

DATED

12<sup>th</sup> March

2025

**(1) 52 AVENUE ROAD LIMITED**

-and-

**(2) THE MAYOR AND THE BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN**

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**DEED OF VARIATION**

Relating to the Agreement dated 10<sup>th</sup> May 2023  
Between the Mayor and the Burgesses of the  
London Borough of Camden and  
52 Avenue Road Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**52 AVENUE ROAD LIMITED**

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Andrew Maughan  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street

G:\case files\culture & env\planning\hm\s106 Agreements\52 Avenue Rd (DoV)  
CLS/COM/JO/2679868  
DoV Final

THIS DEED is made on the 12<sup>th</sup> day of March 2025

**BETWEEN**

1. **52 AVENUE ROAD LIMITED** (Co. Regn. No. 13340577) whose registered office is at Bridge House, Market Street, Glossop SK13 8AR (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

**WHEREAS:**

- 1.1 The Council and 52 Avenue Road Limited entered into an Agreement dated 10<sup>th</sup> May 2023 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number BB2699.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 21<sup>st</sup> August 2024 for which the Council resolved to grant permission conditionally under reference 2024/3537/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.



10<sup>th</sup> May 2023 made between the Council and the Owner

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 10<sup>th</sup> May 2023 referenced 2022/1863/P allowing the demolition of existing dwelling and erection of three, 3 storey buildings over part lower ground/basement, comprising total of 12 townhouses (12 x 3 bed), together with associated landscaping and installation of new access gate onto Avenue Road. as shown on drawing numbers

Background Papers, Supporting Documents :

Existing: 208-250A; 208-251A; 208-275; TS12-157J/1; TS06-102n\2; TS06-102n\3

Proposed:208-252G; 208-253E; 208-254E; 208-255G; 208-256C; 208-257B; 208-258B; 208-259; 208-260; 208-261D; 208-270; 208-271B; 208-272D; 208-273D; 208-274D; 208-276; 208-277A; 208-278; 208-290C; 208-291C; 208-320D; 208-321D; 208-322C; 208-323C; 208-324C; 208-325C; 208-326C; 208-327C; 208-328C; 208-329C; 208-330C; 208-331C; 208-400; 208-401; 208-402;

Supporting Documents:

Basement Impact Assessment Rev.06 by A-squared Studio dated 6/10/2022; Ground Movement Assessment Rev.04 by A-squared Studio dated 9/5/2022; Financial Viability Assessment by JLL dated May 2022; Stage 1 Road Safety Audit by Highway Associates dated 25/10;21; Structural Method Statement by Heyne Tillett Steel dated 10.5.22; Flood Risk Assessment & SuDS Strategy Report Rev P01 by Heyne Tillett Steel dated May 2022; SKC101 Rev.P2 by Heyne Tillett Steel dated 7/10/22; SKC100 Rev.P2 by Heyne Tillett Steel dated

6/10/22; Whole Life Cycle Carbon Emissions Assessment V4 by Hodkinson dated Oct 2022; Ground Source Viability Note by Integration dated 31.8.22; Heritage Appraisal by the Heritage Practice dated April 2022; Arboricultural impact assessment by Landmark Trees dated 6/5/22; Fire Strategy report Rev.04 by Atelier ten dated 10/5/22; Sunlight & Daylight Assessment by Aval Consulting Group dated 20/7/22; Employment and Skills Plan by Aval Consulting Group dated May 2022; Waste and Recycling Strategy by Aval Consulting Group dated April 2022; Construction Management Plan by Aval Consulting Group dated 26th April 2022; Transport Statement by Aval Consulting Group dated April 2022; Letter from Aval Consulting Group dated 26th July 2022; Air Quality Desktop Assessment by Aval Consulting Group dated April 2022; Air Quality Assessment by Aval Consulting Group dated August 2022; Noise Impact Assessment by Aval Consulting Group dated April 2022; Energy Strategy by Aval Consulting Group dated July 2022; Design and Access Statement by DOMVS dated April 2022.

