

Application ref: 2019/1366/P
Contact: David Peres Da Costa
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Date: 6 April 2020

Development Management
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TJR Planning
Suite 3
The Mansion
Wall Hall Drive
Aldenham
WD25 8BZ

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:
73-75 Avenue Road
London
NW8 6JD

Proposal:

Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 (for erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)), namely changes to detailed design and materials on all elevations including stone balustrade at roof level, stone finish to central bay and replacement of sash window with garage door (all to front elevation) including relocation of car lift; replacement of 2 storey bay on Queen's Grove elevation with single storey structure with terrace above; alterations to footprint and location of basement including additional lightwell and relocation of garden lightwell; replacement of orangery with contemporary pavilion with flat roof; new French doors to side elevation (north elevation); and erection of pergola in rear garden.

Drawing Nos:

Superseded: AQQ-001P4; AQQ-003P5; AQQ-080P4; AQQ-090P4; AQQ-100P5; AQQ-110P4; AQQ-120P4; AQQ-200P4; AQQ-201P4; AQQ-300P4; AQQ-301P4; AQQ-302P4; AQQ-303P4; AQQ-306P5.

Proposed: dBG 396/19 rev A; A0-010 P2; A1-020 P2; A2-110 P3; A2-120 P3; A2-130 P3; A2-140 P3; A2-150 P3; A2-160 P3; A3-100 P2; A3-110 P2; A3-120 P2; A3-120 P2; A3-200 P2; A4-100 P3; A4-200 P2; A5-100 P2; A4-300 P1

Supporting documents: Planning Statement prepared by TJR Planning dated March 2019; Appearance & Materiality Statement prepared by Studio Indigo dated March 2019; Basement Impact Assessment prepared by Price Myers; Subterranean Construction Methodology prepared by Knight Build dated 11th December 2018; CONSTRUCTION / CONTRACT PROGRAMME dated 22/01/2019; 1942 P251 C4; 1942 DR100 C5; Flood Risk Assessment prepared by Price Myers dated September 2011; Desk Study and Ground Investigation Report prepared by GEA dated December 2010

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

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.1 of planning permission 2011/2388/P shall be replaced with the following condition.

REPLACEMENT CONDITION 1

The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed: dBG 396/19 rev A; A0-010 P2; A1-020 P2; A2-110 P3; A2-120 P3; A2-130 P3; A2-140 P3; A2-150 P3; A2-160 P3; A3-100 P2; A3-110 P2; A3-120 P2; A3-120 P2; A3-200 P2; A4-100 P3; A4-200 P2; A5-100 P2; A4-300 P1

Supporting documents: Planning Statement prepared by TJR Planning dated March 2019; Appearance & Materiality Statement prepared by Studio Indigo dated March 2019; Basement Impact Assessment prepared by Price Myers; Subterranean Construction Methodology prepared by Knight Build dated 11th December 2018; CONSTRUCTION / CONTRACT PROGRAMME dated 22/01/2019; 1942 P251 C4; 1942 DR100 C5; Flood Risk Assessment prepared by Price Myers dated September 2011; Desk Study and Ground Investigation Report prepared by GEA dated December 2010

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

- 2 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2011/2388/P dated 28/03/2012.

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

- 3 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to first occupation of the new residential unit and shall be permanently maintained and retained thereafter.

Reason: To ensure that the internal layout of the building is acceptable with

regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.

- 4 Detailed drawings, and/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) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.
 - b) Typical details of new railings, gates and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.
 - c) Samples and manufacturer's details of new facing materials including brickwork (colour, texture, face-bond and pointing), windows and door frames, glazing, balconies, balustrades, roof tiles, and stone. A sample panel of all facing materials should be erected on-site and retained until the works have been completed.

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

Reason: In order to ensure a satisfactory standard of development that safeguards the character and appearance of the area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 A suitably qualified chartered engineer as approved 28/01/2015 under ref 2014/7234/P with membership of the appropriate professional body shall 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. Any subsequent change or reappointment to the chartered engineer approved on 29/10/2014 under ref 2014/6027/P 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, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 6 Details of the proposed cycle storage area for 5 cycles shall be submitted to and approved in writing by the Council prior to commencement on the relevant part of the development. The approved facility shall thereafter be provided in its entirety prior to first occupation of any of the new unit, and thereafter permanently maintained and 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.

- 7 The hard and soft landscaping shall be carried out in full accordance with the details approved in connection with 2014/7475/P dated 24/02/2015 or any subsequent submission of details of hard and soft landscaping (including driveways and hardstandings), timber pavilion and means of enclosure of all un-built, open areas approved in writing by the local planning authority before the relevant part of the development commences. [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 safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion 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 Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement on the relevant part of the development full details of the green roof and green wall 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 an initial 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 CC1, CC2, CC3, CC4, D1 and A3 of the London Borough of Camden Local Plan 2017. .

