

Application ref: 2019/1630/P
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Date: 24 September 2020

Development Management
Regeneration and Planning
London Borough of Camden
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D. Rose Planning LLP
19-20 Bourne Court
Southend Road
Woodford Green
IG8 8HD
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:
252 Finchley Road
London
NW3 7AA

Proposal:

Variation of conditions 4 (Privacy screens); 16 (Bird and bat boxes) 10 (approved drawings) and condition 17 (Outdoor lighting strategy), granted under planning application number 2015/2789/P dated 20/01/2016 for demolition of existing building and erection of a 3-storey building with pitched roof to create Class C3 residential units; refuse and recycling facilities, cycle parking; and landscaping (part-retrospective), namely to alter the unit mix and associated external alterations

Drawing Nos: Superseded: FINc252_ga 001, (As existing:) 124/A-050/12, 124/A-051/12, 124/A-052/12, 124/A-053/12, FINc252_ex 100-104, 200-201, 300-303. (As proposed:) FINc252_ga 100F, FINc252_ga 101F, FINc252_ga 102F, FINc252_ga 103F, FINc252_ga 104F, FINc252_ga 105F, FINc252_ga 200F, FINc252_ga 201F, FINc252_ga 202F, FINc252_ga 300F, FINc252_ga 301F, FINc252_ga 302F, FINc252_ga 303F.

Revised: FINc252_PL_DR_061P_C; FINc252_PL_DR_065_C; FINc252_ga 101G; FINc252_ga 100G; FINc252_ga 102G; FINc252_ga 103G; FINc252_ga 104G; FINc252_ga 105G; FINc252_ga 200G; FINc252_ga 201G FINc252_ga 202G; FINc252_ga 300G; FINc252_ga 301G; FINc252_ga 302G FINc252_ga 303G; FINc252_CR_DE_065_B and External lighting & Bat and Bird Box commissioned by

Douglas and King Architects no date and Cover Letter from D. Rose Planning LLP dated 26 March 2019.

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.10 of planning permission 2015/2789/P shall be replaced with the following condition:

REPLACEMENT CONDITION 10.

The development hereby permitted shall be carried out in accordance with the following approved plans: FINc252_PL_DR_061P_C; FINc252_PL_DR_065_C; FINc252_ga 101G; FINc252_ga 100G; FINc252_ga 102G; FINc252_ga 103G; FINc252_ga 104G; FINc252_ga 105G; FINc252_ga 200G; FINc252_ga 201G FINc252_ga 202G; FINc252_ga 300G; FINc252_ga 301G; FINc252_ga 302G FINc252_ga 303G; FINc252_CR_DE_065_B and External lighting & Bat and Bird Box commissioned by Douglas and King Architects no date and Cover Letter from D. Rose Planning LLP dated 26 March 2019.

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

- 2 The development shall be carried out in full accordance with the detailed drawings and samples approved in connection with 2016/3111/P on 06/12/2016; 2018/0104/P on 20/04/2018; 2018/1111/P on 17/08/2018; 2018/1747/P on 17/08/2018; 2019/0950/P on 18/10/2019 and 2019/0950/P on 18/10/2019 or any subsequent submission in respect of a-c below approved in writing by the local planning authority before the relevant parts of the works are commenced:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) A sample panel of all facing materials, including a 1.5m x 1.5m sample of the facing brickwork (demonstrating the proposed colour, texture, face-bond and pointing);

c) the details of the privacy screens to the roof terrace and balcony to the north-east 1st and 2nd floors (flats 6 and 10);

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 London Borough of Camden Local Plan 2017.

- 3 The hard and soft landscaping shall be carried out in accordance with the details approved under ref: 2018/1747/P dated 10/08/2018, or other such details which have been submitted to and approved in writing by the local planning authorityThe relevant part of the works shall not be carried out

otherwise than in accordance with the details thus approved. 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 A2, A3 and D1 of the London Borough of Camden Local Plan 2017.

- 4 The sustainable urban drainage system based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff and greenfield levels of runoff shall be carried out in accordance with the details approved under 2016/3111/P dated 08/12/2016, or other such details which have been submitted to and approved in writing by the local planning authority 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.

- 5 The details of secure and covered cycle storage area for 23 cycles as shown on the drawings hereby approved shall 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 London Borough of Camden Local Plan 2017.

