

Site Location Plan – Rear of 172 Regent’s Park Road (2024/1175/P)



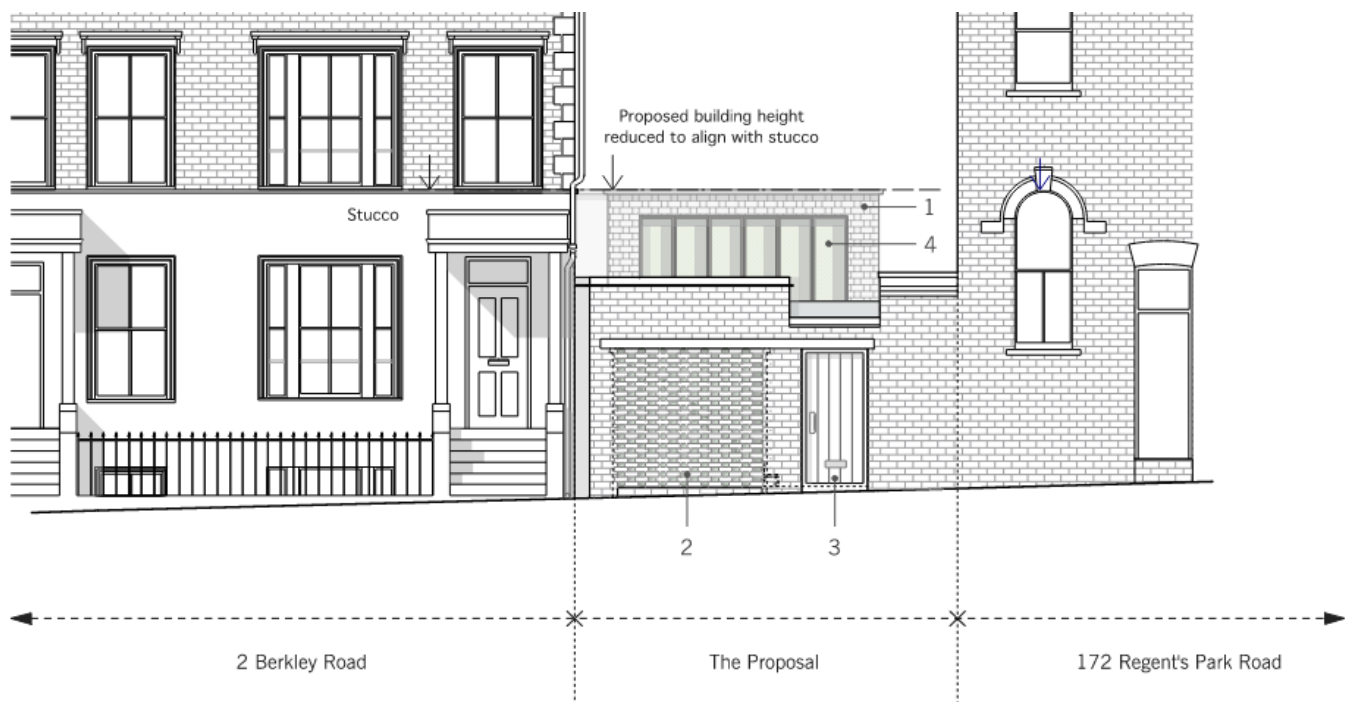
Photographs and Drawings – Rear of 172 Regent's Park Road (2024/1175/P)



