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Your ref: APP/X5210/W/24/3337445
Our refs: 2020/4307/P
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Dear Sir/Madam,

Site: 9D The Grove, London, N6 6JU
Appeal by: Mr Nir Cohen

Proposal: Demolition of the existing dwelling and construction of a replacement dwelling with associated landscaping

I write in connection with the above appeal against the Council's refusal dated 24/11/23 to grant planning permission. The Council's case is set out primarily in the delegated officer's report (ref: 2020/4307/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history, relevant policies, and an assessment of the proposal. Copies of relevant policies from the Camden Local Plan and accompanying guidance were also sent with the appeal questionnaire.

In addition to the information sent with the questionnaire the Council would be grateful if the inspector would consider the contents of this letter which includes comments on the appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1. Summary of the Case

- 1.1. The appeal relates to a two-storey rectangular building constructed in 1956. The elevations are constructed using yellow London stock bricks, windows are timber framed and the roof is flat. The north elevation faces onto Fitzroy Park and has a large wooden garage door at ground floor level and a blank brick wall above. To the rear at first floor level is a decorative metal balcony. Access to the property can be gained from the large gate facing The Grove or a smaller gate from Fitzroy Park.
- 1.2. The building sits gently in its setting and responds well to context. The building is relatively low ensuring that it does not dominate the setting or views of the grade II single storey stables block to the front. The Fitzroy Park elevation also sits back from the edge of the street within foliage, responding to the established character of this part of the Highgate Village Conservation Area.
- 1.3. The conservation area appraisal identifies the building as a positive contributor as a result of the metal balcony that can be seen from Fitzroy Park and the general relationship with other parts of the conservation area.
- 1.4. The appeal scheme proposes the demolition of the existing dwelling and construction of a replacement dwelling with associated landscaping.

2. Planning decision

2.1 The planning application was refused for the following reasons:

1. The proposed demolition, by reason of the loss of the existing building which makes a positive contribution to the Highgate Village Conservation Area, would cause harm to the character and appearance of the conservation area, contrary to policy D2 of the Camden Local Plan 2017 and Policies DH1, DH2, DH7 of the Highgate Neighbourhood Plan 2017.
2. The proposed replacement dwelling, by virtue of its scale, design, materiality and siting, would cause harm to the character and appearance of the street scene and the wider area, and the setting of the neighbouring listed building and would fail to preserve or enhance the character and appearance of the Highgate Village Conservation Area contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies DH1, DH2, DH6, DH7, DH8 of the Highgate Neighbourhood Plan 2017 and with the London Plan 2021 and the NPPF 2023.
3. The proposed development, by virtue of insufficient evidence to justify the need for demolition of the existing building nor the use of active cooling, would result in an unsustainable development contrary to policies CC1 (climate change mitigation) and CC2 (adapting to climate change) of the Camden Local Plan 2017 and policies DH7, DH9 of the Highgate Neighbourhood Plan 2017.
4. In the absence of an adequate Basement Impact Assessment, the proposal would likely have an adverse impact upon the land stability in the area, the local water environment surface run-off and hydrogeology, contrary to policies A1 (Managing the impact of development) and A5 (Basements) of the London Borough of Camden Local Plan 2017 and Policy DH7 of the Highgate Neighbourhood Plan 2017.
5. The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017 and policy SC1 of the Highgate Neighbourhood Plan 2017.
6. 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 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 and Policy TR1 of the Highgate Neighbourhood Plan 2017.
7. The proposed development, in the absence of a legal agreement securing a construction management plan and construction impact bond, would be detrimental to the amenity of neighbouring occupiers contrary to policies A1 (managing the impact of development) and A5 (basements) of the Camden Local Plan 2017 and Policies DH7, TR1, TR2 and TR3 of the Highgate Neighbourhood Plan 2017.

2.2 Reasons 4-7 could be overcome by a S106 Legal Agreement. The justification for these reasons is outlined in the officer's report and section 4 below. A S106 has been drawn up by the council's lawyers and is being finalised with the applicants.

