

Mr Declan Carroll
Nathaniel Lichfield & Partners
14 Regent's Wharf
All Saints Street
London
N1 9RL

Application Ref: **2016/5197/P**
Please ask for: **Kate Henry**
Telephone: 020 7974 **2521**

13 April 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
81 Avenue Road
London
NW8 6JD

Proposal:
Erection of a 3 storey, single family dwellinghouse (Class C3) with accommodation in the roof space and a basement beneath house and part of rear garden, following the demolition of the existing dwellinghouse

Drawing Nos: 1510-PL-000 Rev 0; 1510-PL-100 Rev 0; 1510-PL-102 Rev 0; 1510-PL-103 Rev 0; 1510-PL-104 Rev 0; 1510-PL-112 Rev 0; 1510-PL-113 Rev 0; 1510-PL-114 Rev 0; 1510-PL-202 Rev C; 1510-PL-204 Rev 0; 1510-PL-205 Rev A; 1510-PL-212 Rev 0; 1510-PL-200 Rev 0; 1510-PL-201 Rev 0; 1510-PL-203 Rev 0; 1510-PL-211 Rev 0; 1510-PL-213 Rev A; 1510-PL-230 Rev 0; 1116/PL/101; 1116/PL/102; 1116/PL/103; 1116/PL/104; 1510-FE-210 Rev 0; Stage 1 - Layout plan front garden; Stage 1 - Layout plan rear garden; Design & Access Statement (dated 02.09.16); Planning and Heritage Impact Assessment (dated 1st September 2016); Basement Impact Assessment (Ref: 16/25552-2, dated November 2016); Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan; Drainage Strategy and SUDs Statement (dated Sep 2016); Waste Report (dated 20 Sept 2016); Water Efficiency Calculations (dated 20/09/2016); Bat Emergence Survey (dated September 2016); Preliminary Ecological Appraisal (dated September 2016); Daylight and Sunlight Assessment (dated 5 September 2016); Environmental Noise



Survey and Noise Impact Assessment Report (dated 16 August 2016); Flood Risk Assessment (dated Sept 2016); Landscaping Design (dated 20th September 2016); Strategic Summary of Mechanical and Electrical Building Services (dated 20th September 2016); Sustainability Statement (dated 7th February 2017); Energy report (dated 7th 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: 1510-PL-000 Rev 0; 1510-PL-100 Rev 0; 1510-PL-102 Rev 0; 1510-PL-103 Rev 0; 1510-PL-104 Rev 0; 1510-PL-112 Rev 0; 1510-PL-113 Rev 0; 1510-PL-114 Rev 0; 1510-PL-202 Rev C; 1510-PL-204 Rev 0; 1510-PL-205 Rev 0; 1510-PL-212 Rev 0; 1510-PL-200 Rev 0; 1510-PL-201 Rev 0; 1510-PL-203 Rev 0; 1510-PL-211 Rev 0; 1510-PL-213 Rev A; 1510-PL-230 Rev 0; 1116/PL/101; 1116/PL/102; 1116/PL/103; 116/PL/104; 1510-FE-210 Rev 0; Stage 1 - Layout plan front garden; Stage 1 - Layout plan rear garden.

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

- 3 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 before the relevant part of the work is begun:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (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 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-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 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.

- 5 The approved cycle storage facility shall be provided in its entirety prior to the first occupation of the new dwelling, 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.

- 6 Prior to use of any external mechanical plant at the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Full details in respect of the living roof [in the area indicated on the approved roof plan] including:
- Details of materials, species, planting density, habitat features, and substrate
 - a statement of the design objectives, including justification of roof type/species selection
 - a site specific management plan including an initial scheme of maintenance
 - a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability

Shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 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 Council. Such details shall include:
- scaled plans showing all existing and proposed vegetation and landscape features
 - a schedule detailing species, sizes, and planting densities
 - location, type and materials to be used for hard landscaping and boundary treatments
 - specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
 - details of any proposed earthworks including grading, mounding and other changes in ground levels.
 - a management plan including an initial scheme of maintenance
- 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.