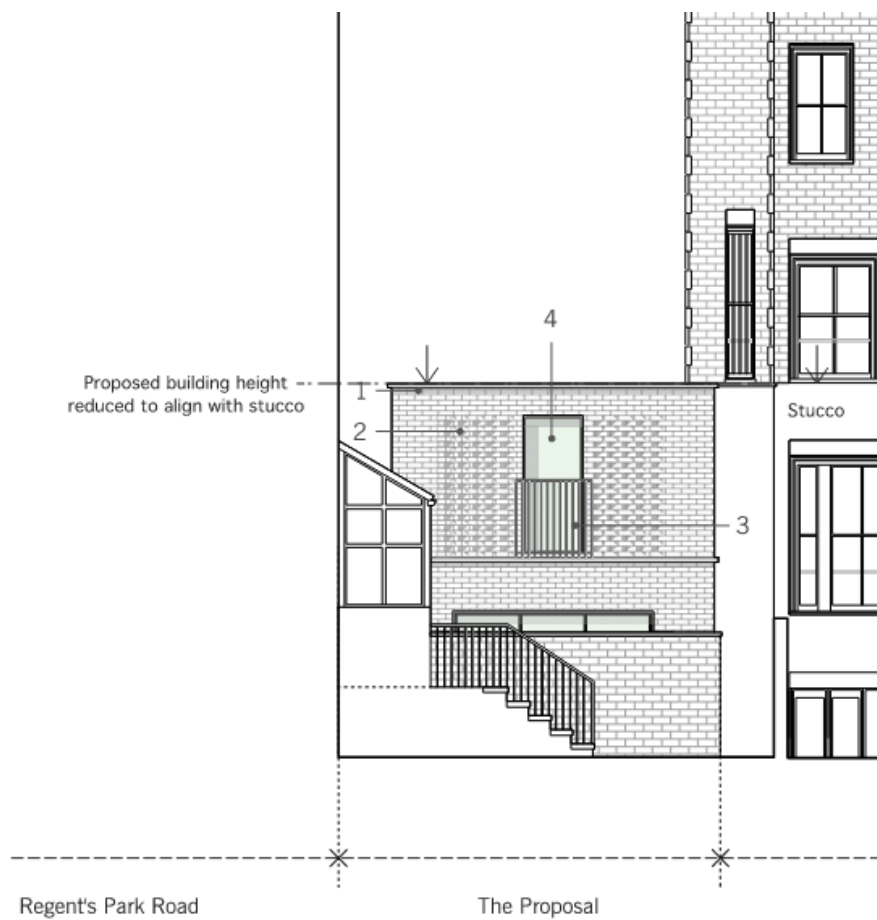
1. Aerial view of application site



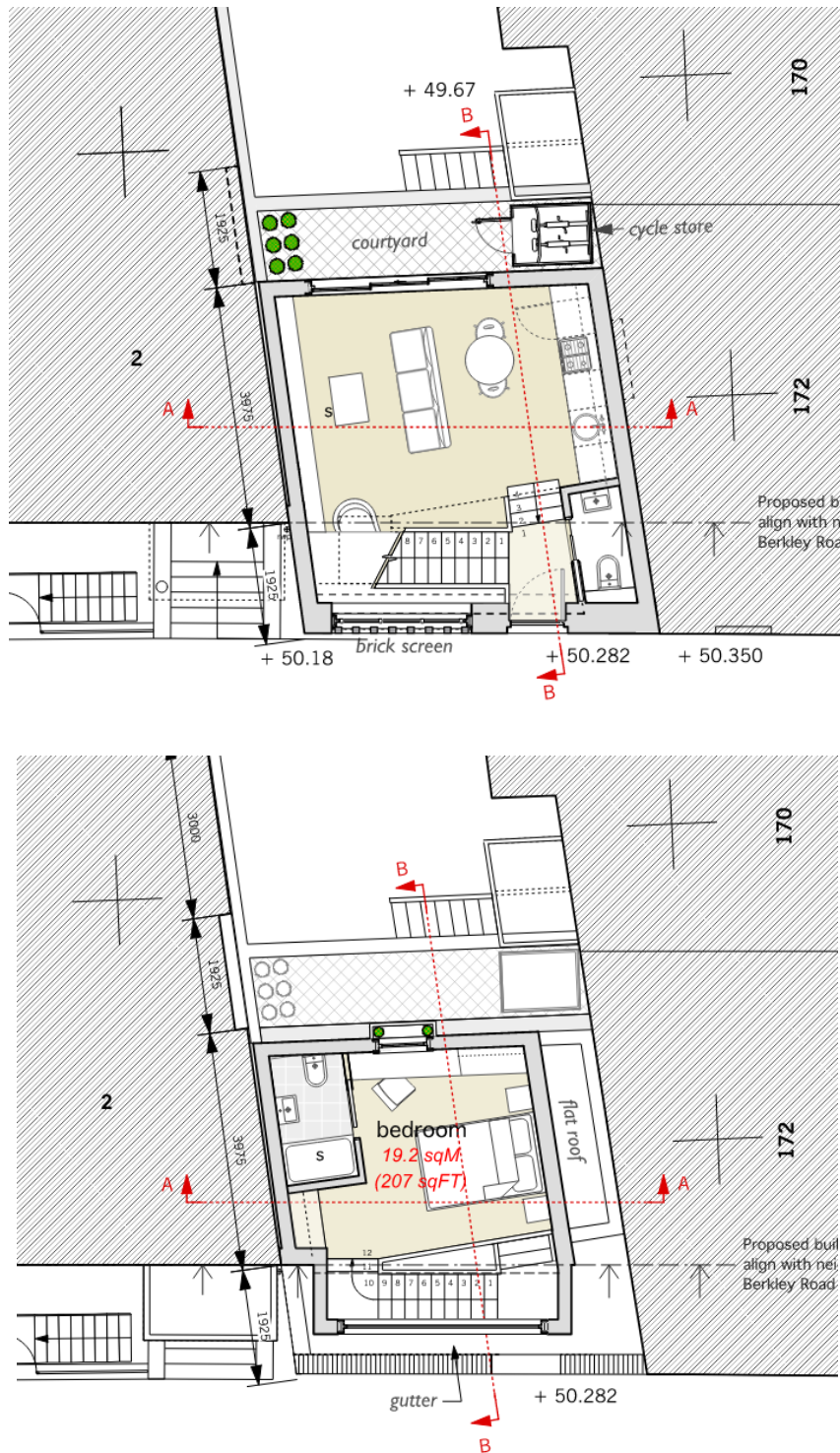
2. Front elevation of existing site from Berkley Road