3. Comments on grounds of appeal

3.1. The appellants have included two statements (Statement of common ground and Statement of case) which highlight the areas of the officer's assessment where they agree with the assessment and where they disagree. Officers will be commenting on the points that the appellant disagrees with.

3.2. The following points raised in the statement of common ground:

- a. On the final drawings which form part of the application (as the Council seem not to have taken account of the changes submitted, though the decision notice refers to the correct drawing numbers)
- b. Whether harm will be caused in heritage terms to the nearby designated heritage assets or whether the setting of the conservation area and nearby listed buildings will be preserved or enhanced.
- c. If any harm is caused whether it would be outweighed by the scheme's public benefits.
- d. If the final design is appropriate.

a. On the final drawings which form part of the application (as the Council seem not to have taken account of the changes submitted, though the decision notice refers to the correct drawing numbers)

3.3. Officers can confirm that the correct plans have been referred to, and these have been listed within the decision notice. For ease of reference these are stated again here:

Drawing Nos: 1912_EX-00-010, 1912_EX-00-100, 1912_EX-00-101, 1912_EX-00-102, 1912_EX-00-200, 1912_EX-00-201, 1912_EX-00-300, 1912_EX-00-301, 1912_EX-00-302, 1912_EX-00-303, 1912_EX-00-304, 1912_EX-00-305, 1912_EX-00-305, 1912-PL-000, 1912-PL-010, 1912-PL-099, 1912-PL-100, 1912-PL-101, 1912-PL-102, 1912-PL-200, 1912-PL-201, 1912-PL-202, 1912-PL-300, 1912-PL-301, 1912-PL-302, 1912-PL-303, 1912-PL-304, 1912-PL-00-305. Built Heritage Assessment September 2020, Design and Access Statement January 2023 Rev 02, Planning Statement September 2020, Whole Life Carbon Assessment Statement Rev P01 15 December 2022, Energy Statement December 2022, Sustainability Statement November 2022 - Rev 01, Tree Protection Plan September 20, Tree Survey and Arboricultural Method Statement Sept 2020, Basement Impact Assessment Rev 01 by Bryne Looby August 2020.

3.4. The officer's report includes an image from the appellants amended design and access statement (page 36). It is noted that the following floor plan was the correct plan to include.



3.5. This floor plan (1912 PL-00-010) is the proposed site plan within the proposed set of drawings. Officers can confirm the plan was a screen shot error only but the whole assessment has been carried out against the correct stated plans within the decision notice. Therefore, the appellant's claims that officers based their assessment on the superseded drawings is incorrect.

- b. Whether harm will be caused in heritage terms to the nearby designated heritage assets or whether the setting of the conservation area and nearby listed buildings will be preserved or enhanced.
- c. If any harm is caused whether it would be outweighed by the scheme's public benefits.
- d. If the final design is appropriate.

3.6. The conservation area appraisal identifies the building as a positive contributor as a result of the metal balcony that can be seen from Fitzroy Park and the general relationship with other parts of the conservation area. Policy D2 (Heritage) states that the Council will require that development within conservation areas preserves or where possible enhances the character and appearance of the area. It states that the Council will resist the total or substantial demolition of a listed building that make a positive contribution to the character or appearance of a conservation area.

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;

3.7. The evolution of the design can be seen below.



3.8. Although the design of the new dwelling has been modernised the general style, form and nature of the design is like that of the existing and therefore officers still consider the design is pastiche. The key issue is the original building makes a positive contribution to the character and appearance of the conservation area and its loss should be resisted. Supporting text 7.46 of policy H2 states that the Council only grant permission for development that preserves or enhances the special character or appearance of the area. The Council consider that the replacement building would not preserve or enhance the character of appearance of the area.

3.9. The metal balcony/canopy of the original building is recognised as an important architectural feature within the Conservation Area appraisal and that adding an enclosed balcony to the proposed design does not mean it is as successful as or equivalent to the existing. The enclosed balcony does not add any design merit to the new dwelling.

3.10. The proposed house is the same height as the existing however where the existing footprint of the house was set in it has been squared off, so the building comes 2m closer to the stables at 6.3m in height. This together with the increase in footprint towards Fitzroy Park would result in additional harmful bulk. The increased bulk and bringing the building line closer to Fitzroy Park would make the dwelling more visible across the roof top of the stables thus having a detrimental impact on the stables and increases the buildings presence.

