

Address:	30 A Thurlow Road London NW3 5PH		5
Application Number:	2015/5409/P	Officer: David Peres da Costa	
Ward:	Hampstead Town		
Date Received:	24 th September 2015		
Proposal: Amend the method of securing the Sustainability and the Energy efficiency plan in relation to planning permission ref: 2015/5409/P, granted subject to a Section 106 Legal Agreement at Development Control Committee on the 7 th April 2016, from a head of term to a planning condition.			
Background Papers, Supporting Documents and Drawing Numbers: Site location plan; 1503-L-: 011; 014; 015; 016; 017; 018; 019; 020; 021; 111A; 113B; 114A; 115A; 117A; 120A; 029A; 112C; 116C; 119C; Arboricultural impact analysis prepared by Skerratt dated 15/08/15; Arboricultural method statement prepared by Skerratt dated 15/08/15; Planning statement prepared by Square Feet Architects dated September 2015; Sustainable design and construction prepared by Planning for Sustainability dated August 2015; Letter from Square Feet Architects dated 14/12/15; Basement Impact Assessment prepared by LBH Wembley dated December 2015; Geotechnical, Hydrogeological and Ground Movement Assessment prepared by LBH Wembley dated December 2015; BIA audit tracker (response to queries); Daylight and Sunlight Report prepared by BVP dated November 2015; BIA Audit prepared by Campbell Reith dated January 2016			
RECOMMENDATION SUMMARY: To secure the Sustainability and the Energy efficiency plan in relation to planning permission ref: 2015/5409/P, granted subject to a Section 106 Legal Agreement at Development Control Committee on the 7 th April 2016, by way of additional conditions 14 and 15.			

Reason for Referral to Committee: The application is reported to committee as it involves changes to the s106 legal agreement Heads of Terms which were agreed by Committee's resolution to grant planning permission.

1. Background:

- 1.1 Development control committee resolved to grant planning permission (7th April 2016) subject to a Section 106 legal agreement for the above development.
- 1.2 The legal agreement included the following heads of terms:
1. Construction Management Plan
 2. Basement Construction Plan
 3. Sustainability
 4. Energy efficiency plan
 5. Highways Contribution
- 1.3 During the drafting of the detailed wording of the legal agreement, it became evident that the term of the obligations for both Sustainability and the Energy efficiency plan could be replaced by conditions.

- 1.4 The NPPF states planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 203). Here it is evident that the requirements of the Heads of Terms could be secured by conditions which require compliance with already submitted application documentation, and pre-occupancy certification, rather than post-occupancy certification, will suffice to verify that the requirements have been provided.
- 1.5 The officer's committee report presented to committee on 7th April 2016 has been attached as an appendix.

2. **Recommendation**

- 2.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms and the following additional conditions:-

Heads of Terms:

1. Construction Management Plan
2. Basement Construction Plan
3. Highways Contribution

Additional conditions

Sustainability (condition 14)

The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved sustainability statement (Sustainable Design and Construction prepared by Planning for Sustainability dated August 2015). Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

Energy Efficiency (condition 15)

The development hereby approved shall be constructed in accordance with the approved energy statement (Sustainable Design and Construction prepared by Planning for Sustainability dated August 2015) to achieve a 35% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy, and a 20% reduction in carbon dioxide emissions through renewable technologies. Prior to occupation,

evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

3. LEGAL COMMENT

- 3.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 1503-L-: 011; 014; 015; 016; 017; 018; 019; 020; 021; 111B; 113C; 114C; 115B; 117A; 120A; 029A; 112D; 116D; 119D;

Arboricultural impact analysis prepared by Skerratt dated 15/08/15; Arboricultural method statement prepared by Skerratt dated 15/08/15; Planning statement prepared by Square Feet Architects dated September 2015; Sustainable design and construction prepared by Planning for Sustainability dated August 2015; Letter from Square Feet Architects dated 14/12/15; Basement Impact Assessment prepared by LBH Wembley dated December 2015; Geotechnical, Hydrogeological and Ground Movement Assessment prepared by LBH Wembley dated December 2015; BIA audit tracker (response to queries); Daylight and Sunlight Report prepared by BVP dated November 2015.

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

4 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 before the relevant part of the work is begun:

a) Details including typical sections at 1:10 of windows to be submitted to local planning authority and typical sample of frame to be provided on site

b) Manufacturer's specification details of all facing materials including render and timber cladding (to be submitted to the Local Planning Authority) and 0.4m x 0.4m samples of those materials (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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

5 The cycle store for 2 cycles hereby approved shall be provided in its entirety prior to the first occupation of the new dwelling, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

6 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

7 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

8 Sustainable urban drainage:

A) Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, and shall demonstrate that greenfield run off rates (5l/s) will be achieved.

B) Prior to occupation of the development, evidence that the sustainable drainage system has been implemented shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

9 Prior to the first occupation of the building a plan showing details of the bio-diverse roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof 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 of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

10 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 11 No impact piling until a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

- 12 A 1.75metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected at lower ground floor level prior to the occupation of the development and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved sustainability statement (Sustainable Design and Construction prepared by Planning for Sustainability dated August 2015). Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

- 15 The development hereby approved shall be constructed in accordance with the approved energy statement (Sustainable Design and Construction prepared by Planning for Sustainability dated August 2015) to achieve a 35% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy, and a 20% reduction in carbon dioxide emissions through renewable technologies. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).