- 10 The sustainable drainage system, which ensures any existing sub-surface water flow regimes are not interrupted, shall be implemented in accordance with the details approved under 2014/7234/P dated 28/01/2015 and shall thereafter be retained and maintained in accordance with the approved details.

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 CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 11 Notwithstanding the approved drawings, a 0.45m high parapet wall around the basement lightwells shall be erected prior to occupation of the development and shall be retained in perpetuity.

Reason: To protect the habitable basement areas from any potential flooding, in accordance with policies A5 and CC3 of the London Borough of Camden Local Plan 2017.

- 12 Prior to commencement on the relevant part of the development full details of the car lift (including relevant acoustic information) to demonstrate compliance with condition 13 shall be submitted to and approved in writing by the local planning authority. The car lift shall be installed and maintained in accordance with any such approved details.

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

- 13 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 facade 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 A1 and A4 of the London Borough of Camden Local Plan 2017.

- 14 Tree protection measures shall be implemented in accordance with the Arboricultural Method Statement approved in connection with 2011/2388/P dated 28/03/2012 and as evidenced under 2014/7839/P on 25/02/2015. The tree protection measures shall be retained in accordance with the details approved until such time as the works have been completed in their entirety.

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.

- 15 Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Code for Sustainable Homes Pre-Assessment Report by Hoare Lea dated 14/04/11 and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reason for granting permission

Construction works are underway to implement planning ref: 2011/2388/P. Significant design amendments are now proposed to all elevations. These changes do not alter the description of the development contained in the operative part of the planning permission and therefore the proposed changes can be assessed as a minor material amendment.

It is noted that planning permission (2013/2043/P) was granted for a contemporary villa at the neighbouring property (No. 77). It is also noted that the Council has more recently resolved to grant a more traditional design (2019/1747/P) at this property. The replacement dwellings granted at 81 Avenue Road (2016/5197/P) and 85 Avenue Road (2009/4159/P) are also relevant.

Following officers comments, the scheme has been revised to omit the chimneys from the side elevations and to omit the portico from the front elevation. In addition, the contemporary fenestration at rear first floor level has been replaced with traditional French doors. The proposed scheme maintains the same height as the previously approved scheme. The design shifts from one derived from Arts and Crafts to a neo-classical aesthetic. This would reflect other properties on Avenue Road. The introduction of stone facing material would be in keeping with other nearby properties. The replacement of the orangery with a contemporary pavilion is considered acceptable as the form and materials of the pavilion would complement the host property.

The original scheme included a large lightwell at the rear of the garden. The revised scheme would enlarge and relocate this lightwell towards the northern side boundary. The enlarged lightwell would not harm the garden setting at the rear. As it would be set in 7.3m from the side boundary, the lightwell would not harm neighbouring amenity. The Council's Urban Design Officer has reviewed the proposed scheme and the alterations to the design are considered acceptable. The proposed amendments would not harm the setting of the nearby conservation areas.

The amendments include the relocation of the proposed basement so that it would be approximately 1.6m closer to the side boundary with No. 77. A revised Basement Impact Assessment (BIA) has been submitted. The BIA has been reviewed by Campbell Reith (an independent auditing engineer) who have confirmed that the BIA addresses the Council's requirements. The applicant has confirmed that the slight relocation of the basement would not harm a nearby tree (T28). The Council's Tree Officer agrees with this assessment.

The car lift would be relocated to the Avenue Road frontage. This would negate

the need for a pavement crossover and vehicular access on Queen's Grove as previously approved. The car lift would be located within a garage set back from the front boundary. As such, the car lift would not be readily visible from the wider street scene.

The proposal includes French doors (to the ground floor) and additional dormer windows on the side elevation facing 77 Avenue Road and Queens Grove. The French doors would face towards the boundary wall and garage at No.77 and the dormer windows would be behind a balustrade thus minimising any overlooking to neighbouring properties.

The original permission was subject to a legal agreement securing a Construction Management Plan (CMP), car capped and a highways contribution. These matters would be secured by a deed of variation.

The planning and appeal history of the site has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or 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.

- 2 As such, the proposed development is in general accordance with policies D1, D2, C6, A4, A5, T2 and A1 of the Camden Local Plan 2017. The development also accords with the NPPF and the London Plan 2016.
- 3 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 2363).
- 4 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.
- 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 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.
- 7 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.

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