3.11. The appellant states that the council has allowed 'elements of modernity' to three other properties within The Grove (4, 5 and 7). Each application is assessed on its own merits all three of those cases proposed smaller alterations to their property to enhance their existing building. This site is proposing to demolish the whole existing dwelling and replace it with a new building which does not add any design value or enhancement to the existing building. Therefore, officers do not consider the stated examples as being

comparable examples.

- 3.12. The proposed building is visible from Fitzroy Park and is not comparable to development in the rear gardens of neighbouring buildings that are not visible from any public space. The character of the building is its recessive nature in an historically sensitive area. It is considered its response to the existing buildings is what makes it an existing successful building. The building has been designed to allow the historic features of the area, for example the roof profile of the stables building to be respected and uncompromised in near and long views.
- 3.13. The 'positive contribution' made by the host building has not been overstated, this building has been identified as making a positive contribution for the following reasons, the balcony and canopy, the buildings balanced composition, its recessive nature, how it fits in with the historic context and how it's not prominent and keeps the focus on the stables to the front. Officers do not consider the host building to be a loud building, it is sensitively designed, understated and a building of its time. It is appreciated that this age of building is not considered fashionable, but this is a good quality building that responds to context and the existing building should in turn be enhanced further not demolished.
- 3.14. The Council considers that it is important for any scheme to respond to the surrounding context it's not only for sites in or near to designated heritage assets. Supporting paragraph 7.50 of D2 (Heritage) states that when considering applications for demolition...The Council will take account of group value, context, and the setting of buildings, as well as their quality as individual structures.
- 3.15. Officers have stated that the proposed building is not recessive enough and has a bigger impact on the area than the existing building, the increased massing makes it a more prominent building, which combined with its poor design is harmful to the designated heritage assets. It is a long way from preserving or enhancing the special character or appearance of the conservation area or mitigating the harm caused by the loss of the host building.
- 3.16. Officers consider the stables should be the prominent building when viewed from the Grove and surrounding areas, the roof line and form of the stables should not be compromised by a building in the background.
- 3.17. Officers appreciated that the stables have a strong form, but this would be compromised by visible background buildings. The existing building is not visible, and this is a successful part of its design, the proposed additional bulk does not preserve or enhance this element of the Conservation Area.
- 3.18. Officers consider the additional bulk would make the building more prominent, compromising the setting of the listed buildings by adding a competing new building. Policy H2 states that the Council will resist development that would cause harm to the significance of a listed building through an effect on its setting.
- 3.19. The appellant argues that planting could hide the view of the building. The officers consider that the proposal should not rely on planting to hide a building, the new building would be more prominent and visible in short and long views.

3.20. Buildings in the area have large areas of space and green between them, the proximity of the host building to the neighbouring listed buildings is difficult, but the existing building responds well to that. The increased bulk of the proposed dwelling brings a density of building to the area that is not characteristic and is therefore not supported.

3.21. The Council will resist the total demolition of buildings which make a positive contribution to a conservation area unless circumstances are shown that outweigh the case for retention. No such case has been provided in this case; the loss of the host building would cause harm to the Highgate Conservation Area. There is no public benefit from the scheme which would outweigh that harm. The replacement of a large house with a larger house adds virtually no public benefit; the house would still only serve a single family. Whilst there is some benefit from increasing the dwelling's energy efficiency, there is no evidence that the efficiency of the host building could not be improved in similar ways.

Embodied Carbon

3.22. Whilst the appellant claims they do not propose to use the system for cooling, it can be used to achieve both heating and cooling. Officers state in the officer's report: Mechanical and active cooling may be proposed as part of the new dwelling via a MVHR system (air tempering). It is not expected that active cooling should be required for any residential developments, as the building should be designed to not overheat and use passive design measures for ventilation. Therefore, active cooling is not supported and therefore the 3rd reason for refusal is not flawed and is valid. It is not considered that a condition should be recommended to control the use, but a suitable scheme designed which does not allow for active cooling.

