonstrates the constraints of the site.
- 7.6 The proposed roof terrace would allow direct views in the end of the garden of no. 92. However these would be glimpse views due to the angle and therefore is not considered to result in a harm to neighbouring amenity.

8.0 Affordable Housing

- 8.1 Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involves a total addition to residential floorspace of 100m² Gross Internal Area (GIA) or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity.
- 8.2 Given the overall floorspace the proposal would not be subject to affordable housing contribution in this instance.

9.0 Transport

- 9.1 In accordance with Policy T1 of the adopted Local Plan, the Council expects cycle parking at developments to be provided in accordance with the standards set out in the London Plan. In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For 1 bedroom/2 person residential units, the requirement is for 1.5 spaces per unit. The submitted plans show a 2 space cycle store located to the front of the proposed house. This is shown as accommodating 2 cycles using vertical stands. However, it is recommended that this be replaced with a 2 space horizontal cycle store that is secure and protected from the elements. The provision of the cycle store would be secured by condition.
- 9.2 In accordance with Policy T2 of the adopted Local Plan, the Council expect all developments to be car free. This would prevent the 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. If the proposal was otherwise acceptable, this would be secured via an s106 legal agreement,

9.3 Given the difficulty of accessing the site, which is limited to Delancey Passage, it is recommended that the application be subject to a Construction Management Plan and associated Implementation Support Contribution of £4,194 and an Impact Bond of £8,000 to be secured by means of the Section 106 Agreement. This will help ensure that the proposed development is carried out without unduly affecting neighbouring amenity or the safe and efficient operation of the local highway network, in line with Policy A1 of the Camden Local Plan if permission were to be granted.

9.4 The site is located away from the public highway and it is considered unlikely that the adjacent footway will become damaged by construction works. As such a highways contribution is considered unnecessary in this instance.

10.0 Biodiversity and Sustainability

10.1 Local Plan policy CC1 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, in order to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policies CC2 and CC3 are also relevant in this instance with regards to sustainability and climate change.

10.2 The new dwelling incorporates a green wall that would have sustainable benefits that would promote biodiversity and would reduce surface water runoff from the property and whilst the measures to make the building sustainable are welcome they do not overcome the loss of garden space. The proposed dwelling would be constructed using cladding materials with cladding that would provide natural insulation and the agent indicated that the proposal would be designed with water saving fittings and appliances being installed which would target a maximum water consumption of 105 litres per person per day. However, whilst these sustainable elements are welcomed all this are a token gestures and not comparable to the overall loss of the garden area and details of the full sustainable measures would be secured by condition if the scheme was acceptable. The agent's sustainability statement sets out it's proposal to incorporate Air Source Heat Pumps which involves a green living wall to promote biodiversity and to reduce surface water runoff and if the proposal was otherwise acceptable, an energy and renewable energy plan would be secured by way of S106 legal agreement and a condition would be attached to ensure that the ASHP is solely used for heating and not cooling.

11.0 Waste

11.1 Camden Local Plan policy CC5 (Waste) and CPG (Design) are relevant in this instance with regards to waste and recycling storage, and seeks to ensure that appropriate storage for waste and recyclables is provided in all developments.

11.2 A dedicated bin store is proposed within the front garden of both properties. However, the bin location appears to be underneath the only window on the ground floor. This could cause a significant smell and possible hygiene issue. No elevations or materials of the stores have been submitted. However, the elevation drawing details could be conditioned to reflect this if the development was otherwise acceptable.

12.0 Heads of terms

12.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. The Council is seeking to work on a S106 which if it can be agreed will be submitted at final comments stage. The obligations required by such an agreement have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought if permission were to be granted:

- New dwelling to be secured as car-free
- Construction Management Plan and implementation support contribution of £ 4,194
- Impact Bond of £8,000

12.2 Given that the location of the site is away from the public highway, it is considered unlikely that the adjacent footway will become damaged by construction works. As such, a highways contribution is

considered unnecessary in this instance.

