

Mr Howard Smith
Brinkworth
4-6 Ellsworth Street
London
E2 0AX

Application Ref: **2012/4138/P**
Please ask for: **Aysegul Olcar-Chamberlin**
Telephone: 020 7974 **6374**

30 January 2013

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:
**48 C Netherhall Gardens
London NW3 5RG**

Proposal:

Variation of condition 9 (development to be carried out in accordance with the approved plans) pursuant to planning permission granted on 16/11/11 (ref: 2011/1177/P) for the erection of three storey dwelling house with basement, following demolition of existing dwelling house to allow for minor material amendments to include increasing the height of the glazed side section to ridge level, partial infilling of second floor front roof terrace, alterations to ground floor side addition and details of fenestrations, raising east side boundary wall, relocation of basement courtyard and stairs to rear garden, new ramp to entrance door in front garden, installation of walk on skylight (above basement level) and new timber decking in rear garden and details of altered landscaping and cycle storage.

Drawing Nos: Superseded drawings- (Prefix 2249) A201d; A202d; A203d; A204d; A205d; A206d; A207d; A208d; A209d; and A210d.

Drawings for approval- (Prefix 2249) C401.1; C401.1D; C401.2D; C401.2; C401.3; C401.5 (second floor plan); C401.5 (Roof plan); C402.1; C402.2; C402.3; C403.1; C403.2; C403.3; C403.4; C403.5; C403.6; C403.7; C403.8; C403.9; C404.2; C404.3; C417A; C417.1A;



C420A; C421A; C422A; C423; C424; C425; C426; C427; C428; C429; C430; C431 ;E100; E102A; E103A; E104A; E105; E105.1A; E106; E107; E108; A one-coat through coloured cementitious render (mushroom colour); Bronze finish powder coated Velfac windows RAL 8019; Marshalls fairstone granite setts, silver Grey; Hansford Dark Morrocan Brick in stretcher bond with matching flush mortar; and VMZINC Pigmento Red.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 Condition 9 of the planning permission granted on 16/11/11 under reference number 2011/1177/P shall be replaced by the following condition:

REPLACEMENT CONDITION 9

The development hereby permitted shall be carried out in accordance with the following approved plans- (Prefix 2249) C401.1; C401.1D; C401.2D; C401.2; C401.3; C401.5 (second floor plan); C401.5 (Roof plan); C402.1; C402.2; C402.3; C403.1; C403.2; C403.3; C403.4; C403.5; C403.6; C403.7; C403.8; C403.9; C404.2; C404.3; C417A; C417.1A; C420A; C421A; C422A; C423; C424; C425; C426; C427; C428; C429; C430; C431 ;E100; E102A; E103A; E104A; E105; E105.1A; E106; E107; E108; A one-coat through coloured cementitious render (mushroom colour); Bronze finish powder coated Velfac windows RAL 8019; Marshalls fairstone granite setts, silver Grey; Hansford Dark Morrocan Brick in stretcher bond with matching flush mortar; VMZINC Pigmento Red; Structural Design Statement by Haskins Robins Waters dated October 2010; Desk Study and Ground Investigation by Geotechnical Associates dated June 2011; Code for Sustainable Homes Pre-Assessment by OR Consulting Engineers; Lifetime Homes Statement by Brinkworth Design Limited; Tree Survey and Map (TCP-01) by Arbtech Environmental Services.

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

- 2 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when the air source pump in the front garden is in operation unless the air source pump 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 10dB(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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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.
- 2 Reasons for granting permission.

The proposed variation of condition 9 would not materially deviate from the reasons stated for the approval of the parent permission (ref 2011/1177/P) granted on 16/11/11. Furthermore the minor changes sought would be in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS1 (Distribution of growth), CS4 (Areas of more limited change), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS11 (Promoting Sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage) and CS19 (Delivering and monitoring the Core Strategy); and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP1 (Mixed use development), DP2 (Making full use of Camden's capacity for housing), DP6 (Lifetime homes and wheelchair homes), DP16 (Transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and the availability of parking), DP19 (Managing the impact of parking), DP20 (Movement of Goods and Materials), DP21 (Development connecting to the highway network), DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP27 (Basements and Lightwells), DP28 (Noise and vibration), DP29 (Improving access) and DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer report.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 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).
- 5 You are reminded that conditions 8 (covered cycle storage), 10 (details of drainage scheme) and 12(method statement for tree protection) of planning permission granted on 16/11/11 (ref: 2011/1177/P) are outstanding and require details to be submitted and approved.
- 6 You are advised to contact the Council's Trees and Landscape officer, Tom Little (tel: 02079745283) for further advice on method statement for tree protection measures.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444