

Application ref: 2019/1747/P
Contact: Kate Henry
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Date: 17 January 2020

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

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Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

77 Avenue Road
London
NW8 6JD

Proposal:

Demolition of existing dwelling and erection of replacement three-storey detached dwelling with double basement

Drawing Nos: 1716-PL-001 Rev 0; 1716-PL-002 Rev 0; 1716-PL-100 Rev 0; 1716-PL-101 Rev 0; 1716-PL-102 Rev 0; 1716-PL-110 Rev 0; 1716-PL-111 Rev 0; 1716-PL-112 Rev 0; 1716-PL-113 Rev 0; 1716-PL-130 Rev 0; 1716-PL-200 Rev B; 1716-PL-300 Rev B; 1716-PL-301 Rev B; 1716-PL-302 Rev B; 1716-PL-303 Rev C; 1716-PL-304 Rev D; 1716-PL-305 Rev D; 1716-PL-310 Rev C; 1716-PL-311 Rev D; 1716-PL-312 Rev D; 1716-PL-313 Rev D; 1716-PL-315 Rev B; 1716-PL-316 Rev C; 1716-PL-330 Rev D; 1716-PL-331 Rev F; 1716-PL-332 Rev D; 1716-PL-333 Rev C; 1716-PL-334 Rev E; Tree protection Plan (16377-BT3); Daylight, Sunlight & Overshadowing (dated March 2018); Environmental Noise and Impact Assessment (dated March 2018); SUDs report (dated June 2018); Arboricultural Assessment and Method Statement (dated 14 June 2018); Energy & Sustainability Statement (dated June 2018); Design & Access Statement (dated April 2018); Overheating Assessment (dated 14/08/2019); Structural Method Statement (dated August 2019); Ground Investigation and Basement Impact Assessment report (dated August 2019); Factual Report (site investigation) (dated February 2017)

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: 1716-PL-001 Rev 0; 1716-PL-002 Rev 0; 1716-PL-100 Rev 0; 1716-PL-101 Rev 0; 1716-PL-102 Rev 0; 1716-PL-110 Rev 0; 1716-PL-111 Rev 0; 1716-PL-112 Rev 0; 1716-PL-113 Rev 0; 1716-PL-130 Rev 0; 1716-PL-200 Rev B; 1716-PL-300 Rev B; 1716-PL-301 Rev B; 1716-PL-302 Rev B; 1716-PL-303 Rev C; 1716-PL-304 Rev D; 1716-PL-305 Rev D; 1716-PL-310 Rev C; 1716-PL-311 Rev D; 1716-PL-312 Rev D; 1716-PL-313 Rev D; 1716-PL-315 Rev B; 1716-PL-316 Rev C; 1716-PL-330 Rev D; 1716-PL-331 Rev F; 1716-PL-332 Rev D; 1716-PL-333 Rev C; 1716-PL-334 Rev E; Tree protection Plan (16377-BT3); Daylight, Sunlight & Overshadowing (dated March 2018); Environmental Noise and Impact Assessment (dated March 2018); SUDs report (dated June 2018); Arboricultural Assessment and Method Statement (dated 14 June 2018); Energy & Sustainability Statement (dated June 2018); Design & Access Statement (dated April 2018); Overheating Assessment (dated 14/08/2019); Structural Method Statement (dated August 2019); Ground Investigation and Basement Impact Assessment report (dated August 2019); Factual Report (site investigation) (dated February 2017).

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) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials, including a sample panel of the brickwork (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 D1 of the Camden Local Plan 2017.

- 4 The replacement dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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 the requirements of Policy H6 of the Camden Local Plan 2017.

- 5 The side-facing windows at first and second floor levels (other than those windows which serve the staircase) shall be obscurely glazed and non-openable below a height of 1.7m. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of Policy A1 of the Camden Local Plan 2017.

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) 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 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 G1, D1 and A1 of London Borough of Camden Local Plan 2017.

- 7 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 8 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Policies G1, A1, A4, D1, CC1 of the London Borough of Camden Local Plan 2017.

- 9 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and

surrounding premises is not adversely affected by noise in accordance with Policy A4 of the Camden Local Plan 2017.

- 10 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017.

- 11 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment (as amended) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of Policy A5 of the Camden Local Plan 2017.

- 12 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Arboricultural assessment & method statement (dated 14th June 2018), unless otherwise agreed in writing with the Local Planning Authority.

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 Camden Local Plan 2017.

- 13 No development shall take place 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 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 policies A2, A3 and D1 of the London Borough of Camden Local Plan 2017.

- 14 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,

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 Policies A2, A3 and D1 of the Camden Local Plan 2017.

- 15 Prior to commencement of development, full details in respect of the green roof 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, D1 and A3 of the Camden Local Plan 2017.

- 16 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 based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

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 CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 17 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

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 Camden Local Plan 2017.

- 18 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 Camden Local Plan 2017.

- 19 The staff accommodation shall remain ancillary to the use of the main property and shall not be used as an independent self-contained residential unit.