12.3 The proposal would be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL, as it involves the creation of new residential floorspace.

12.4 See section (Justification for S106 Legal Agreement) for justification for the above obligations.

13.0 Conclusion

13.1 The proposed development erodes the historic grain and character of the immediate area and capitalises on harm which was caused prior to the designation of the conservation area. The resulting building removes amenity space and due to the constraints of the site and the scale of the development proposed results in substandard accommodation which impacts the amenity of neighbouring occupiers.

13.2 Officers have reviewed and taken into consideration the submitted documents with the application and have provided a thorough assessment of the relevant matters within the officers' report above. From our assessment of the documents' submitted, officers do not think the appellant overcomes the reasons for refusal and therefore this appeal should be dismissed.

14.0 Recommendation

14.1 Planning permission would have been refused had an appeal not been submitted. A copy of the Council's decision notice is attached. The scheme would have been refused for the following reasons:

1. The proposed development by reason of its height, width, massing, site coverage resulting in a loss of garden space and detailed design would have a detrimental impact on the character and the appearance of the site and this section of the Camden Town Conservation Area of which it forms part contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The proposed development by reason of the scale of the development and constrained nature of the site would detrimentally impact upon the outlook of future occupiers resulting in substandard accommodation and the amenity of neighbouring occupiers contrary to policies A1 (Managing the Impact of Development) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and would fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
4. The proposed development, in the absence of a legal agreement to secure a construction management plan, implementation fee and bond, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, and neighbouring amenity including air quality, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials), DM1 (Delivery and monitoring), and A4 (Noise and Vibration) of the London Borough of Camden Local Plan 2017.

15.0 Suggested Conditions (should the appeal be allowed)

1. The development hereby permitted must be begun no 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: S101; S.SLP; S.BPB; P101C; P102B; 94AR.TP.001; Daylight, Sunlight & Shading Report Dated July 2023.

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

3. Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted

to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Plan, elevation and section drawings of all new doors and windows including jambs, head and cill, at a scale of 1:10 with glazing and frame details.
- b) Section drawings of the typical facade detailing cladding and facing materials at a scale of 1:10.
- c) A sample panel for the brickwork (no less than 1m by 1m) showing the brick type, colour, bond, mortar mix, joint width and pointing type (to be provided on site for inspection by the local authority);
- d) Details of the scale, location and cladding materials of any proposed air source heat pumps.
- e) Details indicating the precise scale, height and location of the solar panels and drawings indicating the degree of visibility of said panels from street level.
- f) Samples of all other facing materials.

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 Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress, in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

5. The details of all the hard and soft landscaping, including details of a green blue roof and the green wall as indicated on the approved drawings (to include materials, species, maintenance plan, and any other details reasonable to the assessment of the element) shall be submitted to, and approved by the Local Authority in writing, prior to the occupation of the dwelling hereby permitted.

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

6. Prior to commencement of development, full details of the 2 cycle parking spaces shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in their entirety prior to the first occupation of any part of the development 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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations, in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

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

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017

9. Prior to commencement of development, full details of the sustainable drainage system shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to

accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change such that flooding does not occur in any part of a building or in any utility plant susceptible to water, or on any part of the entire development site for up to and including a 1:30 year storm. The details shall demonstrate a site run-off rate conforming to the greenfield run-off rate. An up to date drainage statement, SuDS pro-forma, a lifetime maintenance plan and supporting evidence should be provided including:

- The proposed SuDS or drainage measures including storage capacities
- The proposed surface water discharge rates or volumes

Systems shall thereafter be retained and maintained in accordance with the approved details.

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 CC2 and CC3 of the London Borough of Camden Local Plan Policies and Policy SI 13 of the London Plan 2021.

