

Mr CLARKE
CITE CONSTRUCTION
SUNFLAG HOUSE
87-89 BAKER STREET
W1U 6RJ

Application Ref: **2016/6087/P**
Please ask for: **Gideon Whittingham**
Telephone: 020 7974 **5180**

29 March 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

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

Address:
51 & 53 Agar Grove
London
NW1 9UE

Proposal:

Variation of conditions 15 (cycle parking) and 17 (approved plans) of planning permission 2014/2833/P dated 12/03/2015 (for erection of a basement and 4-storey pair of buildings and a basement and 3-storey building to create 8 flats), namely the omission of basement floor level beneath 4 storey building and erection of single storey cycle, refuse and lobby area at ground floor level.

Drawing Nos: Superseded: A100 Rev C; A101 Rev E; A102 Rev E; A103 Rev D; A104 Rev D; A105 Rev D; A110 Rev C; A200 Rev D; A201 Rev D; A301 Rev E; A302 Rev D; A303 Rev D; A305 Rev D; A307; A400 Rev D; A401 Rev D; A402 Rev D; A403 Rev D; A404 Rev D; A405 Rev D; A410 Rev D; A411 Rev D; A500;

Proposed: 328 A100K; A101 F; 328 A102E; 328 A103E, 328 A104D; 328 A105D; A110D; 328 122 A; A200 E; A301 F; A302 Rev D2; A303 E; A307 Rev A; A500A; A(0)05.

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



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 planning permission 2014/2833/P dated 12/03/2015.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Details of all facing materials (as approved under application 2015/5331/P dated 05/10/2015) shall be implemented in accordance with the approved details or subsequently approved details prior to occupation of the development and thereafter be permanently retained.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

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

a) Typical details of new railings at a scale of 1:10 with finials at 1:1, including materials, finish and method of fixing into the plinth.

b) Plan, elevation and section drawings of all new doors and windows including jambs, head and cill at a scale of 1:10

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

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning

(General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out in relation to the single dwellinghouse hereby approved fronting onto St Paul's Crescent 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.

- 6 Only the areas specifically shown on the plans hereby approved as external terraces/balconies shall be used for such purposes; and no other flat roofed areas shall be used as a roof terrace/balcony, and any access out onto these areas shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement 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.

- 7 Details (elevations, sections, details of material and specifications) of the measures to prevent unreasonable overlooking of neighbouring premises from external terraces (as approved under application 2016/5062/P dated 03/10/2016) shall be implemented in accordance with the approved details or subsequently approved details prior to occupation of the development and thereafter 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.

- 8 Details of hard and soft landscaping and means of enclosure of all un-built, open areas (as approved under application 2015/5329/P dated 05/10/2015) shall be implemented in accordance with the approved details or subsequently approved details prior to occupation of the development and thereafter be permanently retained.

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.

- 9 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 any phase of the development. Any trees or areas of planting 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 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.

- 10 Details of the proposed bird and insect boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the new dwelling fronting onto St Paul's Crescent. The details shall include the exact location, specification and design. The approved boxes / bricks shall be installed with the development prior to the first occupation of the building. The boxes / bricks shall be installed strictly in accordance with the details so approved, and shall be maintained as such thereafter.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 11 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: To ensure the development contributes towards the protection of any existing habitats and valuable areas for biodiversity in accordance with policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 12 Details of the green or brown 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 or brown roof, and a programme for a scheme of maintenance (as approved under application 2016/5064/P dated 30/09/2016) shall be implemented in accordance with the approved details or subsequently approved details prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that a green or brown 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.

- 13 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 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 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.

- 14 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved, shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the buildings provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 15 The approved cycle storage facilities providing 15 spaces shall be provided in their entirety prior to the first occupation of any of the residential units, 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.