### **3. VARIATION TO THE EXISTING AGREEMENT**

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

3.1.1 "Development" variation of condition 2 (approved plans) of planning permission 2022/1863/P granted 10/05/2023 (as amended by 2025/0148/P dated 22/01/2025), for: Demolition of existing dwelling and erection of three buildings over part lower

ground/basement, comprising total of 12 townhouses (12 x 3 bed), together with associated landscaping and installation of new access gate onto Avenue Road; namely to erect rooftop enclosures as shown on drawing numbers: Approved drawings: 208-250A; 208-251A; 208-275; TS12-157J/1; TS06-102n\2; TS06-102n\3 208-252G; 208-253E; 208-254E; 208-255G; 208-256C; 208-257B; 208-258B; 208-259; 208-260; 208-261D; 208-270; 208-271B; 208-272D; 208-273D; 208-274D; 208-276; 208-277A; 208-278; 208-290C; 208-291C; 208-320D; 208-321D; 208-322C; 208-323C; 208-324C; 208-325C; 208-326C; 208-327C; 208-328C; 208-329C; 208-330C; 208-331C; 208-400; 208-401; 208-402; Approved drawings to be replaced: 208-261 Rev D, 208-272D, 208-273D, 208-274D, 208-258B, 208-278, 208-270, 208-271B, 208-290C, 208-291C.Replacement drawings: 208-261 Rev J; 132-104 Rev B; 132-100 Rev B; 208-500; 208-501; 208-502; 208-503; 208-510; 208-511; 208-512; 208-513; 208-520; 208-521; 208-522; 208-523; 208-258G; 208-286B; 132-312; 208-270A; 208-271C; 208-290D; 208-291D.

**3.1.2 "Planning Permission"**

the planning permission for the Development under reference number 2024/3537/P granted by the Council in the form of the draft annexed hereto

**3.1.3 "Planning Application"**

the application for Planning Permission in respect of the Property submitted on 21<sup>st</sup> August 2024 by the Owner and given reference number 2024/3537/P

3.2 All references in Clause 6 and Clause 7 of the Existing Agreement to "Planning Permission reference 2022/1863/P" shall be replaced with "Planning Permission reference 2024/3537/P".

3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

#### **4. COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2024/3537/P.

#### **5 PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

#### **6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

**IN WITNESS WHEREOF** the Council has caused its Common Seal to be hereunto affixed and the Owner and have executed this instrument as their Deed the day and year first before written.

CONTINUATION OF DEED OF VARIATION RELATING TO 52 AVENUE ROAD

~~THE COMMON SEAL OF~~  
EXECUTED AS A DEED BY  
52 AVENUE ROAD LIMITED  
~~was herewith affixed~~  
in the presence of:-

)  
)  
) acting by ) a director

  
.....  
Director

.....  
Director/Secretary

Witness



Bram Vlaanderen Head of Legal  
Select Group HQ, Dubai, UAE.



**CONTINUATION OF DEED OF VARIATION RELATING TO 52 AVENUE ROAD**

**THE COMMON SEAL OF THE MAYOR  
AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN**

was herewith affixed by Order of



Duly Authorised Officer

*J C Golden*





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

Phone: 020 7974 4444  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Application ref: 2024/3537/P  
Contact: Brendan Versluys  
Tel: 020 7974 1196  
Date: 21st February 2025

NTA Planning LLP  
46 James Street  
London  
W1U 1EZ

**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:  
**52 Avenue Road**  
London  
NW8 6HS

**Proposal:**

Variation of condition 2 (approved plans) of planning permission 2022/1863/P granted 10/05/2023 (as amended by 2025/0148/P dated 22/01/2025), for: Demolition of existing dwelling and erection of three buildings over part lower ground/basement, comprising total of 12 townhouses (12 x 3 bed), together with associated landscaping and installation of new access gate onto Avenue Road.; namely to erect rooftop enclosures.

