

Delegated Report		Analysis sheet		Expiry Date:		26/12/2024			
		N/A		Consultation Expiry Date:		N/A			
Officer				Application Number(s)					
Daren Zuk				2024/4770/P					
Application Address				Drawing Numbers					
70 Churchway London NW1 1LT				See decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
Details to discharge Conditions 3 (Details and Materials), 7 (Solar PV), 11 (Biodiversity Enhancements), and 12 (Accessibility) of planning permission 2016/3174/P dated 30/10/2020 for the 'Erection of 3 storey building plus basement with rear garden and roof terrace at 1st floor level, comprising 3 x Residential units (1x2 bed & 2x1bed unit) (C3 Use Class) to allow for offsetting of residential accommodation in connection with application 2016/5266/P [53-55 Chalton Street].									
Recommendation(s):		Part Granted/Refused							
Application Type:		Approval of Details							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
		No. of responses		0		No. of objections		0	
Neighbour Consultation		N/A							
CAAC/Local groups comments		N/A							
Site Description									
The subject site comprises a mid-block newly constructed three-storey (plus lower ground floor and roof level) terraced building located on the south side of Churchway, between the junctions with Chalton Street (east) and Doric Way/Drummond Crescent (west). The building was approved under planning ref. 2016/3174/P to provide three residential units after part of a larger redevelopment scheme including a hotel at neighbouring nos. 53-55 Chalton Street and 60 Churchway.									
Relevant History									
2021/6080/P – Removal of conditions 6 (Suds) and 15 (Fire Statement) of planning permission 2016/3174/P dated 30/10/2020 for Erection of 3 storey building plus basement with rear garden and roof terrace at 1st floor level, comprising 3 x Residential units (1x2 bed & 2x1bed unit) (C3 Use Class) to allow for offsetting of residential accommodation in connection with application 2016/5266/P [53-55 Chalton Street] for Erection of part 4 part 2 storey plus basement building, comprising 46 room hotel (C1 Use Class) fronting Chalton Street									

and Churchway (following demolition of existing building). **Removal of conditions granted 15/01/2024.**

2016/5266/P – Erection of part 4 part 2 storey plus basement building, comprising 46 room hotel (C1 Use Class) fronting Chalton Street and Churchway (following demolition of existing building); in association with application 2016/3174/P [70 Churchway] erection of 3 storey building plus basement with rear garden and roof terrace at 1st floor level, comprising 4x Residential units (1x2 bed & 2x1bed unit) (C3 Use Class) to allow for offsetting of residential accommodation (following demolition of existing building). **REVISED DRAWINGS:** The key changes are: height reduced by 1 storey, design alterations, reduction in number of bedrooms. **Planning permission granted subject to a Section 106 legal agreement 30/10/2020.**

2016/3174/P – Erection of 3 storey building plus basement with rear garden and roof terrace at 1st floor level, comprising 3 x Residential units (1x2 bed & 2x1bed unit) (C3 Use Class) to allow for offsetting of residential accommodation to allow for offsetting of residential accommodation in connection with application 2016/5266/P [53-55 Chalton Street] for erection of part 4 part 2 storey plus basement building, comprising 46 room hotel (C1 Use Class) fronting Chalton Street and Churchway (following demolition of existing building). **REVISED DRAWINGS:** The key changes are: unit number and layout and design alterations. **Planning permission granted subject to a Section 106 legal agreement 30/10/2020.**

Relevant Policies

National Planning Policy Framework 2023

Draft National Planning Policy Framework 2024

The London Plan 2021

Camden Local Plan 2017

Policy A3 Biodiversity

Policy D1 Design

Policy C6 Access for all

Policy CC1 Climate change mitigation

Policy CC2 Adapting to climate change

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).

Camden Planning Guidance (CPG)

CPG Biodiversity (2018)

CPG Design (2021)

CPG Energy Efficiency and Adaptation (2021)

CPG Housing (2021)

Assessment

1. Proposal

1.1. This application seeks to discharge the following conditions attached to planning permission 2016/3174/P, dated 30/10/2020 (for: Erection of 3 storey building plus basement with rear garden and roof terrace at 1st floor level, comprising 3 x Residential units (1x2 bed & 2x1bed unit) (C3 Use Class) to allow for offsetting of residential accommodation in connection with application 2016/5266/P [53-55 Chalton Street]):

- **Condition 3 (Detailed drawings/samples)**

Detailed drawings, or samples of materials as appropriate shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all external windows

and doors at a scale of 1:10.

b) Samples and manufacturer's details at a scale of 1:10, of all facing materials including windows and door frames, glazing, and brickwork with a full-scale sample panel of brickwork, spandrel panel and glazing elements of no less colour, texture, face-bond and pointing.

A sample panel of all facing materials should be erected on-site and approved by the Council before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given.

The relevant part of the works shall then be carried in accordance with the approved details.

- **Condition 7 (Solar PV)**

Prior to first occupation of the hotel and residential building, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

- **Condition 11 (Biodiversity Enhancements)**

Prior to commencement other than demolition, site clearance and preparation a plan showing details of biodiversity enhancements on the buildings and within the open space (including bird and bat boxes) appropriate to the development's location, scale and design (including wetland areas) shall be submitted to and approved in writing by the local planning authority. The measures shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

- **Condition 12 (Accessibility)**

The residential units shall be designed and constructed in accordance with Building Regulations Part M4 (1), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

2. Assessment

Condition 3: Detailed drawings/samples

2.1. Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character and comprises details and materials that are of a high quality and complement the local character. The Council will ensure that material details required by condition will be of a high-quality and consistent with the approved plans in accordance with Policy D1.