- 16 The waste and recyclables storage and removal facilities hereby approved shall be provided prior to the first occupation of any residential unit 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 CS18 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.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans: A5; A10; A20 Rev A; A21 Rev A; A22 Rev A; A23 Rev

A; A24 Rev A; A30 Rev A; A31 Rev A; A32 Rev A; A35 Rev A; A36 Rev A; A40 Existing Ground Floor Plan; A41 Rev A; A42; A43 Rev A; A50; A90; A202 Rev D; A300 Rev D; A304 Rev D; A306 Rev D; A501; 328 A100K; A101 F; 328 A102E; 328 A103E, 328 A104D; 328 A105D; A110D; 328 122 A; A200 E; A301 F; A302 Rev D2; A303 E; A307 Rev A; A500A; A(0)05; Design and Access Statement by Dmfk; Planning and Heritage Statement by NLP dated April 2014; Arboricultural Impact Assessment by ACD Arboriculture Ref PRI18839aia dated 10/04/2014; Tree Report by ACD Arboriculture Ref PRI18839tr dated 08/01/2014; Code for Sustainable Homes PreAssessment by hurleypalmerflatt Ref WED07348 Issue 4 dated 05/06/2014; Energy Strategy by hurleypalmerflatt Ref WED07348 Issue 1 dated 06/06/2014; Planning Compliance Report by KP Acoustics Ltd Ref 11241.PCR.01 dated 04/06/2014; Daylight, Sunlight and Shadow Assessment by NLP Ref 13545/IR/BK dated April 2014; Construction Management Plan by 3PM Rev 0 dated 17/04/2014; Basement Impact Assessment by Webb Yates Engineers Ref J1879-Doc-03 Rev X6 dated 28/10/2014; Statement of Community Involvement by Four, dated April 2014; Letter from NLP ref 13545/IR/BK/7939104v1 dated 01/12/2014; Appendices 1-5 ID13545-002; Independent Review of Basement Impact Assessment for planning application 2014/2833/P UPDATED by LBH Wembley Ref LBH4268 Ver 3.0 dated 10/11/14.

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 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 be 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 The pedestrianised space between Agar Grove and St Paul's Crescent, comprising hardstanding and two rows of mixed deciduous street trees, is outside of the ownership of the applicant. For the avoidance of doubt, any landscaping upgrading works shown/intimated within the submission and outside of the red line of the application site are not approved.
- 5 Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests could be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey (undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 0845 600 3078.
- 6 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats) Regulations 1994 which protect bats from intentional or deliberate actions which may kill, injure capture a bat and from actions that intentionally or recklessly damage, destroy or obstruct access to a bat roost (whether bats are present or not) or disturb a bat when occupying a roost. Actions such as demolition and renovation works to a building, and tree felling or significant tree surgery are likely to result in a breach of the above legislation if bats or bat roosts are present. For further information contact Natural England on 0845 600 3078.
- 7 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.

- 8 With regard to condition no. 14 you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5124) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 9 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 10 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.
- 11 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.
- 12 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.
- 13 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).
- 14 Reasons for granting permission.

The proposed alterations include the omission of the basement and the erection of housing elements through the site to provide cycle and refuse storage areas, along with a new lobby to the larger residential accommodation and minor room reconfiguration. The details submitted indicate sympathetic cladding materials and compliance with the relevant polices and standards. It is considered these are relatively minor alterations which would not harm the appearance of the building or the amenity of the wider area.

No objections have been received prior to making this decision. The sites planning

history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with policies CS3, CS5, CS8, CS9, CS10, CS11, CS14 and CS16 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP16, DP17, DP24, DP25, DP26 and DP30 of the London Borough of Camden Local Development Framework Development Policies and policies TC4, E1, E2 G1, A1, A4, D1, D2, CC1, DM1, C1, C2, C3, T1, T2, T3, T4 and CC4 of the Camden Local Plan Submission Draft 2016.

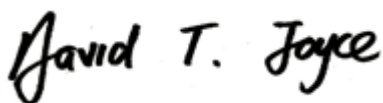
- 15 You are advised that the following conditions relating to planning permission with reference 2014/2833/P dated 12/03/2015 are currently pending decisions to be discharged:
- Pending: 4a)b), 10,
- Please note that all conditions relating to the abovementioned application are either pending at this stage, or have been approved.
- 16 The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce
Director of Regeneration and Planning