10. Prior to the commencement of the use hereby permitted, details of waste and recycling storage for the development shall be submitted to and approved in writing by the local planning authority. The waste and recycling storage shall be provided in accordance with the approved details prior to the commencement of the use hereby permitted, and shall thereafter be retained solely for its designated use.

Reason: To ensure suitable provision for the occupiers of the development, to encourage the sustainable management and collection of waste, and to safeguard the visual amenity of the area in accordance with policies A1, A4, D1, CC5 of the Camden Local Plan 2017

11. The first floor window to the rear elevation shall be obscurely glazed to the lower panel and shall be restricted to a maximum opening to 100mm for all windows below 1700mm from floor level. The proposed windows shall be maintained and permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

17.0 CIL Compliance:

- 17.1 As noted in above, the proposal is liable for CIL contribution. The contribution would take into account the particular characteristics of the development, it is directly related to the development and is fairly and reasonably related in scale and kind to the development.
- 17.2 A planning obligation is considered the most appropriate mechanism for securing the development as car capped as it relates to controls that are outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "car free". The Council's control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council's control is derived from Traffic Management Orders ("TMO"), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The Council could not practically pursue an amendment to the TMO in connection with every application where the additional dwelling (or dwellings) ought properly to be designated as car free. Even if it could, such a mechanism would lead to a series of disputes between the council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a "Car Free" Section 106 Obligation. The TMO sets out that it is the Council's policy not to give parking permits to people who live in premises designated as "Car Free", and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car Free".
- 17.3 Further, use of a Section 106 Agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

- 17.4 The car-free requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. This supports key principle 4 of the National Planning Policy Framework: Promoting sustainable transport. It is also directly related to the development and fairly and reasonably related in scale and kind as it relates to the parking provision for the site and impact on the surrounding highway network.
- 17.5 Policies A1 and T4 state that CMPs should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process which relates to how a development is connected to the highway network. In relation to CMP Bonds CPG Developer Contributions is relevant and states at 6.5:
- “that in respect of developments raising particularly complex construction or management issues where the Council will have to allocate resources to monitor and support delivery of obligations the Council may require payment of an upfront financial bond which the Council can draw upon if needs be.”
- This is in accordance with supporting text paragraph 6.16 of Policy A1, which states that a CMP will usually be secured via planning obligation.
- 17.6 Potential impacts for the proposed construction works which should be controlled by the CMP include traffic generation from removal and delivery of materials to the Site. This could result in traffic disruption and dangerous situations for pedestrians and road users. As the range of matters typically covered by a CMP, particularly in relation to highways, lie outside of the site boundary, it is considered more appropriate for the CMP to be secured via S106 obligation in the interests of legal certainty, and to ensure the CMP is enforceable.
- 17.7 The level of detail contained within a CMP should be proportionate to the scale and/or complexity of the development. To assist developers in providing the right information, the Council has created a Construction Management Plan Pro-forma which is tailored towards the specific needs of the borough. The criterion in the Pro-forma are drawn from relevant aspects of Transport for London’s (TfL) Construction Logistics Plans and follows TfL’s construction safety best practice guidelines. Construction Logistics and Cyclist Safety scheme (CLOCS) standards and Camden’s Minimum Requirements for Building Construction also form the basis for the Pro-forma criterion. The Pro-forma is available on the Council’s website. The Council would also expect developers to sign up to the Considerate Constructors Scheme and follow guidance within Camden’s Considerate Contractors Manual.
- 17.8 The securing of a CMP Bond fosters a confidence with residents that there is a clear incentive for contractors to abide by the CMP. The bond will be fully refundable on completion of works, with a charge only being taken where contractors fail to take reasonable actions to remediate issues upon notice by the Council. The bond on the current development has been calculated in line with the advice note produced by the Council. As this is securing a monetary contribution this must be done via a section S106 legal obligation.
- 17.9 The Council therefore considers the CMP and CMP Bond to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The CMP Bond is returned to the Owner after the construction period minus any funds if required to be drawn down by the Council.