3. Proposed front elevation of new dwellinghouse



4. Proposed rear elevation of new dwellinghouse



5. Proposed ground floor plan (top) and first floor plan (bottom) of new dwellinghouse

Delegated Report		Analysis sheet		Expiry Date:		20/05/2024	
(Members' Briefing)		N/A / attached		Consultation Expiry Date:		16/06/2024	
Officer				Application Number(s)			
Sam FitzPatrick				2024/1175/P			
Application Address				Drawing Numbers			
Rear of 172 Regent's Park Road London NW1 8XN				Please refer to decision notice.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of a two storey dwellinghouse and associated works following demolition of existing garage.							
Recommendation(s):		Grant conditional planning permission subject to Section 106 Legal Agreement					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses:	07	No. of objections:	05
Summary of consultation responses:	Site notices were displayed from 22/05/2024 until 15/06/2024. A press notice was published on 23/05/2024, expiring on 16/06/2024.			
	Five objections were received from members of the public, whose concerns can be summarised as follows: <ul style="list-style-type: none">The proposal would impact the functioning of the retail space as a wine shop at the ground and basement levels of 172 Regent's Park Road, including by reducing the size of the existing rear window at ground level, bricking up of the basement rear door and window, and removal of the small ground floor rear extension. This would reduce the light availability and ventilation capability of the retail unit. Additionally, the air conditioning unit that is essential for the business would need to be removed, and the removal of the windows to the basement would require an additional air conditioning unit to be added, which may have visual and amenity impacts;The proposed dwelling sits forward of the building line along Berkley Road and is not in keeping with the traditional terrace, so would negatively impact the conservation area;The proposed dwelling height is above the level of the side window to 2 Berkley Road, and the massing of the property would impact natural light;The flat roof of the building would be a security concern as it would allow easy access to the first floor balcony above the front door of 2 Berkley Road, as well as be at the level of 172 Regent's Park Road, with impacts on security and privacy. The requirement to maintain the green roof and solar panels would require access that would allow access to the neighbouring windows;The proposed works could lead to building works taking place at unreasonable hours and conditions should be used to prevent this;All rainwater and foul drainage serving the commercial unit and flats within 172 passes over the rear wall to the building and across the rear yard, which is not accounted for by the proposed development;The requirement to incorporate access for the purposes of servicing and maintenance for 172 within the demise of the proposed residential accommodation would severely undermine residential amenity and privacy. The rear of 172 is used as an exit for both 172 and 170 Regent's Park Road onto Berkley Road;The proposed residential unit would not meet minimum space standards and the quality of accommodation would be poor due to the basement kitchen and mezzanine bedroom;The red line boundary shown in the Design and Access Statement differs from that in the site location plan.			
	<u>Officer Response:</u> <ul style="list-style-type: none"><i>The ability for the retail unit to be operated as its current specific use is not a material planning consideration, provided that the principle of retail use is not undermined. The basement area is storage for the retail unit and not a habitable room. It is not considered that the removal of the window and door to the basement nor the removal of the air conditioning unit would prevent the unit from being used for retail purposes, so there would be no removal of an employment premise;</i><i>For concerns relating to design and heritage, please see section 5 of this report. It should also be noted that the proposal has been amended slightly since its submission, and the dwelling no longer sits forward of the building</i>			

	<p>line – these revisions are discussed in sections 1 and 5 of this report;</p> <ul style="list-style-type: none"> • For concerns relating to amenity, please see section 6 of this report; • It should be noted that the flat roof of the building would be conditioned so that use is only for maintenance purposes, and not as an amenity space. As such, access would be restricted. This is detailed further in section 6, which is the amenity section of the report; • The applicant would be reminded by informative of their requirement to comply with Camden's Minimum Requirements for construction, which includes working at reasonable hours; • For concerns relating to water and flooding, please see section 8 of this report; • The maintenance of the properties is not a relevant planning consideration, as means of access, easements, and disputes between private property owners are not material; regardless, any servicing or maintenance would likely not be a regular occurrence and if access were required to the roof of the proposed dwelling to carry such activities out, it would not be considered to significantly undermine the amenity of the proposed dwelling; • For an assessment of housing quality, please see section 4 of this report; • The boundary shown in the Design and Access Statement does appear to be slightly different to that in the site location plan, however the former is a supporting document, whilst the latter is an approved plan that is consistent with the other approved plans, including the proposed drawings. It should also be noted that the site notices used for consultation showed the correct red line boundary that matches that in the location plan and drawings. <p>Two letters were received that raised no objection, but did note the following points and concerns:</p> <ul style="list-style-type: none"> • The conversion of the garage into accommodation would help increase housing stock and support Camden and the Government's policy objectives; • The construction process should not involve early morning deliveries or servicing, as unrelated building works in the area previously have; • Any consent should not allow the allocation of a resident's parking permit. <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • The applicant would be reminded by informative of their requirement to comply with Camden's Minimum Requirements for construction, which includes working at reasonable hours; • The applicant would be required to sign a legal agreement which would include a clause to prevent the occupier from obtaining a residents parking permit, in line with the Council's transport policies. Please see section 9 of this report for further details.
Primrose Hill Conservation Area Advisory Committee	<p>The Primrose Hill Conservation Area Advisory Committee (PHCAAC) responded to a request for consultation to confirm that they had no objection to the proposed scheme. An earlier version of the scheme had been reviewed by the PHCAAC ahead of submission, to which concerns were raised regarding the juxtaposition of the proposed building with the projecting porch at no.2 Berkley Road. The PHCAAC considers that the updated scheme proposed as part of this application addresses these concerns successfully.</p>

Site Description

The application site consists of the rear area of 172 Regent's Park Road, which is a four storey end of terrace house consisting of retail (Class E) at ground and basement levels, and flats (Class C3) at the upper levels. The building includes a garage building that takes up the significant majority of the rear garden/courtyard area, which fronts onto Berkley Road and is accessible only to the retail unit. The existing rear garden space has very limited amenity value and is not utilised as such by the flats on site. The site is located within the Primrose Hill Conservation Area and is identified as making a positive contribution to the character of the conservation area. The building is not listed .