Reason: The accommodation is not suitable for use as an independent self-contained residential unit, in accordance with Policies H6 and D1 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting

This application seeks permission to demolish the existing dwelling at the site and replace it with a detached dwelling with double basement. Permission has previously been granted (and lawfully commenced) to demolish and replace the existing house with a double basement (planning refs: 2013/2043/P, dated 30/05/2014 & 2010/0351/P, dated 06/05/2010). This application differs in terms of the design of the replacement house, which is now more traditional.

Policy D1 seeks to secure high quality design in all development. The proposed design of the replacement dwelling is considered to be in keeping with the character and appearance of the wider area. Avenue Road is characterised by large, detached neo-Classical and neo-Georgian dwellings, set within spacious plots. The plans have been revised during the course of the application to alter the design of the side-facing dormer windows, in order to accord with the Council's design guidance. A condition will remove the permitted development rights for the replacement dwelling as the Council wishes to retain control over future extensions to the property in the interest of design and neighbour amenity. A further condition will require details of the facing materials to be agreed with the Local Planning Authority prior to the relevant works commencing.

The proposed replacement dwelling would provide a good standard of living for future occupiers in terms of size, layout, orientation and outlook; amenity and storage space etc. Policy H6 of the Local Plan requires 90% of new-build self-contained homes to be accessible and adaptable in accordance with Building Regulation M4(2) and the Design & Access Statement notes that the proposals fully comply with M4(2). This will be secured by condition. The staff accommodation is not suitable for use as an independent, self-contained unit, due to its size, layout and position at basement level. A suitable condition will ensure that the staff accommodation remains ancillary to the use of the main house.

It is not considered that the proposed replacement dwelling would have a harmful impact on neighbouring properties. The replacement dwelling would be closer to the side boundaries of the plot and it would be larger in terms of height and depth; however, the new dwelling has been designed so that the

windows serving habitable rooms face to the front and rear rather than to the sides and a planning condition will ensure that the side facing windows at first and second floor levels (other than those which serve the staircase) are fitted with obscure glazing and are non-opening below a height of 1.7 metres, in order to minimise the impact on neighbouring properties.

It is not considered that the larger dwelling would appear overbearing or lead to loss of outlook from the neighbouring properties (new dwellings are currently being constructed to the south of the application site, pursuant to planning ref: 2016/1808/P, dated 16/05/2017) as each of the properties sits within a spacious plot with generous gaps between them. A Daylight, Sunlight and Overshadowing report has been provided which concludes that there will not be a significant impact on surrounding properties. An Environmental and Noise Impact Assessment has been provided and suitable planning conditions can ensure that noise levels remain within acceptable limits. There is likely to be some disruption during the construction phase and therefore a Construction Management Plan will be secured by the legal agreement.

- 2 The proposals include a double basement. Whilst Policy A5 of the Local Plan does not usually allow for basements with more than one storey, a double basement was previously approved in 2010 (and renewed in 2013) and the permission has been lawfully implemented meaning that the double basement could still be built as part of that permission. On this basis, the proposed double basement is considered to be acceptable. The Basement Impact Assessment (which was amended during the course of the application) has been independently audited by Campbell Reith and found to be acceptable, in accordance with the requirements of Policy A5. Suitable planning conditions will ensure that the works are carried out in accordance with the submitted BIA and that a qualified engineer is appointed to oversee the basement works.

An Arboricultural assessment and method statement has been provided with the application, which is considered to be acceptable. A suitable planning condition will ensure that the works are carried out in accordance with the statement. Further conditions will require details of proposed landscaping to be provided and agreed in writing with the Local Planning Authority prior to the commencement of development, and for the works to be completed in a timely manner.

Policy CC1 requires development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation; and Policy CC2 requires development to be resilient to climate change. An Energy and Sustainability Statement has been provided with the application and the applicant has, at the Council's Sustainability Officer's request, provided additional justification for the proposed comfort cooling. The Sustainability Plan will be secured by the legal agreement. A green roof is proposed and a planning condition will require full details of the green roof to be provided prior to commencement of development.

Policy CC3 seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. A SUDS scheme is proposed and a planning condition will require full details of the SUDs to be provided prior to

commencement of development. A further condition will require that the development achieves a maximum internal water use of 110 litres/person/day.

Policy T1 promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The London Plan requires the provision of 2x cycle parking spaces for a single family dwelling. These are provided at the rear of the ground floor garage and a condition will require full details to be provided prior to occupation of the dwelling. Policy T2 seeks to limit the availability of car parking in the borough and requires all new development to be car-free. The legal agreement will secure the new dwelling as car-capped (i.e. occupiers cannot park on site but are not able to apply for resident's parking permits); however, as the same occupiers will be returning, they will be able to apply for a temporary exemption for the period during which they occupy the property and the property would then be car-free to any future occupiers. The legal agreement will also secure the Construction Management Plan in accordance with Policies A1 and T4 and a financial contribution towards repairing damage caused to the highway as a result of construction, in line with Policy A1.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

The proposed development is in general accordance with Policies G1, H1, H6, H7, A1, A3, A4, D1, CC1, CC2, CC3, CC5, T1, T2 and T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

- 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 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).
- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 7 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer