

Mr. Darren Clarke
Cite Construction
Sunflag House
87-89 Baker Street
London
W1U 6RJ

Application Ref: **2017/1175/P**
Please ask for: **Tania Skelli-Yaoz**
Telephone: 020 7974 **6829**

11 July 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:

**Shannon Court
1B Frognal
(previously known as 1A Frognal)
London
NW3 6AL**

Proposal:

Variation to condition 2 (approved drawings) of planning permission ref. 2013/7145/P granted on 20/03/14 for amendment to planning permission dated 13/12/2012 (ref 2012/5492/P) for the erection of building comprising lower ground and ground floor level to provide 2 x 2-bedroom dwellings (Class C3) (following the demolition of existing garages); namely for the retention of the building as built to include amendments to the approved footprint and internal layout.

Drawing Nos: [Prefix: ED/1FR/] (SUPERSEDED) 101, 301B, 302B, 303, 401B, 402b/c.

(PROPOSED:) 101B, 301C, 302 C, 303C, 401C, 402D.

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 shall be carried out in accordance with the following approved plans: [Prefix: ED/1FR/] (as approved:) 101, 301B, 302B, 303, 401B, 402b/c, (as proposed:) 101B, 301C, 302 C, 303C, 401C, 402D; Daylight and Sunlight Study dated 23/11/2012, Basement Impact Assessment Screening report by Soil Consultants dated 27/11/2012 and BIA by ESI re. 60652/R2 Rev 1D1 (Soil consultants report ref. 9298), Foundation report by JNP Group ref. Q4005/FRO/MPD/JP.001 dated 5/4/12, Tree Care Proposal 0612 by TRETEC.

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

- 2 Prior to first occupation, full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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 policy CS14 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.

- 3 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. 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 policy CS14 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.

- 4 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 and E) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of overdevelopment in accordance with policy 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.

- 5 Prior to first occupation, details of secure and covered cycle storage area for 1 cycle for each dwelling shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter 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.

Informative(s):

- 1 Reasons for granting permission:

The proposal includes a development of two residential semi-detached modern homes on a site of former garages. The development has not been built in accordance with the extant planning permission ref. 2012/5492/P dated 13/12/2012 as varied by planning permission ref. 2013/7145/P dated 20/03/2014. The scale, design and nature of the proposal is similar to the existing permission. The built area (footprint) is slightly less than approved, resulting in smaller internal areas and the re-configuration of the internal layout, resulting in each of the main bedrooms laid on separate levels instead of both on the lower ground floor level. However, all habitable spaces retain a reasonable outlook and some outdoor space. Due to its size and location, which is not materially different to the extant permission, the building would not significantly harm the amenity of any adjoining residential occupiers in terms of privacy, outlook, daylight and sunlight.

Whilst the development includes a small room (4.7sqm) labelled as a study to the rear-most (house no. 2) unit, it is considered too small to be conceivably used as bedroom so is not considered as such. Its use as a study area or something similar is therefore acceptable in this instance.

No objections have been received prior to making this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

All planning obligations attached to previous permissions were previously discharged. The development would remain secured as car-free by legal agreement. Conditions that were not discharged have been carried through to this permission and require details prior to the occupation of the development.

As such, the proposed development is in general accordance with policies CS5 and CS14 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 and the emerging Local Plan 2016 policies A1 and D1. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

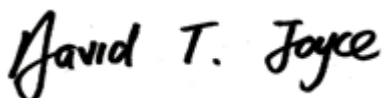
- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission.
- 3 Your attention is drawn to the fact that 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.
- 4 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 5 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

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