

Application ref: 2019/5573/P
Contact: Kate Henry
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Date: 1 May 2020

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Regeneration and Planning
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Savills
33 Margaret Street
London
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United Kingdom

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:
62 Avenue Road
London
NW8 6HT

Proposal:

Variation of condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (as amended by 2019/3045/P, dated 18/10/2019) (for: replacement dwelling), namely to alter the basement

Drawing Nos:

Revised plans:

EZR-032 Rev C; EZR-033 Rev B; EZR-041 Rev. B; EZR-042 Rev. B

Superseded plans:

EZR-032 Rev B; EZR-033 Rev A; EZR-041 Rev. A; EZR-042 Rev. A

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:

Site Location Plan at 1:1250; 1636/01/00; 1636/001/001; EZR-032 Rev C; EZR-033 Rev B; EZR-034 Rev. B; EZR-035 Rev. A; EZR-036 Rev. A; EZR-037 Rev. A; EZR-038 Rev. A; EZR-039 Rev. A; EZR-040 Rev. A; EZR-041 Rev. B; EZR-042 Rev B; EZR-043 Rev C; 13826_02_ES; 13826_03_ES; Design & Access Statement (dated August 2016); Basement Impact Assessment (as amended); Acoustic Report (dated 20/01/2012); Arboricultural Impact Assessment (updated 17th November 2016); Arboricultural Impact Assessment (dated 20/10/2019); Preliminary Ecological Appraisal Report (dated December 2016); Surface Water Drainage Strategy (dated December 2016); Sustainability Report and Energy Statement (dated 28th January 2017).

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

- 2 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 D1 of the Camden Local Plan 2017.

- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (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 D1 and A1 of the Camden Local Plan 2017.

- 4 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 T1 of the Camden Local Plan 2017.

- 5 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 safeguard the amenities of adjoining premises and the area generally in accordance with the requirements of Policies A1 and A4 of the Camden Local Plan 2017.

- 6 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 details approved in connection with planning application reference 2019/2609/P, dated 18/09/2019. Tree protection measures shall be implemented prior to the commencement of development and retained throughout the construction period.

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 D1 and A3 of the Camden Local Plan 2017.

- 7 The hard and soft landscaping and means of enclosure of all un-built, open areas shall not be carried out other than in accordance with the details approved in connection with planning application reference 2019/2450/P, dated 18/09/2019.

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

- 8 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 Policies D1 and A3 of the Camden Local Plan 2017.

- 9 The sustainable urban drainage system shall not be carried out other than in accordance with the details approved in connection with planning application reference 2019/2963/P, dated 06/11/2019.

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 Policy CC3 of the Camden Local Plan 2017.

- 10 The basement construction works shall be overseen by the suitably qualified chartered engineer with membership of the appropriate professional body, as approved in connection with planning application reference 2019/2450/P, dated 18/09/2019.

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 A5 of the 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 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 Policy CC3 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting

This application seeks to vary condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling), namely to alter the basement. The original application has already been varied by planning permission reference 2019/3045/P, dated 18/10/2019. That application related to changes to the footprint, fenestration and elevational details of the building.

It is proposed to alter the structural form of the basement in order to simplify the construction process. This involves 'squaring off' the basement at its south-eastern corner. The projecting element at the north-east corner would also be enlarged in order to provide stairs to provide an additional means of escape from the basement.

The applicant has had their original Basement Impact Assessment (BIA) reviewed by a separate firm of engineers who have concluded that it remains

valid and does not need revising. This is because the proposed amendments allow for a simpler construction methodology.

The applicant has also provided an updated Arboricultural Impact Assessment to assess the impact on nearby trees. The amended scheme results in the encroachment of the RPA at T7 and T8; however, trial pit investigations demonstrate that no significant roots would be affected and the trees which would be impacted are of a species, age and condition sufficient to remain viable provided that mitigation measures are followed. Condition 7 of the original permission requires all trees on site or growing from adjoining sites to be retained and protected during the works.

Overall, the proposed changes to the structural form of the basement are considered to be acceptable such that no harm would be caused to neighbouring properties or the structural, ground, or water conditions of the area; or to trees.

The proposals also involve changes to the internal layout; however, the proposed changes are not considered to raise any new planning issues and are thus considered to be acceptable.

It is not considered that the proposed development would cause undue harm to the residential amenities of nearby and neighbouring properties, due to the nature of the proposed works.

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 full impact of the scheme has already been assessed by virtue of the previous permission.

The proposed development is in general accordance with Policies A1, A3, A5 and D1 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.

- 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 where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 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 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.

- 5 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