3.23. Officers have responded to demolition, whole life carbon, water, GLA benchmarks within the officer's report in section 4 (Principle of demolition) and stand by these comments and conclusions and therefore consider the reason for refusal to still stand.

Basement (reason for refusal 4) – Officer response:

3.24. The concerns raised with the BIA submitted with the appellant's scheme are outlined in 8.3-8.5 of the officer's report. Whilst the appellant notes they are willing to address these concerns, this information would need to be submitted and then reviewed by the Council's independent expert. The Council does not consider that it would be appropriate to condition this information given it is a principal consideration required to ensure the development would not harm neighbouring properties or the surrounding area.

4. Section 106 reasons for refusal

4.1. The Council have instructed our legal team to seek to prepare a S106 Legal Agreement with the following heads of terms, should the Inspector be minded to allow the appeal. The Council hope to be in a position to submit the S106 alongside final comments. If this is not possible, the justification for each reason and the need for it to be secured as a planning obligation are outlined below.

Reason for refusal no.5 (affordable housing)

4.2. Officers agree with the appellant that in this case officers have made an oversight and that as this is a replacement dwelling 1 for 1 policy H4 does not apply here and therefore no requirement for affordable housing would be required. Therefore, this reason for refusal can be removed.

Reason for Refusal no.6 (Car-capped)

- 4.3. Policy T2 seeks to ensure car-free development across the borough. It is understood the redeveloped property would be for a returning occupier and therefore there would be no car-free obligation, but the Council will seek the inclusion of a mechanism that prohibits future occupiers from obtaining parking permits. A planning obligation is considered the most appropriate mechanism for securing the development as car-free, unless for returning occupiers, as it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car-free. The level of control is considered to go beyond the remit of a planning condition. Furthermore, a 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 an additional dwelling/use needed 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" legal 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".
- 4.4. Use of a legal 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.

CIL Compliance:

- 4.5. 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.

Reason for Refusal no.7 (CMP)

- 4.6. Local Plan policy A1 states that Construction Management Plans (CMPs) should be secured to demonstrate how developments would minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The appeal proposal would involve significant works and the site has relatively tight access along a narrow dead end lane .A CMP would be required in order to address the issues around how any demolition and construction work would be carried out and how this work would be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The failure to secure a CMP by S106 would give rise to conflicts with

other road users and be detrimental to the amenities of the area generally.

- 4.7. A CMP implementation support contribution (£3,136) will also be secured as a planning obligation by a legal agreement. This contribution must be paid prior to commencement of works. This contribution covers the ongoing review and monitoring elements of the CMP (a living document) and site inspections, meetings with the developer and local stakeholders, to ensure compliance. A CMP bond of £7,500 would also be required in case the contractor fails to abide by the CMP and the Council has to take action to remediate issues. The fee would be fully refundable on completion of the works should there be no breach. The amount of this contribution has been calculated to reflect the scale of the development and the complexity of the CMP. The amount sought corresponds with the indicative charging rates set by the Council. This level of contribution is explained on the Council's website.
- 4.8. A planning obligation is considered to be the most appropriate mechanism for securing compliance with a CMP in this case simply because a considerable extent of the activity during construction could cause conflict with other road users. It would also be detrimental to the amenity of the area and will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed demolition/construction works which should be controlled by a 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.
- 4.9. Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and/or highway safety on the nearby roads, hence using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.
- 4.10. Conditions can only lawfully be used to control matters on land within the developer's control. Many of the CMP provisions will relate to off-site requirements, particularly public highway (which is not land within the developers' control). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism. This is in accordance with Planning Practice Guidance which states that conditions requiring works on land that is not controlled by the applicant often fails the tests of reasonability and enforceability.

CIL Compliance:

- 4.11. The CMP and associated contribution is considered to be CIL compliant 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. It is also directly related to the development and fairly and reasonably related in scale and kind as it relates to managing impacts to neighbours and on the surrounding highways from construction at the site.

5. Conclusion

- 5.1. Based on the information set out above and having taken account of all the additional evidence and arguments made, the proposal is still considered contrary to the Council's adopted policies.
- 5.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the

requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

6. Conditions

6.1. Should the inspector be minded to allow the appeal, it would be requested that conditions in Appendix A are attached to the decision.