Relevant History

Application site

2023/2276/P – Replacement of all the existing windows with double glazing and the addition of a boiler flue extract in the side elevation, and kitchen extract to the rear elevation of the first floor flat. **Permission granted 10/10/2023.**

2015/3437/P – Alterations to shopfront and awning of retail units (Class A1). **Permission granted 24/07/2015.**

PEX0100388 – The demolition of an existing vacant building used for shop/storage (class A1) and the erection of a building at basement level and ground floor levels for office use (class B1). **Permission granted 13/06/2003.**

PE9900264 – Change of use of ground and basement floors from sandwich shop (A1 Use Class) to financial and professional services (A2 Use Class). **Permission granted 14/06/1999.**

9500826 – Change of use from retail to mixed use as retail and restaurant, including installation of a new shopfront and other external alterations. **Permission granted 19/01/1996.**

Relevant policies

National Planning Policy Framework (2023)

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
- **D1** Design
- **D2** Heritage
- **CC1** Climate change mitigation
- **CC2** Adapting to climate change
- **CC3** Water and flooding
- **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 Amenity (Jan 2021)
- CPG Design (Jan 2021)
- CPG Developer contributions (Mar 2019)
- CPG Energy efficiency and adaptation (Jan 2021)
- CPG Housing (Jan 2021)
- CPG Transport (Jan 2021)
- CPG Water and Flooding (Mar 2019)

Primrose Hill Conservation Area Statement (2000)

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).

1. Proposal and revisions

- 1.1. Planning permission is sought for the demolition of the existing garage located within the rear garden area of 172 Regent's Park Road and fronting onto Berkley Road, and the erection of a two-storey dwellinghouse (Class C3).
- 1.2. Following officer comments, the proposal has been altered to amend the design. This primarily involved the building line of the proposed dwelling being pulled back to align with the neighbouring building (no.2 Berkley Road), and the height of the dwelling being reduced to align with the stucco of the same neighbouring property. Other minor changes included the replacement of the balustrading to the rear with metal railings rather than glazing, and additional clarity provided regarding the impact on guttering arrangements and plant equipment.

2. Assessment

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

- Land use
- Housing quality and mix
- Design and heritage
- Amenity
- Energy and sustainability
- Water and flooding
- Transport
- Biodiversity Net Gain

3. Land use

- 3.1. The proposal would provide an additional self-contained residential unit (Class C3), contributing to the Borough's housing stock. Housing is established as the priority land use in the Local Plan and is supported by the Plan's policies; Policy G1 promotes the most efficient use of land in the borough and Policy H1 establishes that the supply of housing should be maximised through the provision of additional residential units. As such, the proposal to provide a new residential unit would be supported in principle by the Council's housing policies subject to other planning considerations.
- 3.2. It is also noted that Policy T2 sets out to limit the availability of parking in the borough, and states that the redevelopment of existing car parking spaces for alternative uses will be supported. As such, the principle of removing the garage and associated car parking is also supported in land use terms. Therefore, the proposal would be in compliance with Policies G1, H1, and T2 of the London Borough of Camden Local Plan.

4. Housing quality and mix

- 4.1. Policy H6 of the Local Plan advises that the Council will seek 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, but that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table.
- 4.2. The proposed dwelling would provide a one bedroom market property, which falls within the lower priority category, according to the dwelling size priorities table within Policy H7. However, the context of the application site is important, and it is accepted that site restrictions mean that any larger structure that could accommodate additional bedrooms and provide a higher priority dwelling size would likely have other subsequent negative impacts, such as to the amenity of neighbouring residential properties.
- 4.3. The new unit has a total gross internal area (GIA) of 47 sqm across the two floors. This would be slightly less than nationally described space standards, which are 58 sqm across two

storeys, or 50 sqm across one storey for a dwelling of this size. However, the proposed unit is constrained by the scale of the rear garden site, and it is not feasible for the dwelling to be any larger than currently proposed. Although short of the space standards, it is not by a substantial amount, and the unit would otherwise provide a good standard of accommodation. Given the site constraints, the unit type and size are considered to be acceptable.

4.4. For clarity, although the development would provide an additional residential unit, the total addition to residential floorspace would be less than 100 sqm GIA. As such, this does not meet the requirement established by Policy H4 to provide affordable housing, and no such contribution is therefore sought as part of this application.

4.5. 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 development should be designed and built to create high quality homes and that the Council will seek to ensure the 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.

4.6. The proposed property is dual aspect and sufficient levels of light and outlook would be available to future occupiers. The building includes large windows at ground level facing southwest, which would provide light to the kitchen/living space and are positioned behind a courtyard wall, which would prevent overlooking both into and out of the property. The first floor bedroom is served by a single window to the rear but primarily through a larger glazed opening to the front elevation, which faces onto Berkley Road. The front windows would be partly shielded at first floor level by a parapet wall, and the ground floor windows would be positioned behind a perforated brick screen, which would maintain privacy whilst allowing some light through the front elevation. The rear window at first floor level would result in some overlooking to the windows at the rear of Regent's Park Road, however this would mostly be at indirect angles, with no direct window-to-window overlooking. Amenity impacts to neighbouring residences with regards to privacy and overlooking are discussed further in section 6 of this report.