- 6 The green roof hereby approved under planning reference: 2018/1747/P dated 10/08/2018, or other such details which have been submitted to and approved in writing by the local planning authority shall be provided prior to the first occupation of the development in accordance with the approved details and 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 CC1, CC2, CC3, D1, and A3 of the London Borough of Camden Local Plan 2017.

- 7 The noise level in rooms at the development hereby approved shall meet the noise standards specified in BS8233:2014 for internal rooms and external amenity areas and shall be in accordance with the submitted Noise Impact Assessment by ACCON ref. A2441/N/001 dated 13th April 2015.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with policies A1 and A4 of the Camden Local Plan 2017.

- 8 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d).

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 (Climate change mitigation), CC2 (Adapting to climate change) and CC3 (Water and flooding) of the Local Plan 2017.

- 9 Units 1- 12 shall be designed and constructed in accordance with Building Regulation Part M4 (1). Shall be permanently retained and maintained thereafter.

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 London Borough of Camden Local Plan 2017.

- 10 The details of the precautionary working approach to demolition and construction including approaches to mitigate the impact on bats and badgers and hedgehogs, including impact of lighting during works and the following recommendations within the approved ecology survey, shall be implemented in accordance with the measures outlined in planning permission 2016/3111/P dated 06/12/2016, or other such details which have been submitted to and approved in writing by the local planning authority for the works associated with:

a) Any excavations that need to be left overnight are covered or fitted with mammal ramps to ensure that animals can enter and escape safely.

b) Any open pipework with an outside diameter of greater than 120mm to be covered at the end of each work day to prevent animals entering and becoming trapped.

c) Should the development hereby approved not commence by September 2016 (12 months after the approved bat survey), a further bat survey will be required to establish whether bats have colonised the building in the interim .

This should also include approaches to bio-security (with particular reference to the SuDS pond) and methods to prevent spread of invasive species, including those identified on site within the preliminary ecological assessment (Sept 2015).

All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the Local Authority.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity in accordance with policies A1 (Managing the impact of development), A3 (Biodiversity) and D1 (Design) of the London Borough of Camden Local Plan 2017.

- 11 The bird and bat boxes shall be installed with the development prior to the first occupation of the building and the nesting boxes as submitted and approved shall be installed strictly in accordance with the measures outlined in planning permission 2016/3111/P dated 06/12/2016 or other such details which have been submitted to and approved in writing by the local planning authority and shall be maintained as such thereafter.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with the requirements of policy A3 of the Camden Local Plan 2017.

- 12 The proposed lighting strategy measures hereby approved shall be carried out in strict accordance with the submitted measures outlined in planning permission 2016/3111/P dated 06/12/2016 or other such details which have been submitted to and approved in writing by the local planning authority. Full details of a lighting strategy including potential ecological impacts shall be fully implemented before the relevant part of the development is first occupied and the first use of the space in which they are contained as appropriate.

Reason: To safeguard the appearance of the premises and the character of the immediate area, to protect the amenity of current and future occupiers from light pollution and to ensure compliance with the protection of possible habitats in accordance with policies D1 and A3 of the Camden Local Plan 2017.

- 13 The details of the mechanical ventilation system for each plot demonstrating that air inlet locations will be positioned away from busy roads and as close to roof level as possible as submitted and approved on 08/12/2016 ref: 2016/3111/P, or other such details which have been submitted to and approved in writing by the local planning authority. The proposed mechanical ventilation and air inlet locations as shown on the approved plan shall thereafter be constructed and maintained in accordance with the details as approved.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 14 The tree identified as T24, located to the front of the property, is to be retained and protected in accordance with the Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy ref. 15073-AIA-MW dated 25th March 2015 including Tree Plan ref. 15073-BT1 and the guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction".

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 policy A3 of the London Borough of Camden Local Plan 2017.

- 15 The privacy screens and glass balustrade to be fitted to the first and second floor on the northwest elevation shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 16 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission Ref. 2015/2789/P dated 20/01/2016.

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

- 17 The residential element of the development hereby approved shall provide 12 residential units.

