

Mr Emilios Tsavellas  
Savills  
Fourth Floor  
33 Margaret Street  
London  
W1G 0JD

Application Ref: **2017/2265/P**  
Please ask for: **Samir Benmbarek**  
Telephone: 020 7974 **2534**

29 January 2018

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:  
**78 Compayne Gardens**  
**London**  
**NW6 3RU**

Proposal:

Demolition of existing garage and erection of 1x bedroom dwelling within rear garden  
Drawing Nos: 078: A0.02\_PD; A0.01\_EX; A1.01\_EX; A2.01\_EX; A2.02\_EX; A3.01\_EX;  
A4.01\_EX; A1.01\_PD; A1.02\_PD; A.201b\_PD; A2.01\_PD; A2.02\_PD; A2.03\_PD;  
A2.04\_PD; A3.01\_PD; A4.01\_PD; A4.02\_PD; A4.03\_PD.

Transport Statement by Paul Mew Associates dated December 2016; Planning Statement by Savills dated April 2017; Design and Access Statement by Scenario Architecture dated March 2017; Arboricultural Impact Assessment dated 17 March 2017; Tree Constraints Plan by Landmark Trees dated July 2016; Daylight and Sunlight Study (Neighbouring Properties) by Right of Light Consulting dated 15 March 2017; Daylight and Sunlight Study (Within Development) by Right of Light Consulting dated 15 March 2017; Window Key by Right of Light Consulting.

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 this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 078: A0.02\_PD; A0.01\_EX; A1.01\_EX; A2.01\_EX; A2.02\_EX; A3.01\_EX; A4.01\_EX; A1.01\_PD; A1.02\_PD; A.201b\_PD; A2.01\_PD; A2.02\_PD; A2.03\_PD; A2.04\_PD; A3.01\_PD; A4.01\_PD; A4.02\_PD; A4.03\_PD.

Transport Statement by Paul Mew Associates dated December 2016; Planning Statement by Savills dated April 2017; Design and Access Statement by Scenario Architecture dated March 2017; Arboricultural Impact Assessment dated 17 March 2017; Tree Constraints Plan by Landmark Trees dated July 2016; Daylight and Sunlight Study (Neighbouring Properties) by Right of Light Consulting dated 15 March 2017; Daylight and Sunlight Study (Within Development) by Right of Light Consulting dated 15 March 2017; Window Key by Right of Light Consulting.

Reason:

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

- 3 Before the relevant part of the work is begun, 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:

a) Fully annotated details including sections at minimum 1:5 of the proposed fenestration including doors, windows, screening, roof and external gates.

b) Details including sections of all proposed windows including heads, jambs and cills at min 1:5.

c) Where appropriate details including sections of all window transoms and mullions at 1:5.

d) Eaves details including sections at minimum 1:5

e) Manufacturer's specification of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials to be provided on site.

f) Sample panel of the brickwork and mortar at dimensions of 2sqm.

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

- 4 Before the development commences, details of secure and covered cycle storage area for 2x cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to first occupation of the dwelling, evidence demonstrating that it has been completed in compliance with Building Regulations Part M4 (2) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time in accordance with policy H6 of the London Borough of Camden Local Plan 2017

- 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 local planning authority 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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 No works on the relevant parts of the development shall commence until 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. The relevant works shall not be carried out otherwise than in accordance with the details thus approved. 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 Council gives written consent to any variation.

Reason: To enable the Council to ensure a reasonable standard of amenity in the scheme in accordance with the requirements of policies A2, A3 and CC3 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to commencement of the development, details of 2 replacement trees,

including species, position, and size, shall be submitted to and approved in writing by the local planning authority. The trees as approved shall be planted prior to the end of the next available planting season.

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

- 9 Prior to occupation of the development, evidence demonstrating that the development hereby approved will achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use shall be submitted and approved in writing 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 CC1, CC2, and CC3 of the London Borough of Camden Local Plan 2017.

- 10 Prior to commencement of development, an energy statement demonstrating how the building will achieve a 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations (in line with the energy hierarchy) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be implemented other than in accordance with the details as approved.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 11 Prior to commencement of development, a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 12 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan 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(major apps only), D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 The existing garage is not considered to make a positive contribution to the conservation area (CA) and therefore its demolition would not cause harm to the character and appearance of the designated heritage asset. Therefore there is no in-principle objection to its demolition, subject to a suitably high quality replacement which preserves or enhances the CA.