4.7. The proposed dwelling would include a rear courtyard that provides outdoor amenity space and includes a small storage space for cycles. This area measures approximately 6.5 sqm, which exceeds the requirement established by the London Plan of 5 sqm private outdoor space for a 1-2 person dwelling.

4.8. Given the nature of the application site and the addition of only one new dwelling, it is not deemed feasible to require the development to be step-free or to comply with Building Regulations Part M4(2) (accessible and adaptable dwellings). Although the Council encourages the design of all new housing to be as accessible as possible, it would not be practical to require step-free or wheelchair user dwellings in this specific instance.

4.9. Considering the above, the proposed dwelling would provide an acceptable quality of accommodation and suitable type and size dwelling, in compliance with Policies H1, H6, H7, and D1 of the London Borough of Camden Local Plan.

5. Design and heritage

5.1. 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, whilst 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'.

5.2. The site falls within a primarily residential area, though is set just off from Regent's Park Road, which is more commercial in character. It also sits within the Primrose Hill Conservation Area, and specifically sub area three, 'Regent's Park Road North'. The conservation area statement notes that the row of houses that 172 belongs to "*has a uniform character and is*

constructed in London yellow stock brick with a prominent stepped parapet line, multicoloured brickwork string courses, and arched window heads with stucco detailing at first floor level". Although there is not any specific reference to the back gardens of these properties, the statement does note that the secondary roads that radiate from Regent's Park Road (such as Berkley Road, which the application site fronts onto) are generally set back from the line of development on the principal roads, allowing views of the rear of those properties and their rear garden spaces.

- 5.3. The proposed dwelling house would be located primarily within the footprint of the existing garage at the rear of 172 Regent's Park Road. The rear area of the property has been altered and does not currently provide a useable amenity space or permeable garden, with much of the area taken up by the garage. Additionally, the structure of the garage already prevents views across the lower rear elevations and into the rear gardens of the properties along the south side of Regent's Park Road.
- 5.4. The proposal would involve the levelling out of the existing rear garden area to facilitate the new dwellinghouse. However, the actual garden level of the properties along the south side of Regent's Park Road is lower than the street level on Berkley Street (as shown in the existing and proposed section drawings), so very little excavation would be required. Indeed, the existing garage is situated over what appears to be made ground, with the actual level of the rear garden likely closer to the level of the area immediately in front of the rear window at basement level of 172 Regent's Park Road. Irrespective of this, CPG 'Basements' states that *"where a building is located on sloping land and there is a change in level across a site, a storey which is accessed at ground level at one side of the site (with no steps or ramp) will generally not be considered a basement"*. Therefore, the proposal would not involve significant excavation and as such, would not require a basement impact assessment.
- 5.5. The replacement dwelling would be slightly taller than the existing garage, measuring approximately 4.8m above street level at the highest point, which is roughly 1.3m higher than the existing garage structure. As demonstrated by the demolition plans, the proportions of the front wall facing Berkley Road would be maintained, with the higher element at upper ground level set back from the highway. As a result, the replacement dwelling would be ancillary to the scale of the adjacent buildings, both those on Regent's Park Road and on Berkley Road. The new structure would fit comfortably within the plot and the street scene, and would still allow for views of the upper rear elevations of Regent's Park Road, as with the existing situation. The building itself reads as an ancillary building similar in form to that of the garage, so the form and scale would both be accepted as appropriate.
- 5.6. Following revisions to the scheme, the building line immediately adjacent to no.2 Berkley Road has now been pulled back so that it continues in line with that of its neighbour, before projecting outwards (though still not as far as the porch of the neighbouring property projects). Similarly, the height of the building has been amended so that it aligns with the top of the neighbouring building's stucco. These revisions ensure that the proposed dwelling maintains the established building line of the street and sits secondary to the neighbouring building with subservience towards its key architectural form and features, such as the stucco and the porch.
- 5.7. The proposed structure would include a perforated brickwork detail on the front elevation that part-observes the glazing to the front of the property. This in part mimics the existing garage door dimensions whilst incorporating detailed design elements that bring a level of visual interest to the building. The proposed brickwork would align with the traditional materials of the conservation area, and would be tonally matched to the surrounding area, which would be secured by condition.
- 5.8. The front door of the property would be timber, reflecting the existing materiality, and the windows throughout would be slimline steel framed. To the rear, the first floor glazing would include a metal balustrade to form a Juliet balcony. The building would feature a green roof to soften the visual appearance (with details secured by condition) and solar panels positioned flat on the main roof. These features would all be appropriate for the property and would not harm the character or appearance of the conservation area.
- 5.9. The proposal would preserve the character and appearance of the conservation area overall. The Council has had special regard to the desirability of preserving the character and appearance of the Conservation Area.
- 5.10. Overall, the proposal would comply with Policies D1 and D2 of the London Borough of

6. Amenity

- 6.1. Policy A1 (Managing the impact of development) 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.
- 6.2. In relation to impact on daylight and sunlight, the applicant has used the 25-degree line screening test to demonstrate that it would be unlikely that there is any significant impact on neighbouring residential properties. This follows that for neighbours located directly opposite (i.e. those properties located at 172 Regent's Park Road), development is unlikely to have a significant impact in terms of daylight and sunlight if the proposed building would not rise above a 25-degree line drawn from the centre of the window of the property in question. In this instance, the development would clearly sit substantially below the 25-degree line, as drawn from the lowest residential window of 172 Regent's Park Road, as well as that of the 2 Berkley Road; in both instances, the middle of the window sits above the highest point of the proposed development (see figure 1 below). Whilst the development would sit above the 25-degree line drawn from the ground floor rear window of 172 Regent's Park Road, this window does not serve a residential property, but rather a retail unit. As such, this is not a habitable room, and the impact is therefore not considered harmful to amenity.