Drawing Nos: Approved drawings:

208-250A; 208-251A; 208-275; TS12-157J/1; TS06-102n\2; TS06-102n\3

208-252G; 208-253E; 208-254E; 208-255G; 208-256C; 208-257B; 208-258B;  
208-259; 208-260; 208-261D; 208-270; 208-271B; 208-272D; 208-273D; 208-274D; 208-276;

208-277A; 208-278; 208-290C; 208-291C; 208-320D; 208-321D; 208-322C; 208-323C; 208-324C; 208-325C; 208-326C; 208-327C; 208-328C; 208-329C; 208-330C; 208-331C; 208-400; 208-401; 208-402;

Approved drawings to be replaced: 208-261 Rev D, 208-272D, 208-273D, 208-274D, 208-258B, 208-278, 208-270, 208-271B, 208-290C, 208-291C.

Replacement drawings: 208-261 Rev J; 132-104 Rev B; 132-100 Rev B; 208-500; 208-501; 208-502; 208-503; 208-510; 208-511; 208-512; 208-513; 208-520; 208-521; 208-522; 208-523; 208-258G; 208-286B; 132-312; 208-270A; 208-271C; 208-290D; 208-291D

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 the original planning permission ref 2022/1863/P dated 10/05/2023.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2022/1863/P shall be replaced with the following condition:

**REPLACEMENT CONDITION 2**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing:

208-250A; 208-251A; 208-275; TS12-157J/1; TS06-102n\2; TS06-102n\3

Proposed:

208-252G; 208-253E; 208-254E; 208-255G; 208-256C; 208-257B; 208-258B; 208-259; 208-260; 208-261 Rev J; 208-276; 208-277A; 208-320D; 208-321D; 208-322C; 208-323C; 208-324C; 208-325C; 208-326C; 208-327C; 208-328C; 208-329C; 208-330C; 208-331C; 208-400; 208-401; 208-402; 132-104 Rev B; 132-100 Rev B; 208-500; 208-501; 208-502; 208-503; 208-510; 208-511; 208-512; 208-513; 208-520; 208-521; 208-522; 208-523; 208-258G; 208-286B; 132-312; 208-270A; 208-271C; 208-290D; 208-291D

**Supporting Documents:**

Basement Impact Assessment Rev.06 by A-squared Studio dated 6/10/2022; Ground Movement Assessment Rev.04 by A-squared Studio dated 9/5/2022; Financial Viability Assessment by JLL dated May 2022; Stage 1 Road Safety Audit by Highway Associates dated 25/10/21; Structural Method Statement by Heyne Tillett Steel dated 10.5.22; Flood Risk Assessment & SuDS Strategy Report Rev P01 by Heyne Tillett Steel dated May 2022; SKC101 Rev.P2 by Heyne Tillett Steel dated 7/10/22; SKC100 Rev.P2 by Heyne Tillett Steel dated 6/10/22; Whole Life Cycle Carbon Emissions Assessment V4 by Hodkinson dated Oct 2022; Ground Source Viability Note by Integration dated 31.8.22; Heritage Appraisal by the Heritage Practice dated April 2022; Arboricultural impact assessment by Landmark Trees dated 6/5/22; Fire Strategy report Rev.04 by Atelier ten dated 10/5/22; Sunlight & Daylight Assessment by Aval Consulting Group dated 20/7/22; Employment and Skills Plan by Aval Consulting Group dated May 2022; Waste and Recycling Strategy by Aval Consulting Group dated April 2022; Construction Management Plan by Aval Consulting Group dated 26th April 2022; Transport Statement by Aval Consulting Group dated April 2022; Letter from Aval Consulting Group dated 26th July 2022; Air Quality Desktop Assessment by Aval Consulting Group dated April 2022; Air Quality Assessment by Aval Consulting Group dated August 2022; Noise Impact Assessment by Aval Consulting Group dated April 2022; Energy Strategy by Aval Consulting Group dated July 2022; Design and Access Statement by DOMVS dated April 2022.

**Reason:**

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

**3 Detailed drawings / samples**

All external windows and doors, facing materials, boundary walls, gates, railings and balustrades, lightwells, and planting and screening between roof level amenity spaces, shall be carried out in accordance with the details approved under 2023/3084/P on 28/12/2023, and all approved samples shall be retained on site.

**Reason:** To safeguard the appearance of the premises and the character of the immediate area and protect the amenity of future/neighbouring occupiers in accordance with the requirements of policies A1, D1 and D2 of the Camden Local Plan 2017.