- 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. 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 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.

- 10 Before any works commence on site, details shall be submitted to and approved by the Council to demonstrate how 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 during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:
- a tree protection plan (TPP) showing the location and nature of tree protection measures

- appropriate working processes in the vicinity of trees
- details of an auditable system of site monitoring
- details of the design of building foundations
- details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 11 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved drawings and evidence of this shall be submitted to the council. The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

Reason: To ensure that Tree protection measures are carried out to a reasonable standard such that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 12 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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 13 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 CS14 of the London Borough of Camden Local

Development Framework Core Strategy and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 14 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

- 15 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 CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

Informative(s):

- 1 Reasons for granting

The existing dwelling is not listed and nor is it within a conservation area. The principle of replacing it is therefore considered to be acceptable. Policy DP3 expects all developments with a capacity to provide 10 units or 1000sqm or more to make a contribution to affordable housing. The net increase in floor space of 835sqm is below this qualifying threshold.

The proposed design of the replacement dwelling is considered to be acceptable. The new dwelling would have greater bulk and massing than the existing and it would be grander in appearance; however, it would not detract from the established pattern of development in the wider area.

The replacement dwelling would exceed the Government's technical housing standards in terms of size and it would provide a good standard of residential accommodation in terms of layout; space and room sizes; storage and utility spaces; daylight and sunlight; privacy and security; and noise.

It is not considered that the proposal would cause undue harm to the visual and residential amenities of nearby and neighbouring residential properties by way of visual privacy and overlooking, overshadowing or outlook or sunlight/daylight. A

suitable planning condition can control noise levels from plant.

The application site has a PTAL rating of 4 and is within a controlled parking zone. Policy DP18 expects new development to provide the minimum necessary car parking provision. Revised plans have been received during the course of the application to ensure the proposal would not result in additional parking capacity on site. The replacement dwelling will also be secured as 'car-capped' through a section 106 legal agreement. Cycle storage is illustrated at ground floor level, and the plans have been revised to ensure the entrance door is sufficiently wide.

A Construction Management Plan will be secured through the legal agreement to minimise the impact on local amenity from the demolition and construction phases of development; and to ensure the development can be implemented without being detrimental to the safe and efficient operation of the local highway network. The legal agreement will also secure a contribution towards highways works required as a result of the works.

A Tree Survey and Arboricultural Impact Assessment has been provided with the application, which is considered to be acceptable. The proposed landscaping details have been revised and are now considered to be acceptable also.

The Sustainability Report has been revised during the course of the application and is now considered to be acceptable. The proposed energy reduction and sustainability measures will be secured through the legal agreement. Full details of the solar PV will be secured by condition.

The application is accompanied by a Basement Impact Assessment (BIA) which has been independently audited by Campbell Reith. Campbell Reith concluded that the BIA has adequately identified the potential impacts from basement construction and proposes sufficient mitigation. Based on the expert advice from Campbell Reith, the applicant has demonstrated that the proposal would accord with the requirements of policy DP27 and CPG4. A planning condition will require the applicant to submit details of a qualified engineer to inspect, approve and monitor the critical elements of construction works throughout their duration. A further condition will ensure works are completed in accordance with the BIA.

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.

- 2 The proposed development is in general accordance with Policies CS1, CS5, CS6, CS13, CS14, CS15 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and Policies DP2, DP3, DP5, DP16, DP17, DP18, DP19, DP20, DP22, DP23, DP24, DP26, DP27, DP28 and DP32 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2012. The proposal also complies with Policies H1, H3, H4, H6, H7, A1, A3, A4, A5, D1, CC1, CC3, CC4, CC5, T1, T2, T3, T4 and DM1 of the Emerging Local Plan.

- 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 this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden 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 the construction costs index.

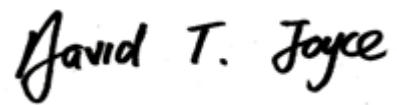
- 5 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.
- 6 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).
- 7 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.

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