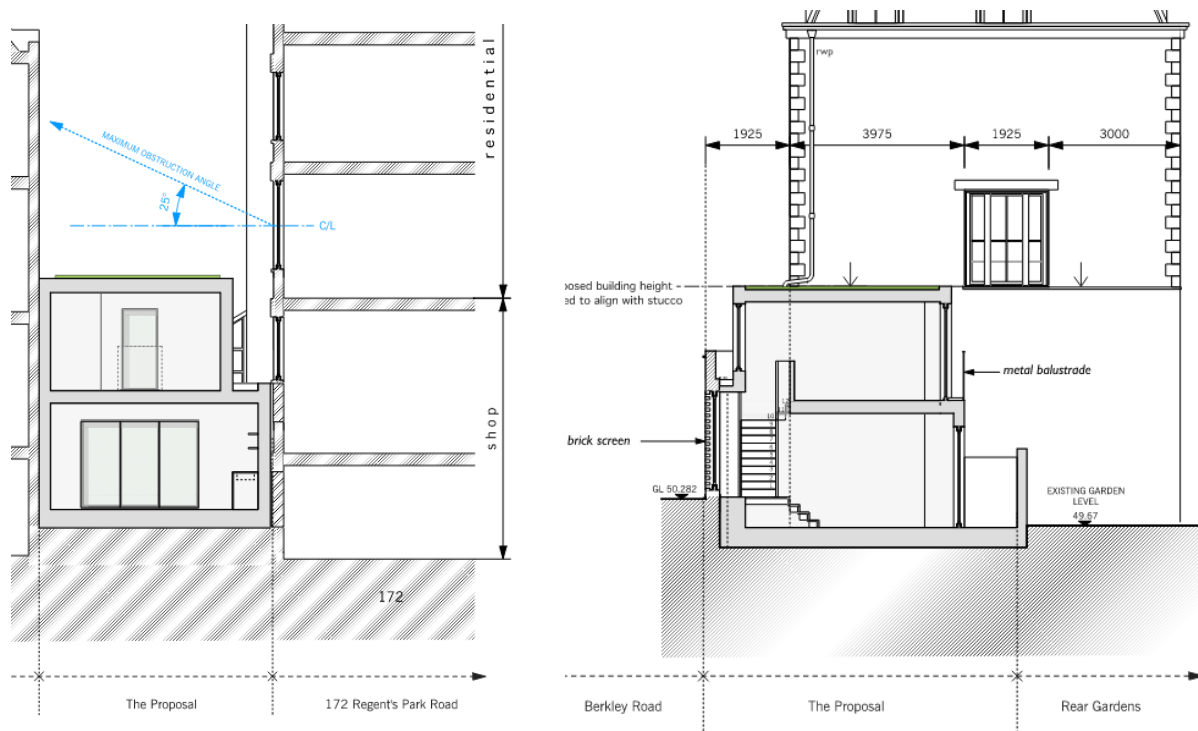


Figure 1: 25-degree screening test for 172 Regent's Park Road (left) and elevation drawing showing lowest window to side elevation of 2 Berkley Road sits above development (right).

- 6.3. Given both the above demonstration of the 25-degree test, as well as the orientation of neighbouring properties relative to the proposed development, it would not be expected that there would be a significant or harmful impact on the availability of sunlight and daylight on neighbouring residential properties.
- 6.4. In terms of outlook, the same reasoning as above would mean that it would be unlikely for the proposed development to have a significant impact; the only window that would have a significant impact on outlook would be the rear ground floor window of 172 Regent's Park Road, which does not serve a habitable room. Therefore, the impact on outlook would be acceptable.
- 6.5. With regards to privacy, the building has been designed so that the impact on the privacy of neighbours and occupiers is limited as far as possible. The majority of glazing to the rear looks out

into the courtyard, which would be surrounded by boundary walls that would screen views between the property and the rear elevations of the houses on the south side of Regent's Park Road. At first floor level, there would be a small, glazed door with a metal balustrade to form a Juliet balcony. Due to its positioning, this would be less screened than the glazing at the lower level, however there would be no direct window-to-window views that would result in harmful impacts on privacy, as the rear elevation of the proposed dwelling faces the rear gardens of the adjacent properties, rather than directly onto the rear elevations of the properties. As such, the angle of overlooking and size of the opening would mean that it would be unlikely that there would be significant impacts with regards to privacy and overlooking. There would be a reasonable distance to the front of the property that would mean there would not be any significant impacts on privacy in this direction.

6.6. The flat roof of the property would not be used for amenity purposes, with access limited for maintenance only. This would be secured by condition. Although the flat roof is in reasonable proximity to neighbouring adjacent windows, it is not considered that this would result in any significant level of harm to amenity, especially given that the existing structure of the garage already provides a flat surface in this location. The use of the site for residential purposes may even dissuade criminal activity given there would be activity where the site is currently vacant.