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

Informative(s):

1 Reasons for granting

Planning permission was granted in 2016 (2015/2789/P) for demolition of existing building and erection of a 3-storey building with pitched roof, to create 12 self-contained dwellings (net increase of 9 units) comprising 2 x 1 bed; 5 x 2 bed; 2 x 3 bed; and 3 x 4 bed units; refuse and recycling facilities, cycle parking; and landscaping. Planning permission is sought for external and internal alterations to the scheme, including relocation of the bird and bat boxes, bin storage area and alteration to the staircase arrangement to the front elevation.

The changes to the residential mix and the layout of the internal floor space would represent an improvement to the plan form of the host building. The proposals would see a 4-bed and a 1-bed replaced with 2 x 2-beds via internal alterations at third floor. This would allow both units to meet the space standards (previously the 4-bed fell short of the standard) and allow for a more rational, usable layout. The amended residential layout would continue to provide a high standard of residential accommodation and also see a lower priority '4-bed' unit replaced with a higher priority 2-bed unit.

The conservation officer raised no objection to the alterations being proposed to the front and side elevations as well as the changes proposed to the sky lights at roof level which have been revised in terms of its siting and overall numbers. The number of roof lights is reduced by 6 compared to the approved scheme in 2016 (2015/2789/P) and it is proposed to install 2 x additional roof lights which would be flushed with the roof slope along the east elevation. It is

considered that the overall fenestration/façade treatment would not harm the historic setting of the neighbouring listed building nor would the proposal be harmful to the overall character of area.

The position of the stairs and bin store to the front elevation from street level has been revised the conservation officer raised no objection to the revised scheme on account of the design and appearance. The proposed landscaping scheme was approved in 2018 (2018/1747/P). The Council's Trees/Landscaping Officer has reviewed the submitted information and concluded that a sufficient amount of soft landscaping would be retained. The location, type and materials to be used for hard landscaping and boundary treatments are considered to be in of high quality and therefore appropriate.

- 2 It is proposed to vary the privacy screen settings for Flats 6 and 10. The proposed privacy screen would be located on the northwest elevation comprise structural glass and the shark fin design has been omitted and replaced with frosted screen for both flats. The design and appearance of the proposed privacy screen is considered to be an acceptable addition to the newly constructed building, given it's setting to the rear elevation and the proposed dimensions would not result in having a significant impact to the host building's nor the surrounding area's character and appearance.

The proposed cycle provision of 23 bikes has been submitted and assessed by the Council's transport officer who has confirmed the number and design would be compliant.

The Construction Management Plan, Waste Management Strategy, Energy Plan and Highways contribution have all been secured via s106 legal agreement as agreed under the parent planning application which have all been discharged. There would be no changes to the parking provision and a deed of variation to the S106 legal agreement has been agreed by the applicant which ensures that site will be car capped to limit the impact of the proposal on the local transport infrastructure.

The new window arrangement would not exacerbate levels of overlooking nor impact with the loss of privacy more than the existing situation.

The Construction Management Plan, Waste Management Strategy, Energy Plan and Highways contribution have all been secured via s106 legal agreement as agreed under the parent planning application which have all been discharged. There would be no changes to the parking provision and a deed of variation to the S106 legal agreement has been agreed by the applicant which ensures that site will be car capped to limit the impact of the proposal on the local transport infrastructure.

The new window arrangement would not exacerbate levels of overlooking nor impact with the loss of privacy more than the existing situation.

The submitted details associated with the bird and bat boxes have been reviewed by Biodiversity Officer who confirmed that the submitted details are considered acceptable to provide new wildlife habitats within the development, which would further enhance the biodiversity of the area.

Details of lighting across the site have been provided including the location and style of lighting that would be used. The light selection is low key and non-evasive and the light is focused at a 65 degree angle towards the ground that would emit ambient light. Thus, it is considered that all lighting is appropriate to minimise the impact on biodiversity within the site and locality.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

The proposed development is in general accordance with policies A1, A2, A3, A5, CC1, CC2, CC3, D1, D2, T1, T2, H6 and H7 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

- 3 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.
- 4 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.
- 5 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).
- 6 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.

- 9 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

The clearance of suitable reptile and amphibian habitat (shrub, tree roots and any hedgerow habitat) should be undertaken under the supervision of an experienced ecologist. Vegetation should be cleared in a directional manner to allow any reptiles and amphibians to disperse and careful removal of any habitat. This should be completed when reptiles and amphibians are active between March and October inclusive.

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 'DPope', is positioned above the printed name and title.

Daniel Pope
Director of Economy, Regeneration and Investment