**4 Air quality monitoring (demolition and construction)**

All air quality monitors shall be retained and maintained on site for the duration of the development in accordance with the details approved under 2024/0049/P on 1/02/2024.

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



5 GSHP

All GSHPs shall be installed in full accordance with the details approved under 2023/3084/P on 28/12/2023 and permanently retained and maintained thereafter.

The system shall be installed in full accordance with the details approved by the Local Planning Authority prior to occupation and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities and to ensure the proposal is energy efficient and sustainable, in accordance with the requirements of policy CC1 and CC2 of the London Borough of Camden Local Plan 2017.

6 Mechanical Ventilation

The mechanical ventilation system shall be constructed and maintained in accordance with the details approved under 2023/3084/P on 28/12/2023.

Reason: To protect the amenity of residents and to ensure the proposal is energy efficient and sustainable in accordance with London Borough of Camden Local Plan Policies CC1 and CC4 and London Plan policy SI 1.

7 Construction and Demolition Waste

The Resource Management Plan shall be fully delivered in accordance with the details approved under 2023/2343/P on 28/09/2023.

Reason: To ensure all development optimise resource efficiency in accordance with policy CC1 of the London Borough of Camden Local Plan Policies and to reduce waste and support the circular economy in accordance with policy SI 7 of the London Plan 2021.

8 Thames Water infrastructure

Drainage works shall be undertaken in accordance with the details approved under 2023/2343/P on 28/09/2023.

Reason: To protect the borough's existing water infrastructure, in accordance with policy CC3 of the London Borough of Camden Local Plan.

9 Flood risk

Flood mitigation works shall be completed in full accordance with the details and mitigation measures approved under 2024/1339/P on 23/08/2024.

Reason: To protect the occupants and property in the event of a flood, and minimise and manage the risk to local flooding, in accordance with policy CC3 of the London Borough of Camden Local Plan.

10 Green Roof

Prior to above ground works, full details in respect of the living roofs in the area indicated on the approved roof plan (including bin/bike stores) 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, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

11 Green Walls

The living walls shall be fully provided and maintained in accordance with the details approved under 2024/3726/P on 20/09/2024.

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, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

12 Basement Engineer:

The basement construction works shall be undertaken in accordance with the appointee details approved under 2023/2343/P on 28/09/2023.

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

13 Basement compliance

The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment dated October 2022 and other relevant documents hereby approved.

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 London Borough of Camden Local Plan 2017.

14 Tree Protection

Tree protection works shall be undertaken in accordance with the approved details under 2023/2343/P on 28/09/2023.

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 Landscaping

The hard and soft landscaping shall be carried out in accordance with the details approved under 2023/2343/P on 28/09/2023.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

16 Landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or, prior to the occupation for the permitted use of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

17 Secured by Design

The works shall be undertaken in accordance with the approved details under 2023/3084/P on 28/12/2023.

Reason: To ensure that the development mitigates the risk of burglary and antisocial behaviour in accordance with policy C5 of the London Borough of Camden Local Plan 2017.

18 Privacy

Notwithstanding the details shown on the approved plans, prior to occupation details of privacy measures for Units 11 and 12's 2nd floor rear windows on the Southeast Elevation only shall be submitted to and approved by the local planning authority. These measures shall be installed and retained permanently prior to occupation.



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

19 Cycle Parking

Notwithstanding the details shown on the approved plans, prior to first occupation of any of the units, full details of 26 cycling parking consisting of 24 long stay spaces (including 1 for non-standard cycles) and 2 short stay spaces shall be submitted and approved and approved by the local planning authority in writing.

The approved cycle parking shall thereafter be provided in its entirety prior to the first occupation of any part of development, and permanently retained thereafter.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 and T2 of the London Borough of Camden Local Plan 2017.

20 Plant Noise

Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

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

21 Anti-vibration isolators

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

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

22 Noise

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.



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

23 Refuse items

The refuse and recycling facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

24 Wheelchair adaptable housing

Unit 5 (as identified on drawing no. 208-324D) in the development hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations.

All other residential units hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.

Reason: To secure appropriate access for disabled people, older people, and others with mobility constraints, in accordance with policies H6 and C6 of the Camden Local Plan 2017.