6.7. It is noted that the proposal would necessitate the removal of an existing air conditioning unit to the rear of 172 Regent's Park Road, which currently serves the retail unit located at ground and basement level; this matter was also the subject of an objection to the application. The application does not propose to re-provide this equipment elsewhere, but the applicant has provided an indicative drawing in response to the objection that suggests an alternative location for the unit. This is not assessed as part of the proposal, nor would it be approved as part of this recommendation. However, it does demonstrate that there may be alternative locations for the air conditioning unit elsewhere – though importantly this would be subject to other considerations such as the design impact on the conservation area and the amenity impact, including with regards to noise disturbance. Any future proposal to install plant equipment would need to be applied for with an application for planning permission, and accompanied by a noise impact assessment to demonstrate that the impact on residential amenity would be acceptable. The applicant is reminded of this by means of an informative.

6.8. In summary, the proposal would not harm the amenity of residential occupiers and neighbours, and as such would comply with Policy A1 of the London Borough of Camden Local Plan.

7. Energy and sustainability

7.1. Policy CC1 (Climate change mitigation) 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 new residential development is required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations (in addition to any requirements for renewable energy), so it can be demonstrated how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction. It is also expected that development incorporate renewables where feasible.

7.2. Policy CC2 (Adapting to climate change) 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 the use of sustainable drainage systems, such as incorporating biodiverse roofs, combination of green and blue roofs and green walls where appropriate, and measures to reduce the impact of overheating, including application of the cooling hierarchy.

7.3. Given that the proposal is a new residential dwelling it is required to demonstrate at least a 19% CO2 reduction, as previously noted. The applicant has provided a completed energy and sustainability proforma, which demonstrates that there would be a 67% reduction in carbon emissions at 'Be Lean' stage, indicating a very energy efficient design. Additionally, there would be a 33% reduction in carbon emissions at the 'Be Green' stage, which would meet the 20% target, resulting in an overall reduction of 78%, which is supported. As a single dwelling, no carbon offset is required. The proposal has been reviewed by the Council's Sustainability Officer, who has confirmed that the scheme is acceptable.

7.4. The proposal also includes an exhaust air heat pump and three solar panels to the flat roof

of the building, both of which are welcomed. A condition would secure further details of the solar panels prior to commencement of above ground works. If space allows, then additional capacity should be considered to maximise the onsite energy generation, which the applicant is reminded of by way of an informative.

- 7.5. As such, the proposal would be in accordance with Policies CC1 and CC2 of the London Borough of Camden Local Plan.

8. Water and flooding

- 8.1. Policy CC3 (Water and flooding) seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. This may include incorporating water efficiency measures and utilising sustainable drainage systems (SuDS) where feasible.

- 8.2. The application site is located within the Regent's Park Local Flood Risk Zone and also in an area that has previously experienced sewer flood incidents. The proposed dwelling would not include a basement, but the ground floor is set slightly below street level at the front; this would not preclude habitable use; however, the ground floor may be vulnerable to flooding.

- 8.3. As such, it is recommended that the property is flood proofed, including through the means of a raised threshold (of at least 300 millimetres) and/or the use of a flood proof door. Flood-proofing measures such as non-return valves and positive pump devices should also be installed to protect against sewer surcharge. Flood resilience measures such as flood resilient flooring and raised electrical sockets and/or separate ground and first floor electrical circuits are also strongly encouraged. Finally, due to the location within a Local Flood Risk Zone, rainwater discharge should be minimised, and the feasibility of a blue/green roof should be considered. If not feasible, then as a minimum a rainwater butt should be installed. A condition is recommended that would secure internal measures to mitigate flood risk and cope with potential flooding, as well as a feasibility study into a blue/green roof and details of the proposed internal water efficiency and water recycling equipment. The Local Lead Flood Authority has reviewed the application and confirmed that it would be acceptable, provided the above conditions are imposed.

- 8.4. As such, the proposal would be in compliance with Policy CC3 of the London Borough of Camden Local Plan.

9. Transport

- 9.1. Policy T1 (Prioritising walking, cycling, and public transport) confirms that that it is expected that cycle parking at developments will be provided in accordance with the standards set out in the London Plan. For studio units, the requirement is for one space per unit.

- 9.2. The proposal would include a cycle store in the rear courtyard, which would be accessed from street level by a set of stairs leading down to the kitchen/living/dining room. Whilst it is unfortunate that level access cannot be achieved, it is accepted that the layout and site constraints mean that any alternative arrangement is not feasible. The cycle store would provide covered and secure cycle parking for two bicycles within a timber store, which would exceed the requirements established by the London Plan. The provision of these cycle spaces is secured by condition.

- 9.3. Policy T2 (Parking and car-free development) sets out that new residential development should be secured as car-free. Therefore, the new residential unit should be secured as on-street residents parking permit (car) free by means of a Section 106 legal agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion, and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling, and public transport.

- 9.4. Given the extent of construction proposed, it will be necessary to secure a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 by means of the Section 106 Agreement. This will help ensure that the proposed development is carried out without unduly impacting neighbouring amenity, or the safe and efficient operation of the local highway network, in line with Policy A1 of the Camden Local Plan.