7. S106 Legal Agreement: should the inspector be minded to allow the appeal.

7.1. Similarly to the above, if the inspector were mindful to overrule the Council's determination, it would be requested that a section 106 legal agreement is secured including the following head of terms:

- Car-free
- Construction Management Plan and CMP implementation support
Contribution (£3,136)
Construction impact bond (of £7,500)

As stated above the council is liaising with the appellants regarding the s106 and will update at final comments stage.

Should any further clarification or submissions be required, please do not hesitate to contact Jaspreet Chana by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

Jaspreet Chana

Planning Officer

Supporting Communities Directorate

Appendix A

Recommended Conditions: 2020/2072/P

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1912_EX-00-010, 1912_EX-00-100, 1912_EX-00-101, 1912_EX-00-102, 1912_EX-00-200, 1912_EX-00-201, 1912_EX-00-300, 1912_EX-00-301, 1912_EX-00-302, 1912_EX-00-303, 1912_EX-00-304, 1912_EX-00-305, 1912_EX-00-305, 1912-PL-000, 1912-PL-010, 1912-PL-099, 1912-PL-100, 1912-PL-101, 1912-PL-102, 1912-PL-200, 1912-PL-201, 1912-PL-202, 1912-PL-300, 1912-PL-301, 1912-PL-302, 1912-PL-303, 1912-PL-304, 1912-PL-00-305. Built Heritage Assessment September 2020, Design and Access Statement January 2023 Rev 02, Planning Statement September 2020, Whole Life Carbon Assessment Statement Rev P01 15 December 2022, Energy Statement December 2022, Sustainability Statement November 2022 - Rev 01, Tree Protection Plan September 20, Tree Survey and Arboricultural Method Statement Sept 2020, Basement Impact Assessment Rev 01 by Bryne Looby August 2020.

Reason:

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

4. Prior to occupation of the hereby approved units, details of cycle storage (for 2 cycles) shall be submitted to the council for review.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the Camden Local Plan 2017.

5. 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.

6. 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 and A1 of London Borough of Camden Local Plan 2017.

7. Prior to commencement of development, full details in respect of the living roof shown on the roof plan shall be submitted to and approved by the local planning authority. The details shall include:
 - i. a detailed scheme of maintenance
 - ii. elevations and sections at a scale of 1:100 & 1:20 with manufacturers details demonstrating the construction and materials used for the area of green roof and green wall, showing a variation of substrate, depth with peaks and troughs
 - iii. full details of planting species and density

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

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

8. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve, and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and

approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

9. The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment (as amended).

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of Policy A5 of the Camden Local Plan 2017.

10. The external noise level emitted from plant, machinery or equipment with specified noise mitigation at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

11. Within 6 months of first occupation a post construction radon gas and vapour investigation assessment report [where necessary incorporating a Remediation Strategy (RS)] and Verification Statement (VS) shall be submitted to, and approved in writing by, the local planning authority.

Where remedial measures are implemented to protect end-users of the development they shall be maintained.

Reason: To ensure the risks to the future users are minimised, and to ensure the development can be carried out in accordance with policies A5 & C1 of the London Borough of Camden Local Plan 2017.

12. Pre-commencement the developer must either submit evidence that site buildings were built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

Reason To protect occupiers of the development from the possible contamination arising in connection with the buildings on the site in accordance with policies A1 (Managing impact of development), C1 (Health) and CC5 (Waste) of the London Borough of Camden Local Plan 2017.

13. Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. 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 will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

14. 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". 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.

15. Before the development commences, details of bin store 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 unit, 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 and TC4 of the London Borough of Camden Local Plan 2017.

16. Before the development commences, details of the PV panels shall be submitted to and approved by the local planning authority.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy A1, CC1, CC2 of the London Borough of Camden Local Plan 2017.

17. Prior to use, the MVHR system (air tempering) proposed should not be used for comfort cooling.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, CC1, CC2 and A4 of the London Borough of Camden Local Plan 2017.

Recommended Informatives:

1. This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
2. All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at

<https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319>

or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

3. Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).