2.2. Condition 3 (Detailed drawings/samples) requires detailed drawings, or samples of materials be submitted to and approved before the relevant part of the work is begun. These include details of all external windows and doors; samples and manufacturer details of brickwork including full scale sampled panel of brickwork, spandrel panel, and details of the colour, texture, face-bond, and pointing of the brickwork. The condition also requires that a sample panel of all facing materials should be erected on site and approved before the relevant parts of the work have commenced.

2.3. The works have been carried out without the material details being review and approved, resulting in harm being caused to the host building due to poor quality workmanship and inconsistent detailing. In addition to the poor-quality brick facade, the windows and doors, dormer, and roof materials have not been completed or installed as per the approved plans. It is noted that a non-material or material amendment application has not been submitted to amend the approved plans.

2.4. The images below demonstrate the difference of the front elevation from the approved plans (left) and the as-built condition (right). Although the brickwork colour seems to be correct, it was completed with a very poor level of workmanship resulting in inconsistent and missing brick soldier courses, overly wide and inconsistent mortar widths, differing mortar colours (most notably around the front door), missing first floor brick window cills, and missing the finer architectural detailing shown in the approved plans.



2.5. The as-built front door differs completely from the approved door, which is missing a side panel for the mailboxes, contains more glazing than approved, and does not include the bronze detailed door surround. The front ground floor and first floor windows are of a different design, with the ground floor window featuring additional levels of glazing and considerably smaller than approved.

2.6. At roof level, the as-built front dormer (left) is of a completely different design, materiality, and massing than approved (right). The roof material is also not consistent with the approved plans.



2.7. Page 6 of the material details document that has been submitted to discharge Condition 3 includes a drawing of the as-built front elevation beside the approved front elevation. Neither of the drawings are accurate and demonstrate the actual as-built condition.

2.8. On the basis that the works have been undertaken and the result is not acceptable, it is not possible to discharge Condition 3. The Council will therefore refuse the discharge of Condition 3 and relevant enforcement action will be taken to remedy the breaches as outlined above.

Condition 7: Solar PV

2.9. Condition 7 (Solar PV) requires that prior to first occupation of the hotel and residential building, detailed plans showing the location and extent of the PV cells to be installed on the building shall be submitted and approved. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

2.10. The submitted plans and photos show the location of the approved 12 solar PV panels at roof level, product information, as well as photographic confirmation that the monitoring metre has been installed. The details were reviewed by the Council's Sustainability Officer, who has raised no concerns. The submitted details are deemed sufficient to discharge Condition 7.

Condition 11: Biodiversity Enhancements

2.11. Condition 11 (Biodiversity Enhancements) requires that details of biodiversity enhancements on the buildings and within the open space (including bird and bat boxes) appropriate to the development's location, scale, and design (including wetland areas) shall be submitted to and approved.

2.12. The small scale of the site, the fixed layout and future use of the dwellings in private ownership limits opportunities for ecological enhancement. Therefore, measures for biodiversity enhancement are restricted to provisions requiring no, or minimal management, and are integrated into the development. Given these limitations, two bird boxes at roof level and one bat box to the rear elevation are proposed. The Council's Nature Conservation Officer has reviewed the details and raised no concerns. The submitted details are deemed sufficient to discharge Condition 11.

Condition 12: Accessibility

2.13. Condition 12 (Accessibility) requires evidence that the three residential units be designed and constructed in accordance with Building Regulations Part M4(1). A letter from a Building Control consultant has been provided, which confirms that the three residential units would achieve the standard. The submitted details are deemed sufficient to discharge Condition 12.

3. Recommendation

a) to GRANT APPROVAL for:

Approve details in support of Conditions 7 (Solar PV), 11 (Biodiversity Enhancements), and 12 (Accessibility).

b) to REFUSE APPROVAL for:

Refuse details in respect of Condition 3 (Detailed drawings/samples).

Reason for Refusal

The details and materials submitted and the works carried out are of a poor quality, resulting in a detrimental impact to the character and appearance of the host building and wider street scene, contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017.

WARNING OF ENFORCEMENT ACTION TO BE TAKEN

The details and materials submitted, and the works carried out are of a poor quality and not in accordance with the approved plans, to the detriment of the character and appearance of the host building and the street scene, contrary to Policy D1 of the London Borough of Camden Local Plan 2017.

That the Borough Solicitor be instructed to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 (as amended) for the breach of condition 2 and 3 of planning permission 2016/3174/P dated 30/10/2020 and Officers be authorised in the event of non-compliance to prosecute under that section.

The notice shall allege the following breaches of planning control: a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 (as amended) for the breach of condition 2 and 3 of planning permission 2016/3174/P dated 30/10/2020

What you are required to do:

- 1) Detailed drawings, or samples of materials as appropriate shall be submitted to and approved to the Council in accordance with condition 3 of planning permission 2016/3174/P dated 30/10/2020
- 2) Make the development comply with the approved scheme, specifically the poor-quality repointing, lack of soldier course, windows and doors, scale and design of the dormer and window of condition 2 of planning permission 2016/3174/P dated 30/10/2020.

PERIOD OF COMPLIANCE: 1 month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The details and materials submitted and the works carried out are of a poor quality, resulting in a detrimental impact to the character and appearance of the host building and wider street scene, contrary to Policy D1 (Design) of the London Borough of Camden Local Plan 2017.