- 9.5. As the crossover serving the site will become redundant following development, it will be necessary to secure a Section 106 highways contribution for removing it and reinstating the

footway over. The full amount would be calculated during the process of completing the legal agreement.

- 9.6. On the basis of the above, the proposal would be in compliance with Policies T1 and T2 of the London Borough of Camden Local Plan.

10. Biodiversity

- 10.1. It is noted that the Biodiversity Net Gain (BNG) requirement came into effect for small sites on the 2nd April 2024. However, this proposal was submitted on 25/03/2024. As such, the development would not be subject to BNG requirements as it was submitted prior to BNG coming into force for this type of application. Therefore, the application is exempt, and the applicant is reminded of this by way of an informative attached to this decision.

11. Heads of Terms

- 11.1. 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:

- New residential unit to be secured as car-free;
- Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000;
- Highways contribution (exact amount yet to be determined);

12. Community Infrastructure Levy

- 12.1. 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.

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

13. Recommendation

- 13.1. 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 4th November 2024, 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 and search for 'Members Briefing'.

Application ref: 2024/1175/P
Contact: Sam Fitzpatrick
Tel: 020 7974 1343
Date: 29 October 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Chassay+Last Architects
Berkeley Works
Berkley Grove
London
NW1 8XY
United Kingdom

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:
Rear of 172 Regent's Park Road
London
NW1 8XN

Proposal:
Erection of a two storey dwellinghouse and associated works following demolition of existing garage.

Drawing Nos:
Existing drawings: Location Plan; 172RPR E-01; 172RPR E-02; 172RPR E-03; 172RPR E-04; 172RPR E-05; 172RPR E-06; 172RPR E-07.

Proposed drawings: 172RPR P-01 revA; 172RPR P-03 revA; 172RPR P-04 revA; 172RPR P-05 revA; 172RPR P-06 revA; 172RPR P-07 revA; 172RPR P-08 revA; 172RPR P-09.

Supporting documents: Design, Access, & Heritage Statement (prepared by CHASSAY+LAST Architects, dated 03/2024); Pre-Application Advice (issued by Camden Council, dated 12/09/2019); Energy and Sustainability Proforma; Energy and Sustainability Statement (prepared by JAW Sustainability, dated 04/10/2024); 172RPR P09.

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:

Location Plan; 172RPR E-01; 172RPR E-02; 172RPR E-03; 172RPR E-04; 172RPR E-05; 172RPR E-06; 172RPR E-07; 172RPR P-01 revA; 172RPR P-03 revA; 172RPR P-04 revA; 172RPR P-05 revA; 172RPR P-06 revA; 172RPR P-07 revA; 172RPR P-08 revA; 172RPR P-09; Design, Access, & Heritage Statement (prepared by CHASSAY+LAST Architects, dated 03/2024); Energy and Sustainability Proforma; Energy and Sustainability Statement (prepared by JAW Sustainability, dated 04/10/2024).

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

- 3 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, and external doors;
- b) Details including plans, coloured elevations, and sections at 1:20 of all typical details including balustrades, parapets, gates, planters, and associated elements;
- 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);
- d) Details including a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond, and pointing (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 Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The cycle parking shown on the approved plans '172RPR P-09' shall be provided in full prior to the commencement of the use hereby permitted, and shall thereafter be retained for the duration of the development.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policy T1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to above-ground development, full details in respect of the following shall be submitted to and approved in writing by the local planning authority:

- a) The proposed internal water efficiency and/or water recycling equipment to ensure that the development will pose no additional strain on adjoining sites or the existing drainage infrastructure;
- b) A study into the feasibility of a blue / green roof; and
- c) The proposed internal measures to ensure the development has been designed to mitigate flood risk and cope with potential flooding including a suitable positive pump device to protect against sewer flooding;

The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: To reduce the rate of surface water run-off from the building 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 2017 and Policy SI 13 of the London Plan 2021.

- 6 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, and 5 litres/person/day for external water use. The dwelling 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, and CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan ('172RPR P-04 revA') shall be submitted to and approved by the local planning authority. The details shall include:

- i) a detailed scheme of maintenance;
- ii) sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
- 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 No roof on the development shall be used as a roof terrace, sitting out area, or other amenity space. Any access out onto the roof areas shall be for maintenance purposes only.

Reason: To safeguard the amenities of the adjoining neighbours in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement of above ground works, drawings and data sheets showing the location, extent (3 panels), and energy generation capacity (at least 1.2kWp) and associated equipment to be installed on the building shall be submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a metre to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. 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 CC1 of the London Borough of Camden Local Plan 2017.

Informative(s):

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

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

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 The applicant is reminded that this permission does not approve the relocation of the existing air conditioning unit. Any proposal to relocate or install new plant equipment would require an application for full planning permission, which would need to be supported by a noise impact assessment.
- 6 The applicant should investigate the potential to increase capacity to maximise the onsite energy generation, including through any feasible additional renewable energy measures, such as further solar panels to the flat roof of the building.
- 7 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because the application is not "major development" and was made before 2 April 2024.

+ Summary of statutory exemptions for biodiversity gain condition:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

8 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

+ The effect of section 73(2D) of the Town and Country Planning Act 1990:

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

+ Phased development:

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

Yours faithfully

Supporting Communities Directorate