25 Water Use

The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use.

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

26 External fixtures

No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.

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.

27 Non-road mobile machinery

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Camden Local Plan policies A1 and CC4.

Informative(s):

1 Reasons for granting permission/consent-

The applicant has sought to amend condition 2 of the approved planning permission ref. 2022/1863/P, which requires the consented development to be carried out in accordance with the approved plans.

The proposed drawings have been amended to include the addition of glazed enclosures at the roofs of the three approved terraces. Each of the houses within the terraces would be provided with a covered enclosure to facilitate access to the roof terraces approved as part of the extant permission.

The extant permission approved roof terraces for each of the houses, however details of accesses to these were not specified in the approved documents and the extant permission would only provide access to the roofs via roof hatches. The enclosures, allowing an extension of the existing central staircase and lift for each dwelling, would enable the roof terraces to be accessed by disabled people, older people and others with mobility constraints and enable compliance under Part M4(3) and M4(2) concerning wheelchair adaptable housing.

The enclosures would be recessed from the front and rear elevations of each terrace and not protrude beyond the profile of the approved privacy walls at roof level to each house. The enclosures would also be constructed largely with glazing, which while contrasting with the stone material of the remaining lower part of the elevations, would lend the enclosures as a more lightweight addition, not dissimilar to a traditional conservatory, and appropriately proportioned to the terrace as a whole to read as a subservient element of the built-form. In particular, the pitched roof lights to the structures on the two longer buildings are considered to be appropriate in terms of complimenting the architectural style of the main body of the building. The flat roof profile to the structures on the pavilion building is also considered to be appropriate to the architectural style of this building given its differing roof form.

The enclosures would also be partly obscured by proposed planting at the edges of the roof (details to be secured under condition 15).

Given the set back of the structures, screening by planting on the roof gardens and the extensive tree canopy around the site, along with the angle of view from the pavement, the rooftop additions would not have a significant impact, and would have limited visibility from the public realm.

Taking into account the sympathetic design, bulk, form, and location of the rooftop enclosures, together with their limited prominence from the public-realm, the addition of the rooftop enclosures to the terraces would be acceptable in terms of design and appearance.

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.

The proposals would reduce the amount of greening which could be provided over the building's roofs. The central elements of the approved green roof are to incorporate porous paving/blue roofs and form part of the site's sustainable drainage strategy. The proposed lightweight structures of the roof enclosures would not lend themselves to accommodating the additional weight of a green roof.

- 2 The applicant has sought to mitigate the loss of these parts of the approved green roofs and their biodiversity value through the provision of an additional 5 x *Taxus baccata* trees at the site. It is noted the remainder of the site is well landscaped and the main part of the site's attenuation from water runoff is from a below ground attenuation tank system. On balance, the loss of these parts of the green roofs to allow the approved roof terraces to be more conveniently accessible, including to wheelchair users, with the on-site mitigation to be provided in the form of the 5 x replacement trees together with the remaining area of approved landscaping, would be acceptable. The overall Urban Greening Factor score of 0.51 remains above the London Plan minimum score of 0.4 for residential development.

Given the nature and scale of the works, the proposal would not cause any adverse impacts on the amenity of adjoining residential occupiers in terms of loss of light, outlook, or privacy. In particular, the approved scheme provides for the roofs to be used as private amenity spaces for the dwellings, therefore the addition of the roof enclosures would not provide for any changes to overlooking to adjacent properties.

No objections have been received prior to making this decision, and the Elsworthy CAAC made no objection. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, H1, H3, H4, H6, H7, A1, A2, A3, A4, A5, C6, D1, D2, T1, T2, T4, CC1, CC2, CC3, CC4, CC5, and DM1 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 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).
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)



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

- 5 Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because the application for the original permission to which this s73 permission relates was made before 2 April 2024.
- 6 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.
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 9 Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 10 The proposed works will be in close proximity to underground strategic water main, utility infrastructure. Please note condition 8 attached the permission. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

If you require further information please contact Thames Water.  
Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

- 11 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will

be required which may not be approved.

12 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.

13 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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14 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.

15 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

Supporting Communities Directorate