

Application ref: 2019/3617/P
Contact: Ben Farrant
Tel: 020 7974 6253
Email: Ben.Farrant@camden.gov.uk
Date: 11 September 2020

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Yurky Cross Chartered Architects
167 York Way
London
N7 9LN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
157 York Way
London
N7 9LN

Proposal:

Formation of 1 x 2 bed duplex at ground and basement levels; excavation of rear curtilage; alterations to rear fenestrations; erection of two storey (plus basement level) outrigger extension following removal of existing; installation of pavement lights to existing front lightwell.

Drawing Nos: PA01, PA-02, PA-03, PA-04, PA-05-D, PA-06-C, PA-07-C & PA-08-A;
Daylight and Sunlight Report by Brooks Development dated 23/09/2019, Design Statement Rev.A dated 27/09/2019, Conservation Area: Impact Assessment dated 10/07/2019, & Impact Assessment of Below-Ground Development Ref. MBP-7441 Issue P1.1 by Michael Barclay Partnership dated June 2018.

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: PA01, PA-02, PA-03, PA-04, PA-05-D, PA-06-C, PA-07-C & PA-08-A; Daylight and Sunlight Report by Brooks Development dated 23/09/2019, Design Statement Rev.A dated 27/09/2019, Conservation Area: Impact Assessment dated 10/07/2019, & Impact Assessment of Below-Ground Development Ref. MBP-7441 Issue P1.1 by Michael Barclay Partnership dated June 2018.

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

- 4 The flat roof of the extension hereby approved shall not be used as a balcony, roof terrace, or similar amenity space in perpetuity.

Reason: In order to prevent unreasonable overlooking in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the first occupation of the development hereby approved, the 2no. cycle storage spaces shown on the plans shall be provided in their entirety, and shall thereafter be retained in perpetuity.

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.

- 6 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, CC3 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall be completed in compliance with the construction methodology demonstrated within the 'Impact Assessment of Below-Ground Development' (Ref. MBP-7441 Issue P1.1) by Michael Barclay Partnership dated June 2018.

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.

Informative(s):

1 Reasons for granting permission.

The site contains a three storey (plus lower ground floor) mid-terraced property on the south-western side of York Way, comprising a commercial ground and lower ground floor with residential above (Council records show this as a House in Multiple Occupation (HMO)). The site lies within the Camden Square Conservation Area though it is not identified as a 'positive contributor' and there are no nearby listed buildings. The site also lies within the Brecknock Road/ York Way Neighbourhood Centre.

Planning permission was recently refused for a similar scheme (ref: 2017/5303/P dated 11/02/2019), this proposal has been amended to overcome the reasons for refusal primarily by reducing the scale of extensions and excavation proposed. The upper floor HMO would be unaffected by the works, bar the removal of an existing rear access door to a flat roof, and replacement with a timber framed sash window. This element is considered to be acceptable.

The provision of a two bedroom duplex on this site at lower ground and part ground floor would help to maximise the housing potential of this site and would provide a high priority housing type, in accordance with policies H1 and H7 of the Local Plan. The proposal would however require the loss of commercial floorspace at lower ground level. The agent has submitted evidence to demonstrate that this space is currently of a poor condition and is not usable for its intended storage purpose. It is considered that this loss of this floorspace would not harm the function, character or success of the neighbourhood centre. The proposal would retain a commercial element at ground floor with an associated active frontage. The land use principle is therefore considered to be acceptable in this instance.

The proposed two bed unit would measure 76.5sq. m with further rear external amenity space. A daylight/sunlight report has been submitted to demonstrate an acceptable standard of access to daylight and sunlight for future occupants, it is also considered that the development would have an acceptable outlook. Overall, the proposal is considered to provide an acceptable quality of accommodation for future occupants.

The proposed additions would be of an acceptable siting, scale and design being commensurate with the host property and surrounding area. The additions (whilst visible) would not be immediately prominent within views from the surrounding area, and they would serve to have a neutral impact on the conservation area.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposal by reason of its siting, scale and design would not serve to cause undue harm to the residential amenities of neighbouring occupiers even considering the previous consent at no.159 (ref: 2018/1387/P dated 04/06/2018) to form a residential flat at lower ground floor in a similar style to this proposal.

2no. objections were received on the grounds of loss of daylight/sunlight and ground stability. These comments have been duly noted. The Camden Square CAAC originally objected to the scheme on the grounds of the bedroom sizes; the agent has since amended the plans and the CAAC withdrew its objection. The planning history of the site and surrounding area has been considered in determining this application.

The Council's basement impact assessment (BIA) auditor confirmed that a new BIA would not be required with this application, assuming the same methodology is followed as that in the previously refused scheme (ref: 2017/5303/P dated 11/02/2019), this has been secured by condition. The proposal is therefore considered to be in accordance with policy A5 of the Camden Local Plan.

- 2 Due to the extent of the works, a CMP would not be required in this instance. 2no. cycle storage spaces have been shown in the rear garden of the proposed duplex in a secure and sheltered environment; given the constraints of the site, this is considered to be acceptable. A S106 shall be attached to this approval ensuring the development is 'car free' restricting parking permits of future occupiers.

As such, the proposed development is in general accordance with policies D1, D2, A1, A4, H1, H6, H7, T1, T2 & TC2 of the London Borough of Camden Local Plan (2017), the London Plan (2016), and the National Planning Policy Framework (2019).

- 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 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.
- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near

neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 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.
- 8 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.
- 9 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

A handwritten signature in black ink, appearing to read 'DP', is positioned above a light grey rectangular stamp.

Daniel Pope
Director of Economy, Regeneration and Investment