The proposed dwelling house is considered to be appropriate in its scale and design. The proposal maintains its subordinate mass and scale in relation to the main dwelling house and its infill location within the conservation area. The choice of materials used in the proposal are both innovative but also reinterprets existing design such as the red-brick style which is predominant within the host conservation area. Overall, the proposal would enhance the character and appearance of the South Hampstead Conservation Area and is appropriate in design terms as a replacement for the garage. This further justifies the principle of the demolition of the existing structure within the conservation area to which s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been carefully considered.

The proposed dwelling is acceptable in its interior footprint and space standards as it surpasses the minimum space standard for a one-bedroom, two-storey dwelling and the bedroom also exceeds the minimum space standard for a double bedroom as specified within the Department of Communities and Local Government (DCLG) space standards. The dwelling is also design and adapted to meet the majority of the accessibility requirements of Building Regulations M4(2) and a condition would be added to ensure that the accessibility requirements of policy H6 are met.

The site falls within the Swiss Cottage Controlled Parking Zone (CPZ). Although the existing structure is not in use for parking purposes, the demolition and subsequent replacement of the garage would formally result in a loss of parking space(s), which is supported by policy T2 of the Camden Local Plan. As per the requirements of policy T2, this decision is subject to a car-free legal agreement to ensure that future occupants of the development are not entitled to on-street parking permits. The development provides 2x cycles spaces which is the minimum requirement for this development. Further details of the cycle parking spaces shall be required by condition upon approval.

The proposals involve the removal of 4 trees from the site, which would not cause harm to the character of the CA and is acceptable, subject to a condition securing 2 replacement trees. The submitted arboricultural report identifies that the works can take place without causing harm to the offsite Norway Maple. The proposals have been reviewed by the Council's Trees and Landscaping Officer who has raised no

objections to the scheme subject to the implementation of conditions as listed above.

The proposed dwelling house has also been reviewed by the Council's Sustainability Officer who does not object subject to conditions to:

- a) ensure that the proposed dwelling achieve 110 litres water consumption per person per day (including 5 litres for external water use);
- b) secure 20% in carbon dioxide emissions beyond Part L 2013 Building Regulations in accordance with the energy hierarchy;
- c) the submission of a sustainability statement that demonstrates how sustainable design principles and climate adaptation measures have been incorporated into the design and construction of the development.

These suitable conditions are suggested to ensure that the development and its construction contributes to minimising the effects and can adapt to climate change as well as minimising unnecessary water usage.

A condition for further details for the green roof including its maintenance plan is also suggested to ensure the development undertakes reasonable measures to ensure biodiversity and the water environment.

2 (continued)

The proposal due to its location, scale and design (including the location of the proposed windows) is considered to cause negligible harm to adjoining residential occupiers. This is including the 'green space' terrace at first floor level which is situated within the structure and does not cause any adverse concerns of overlooking or nuisance.

Planning permission on this development is subject to the signing of a S106 agreement to secure the following:

- a) Car-free development- to ensure the development does not contribute to further parking stress within the area and borough;
- b) Contribution towards highways works- to ensure that any damage to the public highway is made good as a result of the works;
- c) Construction Management Plan (CMP)- to monitor that the construction phase of the development does not adversely affect neighbouring occupiers and the local highway network.

No objections or comments were received prior to making this decision. The planning history of the site and relevant appeal decisions were taken into account when coming to this decision.

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

As such, the proposed development is in general accordance with policies H1, H6,

A1, A3, D1, D2, CC1, CC2, CC3, T1, T2 T4 and DM1 of the London Borough of Camden Local Plan 2017. The proposed development is also in general accordance with the London Plan 2016 and the National Planning Policy Framework 2012.

- 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 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the proposal involves one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule is likely to be £3,390 (67.8sqm x £50) for the Mayor's CIL and £33,900 (67.8sqm x £500) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstance. Both CILs will be collected by Camden Council after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with construction costs index.

- 5 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.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.

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

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D'.

David Joyce  
Director of Regeneration and Planning